

1994

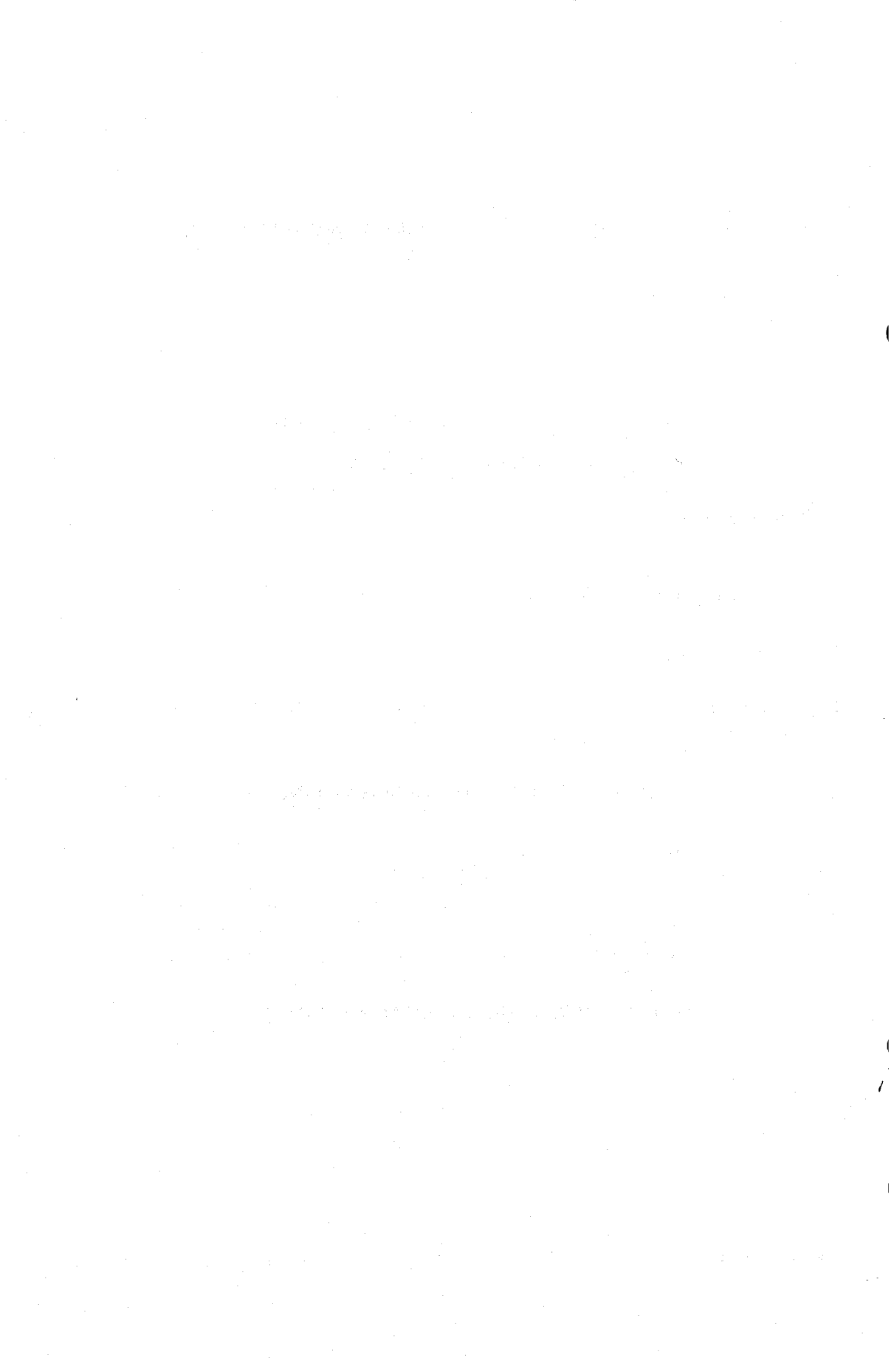
THE PARLIAMENT OF THE COMMONWEALTH OF
AUSTRALIA

THE HOUSE OF REPRESENTATIVES

Telecommunications Amendment Act 1994

EXPLANATORY MEMORANDUM

(Circulated by authority of Mr B C Scott)



TELECOMMUNICATIONS AMENDMENT ACT 1994

OUTLINE

The Bill sets out to address the problem faced by communities in certain areas which arises when the standard of telecommunications services available to them are not of similar standards to those enjoyed by larger communities where technical improvements are more readily translated into improved services available to all subscribers.

NOTES ON CLAUSES

1. Short title etc.

Subclause (1) provides for the citation of the Act and subclause (2) provides that the Principal Act is the *Telecommunications Act 1991*.

2. Commencement

This clause provides that the Act commences on the day on which it receives the Royal Assent.

3. The provisions of this clause would amend section 5 of the Principal Act to alter the definition of "standard telephone service". The Bill proposes new provisions to define a standard telephone service as, amongst other things, a public switched telephone service that is of a standard comparable with the standard of service available to the majority of the people of Australia. It also provides for the concept of comparability of standards available to the majority of the people of Australia to be recognised if the regulations are used to prescribe a telecommunications service or services for the purposes of the definition.

4. General functions—protection of public interest and consumers

Clause 4 proposes the amendment to section 38 of the *Telecommunications Act 1991* which deals with AUSTEL's general functions. The amendment would require that indicative performance standards recognise that services of similar standards should be available to all the people of Australia.

5. Clause 5 would amend section 246 of the Principal Act which deals with technical standards. It proposes a new provision concerning the objective of ensuring that all the people of Australia, wherever they reside or carry on business, have access to customer equipment and services of similar standards.

6. Clause 6 proposes the insertion of a new section 246A concerning directions to AUSTEL about the performance of its functions or the exercise of its powers relating to the determination of technical standards in relation to customer equipment or customer cabling. Subsection (2) requires that the Minister must have regard to the need for all the people of Australia, wherever they reside or carry on business, to have access to customer equipment and services of similar standards. Subclause (3) requires the Minister, if of the opinion that the people of a particular State, area or region do not have access to customer equipment and services reasonably comparable to the equipment and services available to the majority of the people, to give a direction to AUSTEL to require it to make a determination in order to help redress the inequity. Instruments made under section 246A are disallowable instruments for the purposes of the Acts Interpretation Act (subclause 4).

