

Telecommunications Regulations 2001

Statutory Rules No. 65, 2001

made under the

Telecommunications Act 1997

**Compilation No. 14**

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**About this compilation**

**This compilation**

This is a compilation of the *Telecommunications Regulations 2001* that shows the text of the law as amended and in force on 21 August 2015 (the ***compilation date***).

This compilation was prepared on 31 August 2015.

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw (www.comlaw.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary 1

1.1 Name of Regulations 1

1.2 Commencement 1

1.7 Definitions 1

Part 2—Network units 2

Part 3—Service provider determinations 3

Division 3.1—Preliminary 3

3.1 Purpose of Part 3

Division 3.2—Prepaid mobile carriage services 3

3.2 Prepaid mobile carriage services 3

Division 3.3—Premium services 6

3.12 Service provider determination for premium services 6

Division 3.4—Fixed or mobile voice or data carriage services 8

3.13 Fixed or mobile voice or data carriage services 8

Division 3.5—Telecommunications industry 9

3.14 Information relating to telecommunications industry 9

Part 4—Industry codes and industry standards 10

4.1 ACIF industry codes—application of s 115 10

Part 5—Protection of communications 12

5.1A Disclosure of information to National Relay Service provider (Act s 292 (1)) 12

5.2 Disclosure of information by emergency call persons—research about emergency service numbers (Act s 292 (3)) 12

5.3 Disclosure of information—assistance to Royal Commission into Building and Construction Industry (Act s 292) 13

5.4 Disclosure of information—assistance to Royal Commission into whether there has been any corrupt or criminal conduct by Western Australian police officers 14

Part 6—Technical regulation 16

6.1 Purpose of Part 16

6.2 Use of infringement notices 16

6.3 Contents of infringement notice 16

6.4 Service of an infringement notice 17

6.5 Extension of time to pay 18

6.6 Infringement notice may be withdrawn 19

6.7 Payment of penalty if infringement notice not withdrawn 21

6.8 Effect of payment of infringement notice penalty 21

6.9 Payment of penalty by cheque 21

6.10 Effect of this Part on institution and prosecution of proceedings 21

6.11 Matter not to be taken into account in determining sentence 22

6.12 Evidence for hearing 22

Part 7—Numbering of carriage services and regulation of electronic addressing 24

Part 8—Standard agreements for the supply of carriage services 25

8.1 Definition 25

8.2 Carriage services (Act s 479 (1)) 25

8.3 Ancillary goods (Act s 479 (1)) 25

8.4 Ancillary services (Act s 479 (1)) 25

Part 9—Standard carrier licence conditions 27

Part 10—Standard service provider rules 28

Part 11—Carriers’ powers and immunities 29

11.1 Listed international agreements (Act, Schedule 3) 29

11.2 Designated overhead line (Act, Schedule 3) 29

Schedule 1—Listed international agreements 30

Endnotes 33

Endnote 1—About the endnotes 33

Endnote 2—Abbreviation key 35

Endnote 3—Legislation history 36

Endnote 4—Amendment history 37

Part 1—Preliminary

1.1 Name of Regulations

 These Regulations are the *Telecommunications Regulations 2001*.

1.2 Commencement

 These Regulations commence on gazettal.

1.7 Definitions

 In these Regulations:

***Act*** means the *Telecommunications Act 1997*.

***authorised person***, for Part 6, means:

 (a) the Chairman; or

 (b) a member of the staff of the ACA authorised in writing by the Chairman for that Part.

Part 2—Network units

Note: Part 2 of the Act deals with network units. Regulations for Part 2 of the Act will be in this Part.

Part 3—Service provider determinations

Division 3.1—Preliminary

3.1 Purpose of Part

 This Part specifies the matters that a service provider determination, made under subsection 99 (1) of the Act, may relate to.

Division 3.2—Prepaid mobile carriage services

3.2 Prepaid mobile carriage services

 (1) This regulation applies to the supply of prepaid mobile carriage services.

 (2) A carriage service is a ***prepaid mobile carriage service*** if:

 (a) the payment (if any) for using the service is made before the service is used; and

 (b) no service provider or other person gives the customer an account for the service after the customer has used it; and

 (c) the service is not a fixed‑line carriage service.

 (3) The ACMA may make a service provider determination that applies to a carriage service provider in relation to the following matters:

 (a) verifying the identity of a customer who the carriage service provider supplies with the carriage service, including by doing any of the following:

 (i) obtaining from the customer the minimum amount of information that is reasonably necessary to identify the customer;

 (ii) using the national Document Verification Service, or a similar service, to check whether a document produced by the customer as evidence of identity is authentic, accurate and up‑to‑date;

 (iii) finding out what other carriage services (if any) the customer has;

 (b) obtaining from the customer information about what the customer proposes to use the carriage service for (such as residential, business, government or charitable use);

 (c) recording and keeping:

 (i) information that is obtained under paragraph (a), including the type of document produced as evidence of identity, but not including the identifying number of a government document; and

 (ii) information that is obtained under paragraph (b); and

 (iii) information that the carriage service provider possesses about the supply of the carriage service to the customer (such as any public number issued in connection with the carriage service and the name of the carriage service provider);

 (d) destroying information that is recorded under paragraph (c) if the destruction is reasonable, including destruction when the information is no longer required by the carriage service provider;

 (e) preventing the use of a carriage service if:

 (i) a customer fails to verify his or her identity, including by giving false or misleading information; or

 (ii) an authorised law enforcement officer gives the carriage service provider a written request to prevent a person using a carriage service that states that action is necessary for a purpose mentioned in subsection 313 (3) or (4) of the Act;

 (f) advising customers of the effect of the determination.

*Examples for subregulation (3)*

A determination may be made about any of the following:

(a) the ways in which a customer’s identity may be verified, such as using the national Document Verification Service or a similar service;

(b) the procedures to be followed when verifying a customer’s identity;

(c) the forms of identification that are acceptable;

(d) when a customer’s identity is to be verified;

(e) the information that is to be recorded, such as the customer’s date of birth;

(f) how and when the information is to be recorded;

(g) how long the recorded information is to be kept for.

 (4) In this regulation:

***authorised law enforcement officer*** means an authorised officer of a criminal law‑enforcement agency within the meaning of the *Telecommunications (Interception and Access) Act 1979*.

***fixed‑line carriage service*** means:

 (a) a carriage service that is supplied using a line to premises occupied or used by an end‑user; or

 (b) a service that facilitates the supply of a carriage service covered by paragraph (a).

***identifying number of a government document***:

 (a) means the unique identifying number of a document that is issued by the Commonwealth or a State or Territory (such as a driver licence, Medicare card or passport); but

 (b) does not include:

 (i) a receipt number or transaction number (such as a transaction number issued by the national Document Verification Service); or

 (ii) an Australian Business Number, Australian Company Number or Australian Registered Body Number.

Division 3.3—Premium services

3.12 Service provider determination for premium services

 (1) The ACA may make a determination setting out rules that apply to service providers in relation to the supply of any of the following services (a ***premium service***):

 (a) a carriage service or content service using a number with a prefix starting with ‘190’;

 (b) a carriage service used to supply:

 (i) a content service; or

 (ii) another service by way of a voice call (including a call that involves a recorded or synthetic voice);

 using a number that includes an international access code;

 (c) another carriage service or content service determined in writing by the Minister for this paragraph.

 (2) A determination mentioned in paragraph (1) (c) is a disallowable instrument for section 46A of the *Acts Interpretation Act 1901*.

 (3) The ACA’s determination may deal with any of the following matters:

 (a) the terms and conditions on which premium services are offered or supplied;

 (b) the liability of a customer in respect of the supply of premium services;

 (c) the limitation of the liability of a customer in respect of the supply of premium services;

 (d) the obligation of a service provider to notify customers about matters relating to premium services;

 (e) the advertising of premium services;

 (f) restrictions on access to premium services, or on access to a particular number used in the supply of premium services supplied using the carriage service provider’s service;

 (g) the barring of calls to premium services, or of calls to a particular number used in the supply of premium services supplied using the carriage service provider’s service;

 (h) the establishment of a registration scheme for service providers that are involved in the supply of premium services;

 (i) the obligations of a carriage service provider in respect of premium services supplied using the carriage service provider’s service;

 (j) the prohibition or restriction of the imposition or collection of charges relating to the supply of carriage services or other services used in the supply of premium services;

 (k) the issue of bills or accounts relating to the supply of carriage services or other services used in the supply of premium services;

 (l) a matter relating to the supply of premium services used to access an Internet service;

 (m) any other matter that the ACA considers necessary or convenient to:

 (i) protect the interests of customers and other consumers in relation to the supply of premium services; or

 (ii) give effect to a matter specified in paragraphs (a) to (l).

 (4) The ACA’s determination may provide that a requirement in the determination does not apply to a carriage service provider if the carriage service provider establishes:

 (a) that it did not know that it was contravening the requirement; and

 (b) that it could not, with reasonable diligence, have ascertained that it was contravening the requirement.

Division 3.4—Fixed or mobile voice or data carriage services

3.13 Fixed or mobile voice or data carriage services

 (1) This regulation applies to the supply of the following carriage services:

 (a) a standard telephone service;

 (b) a public mobile telecommunications service;

 (c) a carriage service that enables customers to access the internet.

 (2) The ACMA may make a service provider determination setting out rules that apply to service providers in relation to a customer’s interests as regards the supply of the services.

*Examples*

1   Rules about advertising, marketing or promoting services.

2   Rules about notifying a potential or existing customer about:

(a) the types of services that are available; or

(b) the terms on which the services are available, including the price of the services.

3   Rules about enabling a customer to monitor the amount of charges that the customer is accumulating for the services provided.

4   Rules about disconnecting a customer’s services.

5   Rules about dealing with a customer’s complaint about services.

Division 3.5—Telecommunications industry

3.14 Information relating to telecommunications industry

 The ACMA may make a determination that specifies:

 (a) information in relation to the telecommunications industry that a carriage service provider must publish or distribute; and

 (b) the way in which the carriage service provider must distribute or publish that information.

Part 4—Industry codes and industry standards

4.1 ACIF industry codes—application of s 115

 (1) The rule in subsection 115 (1) of the Act does not apply to an industry code developed by the Australian Communications Industry Forum to the extent to which compliance with the code is likely:

 (a) to have the indirect effect of requiring a telecommunications network or a facility to have particular design features that relate to:

 (i) interference between telecommunications systems that are operated using the unconditioned local loop service; or

 (ii) the health and safety of a person operating or working on a telecommunications network or a facility that incorporates, or is used with, the unconditioned local loop service; or

 (iii) the integrity of a telecommunications network or a facility that incorporates, or is used with, the unconditioned local loop service; or

 (b) to have the direct or indirect effect of requiring a telecommunications network or a facility to meet performance requirements that relate to:

 (i) interference between telecommunications systems that are operated using the unconditioned local loop service; or

 (ii) the health and safety of a person operating or working on a telecommunications network or a facility that incorporates, or is used with, the unconditioned local loop service; or

 (iii) the integrity of a telecommunications network or a facility that incorporates, or is used with, the unconditioned local loop service.

 (2) In subregulation (1):

***unconditioned local loop service*** means the service declared by the ACCC, on 4 August 1999 under subsection 152AL (3) of the *Trade Practices Act 1974*, to be a declared service for the purposes of Part XIC of that Act.

Part 5—Protection of communications

5.1A Disclosure of information to National Relay Service provider (Act s 292 (1))

 (1) For subsection 292 (1) of the Act, the following circumstances apply to a disclosure or use of information or a document:

 (a) the disclosure must be made by or on behalf of a carrier or carriage service provider;

 (b) the disclosure must be made to the NRS provider;

 (c) the information or document must relate the use of the National Relay Service by a person (the ***third person***);

 (d) the disclosure must be made for a purpose of, or must be connected with, the supply, or proposed supply, of the National Relay Service to the third person by the NRS provider.

 (2) In this regulation:

***National Relay Service*** has the meaning given by section 94 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

***NRS provider*** has the meaning given by section 94 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

5.2 Disclosure of information by emergency call persons—research about emergency service numbers (Act s 292 (3))

 (1) For subsection 292 (3) of the Act, the following circumstances apply to a disclosure or use of information or a document:

 (a) the disclosure must be made by an emergency call person;

 (b) the disclosure must be made to a person (the ***researcher***) who is engaged by the ACA to conduct research, of a kind specified by the ACA, into the way in which emergency service numbers are dialled or used;

 (c) the disclosure must be made solely for the purpose of allowing the researcher to conduct the research;

 (d) the ACA and the researcher must have agreed that:

 (i) the research for which the researcher is engaged is to be finished not later than 12 months after the researcher starts the research; and

 (ii) the researcher will not disclose or use any information or document that is disclosed to the researcher except for the purpose of conducting the research.

 (2) Subregulation (1) does not authorise the disclosure or use of information or a document more than 12 months after the researcher starts the research.

Note: The effect of this regulation is that section 278 of the Act will not prohibit a disclosure or use of information or a document in the circumstances specified in the regulation.

5.3 Disclosure of information—assistance to Royal Commission into Building and Construction Industry (Act s 292)

 (1) For subsection 292 (1) of the Act, the following circumstances apply to a disclosure or use of information or a document:

 (a) the disclosure is made by an eligible person;

 (b) the disclosure is made to the Royal Commission into the Building and Construction Industry, created by Letters Patent dated 29 August 2001;

 (c) the disclosure is made solely for the purposes of the Royal Commission.

Note: The effect of this subregulation is that section 276 of the Act will not prohibit a disclosure or use of information or a document in the circumstances specified in the subregulation.

 (2) For subsection 292 (2) of the Act, the following circumstances apply to a disclosure or use of information or a document:

 (a) the disclosure is made by an eligible number‑database person;

 (b) the disclosure is made to the Royal Commission into the Building and Construction Industry, created by Letters Patent dated 29 August 2001;

 (c) the disclosure is made solely for the purposes of the Royal Commission.

Note: The effect of this subregulation is that section 277 of the Act will not prohibit a disclosure or use of information or a document in the circumstances specified in the subregulation.

 (3) For subsection 292 (3) of the Act, the following circumstances apply to a disclosure or use of information or a document:

 (a) the disclosure is made by an emergency call person;

 (b) the disclosure is made to the Royal Commission into the Building and Construction Industry, created by Letters Patent dated 29 August 2001;

 (c) the disclosure is made solely for the purposes of the Royal Commission.

Note: The effect of this subregulation is that section 278 of the Act will not prohibit a disclosure or use of information or a document in the circumstances specified in the subregulation.

5.4 Disclosure of information—assistance to Royal Commission into whether there has been any corrupt or criminal conduct by Western Australian police officers

 (1) For subsection 292 (1) of the Act, the following circumstances apply to a disclosure or use of information or a document:

 (a) the disclosure is made by an eligible person;

 (b) the disclosure is made to the Royal Commission created under section 5 of the *Royal Commissions Act 1968* (WA) by instrument of Commission dated 12 December 2001;

 (c) the disclosure is made solely for the purposes of the Royal Commission.

Note: The effect of this subregulation is that section 276 of the Act will not prohibit a disclosure or use of information or a document in the circumstances specified in the subregulation.

 (2) For subsection 292 (2) of the Act, the following circumstances apply to a disclosure or use of information or a document:

 (a) the disclosure is made by an eligible number‑database person;

 (b) the disclosure is made to the Royal Commission created under section 5 of the *Royal Commissions Act 1968* (WA) by instrument of Commission dated 12 December 2001;

 (c) the disclosure is made solely for the purposes of the Royal Commission.

Note: The effect of this subregulation is that section 277 of the Act will not prohibit a disclosure or use of information or a document in the circumstances specified in the subregulation.

 (3) For subsection 292 (3) of the Act, the following circumstances apply to a disclosure or use of information or a document:

 (a) the disclosure is made by an emergency call person;

 (b) the disclosure is made to the Royal Commission created under section 5 of the *Royal Commissions Act 1968* (WA) by instrument of Commission dated 12 December 2001;

 (c) the disclosure is made solely for the purposes of the Royal Commission.

Note: The effect of this subregulation is that section 278 of the Act will not prohibit the disclosure or use of information or a document in the circumstances specified in the subregulation.

Part 6—Technical regulation

6.1 Purpose of Part

 This Part provides a procedure under which a person who is alleged to have committed an offence against a provision mentioned in section 453A of the Act may, as an alternative to having the matter dealt with by a court, dispose of the matter by paying a monetary penalty (an ***infringement notice penalty***) specified in a notice (an ***infringement notice***) served on the person.

6.2 Use of infringement notices

 If there are reasonable grounds for believing that a person has committed an offence against a provision mentioned in section 453A of the Act, an authorised person may issue an infringement notice for that person.

6.3 Contents of infringement notice

(1)An infringement notice must be signed by the authorised person who issues it and set out the following information:

 (a) the name of the authorised person who issues it;

 (b) the nature of the offence, the provision of the Act containing the offence and when and where the offence is alleged to have been committed;

 (c) a statement to the effect that, if the person on whom the notice is served does not wish the matter to be dealt with by a court, he or she may pay a penalty of the amount mentioned in section 453A of the Act for the alleged offence within 28 days after service of the notice unless the notice is sooner withdrawn;

 (d) the maximum penalty that a court could impose for the offence;

 (e) the amount payable as the infringement notice penalty;

 (f) where and how the infringement notice penalty may be paid;

 (g) a statement setting out the procedures under these Regulations for the withdrawal of notices and the consequences of the withdrawal of a notice;

 (h) a statement setting out the procedures under these Regulations for extending the period within which the penalty must be paid;

 (i) a statement that, if the person pays the penalty within the period mentioned in the notice or any further period allowed under regulation 6.5 or subregulation 6.6 (3), or if the notice is withdrawn after the person has paid the penalty:

 (i) any liability of the person for the alleged offence is regarded as being discharged; and

 (ii) no further proceedings may be taken for the alleged offence; and

 (iii) the person is not to be regarded as having been convicted of the alleged offence.

(2)An infringement notice may contain any other matters that the ACA considers relevant.

6.4 Service of an infringement notice

(1)An authorised person may serve an infringement notice on an individual:

 (a) by giving it to the individual personally; or

 (b) by leaving it at, or sending it by post to, the residential or business address of the individual that is last known to the authorised person; or

 (c) by giving it, at the place of residence or business that is last known to the authorised person, to a person who the authorised person reasonably believes:

 (i) is over the age of 16 years; and

 (ii) lives or works at the place.

(2)An authorised person may serve an infringement notice on a body corporate:

 (a) by sending it by post to the head office, registered office, principal office or other postal address of the body corporate; or

 (b) by giving it, at the head office, registered office, principal office or other place of business of the body corporate, to a person who the authorised person reasonably believes is:

 (i) over the age of 16 years; and

 (ii) an officer of, or in the service of, the body corporate.

(3)An infringement notice may also be served:

 (a) by another person acting for an authorised person in the manner mentioned in subregulation (1) or (2); or

 (b) by an authorised person, or by another person acting for an authorised person, by fax to the fax number last known to the person sending the fax as the number at which the person being served receives fax transmissions.

(4)In the absence of evidence to the contrary, a fax transmission is taken to have been given to a person when the transmission is sent to the number mentioned in paragraph (3) (b).

 (5) An infringement notice must be served not later than 10 months after the alleged commission of the offence.

6.5 Extension of time to pay

 (1) On written application by a person within 28 days after service of an infringement notice on the person, an authorised person may grant, if satisfied that in all the circumstances it is reasonable to do so, a further period of up to 14 days for payment of the infringement notice penalty.

 (2) The authorised person must:

 (a) grant or refuse a further period; and

 (b) give the applicant written notice of the decision; and

 (c) if the decision is a refusal—mention in the notice the reasons for refusal and the period within which the infringement notice penalty must be paid.

 (3) The time for payment of the infringement notice penalty is:

 (a) if a further period is granted—before the end of that period; or

 (b) if the decision is a refusal—before the later of:

 (i) the end of 7 days after receiving notice of the refusal; or

 (ii) the end of the 28‑day period; or

 (c) in either case, if time for payment is extended under subregulation 6.6 (3)—the end of the extended time.

6.6 Infringement notice may be withdrawn

(1)If an infringement notice has been served on a person, an authorised person may at any time before the end of 28 days after the service of the notice, or any further period granted under regulation 6.5 or subregulation (3), by notice in writing served on the person, withdraw the infringement notice.

 (2) Before the end of 28 days after service of an infringement notice on a person, the person may give the authorised person, in the manner set out in the infringement notice, material that the person believes ought to be taken into account in relation to the alleged offence.

 (3) If a person gives the authorised person material under subregulation (2), the authorised person must:

 (a) extend the time for payment of the penalty to any extent necessary for a decision to be made under paragraph (b); and

 (b) decide whether to withdraw, or refuse to withdraw, the infringement notice; and

 (c) give the person written notice of the decision; and

 (d) if the decision is a refusal—mention in the notice the reasons for refusal.

 (4) If the authorised person decides to refuse to withdraw the infringement notice, notice of that decision must state that:

 (a) the person will not be prosecuted for the alleged offence if the amount of the infringement notice penalty is paid before the later of:

 (i) 28 days after service of the infringement notice; or

 (ii) 7 days after notice of the decision is given to the person; and

 (b) if that amount is not so paid, the person may be prosecuted for the alleged offence.

 (5) In making a decision, the authorised person must consider:

 (a) the material given under subregulation (2), unless the authorised person thinks that the material does not include any grounds for deciding whether or not to withdraw the infringement notice; and

 (b) the circumstances in which the offence mentioned in the notice is alleged to have been committed; and

 (c) whether the person has been convicted previously of an offence against the Act; and

 (d) whether an infringement notice has previously been given to the person for an offence of the same kind as the offence mentioned in the notice; and

 (e) any other matter the authorised person considers relevant to the decision.

Note: Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

 (6) If an infringement notice is withdrawn after a person pays the infringement notice penalty, the authorised person must refund to the person the amount paid.

6.7 Payment of penalty if infringement notice not withdrawn

 If an authorised person refuses to withdraw an infringement notice, the time for payment of the infringement notice penalty is before the later of:

 (a) 28 days after service of the infringement notice; or

 (b) 7 days after notice of the decision not to withdraw the infringement notice is given to the person.

6.8 Effect of payment of infringement notice penalty

If a person who is served with an infringement notice pays the infringement notice penalty in accordance with this Part and the notice is not withdrawn:

 (a) the person’s liability for the offence is discharged; and

 (b) no further proceedings may be taken against the person for the offence; and

 (c) the person is not convicted of the offence.

6.9 Payment of penalty by cheque

 If all or part of the amount of a penalty is paid by cheque, payment is taken not to have been made unless the cheque is honoured upon presentation.

6.10 Effect of this Part on institution and prosecution of proceedings

 (1) Nothing in this Part:

 (a) requires an infringement notice to be served for an alleged offence; or

 (b) affects the liability of a person to be prosecuted for an alleged offence if:

 (i) an infringement notice is not served on the person for the offence; or

 (ii) an infringement notice is served, and withdrawn; or

 (c) limits the penalty that may be imposed by a court on a person convicted of an offence; or

 (d) prevents the issue of more than 1 infringement notice for a person for the same offence.

 (2) If more than 1 infringement notice is issued for a person for the same offence, regulation 6.8 applies to the person if the person pays the infringement notice penalty for the alleged offence in accordance with any of those notices.

6.11 Matter not to be taken into account in determining sentence

 (1) This regulation applies if a person who is served with an infringement notice:

 (a) chooses not to pay the infringement notice penalty; and

 (b) is prosecuted for, and convicted of, the alleged offence mentioned in the infringement notice.

 (2) In determining the penalty to be imposed, the court must not take into account the fact that the person chose not to pay the infringement notice penalty.

6.12 Evidence for hearing

(1)At the hearing of a prosecution for an offence mentioned in an infringement notice, each of the following certificates is evidence of the facts stated in the certificate:

 (a) a certificate signed by an authorised person that states that:

 (i) the infringement notice was served on the alleged offender; and

 (ii) the infringement notice penalty was not paid in accordance with this Part;

 (b) a certificate signed by an authorised person that states that the notice was withdrawn on a day specified in the certificate;

 (c) a certificate signed by an authorised person that states that:

 (i) under regulation 6.5, a further period for payment of the infringement notice penalty was or was not refused; and

 (ii) the infringement notice penalty was not paid in accordance with this Part;

(d)a certificate signed by an authorised person that states that:

 (i) for regulation 6.5, the further time mentioned in the certificate for payment of the infringement notice penalty was or was not granted; and

 (ii) the infringement notice penalty was not paid in accordance with the infringement penalty notice or within the further time.

(2)A certificate that purports to have been signed by an authorised person is taken to have been signed by the authorised person unless the contrary is proved.

Part 7—Numbering of carriage services and regulation of electronic addressing

Note: Part 22 of the Act deals with numbering of carriage services and regulation of electronic addressing. Regulations for Part 22 of the Act will be in this Part.

Part 8—Standard agreements for the supply of carriage services

8.1 Definition

 In this Part:

***standard agreement*** means a standard form of agreement formulated by a carriage service provider for section 479 of the Act.

8.2 Carriage services (Act s 479 (1))

 For paragraph 479 (1) (b) of the Act, the following kinds of carriage services are specified:

 (a) a carriage service for voice telephony;

 (b) a carriage service for data transmission;

 (c) a carriage service for tone signalling;

 (d) a carriage service for a live or recorded information service.

8.3 Ancillary goods (Act s 479 (1))

 For paragraph 479 (1) (c) of the Act, the following kinds of ancillary goods are specified:

 (a) goods for use in connection with a standard telephone service;

 (b) goods for use in connection with a carriage service specified in regulation 8.2.

8.4 Ancillary services (Act s 479 (1))

 For paragraph 479 (1) (d) of the Act, the following kinds of ancillary services are specified:

 (a) a service for use in connection with a standard telephone service;

 (b) a service for use in connection with a carriage service specified in regulation 8.2.

Part 9—Standard carrier licence conditions

Note: Schedule 1 to the Act deals with standard carrier licence conditions. Regulations for Schedule 1 to the Act will be in this Part.

Part 10—Standard service provider rules

Note: Schedule 2 to the Act deals with standard service provider rules. Regulations for Schedule 2 to the Act will be in this Part.

Part 11—Carriers’ powers and immunities

11.1 Listed international agreements (Act, Schedule 3)

 For the purposes of the definition of ***listed international agreement*** in clause 2 of Schedule 3 to the Act, an international agreement mentioned in Schedule 1 is a listed international agreement.

11.2 Designated overhead line (Act, Schedule 3)

 For subparagraph 3 (b) (ii) of Schedule 3 to the Act, the distance of 48 millimetres is specified.

Schedule 1—Listed international agreements

(regulation 11.1)

| Item | Agreement | Done at | Date |
| --- | --- | --- | --- |
| 1 | Plant Protection Agreement for the Asia and Pacific Region (as amended in 1979 and by the 1994 Amendment) | Rome | 27 February 1956 |
| 2 | Convention on Wetlands of International Importance especially as Waterfowl Habitat (as amended by the 1982 Protocol and the 1987 Amendment) | Ramsar | 2 February 1971 |
| 3 | Convention for the Protection of the World Cultural and Natural Heritage | Paris | 23 November 1972 |
| 4 | International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (the ***London Convention***) | London, Mexico City, Moscow, Washington | 29 December 1972 |
| 5 | Convention on International Trade in Endangered Species of Wild Fauna and Flora (as amended by the 1979 and 1983 Amendments)  | Washington | 3 March 1973 |
| 6 | Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment | Tokyo | 6 February 1974 |
| 7 | Convention on Conservation of Nature in the South Pacific | Apia | 12 June 1976 |
| 8 | Convention on the Conservation of Migratory Species of Wild Animals | Bonn | 23 June 1979 |
| 9 | Treaty Between Australia and the Independent State of Papua New Guinea concerning the Sovereignty and Maritime Boundaries in the area between the two Countries, including the area known as Torres Strait, and Related Matters | Sydney | 18 December 1978 |
| 10 | Revised Text of the International Plant Protection Convention of 6 December 1951 | Rome | 28 November 1979 |
| 11 | United Nations Convention on the Law of the Sea | Montego Bay | 10 December 1982 |
| 12 | Vienna Convention for the Protection of the Ozone Layer | Vienna | 22 March 1985 |
| 13 | Agreement between the Government of Australia and the Government of the People’s Republic of China for the Protection of Migratory Birds and their Environment | Canberra | 20 October 1986 |
| 14 | Convention for the Protection of the Natural Resources and Environment of the South Pacific Region | Noumea | 24 November 1986 |
| 15 | Protocol for the Prevention of Pollution of the South Pacific Region by Dumping | Noumea | 25 November 1986 |
| 16 | Montreal Protocol on Substances that Deplete the Ozone Layer (as amended by the 1992 and 1994 Amendments) | Montreal | 16 September 1987 |
| 17 | Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal | Basel | 22 March 1989 |
| 18 | The Timor Sea Treaty (being the Treaty defined by subsection 5 (1) of the *Petroleum (Timor Sea Treaty) Act 2003*) | Dili | 20 May 2002 |
| 19 | Agreement between the Government of Australia and the Government of the USSR on Cooperation in the Field of Protection and Enhancement of the Environment | Canberra | 15 February 1990 |
| 20 | United Nations Framework Convention on Climate Change | New York | 9 May 1992 |
| 21 | Convention on Biological Diversity | Rio de Janeiro | 5 June 1992 |
| 22 | Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 | New York | 5 October 1994 |

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| A = Act | o = order(s) |
| ad = added or inserted | Ord = Ordinance |
| am = amended | orig = original |
| amdt = amendment | par = paragraph(s)/subparagraph(s) |
| c = clause(s) |  /sub‑subparagraph(s) |
| C[x] = Compilation No. x | pres = present |
| Ch = Chapter(s) | prev = previous |
| def = definition(s) | (prev…) = previously |
| Dict = Dictionary | Pt = Part(s) |
| disallowed = disallowed by Parliament | r = regulation(s)/rule(s) |
| Div = Division(s) | Reg = Regulation/Regulations |
| exp = expires/expired or ceases/ceased to have | reloc = relocated |
|  effect | renum = renumbered |
| F = Federal Register of Legislative Instruments | rep = repealed |
| gaz = gazette | rs = repealed and substituted |
| LI = Legislative Instrument | s = section(s)/subsection(s) |
| LIA = *Legislative Instruments Act 2003* | Sch = Schedule(s) |
| (md) = misdescribed amendment can be given | Sdiv = Subdivision(s) |
|  effect | SLI = Select Legislative Instrument |
| (md not incorp) = misdescribed amendment | SR = Statutory Rules |
|  cannot be given effect | Sub‑Ch = Sub‑Chapter(s) |
| mod = modified/modification | SubPt = Subpart(s) |
| No. = Number(s) | underlining = whole or part not |
|  |  commenced or to be commenced |

Endnote 3—Legislation history

| Number and year | FRLI registration or gazettal | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| 2001 No. 65 | 12 Apr 2001 | 12 Apr 2001 (r 1.2) |  |
| 2001 No. 338 | 21 Dec 2001 | 21 Dec 2001 (r 2) | — |
| 2002 No. 99 | 23 May 2002 | 23 May 2002 (r 2) | — |
| 2002 No. 203 | 6 Sept 2002 | 6 Sept 2002 (r 2) | — |
| 2002 No. 297 | 4 Dec 2002 | 4 Dec 2002 (r 2) | — |
| 2003 No. 346 | 23 Dec 2003 | 23 Dec 2003 (r 2) | — |
| 2004 No. 59 | 13 Apr 2004 | 13 Apr 2004 (r 2) | — |
| 2005 No. 176 | 9 Aug 2005 (F2005L02192) | 10 Aug 2005 (r 2) | — |
| 2006 No. 236 | 8 Sept 2006 (F2006L02964) | 9 Sept 2006 (r 2) | — |
| 2009 No. 31 | 23 Feb 2009 (F2009L00697) | 24 Feb 2009 (r 2) | — |
| 2010 No. 19 | 26 Feb 2010 (F2010L00440) | 27 Feb 2010 (r 2) | — |
| 2011 No. 209 | 15 Dec 2011 (F2011L02695) | 16 Dec 2011 (r 2) | — |
| 2012 No. 216 | 14 Sept 2012 (F2012L01876) | 15 Sept 2012 (s 2) | — |
| 2012 No. 286 | 10 Dec 2012 (F2012L02374) | 11 Dec 2012 (s 2) | — |
| 139, 2015 | 20 Aug 2015 (F2015L01296) | 21 Aug 2015 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** |  |
| r. 1.3  | rep. 2012 No. 286 |
| r. 1.4  | rep. 2012 No. 286 |
| r. 1.5  | rep. 2012 No. 286 |
| r. 1.6  | rep. 2012 No. 286 |
| r. 1.7  | am. 2003 No. 346; 2012 No. 286 |
| **Part 3** |  |
| Part 3 heading  | rs. 2012 No. 286 |
| **Division 3.1** |  |
| r. 3.1  | rs. 2012 No. 286 |
| r. 3.2  | rep. 2012 No. 286 |
| **Division 3.2** |  |
| Division 3.2  | rs. 2012 No. 286 |
| r. 3.2  | ad. 2012 No. 286 |
| r. 3.3  | rep. 2012 No. 286 |
| r. 3.4  | rep. 2012 No. 286 |
| r. 3.5  | rep. 2012 No. 286 |
| r. 3.6  | rep. 2012 No. 286 |
| r. 3.7  | rep. 2012 No. 286 |
| r. 3.8  | rep. 2012 No. 286 |
| r. 3.9  | rep. 2012 No. 286 |
| r. 3.10  | rep. 2012 No. 286 |
| r. 3.11  | rep. 2012 No. 286 |
| **Division 3.3** |  |
| Division 3.3  | ad. 2002 No. 297 |
| r. 3.12  | ad. 2002 No. 297 |
| **Division 3.4** |  |
| Division 3.4  | ad. 2012 No. 216 |
| r. 3.13  | ad. 2012 No. 216 |
| **Division 3.5** |  |
| Division 3.5  | ad. 2012 No. 286 |
| r. 3.14  | ad. 2012 No. 286 |
| **Part 5** |  |
| r. 5.1  | am. 2002 No. 297; 2004 No. 59; 2006 No. 236 |
|  | rep. 2012 No. 286 |
| r. 5.1A  | ad. 2002 No. 99 |
| r. 5.1B  | ad. 2009 No. 31 |
|  | rep. 2010 No. 19 |
| r. 5.3  | ad. 2001 No. 338 |
| r. 5.4  | ad. 2002 No. 203 |
| **Part 6** |  |
| Part 6 heading  | rs. 2003 No. 346 |
| Part 6  | am. 2003 No. 346 |
| r. 6.1  | ad. 2003 No. 346 |
| r. 6.2  | ad. 2003 No. 346 |
| r. 6.3  | ad. 2003 No. 346 |
| r. 6.4  | ad. 2003 No. 346 |
| r. 6.5  | ad. 2003 No. 346 |
| r. 6.6  | ad. 2003 No. 346 |
| r. 6.7  | ad. 2003 No. 346 |
| r. 6.8  | ad. 2003 No. 346 |
| r. 6.9  | ad. 2003 No. 346 |
| r. 6.10  | ad. 2003 No. 346 |
| r. 6.11  | ad. 2003 No. 346 |
| r. 6.12  | ad. 2003 No. 346 |
| **Part 11** |  |
| r. 11.2  | ad. 2011 No. 209 |
|  | am No 139, 2015 |
| **Schedule 1** |  |
| Schedule 1  | am. 2005 No. 176 |