



# AUSSAT Amendment Act 1990

No. 12 of 1991

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## An Act to amend the *AUSSAT Act 1984*

[Assented to 21 January 1991]

The Parliament of Australia enacts:

### Short title etc.

- (1) This Act may be cited as the *AUSSAT Amendment Act 1990*.
- (2) In this Act, “Principal Act” means the *AUSSAT Act 1984*<sup>1</sup>.

### Commencement

- (1) Except for section 6, this Act commences on the day on which it receives the Royal Assent.
- (2) Subject to subsection (3), section 6 commences on a day to be fixed by Proclamation.
- (3) If section 6 does not commence under subsection (2) within the period of 6 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.

### Title

3. The title of the Principal Act is amended by omitting “the national telecommunications satellite system” and substituting “AUSSAT Pty Ltd”.

**Interpretation**

4. Section 3 of the Principal Act is amended by omitting the definition of “neighbouring regions”.

5. Section 9 of the Principal Act is repealed and the following section is substituted:

**Objects of AUSSAT**

“9. (1) It is the intention of the Parliament that AUSSAT have as its primary object the conduct of a business consisting of the following:

- (a) the supply, in accordance with sound commercial practice, of telecommunications services, whether within Australia, outside Australia, or between Australia and overseas;
- (b) the carrying on, in accordance with sound commercial practice, of any business or activity relating to telecommunications, whether within or outside Australia.

“(2) If the Memorandum of Association of AUSSAT does not provide for AUSSAT to have the object specified in subsection (1), the Memorandum of Association is to be taken to provide for AUSSAT to have that object, and the Directors of AUSSAT and all other persons are required to act accordingly.”.

6. After section 10 of the Principal Act the following sections are inserted:

**Directions to other carriers to make networks etc. available to AUSSAT**

“10A. (1) AUSSAT may request AUSTEL to direct another carrier to make available, or to provide and make available, a telecommunications network or a facility for its use.

“(2) If AUSTEL is satisfied that the network or facility is necessary or desirable to enable AUSSAT to supply telecommunications services or other services that it has the right to supply under this Act, AUSTEL may direct the other carrier accordingly.

“(3) The terms and conditions on which the network or facility is to be made available to AUSSAT (including terms and conditions as to the amount to be paid by AUSSAT) are such as are agreed between AUSSAT and the other carrier or, failing agreement, as are determined by AUSTEL.

“(4) Nothing in this section is to be taken to limit the operation of section 49 of the *Telecommunications Act 1989* or the right of AUSSAT or another carrier to make a request under section 49.

**Competition between AUSSAT and Telecom/OTC**

“10B. (1) In spite of Divisions 1, 2 and 3 of Part 3 of the *Telecommunications Act 1989* but subject to subsection (3), AUSSAT has the right, in the conduct of its business, to do any of the following:

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- (a) to provide any domestic or international public telecommunications infrastructure or network;
- (b) to provide access to international public telecommunications networks for Australia;
- (c) to supply telecommunications services of the kinds referred to in section 36 of the *Telecommunications Act 1989*.

“(2) Subject to subsection (1), the *Telecommunications Act 1989* applies to AUSSAT, in relation to the provision of a service that AUSSAT has the right, under this Act, to provide, in the same way as it applies to any other carrier that has the right to provide the same service.

“(3) Nothing in this section is intended to affect the operation of sections 35, 47 and 48 of the *Telecommunications Act 1989*.

**Powers of AUSSAT**

“10C. To the extent that AUSSAT does not have such power under its Memorandum and Articles of Association, the Memorandum and Articles of Association are to be taken to confer on AUSSAT power to do all things necessary or convenient to be done for, or in connection with, the provision of any service that, by virtue of this Act, AUSSAT has the right to provide.”.

**Repeals**

- 7. Sections 14 and 15 of the Principal Act are repealed.

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**NOTE**

- 1. No. 21, 1984, as amended. For previous amendments, see Nos. 121, 128 and 129, 1988; Nos. 21 and 63, 1989; and No. 23, 1990.

[*Minister's second reading speech made in—  
House of Representatives on 8 November 1990  
Senate on 15 November 1990*]