



# **Telecommunications (Carrier Licence Exemption—Use for specified Queensland rail and electricity services) Determination 2021**

made under paragraph 51(1)(c) of the  
*Telecommunications Act 1997*

## **Compilation No. 1**

<b>Compilation date:</b>	23 June 2023
<b>Includes amendments up to:</b>	F2023L00835
<b>Registered:</b>	27 July 2023

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Telecommunications (Carrier Licence Exemption—Use for specified Queensland rail and electricity services) Determination 2021* that shows the text of the law as amended and in force on 23 June 2023 (the **compilation date**).

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 the Register ([www.legislation.gov.au](http://www.legislation.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 Register 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.

### Editorial changes

For more information about any editorial changes made in this compilation, see 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 Register 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## Part 1—Preliminary

### 1 Name

This instrument is the *Telecommunications (Carrier Licence Exemption—Use for specified Queensland rail and electricity services) Determination 2021*.

### 3 Authority

This instrument is made under paragraph 51(1)(c) of the *Telecommunications Act 1997*.

### 4 Repeal of this instrument

This instrument is repealed on 1 July 2028.

### 5 Definitions

Note: A number of expressions used in this instrument are defined in section 7 of the Act, including the following:

- (a) ACMA; and
- (b) carriage service.

In this instrument:

**Act** means the *Telecommunications Act 1997 (Cth)*.

**Aurizon** means Aurizon Holdings Limited (ACN 146 335 622), a corporation constituted pursuant to the Corporations Act.

**Corporations Act** means the *Corporations Act 2001 (Cth)*.

**Designated Communications Infrastructure** means the telecommunications infrastructure situated in the State of Queensland, and owned by:

- (a) Aurizon; or
- (b) QTH; or
- (c) Queensland Rail; or
- (d) a related body corporate of an entity referred to in paragraph (a), (b), or (c) above.

**Permitted Electricity-related Services** means any carriage service that is provided to Powerlink necessary or desirable for managing the generation, transmission, distribution or supply of electricity or the charging for the supply of electricity.

**Permitted Rail-related Services** means any carriage service that is provided to:

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- (a) Aurizon; or
  - (b) Queensland Rail; or
  - (c) a related body corporate of an entity referred to in paragraph (a) or (b) above;

necessary or desirable for the workings of train services.

**Powerlink** means the Queensland Electricity Transmission Corporation Limited (ACN 078 849 233), a corporation constituted pursuant to the Corporations Act 2001 (Cth), and declared to be a government owned corporation pursuant to the *Government Owned Corporations Act 1993* (Qld), trading as Powerlink Queensland.

**Powerlink Communications Infrastructure** means the telecommunications infrastructure situated in the State of Queensland, and owned by Powerlink.

**QTH** means Queensland Treasury Holdings Pty Ltd (ACN 011 027 295), a corporation constituted pursuant to the Corporations Act.

**Queensland Rail** means Queensland Rail Limited (ACN 132 181 090), a corporation constituted pursuant to the Corporations Act, and declared to be a government owned corporation pursuant to the *Government Owned Corporations Act 1993* (Qld).

**related body corporate** has the meaning given to it by the Corporations Act.

**report date** means 30 May of a calendar year.

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## Part 2—Exemptions and conditions

### 7 Exemption—Designated Communications Infrastructure

Subject to the conditions set out in subsection 9(1) of this instrument, section 42 of the Act does not apply in relation to the use of Designated Communications Infrastructure by:

- (a) Aurizon; or
- (b) Queensland Rail; or
- (c) a related body corporate of an entity referred to in paragraph (a) or (b) above;

for the supply of Permitted Electricity-related Services.

### 8 Exemption—Powerlink Communications Infrastructure

Subject to the conditions set out in subsection 9(2) of this instrument, section 42 of the Act does not apply in relation to the use of Powerlink Communications Infrastructure by Powerlink for the supply of Permitted Rail-related Services.

### 9 Conditions

- (1) For the purposes of section 7 of this instrument, the following conditions are specified:
  - (a) Aurizon must provide to the ACMA within 30 days after the end of each report date during which this instrument is in force, a written report setting out the following:
    - (i) the locations of Designated Communications Infrastructure and technology type(s) of such infrastructure at each location as at the applicable report date;
    - (ii) the legal name and associated identifier (such as an ABN or ACN) of each user of the Designated Communications Infrastructure as at the applicable report date.
- (2) For the purposes of section 8 of this instrument, the following conditions are specified:
  - (a) Powerlink must provide to the ACMA within 30 days after the end of each report date during which this instrument is in force, a written report setting out the following:
    - (i) the locations of the Powerlink Communications Infrastructure and technology type(s) of such infrastructure at each location as at the applicable report date; and

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- (ii) the legal name and associated identifier (such as an ABN or ACN) of each user of the Powerlink Communications Infrastructure as at the applicable report date.



## 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

### 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.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(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)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Telecommunications (Carrier Licence Exemption—Use for specified Queensland rail and electricity services) Determination 2021	30 June 2021 (F2021L00915)	30 June 2021 (s 2)	
Telecommunications (Carrier Licence Exemption) (Queensland rail and electricity services) Amendment Determination 2023	22 June 2023 (F2023L00835)	23 June 2023 (s 2)	—

## Endnotes

### Endnote 4—Amendment history

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#### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
s 2 .....	rep LA s 48D
s 4 .....	am F2023L00835
s 6 .....	rep LA s 48C
Schedule 1 .....	rep LA s 48C

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