



# **Telecommunications (Carrier Licence Charges) Amendment (Industry Plans and Consumer Codes) Act 2005**

**No. 116, 2005**

***An Act to amend the *Telecommunications (Carrier Licence Charges) Act 1997*, and for other purposes***

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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**No. 116, 2005**

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**An Act to amend the *Telecommunications (Carrier Licence Charges) Act 1997*, and for other purposes**

[Assented to 23 September 2005]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Telecommunications (Carrier Licence Charges) Amendment (Industry Plans and Consumer Codes) Act 2005*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	23 September 2005
2. Schedule 1	The day after this Act receives the Royal Assent.	24 September 2005
3. Schedule 2	Immediately after the time specified in the <i>Telecommunications (Carrier Licence Charges) Amendment Act 1998</i> for the commencement of item 2 of Schedule 1 to that Act.	30 June 1998

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## **Schedule 1—Amendment of the Telecommunications (Carrier Licence Charges) Act 1997**

### **1 Subsection 9(2)**

Repeal the subsection, substitute:

- (2) A determination under subsection (1) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

### **2 Subsection 14(2)**

Repeal the subsection, substitute:

- (2) A determination under subsection (1) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

### **3 After paragraph 15(1)(c)**

Insert:

- (ca) the amount determined, by a written instrument made by the ACMA, to be the sum of the amounts paid under section 136C of the *Telecommunications Act 1997* during the immediately preceding financial year; and

### **4 Paragraph 15(1)(d)**

Omit “1997; and”, substitute “1997.”.

### **5 Paragraph 15(1)(e)**

Repeal the paragraph.

### **6 Subsections 15(2) and (3)**

Repeal the subsections, substitute:

- (2) An instrument under subsection (1) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

### **7 Subsection 15(4) (paragraph (b) of the definition of cost)**

Omit “ACCC; and”, substitute “ACCC.”.

**8 Subsection 15(4) (paragraph (c) of the definition of cost)**

Repeal the paragraph.

**9 Subsection 15(4) (definition of *Industry Minister*)**

Repeal the definition.

**10 Application of amendments**

- (1) For the purposes of this item, if the Commonwealth did not incur any costs for a financial year that were attributable to the administration of Part 2 of Schedule 1 to the *Telecommunications Act 1997*, the financial year is a *zero-cost financial year*.
- (2) The amendments made by items 4, 5, 7, 8 and 9 apply in relation to charges imposed on carrier licences in force at the beginning of:
  - (a) the first financial year where both of the following conditions are satisfied:
    - (i) the financial year ends after the commencement of this item;
    - (ii) the immediately preceding financial year is a zero-cost financial year; or
  - (b) a financial year that is later than that first financial year.



## **Schedule 2—Amendment of the Telecommunications (Carrier Licence Charges) Amendment Act 1998**

### **1 Item 2 of Schedule 1 (heading)**

Omit “*costs*”, substitute “*cost*”.

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*[Minister’s second reading speech made in—  
House of Representatives on 7 September 2005  
Senate on 13 September 2005]*

(143/05)

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