

1989

**THE PARLIAMENT OF THE COMMONWEALTH
OF AUSTRALIA**

HOUSE OF REPRESENTATIVES

TELECOMMUNICATIONS (APPLICATION FEES) BILL 1989

EXPLANATORY MEMORANDUM

(Circulated with the authority of the Minister for
Transport and Communications, the Hon Ralph Willis MP)

Please note the attached Explanatory Memorandum for the
Telecommunications (Application Fees) Bill 1989 replaces the
Explanatory Memorandum for this Bill despatched on 14 April.
The copy despatched on 14 April contained an error and
should be destroyed.

TELECOMMUNICATIONS (APPLICATION FEES) BILL, 1989

OUTLINE

This Bill provides for application fees to be payable in respect of applications, under Parts 4 and 5 of the proposed Telecommunications Act 1989, to the Australian Telecommunications Authority (AUSTEL) which is established under the proposed Act.

The proposed Telecommunications Act 1989 puts into effect the reform of Australia's telecommunications regulatory framework announced on 25 May 1988 in the Ministerial statement "Reshaping the Transport and Communications Government Business Enterprises". That proposed Act, together with the proposed Telecommunications Corporation Act 1989, will reform the structure and regulation of the telecommunications industry.

AUSTEL will have the role of regulating the economic and technical aspects of the industry. In this regulatory role AUSTEL will be able to issue various licences and permits under the proposed Telecommunications Act 1989 in relation to the operation of persons providing cabling work, the attachment of customer equipment to the public network and the operation of value added services and private networks.

The Telecommunications (Application Fees) Bill 1989 provides for the Governor-General to make regulations fixing application fees.

FINANCIAL IMPACT STATEMENT

The Bill allows AUSTEL to recover its costs in processing the applications concerned.

NOTES ON CLAUSES

Clause 1 Short title

Provides that the Act may be cited as the Telecommunications (Application Fees) Act 1989.

Clause 2 Commencement

Provides that subject to subclause 2(2), the Act commences on a day to be fixed by proclamation.

Subclause 2(2) provides that if the Act does not commence within 6 months from the day that the Act receives Royal Assent, it will commence on the day after that period.

Clause 3 Interpretation

Clause 3 provides that expressions used in the Act have the same meaning as in the proposed Telecommunications Act 1989.

Clause 4 Application Fees

Provides that there is a fee, fixed by regulations, payable in respect of the following applications made to AUSTEL under the following sections of the proposed Telecommunications Act 1989:

- a) an application for variation of a class licence under section 80;
- b) an application for registration of a value added service or private network service under section 88;
- c) an application for a permit under section 117;
- d) an application for variation of a permit under section 121;
- e) an application for accreditation where regulations are made under section 127 of the proposed Telecommunications Act 1989 for the payment of a fee for such an application;
- f) an application for a cabling licence under section 130;
- g) an application for a variation of a cabling licence under section 134.

Clause 5 Regulations

Provides that the Governor-General may make regulations, not inconsistent with the Act, fixing fees for the applications detailed in clause 4.

Subclause 5(2) provides that the regulation may fix different fees for different categories of applications. This applies even though the applications are those referred to in subclause 4(2).

Subclause 5(3) provides that the regulations shall not fix a fee exceeding \$500.