

# COMMONWEALTH OF AUSTRALIA

## *Telecommunications Act 1997*

### **INDUSTRY DEVELOPMENT PLANS (DECLARED KINDS OF CARRIERS) DECLARATION (No. 1 of 2004)**

I, HELEN LLOYD COONAN, Minister for Communications, Information Technology and the Arts, acting under subclause 5(1) of Schedule 1 to the *Telecommunications Act 1997* (the Act) revoke the Determination entitled Exemption from Industry Development Plan Requirements (No. 1 of 2001), made on 24 September 2001, and declare that the kinds of carriers specified in this Declaration are declared kinds of carriers for the purposes of clause 5 of Schedule 1 to the Act:

- (a) a carrier in relation to which the ACA has previously worked out a levy contribution factor for an eligible revenue period under Division 13 of Part 2 of the TCPSS Act where the carrier's levy contribution factor for the most recent eligible revenue assessment is less than 1%;
- (b) a carrier in relation to which the ACA has not made an assessment of its eligible revenue for an eligible revenue period under Division 13 of Part 2 of the TCPSS Act where:
  - (i) the carrier's estimated eligible revenue is less than 1% of the sum total of the eligible revenue for the most recent eligible revenue period; or
  - (ii) the carrier's estimated annual capital expenditure is less than \$20,000,000;
- (c) a carrier that is primarily engaged in the direct provision of carriage services to tertiary education institutions, research institutions, schools or other educational and/or research institutions or establishments.

Where a carrier is a declared kind of carrier because of the operation of paragraph (a) or (b) of this Declaration, the carrier will be deemed to continue to be a declared kind of carrier for the purposes of clause 5 of Schedule 1 to the Act for a period of six months from the date on which the carrier receives notification from the ACA that its levy contribution factor is greater than or equal to 1%.

In this Declaration:

**ACA** means the Australian Communications Authority.

**carriage service** has the same meaning as in the Act.

**carrier** means the holder of a carrier licence under the Act.

**eligible revenue** has the meaning given by section 20B of the TCPSS Act.

***eligible revenue period*** has the meaning given by section 20C of the TCPSS Act.

***estimated eligible revenue*** means the projected eligible revenue of a carrier as advised by the carrier to the ACA in respect of the first financial year of its operations as a carrier under the Act.

***levy contribution factor*** has the meaning given by section 20H of the TCPSS Act.

***most recent eligible revenue assessment*** means the assessment most recently made by the ACA under section 20F of the TCPSS Act.

***participating person*** for an eligible revenue period has the meaning given by section 20A of TCPSS Act.

***school*** means a school or similar institution at which full-time primary education or full-time secondary education, or both, is provided and which is accepted for registration as a school by a State or Territory.

***sum total of the eligible revenue*** means the total of the eligible revenue of all participating persons assessed by the ACA under section 20F of the TCPSS Act for the most recent eligible revenue period.

***TCPSS Act*** means the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

***tertiary education institution*** has the meaning given by subsection 23(11) of the Act.

Dated 30 August 2004

HELEN COONAN  
Minister for Communications,  
Information Technology and the Arts