



# **Communications Legislation Amendment (Deregulation and Other Measures) Act 2019**

**No. 120, 2019**

**An Act to amend laws relating to communications,  
and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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**No. 120, 2019**

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## **An Act to amend laws relating to communications, and for related purposes**

*[Assented to 12 December 2019]*

The Parliament of Australia enacts:

### **1 Short title**

This Act is the *Communications Legislation Amendment  
(Deregulation and Other Measures) Act 2019*.

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*No. 120, 2019      Communications Legislation Amendment (Deregulation and Other  
Measures) Act 2019      1*

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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>Provisions</b>               | <b>Commencement</b>                         | <b>Date/Details</b> |
| 1. The whole of this Act        | The day this Act receives the Royal Assent. | 12 December 2019    |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Streamlining regulation**

### ***Broadcasting Services Act 1992***

#### **1 Section 64**

Repeal the section.

#### **2 Section 65A (heading)**

Repeal the heading, substitute:

#### **65A Strict liability offence**

#### **3 Section 65A**

Omit “, or 64”.

#### **4 Section 65B**

Repeal the section, substitute:

#### **65B Designated infringement notice provision**

Section 63 is a designated infringement notice provision.

#### **5 Subsections 123(3A) to (3D)**

Repeal the subsections.

#### **6 Paragraphs 7(1)(g) and (ga) of Schedule 2**

Repeal the paragraphs.

#### **7 Paragraphs 9(1)(g) and (ga) of Schedule 2**

Repeal the paragraphs.

#### **8 Subclause 11(3) of Schedule 2**

Repeal the subclause.

## ***National Broadband Network Companies Act 2011***

### **9 Section 19**

Repeal the section, substitute:

#### **19 Non-communications goods not to be supplied**

An NBN corporation must not supply goods to another person unless:

- (a) the goods are for use in connection with the supply, or prospective supply, of an eligible service by the NBN corporation; or
- (b) the NBN corporation did not obtain the goods for the purpose of supplying the goods; or
- (c) the NBN corporation:
  - (i) obtained the goods for the purpose of supplying the goods in connection with the supply, or prospective supply, of an eligible service by the NBN corporation; and
  - (ii) considers the goods to be excess to the NBN corporation's requirements.

## ***Telecommunications Act 1997***

### **10 Paragraph 524(2)(d)**

After "570", insert "other than proceedings".

### **11 Subclause 2(1) of Schedule 3A (definition of *advisory committee*)**

Repeal the definition.

### **12 Clause 3 of Schedule 3A**

Omit:

- |  |
|--|
| <ul style="list-style-type: none"><li>• The ACMA must consult with an advisory committee, with the Environment Secretary and with the public before it declares a protection zone.</li></ul> |
|--|



substitute:

- |  |
|--|
| <ul style="list-style-type: none"><li>• The ACMA must consult with the Environment Secretary and with the public before it declares a protection zone.</li></ul> |
|--|

**13 Clause 16 of Schedule 3A**

Repeal the clause.

**14 Paragraph 20(a) of Schedule 3A**

Repeal the paragraph.

**15 Clause 31 of Schedule 3A**

Repeal the clause.

**16 Paragraph 34(a) of Schedule 3A**

Repeal the paragraph.

**17 Clause 49 of Schedule 3A**

Repeal the clause.

***Telecommunications (Consumer Protection and Service Standards) Act 1999***

**18 Subsection 5(2) (definition of VOIP service)**

Repeal the definition.

**19 Section 12D**

Before “Until”, insert “(1)”.

**20 At the end of section 12D**

Add:

- (2) Despite subsection 12A(6), the determination that the Minister is taken to have made is not a legislative instrument.

## **Schedule 2—Broadcasting licensee support payments**

### **Part 1—Amendments**

#### ***Broadcasting Legislation Amendment (Broadcasting Reform) Act 2017***

**1 Item 40 of Schedule 6 (table item 3, column headed “Amount (\$)”)**

Omit “632,000”, substitute “819,000”.

## Part 2—Application and transitional provisions

### 2 Definitions

In this Part:

**broadcasting service** has the same meaning as in the *Broadcasting Services Act 1992*.

**commencement financial year** means the financial year during which this Schedule commences.

**commercial television broadcasting licence** has the same meaning as in the *Broadcasting Services Act 1992*.

**eligible financial year** has the meaning given by item 38 of Schedule 6 to the *Broadcasting Legislation Amendment (Broadcasting Reform) Act 2017*.

**Secretary** means the Secretary of the Department.

### 3 Application provision

The amendment made by item 1 of this Schedule applies in relation to each eligible financial year that begins after the commencement of that item.

### 4 Supplementary transitional support payment

- (1) There is payable by the Commonwealth to Network Investments Pty Ltd (the **company**) an amount worked out by multiplying \$187,000 by the number of eligible financial years that began before the commencement of this Schedule.
- (2) The payment is subject to the condition that, if the company ceases to be the holder of a commercial television broadcasting licence at a time (the **cessation time**) during the commencement financial year, the company will repay to the Commonwealth the amount worked out using the formula:

$$\frac{\text{Days in non-licence period}}{\text{Days in commencement financial year}} \times \$187,000$$

where:

***days in commencement financial year*** means the number of days in the commencement financial year.

***days in non-licence period*** means the number of days in the period:

- (a) beginning at the start of the day after the cessation time; and
  - (b) ending at the end of the commencement financial year.
- (3) The payment is subject to the condition that the company will:
- (a) spend the amount of the payment (reduced by any amount payable by the company under subitem (2)) in connection with the provision by the company of broadcasting services authorised by the commercial television broadcasting licence held by the company; and
  - (b) do so before the end of the financial year following the commencement financial year.
- (4) The payment is subject to the condition that the company will:
- (a) give the Secretary a written statement declaring that the company has complied with the condition set out in subitem (3); and
  - (b) do so no later than 28 days after the end of the financial year following the commencement financial year.
- (5) The payment is subject to the condition that, if the company does not fulfil a condition to which the payment is subject under subitem (3) or (4), the company will, if the Secretary so determines, repay to the Commonwealth the amount specified in the determination.
- (6) The amount specified in the determination under subitem (5) must not be more than the amount of the payment (reduced by any amount payable by the company under subitem (2)).
- (7) A determination made under subitem (5) is not a legislative instrument.
- (8) An amount payable by the company to the Commonwealth under this item:
- (a) is a debt due to the Commonwealth; and
  - (b) may be recovered by the Secretary, on behalf of the Commonwealth, in:
    - (i) the Federal Court of Australia; or
    - (ii) the Federal Circuit Court of Australia; or

- (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

## **5 Delegation by the Secretary**

- (1) The Secretary may, by writing, delegate any or all of the Secretary's powers under this Part to an SES employee, or acting SES employee, in the Department.

Note: The expressions *SES employee* and *acting SES employee* are defined in section 2B of the *Acts Interpretation Act 1901*.

- (2) In exercising powers under a delegation under subitem (1), the delegate must comply with any directions of the Secretary.

## Schedule 3—Monitoring of the telecommunications industry

### *Competition and Consumer Act 2010*

#### **1 Section 151AA**

Omit:

- |   |
|---|
| <ul style="list-style-type: none"><li>• Carriers and carriage service providers may be directed to file tariff information with the Commission. The direction is called a <i>tariff filing direction</i>.</li></ul> |
|---|

#### **2 Section 151AB (definition of *tariff filing direction*)**

Repeal the definition.

#### **3 Divisions 4 and 5 of Part XIB**

Repeal the Divisions.

#### **4 Paragraph 151BU(4)(b)**

Repeal the paragraph.

#### **5 After subsection 151BU(4)**

Insert:

- (4A) The Commission must review any rules for keeping or retaining records containing information relevant to the operation of Division 12 of this Part at least once in each of the following periods:
- (a) the period of 1 year after the commencement of this subsection;
  - (b) the period of 5 years after the completion of the previous review.
- (4B) In reviewing rules under subsection (4A), the Commission must have regard to:
- (a) whether the information is publically available; and

- (b) whether consumer demand for the goods and services to which the information relates has changed; and
- (c) the usefulness of the information to consumers, industry, the Minister and Parliament.

**6 Division 7 of Part XIB (heading)**

Repeal the heading, substitute:

**Division 7—Enforcement of the competition rule,  
record-keeping rules and disclosure directions**

**7 Section 151BW (heading)**

Repeal the heading, substitute:

**151BW Person involved in a contravention of the competition rule, a  
record-keeping rule or a disclosure direction**

**8 Section 151BW**

Omit “a tariff filing direction,”.

**9 Section 151BX (heading)**

Repeal the heading, substitute:

**151BX Pecuniary penalties for breach of the competition rule, a  
record-keeping rule or a disclosure direction**

**10 Paragraphs 151BX(1)(a), (b) and (c)**

Omit “a tariff filing direction,”.

**11 Paragraph 151BX(3)(b)**

Repeal the paragraph.

**12 Paragraph 151BX(4)(b)**

Omit “any other case”, substitute “the case of a contravention of the competition rule”.

**13 Paragraph 151BX(5)(a)**

Repeal the paragraph.

**14 Subsection 151BX(5)**

Omit “tariff filing directions,”.

**15 Section 151BZ (heading)**

Repeal the heading, substitute:

**151BZ Criminal proceedings not to be brought for contraventions of the competition rule, record-keeping rules or disclosure directions**

**16 Paragraphs 151BZ(1)(a), (b) and (c)**

Omit “a tariff filing direction,”.

**17 Subsection 151BZ(2)**

Repeal the subsection.

**18 Paragraphs 151CA(1)(a) to (f)**

Omit “a tariff filing direction,”.

**19 Subsection 151CD(1)**

Omit “or a tariff filing direction”.

**20 Subsection 151CI(3)**

Repeal the subsection.

**21 Paragraph 151CJ(1)(d)**

Omit “151BQ,”.

**22 Subsection 151CL(1)**

Omit “to the Minister”.

**23 Subsection 151CL(2)**

Repeal the subsection, substitute:

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- (2) The Commission must publish a report under subsection (1) on its website as soon as practicable and no later than 6 months after the end of the financial year concerned.

**24 Subsection 151CL(5)**

Omit “this section”, substitute “subsection (3)”.

**25 Subsection 151CL(6)**

Repeal the subsection.

**26 Subsection 151CM(1)**

Omit all the words after “each financial year”, substitute “on, charges paid by consumers in telecommunications markets”.

**27 Subsections 151CM(2) to (5)**

Repeal the subsections, substitute:

- (2) The Commission may decide which charges to monitor and report on, having regard to which goods or services are most commonly used by consumers.
- (3) The Commission must publish the report on its website as soon as practicable and no later than 6 months after the end of the financial year concerned.

***Telecommunications Act 1997***

**28 Section 104**

Omit “monitor, and report each year to the Minister on, significant matters”, substitute “monitor and report each financial year on matters”.

**29 Subsections 105(1) to (4)**

Repeal the subsections.

**30 Subsection 105(5A)**

Omit “to the Minister”.

**31 Subsections 105(6) to (8)**

Repeal the subsections, substitute:

- (6) The ACMA must publish a report under subsection (5A) on its website as soon as practicable and no later than 6 months after the end of the financial year concerned.

**32 At the end of section 105A**

Add:

- (3) If the direction requires the report to be in a specified form, the report must be in that form.
- (4) The ACMA must comply with any requirement in the direction as to the publication of the report.

## **Schedule 4—Technical amendments**

### ***Australian Broadcasting Corporation Act 1983***

#### **1 Subsection 79A(5)**

Repeal the following definitions:

- (a) definition of *election*;
- (b) definition of *election period*;
- (c) definition of *Parliament*;
- (d) definition of *referendum*.

### ***Broadcasting Services Act 1992***

#### **2 Subparagraph 212(1)(b)(ii)**

Omit “ACMA; or”, substitute “ACMA.”.

#### **3 Paragraph 212(1)(c)**

Repeal the paragraph.

#### **4 Paragraph 212(3)(d)**

Omit “services; or”, substitute “services.”.

#### **5 Paragraph 212(3)(e)**

Repeal the paragraph.

### ***Special Broadcasting Service Act 1991***

#### **6 Section 3**

Insert:

*broadcasting service* has the same meaning as in the *Broadcasting Services Act 1992*.

#### **7 Paragraph 3A(1)(c)**

Omit “radio or television”, substitute “broadcasting”.

**8 Subsection 6(1)**

Omit “radio, television”, substitute “broadcasting”.

**9 Paragraph 6(2)(g)**

Omit all the words before “contribute”.

**10 Paragraph 6(2)(g)**

Omit “television and radio”, substitute “broadcasting and digital media”.

**11 Paragraph 6(2)(h)**

Omit all the words before “contribute”.

**12 Paragraph 6(2)(h)**

Omit “television and radio”, substitute “broadcasting and digital media”.

**13 Paragraph 44(1)(b)**

After “transmit”, insert “or communicate”.

**14 Paragraph 44(1)(b)**

After “transmissions”, insert “and communications”.

**15 Paragraph 44(1)(c)**

After “transmission”, insert “or communication”.

**16 Paragraph 44(1)(d)**

Omit “or transmission of programs”, substitute “, transmission or communication of programs or other matter”.

**17 Subsection 70A(5)**

Repeal the following definitions:

- (a) definition of *election*;
- (b) definition of *election period*;
- (c) definition of *Parliament*;
- (d) definition of *referendum*.

**18 Paragraph 70C(1)(b)**

Omit “radio or television”, substitute “broadcasting”.

## **Schedule 5—Spent and redundant legislation**

### **Part 1—Repeals**

#### **1 Repeal of Acts**

Repeal the following Acts:

*AUSSAT Repeal Act 1991*

*Australian Broadcasting Corporation Amendment Act 1993*

*Australian Postal Corporation Amendment Act 1994*

*Broadcasting Amendment Act 1987*

*Broadcasting Amendment Act 1990*

*Broadcasting Amendment Act 1991*

*Broadcasting Amendment Act (No. 2) 1987*

*Broadcasting Amendment Act (No. 2) 1990*

*Broadcasting Amendment Act (No. 2) 1991*

*Broadcasting Amendment Act (No. 3) 1987*

*Broadcasting Amendment Act (No. 4) 1987*

*Broadcasting and Television Amendment Act 1980*

*Broadcasting and Television Amendment Act 1982*

*Broadcasting and Television Amendment Act 1984*

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***Broadcasting and Television Amendment Act 1985***

***Broadcasting and Television Legislation Amendment Act  
1985***

***Broadcasting and Television Legislation Amendment Act  
1986***

***Broadcasting (Foreign Ownership) Amendment Act 1990***

***Broadcasting (Ownership and Control) Act 1987***

***Broadcasting (Ownership and Control) Act 1988***

***Broadcasting Services Amendment Act 1997***

***Broadcasting Services Legislation Amendment Act 1997***

***Broadcasting Stations Licence Fees Act 1981***

***Broadcasting Stations Licence Fees Amendment Act 1983***

***Broadcasting Stations Licence Fees Amendment Act 1985***

***National Transmission Network Sale (Consequential  
Amendments) Act 1998***

***NRS Levy Imposition Amendment Act 1999***

***Radiocommunications (Miscellaneous Provisions) Act 1982***

***Radiocommunications (Receiver Licence Tax) Amendment  
Act 1992***

***Radiocommunications (Receiver Licence Tax) Amendment Act 1997***

***Radiocommunications (Test Permit Tax) Amendment Act 1992***

***Radiocommunications (Transmitter Licence Tax) Amendment Act 1992***

***Radiocommunications (Transmitter Licence Tax) Amendment Act 1997***

***Radio Licence Fees Amendment Act 1987***

***Radio Licence Fees Amendment Act 1991***

***Radio Licence Fees Amendment Act (No. 2) 1987***

***Satellite Communications Amendment Act 1988***

***Telecommunications Amendment Act 1994***

***Telecommunications Amendment Act 1998***

***Telecommunications (Carrier Licence Fees) Amendment Act 1995***

***Telecommunications (Carrier Licence Fees) Amendment Act 1996***

***Telecommunications (Carrier Licence Fees) Termination Act 1997***



***Telecommunications Laws Amendment (Universal Service Cap) Act 1999***

***Telecommunications Legislation Amendment Act 1997***

***Telecommunications (Universal Service Levy) Amendment Act 1999***

***Television Broadcasting Services (Digital Conversion) Act 1998***

***Television Licence Fees Amendment Act 1987***

***Television Licence Fees Amendment Act (No. 2) 1987***

***Television Licence Fees Amendment Act (No. 3) 1987***

***Television Stations Licence Fees Act 1981***

***Television Stations Licence Fees Amendment Act 1983***

***Television Stations Licence Fees Amendment Act 1985***

***Telstra (Transition to Full Private Ownership) Act 2005***

## Part 2—Other amendments

### *Competition and Consumer Act 2010*

#### **2 Sections 152ELB and 152EOA**

Repeal the sections.

### *National Transmission Network Sale Act 1998*

#### **3 Part 5**

Repeal the Part.

#### **4 Sections 25 and 27**

Repeal the sections.

### *Telecommunications Act 1997*

#### **5 Section 582**

After:

- The Minister may make grants of financial assistance for purposes in connection with research into the social, economic, environmental or technological implications of developments relating to telecommunications.

insert:

- Losses incurred by Optus Networks before 1 February 1992 may not be claimed as deductions.

#### **6 After section 593**

Insert:

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### **593A Removal of Optus Networks' tax losses**

- (1) This section applies in relation to Optus Networks Pty Limited (ACN 008 570 330) (*Optus Networks*) (whether or not its name is changed).
- (2) Optus Networks cannot deduct from its assessable income for a year of income ending on or after 1 February 1992 a loss (or a part of a loss) incurred in a year of income ending on or before 1 February 1992.
- (3) Subsection (2) has effect despite anything in the *Income Tax Assessment Act 1936*, in particular, sections 79E, 79F, 80, 80AAA and 80AA of that Act as in force before 14 September 2006.
- (4) Optus Networks cannot deduct from its assessable income for the 1997-98 income year, or a later income year, a tax loss (or a part of a tax loss) incurred in an income year ending on or before 1 February 1992.
- (5) Subsection (4) has effect despite anything in the *Income Tax Assessment Act 1997*, in particular Division 36 of that Act.
- (6) An expression has the same meaning in this section as it has in the *Income Tax Assessment Act 1936* or the *Income Tax Assessment Act 1997*.

### ***Telstra Corporation Act 1991***

#### **7 Section 3 (definition of designated day)**

Omit “the day declared under section 3 of the *Telstra (Transition to Full Private Ownership) Act 2005*”, substitute “24 November 2006”.

#### **8 Paragraph 3B(1)(b)**

Omit “the commencement of Part 1 of Schedule 1 to the *Telstra (Transition to Full Private Ownership) Act 2005*”, substitute “23 September 2005”.

## Schedule 6—Numbering arrangements

### Part 1—Amendment of the Telecommunications Act 1997

#### *Telecommunications Act 1997*

#### 1 Section 5

Omit:

- The ACMA may regulate numbering by means of a *numbering plan*.

substitute:

- Numbering may be administered by a *numbering scheme manager* or by the ACMA.

#### 2 Section 7 (subparagraph (b)(iv) of the definition of *emergency call service*)

Repeal the subparagraph, substitute:

- (iv) if there is a numbering scheme manager—a service specified by the ACMA for the purposes of this subparagraph in a legislative instrument; or
- (iva) if there is no numbering scheme manager—a service specified for the purposes of this subparagraph in the numbering plan made by the ACMA; or

#### 3 Section 7 (subparagraph (b)(v) of the definition of *emergency call service*)

Omit “or (iv)”, substitute “, (iv) or (iva)”.

#### 4 Section 7

Insert:

*numbering scheme* means the scheme for planning and managing:  
(a) the numbering of carriage services in Australia; and

- (b) the use of numbers in connection with the supply of such services; and
- (c) the specification, allocation and issuing of numbers for that use.

*numbering scheme manager*: see subsection 454A(2).

*numbering scheme principles*: see subsection 454C(2).

#### **5 Subsection 285(2) (definition of *public number*)**

Omit “in the numbering plan as mentioned in subsection 455(3)”, substitute “for use in connection with the supply of carriage services to the public in Australia (within the meaning of subsection 456(2))”.

#### **6 Subparagraph 286(c)(v)**

Repeal the subparagraph, substitute:

- (v) if there is a numbering scheme manager—a service specified by the ACMA for the purposes of this subparagraph in a legislative instrument; or
- (va) if there is no numbering scheme manager—a service specified for the purposes of this subparagraph in the numbering plan made by the ACMA; or

#### **7 Subparagraph 286(c)(vi)**

Omit “or (v)”, substitute “, (v) or (va)”.

#### **8 Section 454**

Omit:

- The ACMA is required to make a plan for:
  - (a) the numbering of carriage services in Australia; and
  - (b) the use of numbers in connection with the supply of such services.
- The plan is called the numbering plan.

substitute:

- The numbering of carriage services in Australia, and the use of numbers in connection with the supply of such services, may either be:
  - (a) managed by a numbering scheme manager determined by the Minister; or
  - (b) administered by the ACMA under a numbering plan.

## 9 Section 454

Omit:

- The numbering plan will specify emergency service numbers.

substitute:

- The ACMA will specify emergency service numbers.

## 10 Before Subdivision A of Division 2 of Part 22

Insert:

### Subdivision AA—Management by numbering scheme manager

#### 454A Minister may determine numbering scheme manager

- (1) The Minister may, by legislative instrument, determine that a specified person is to manage the numbering scheme.
- (2) The person is the *numbering scheme manager*.
- (3) The Minister must not determine a person as the numbering scheme manager unless the Minister is satisfied that the person will manage the numbering scheme in accordance with the numbering scheme principles.
- (4) Before determining a person as the numbering scheme manager, the Minister must consult with the ACMA and the ACCC.

#### **454B No property rights in numbers**

Determination of a person as the numbering scheme manager does not confer any property rights in numbers used in connection with the supply of carriage services in Australia.

#### **454C Numbering scheme principles**

- (1) The numbering scheme manager must manage the numbering scheme in accordance with the numbering scheme principles.
  - (2) The *numbering scheme principles* are as follows:
    - (a) there must be an adequate and appropriate supply of numbers for carriage services;
    - (b) future needs for numbering must be planned for, having regard to community needs, industry needs and global trends;
    - (c) numbering arrangements must be effective and efficient and support the effective and efficient supply of carriage services;
    - (d) numbering arrangements must have regard to recognised international standards and ensure that numbering in Australia operates in conjunction with international numbering arrangements;
    - (e) there must be fair and transparent access to numbers for all carriage service providers, and numbering arrangements must support competition in the supply of carriage services;
    - (f) the interests of users of carriage services must be protected, including in relation to the use and portability of numbers;
    - (g) the numbering scheme's provisions for the portability of numbers must be consistent with any directions made by the ACCC to the ACMA under subsection 458(2) in relation to portability of numbers;
    - (h) the numbering scheme must support the use of emergency call services;
    - (i) numbering arrangements must meet the requirements of Australian law enforcement and national security agencies;
    - (j) numbering arrangements must provide for the collection of charges imposed under the *Telecommunications (Numbering Charges) Act 1997*;
    - (k) the Register (see section 465) must be kept up to date;
-

- (l) the rules and processes of the numbering scheme, including a plan for numbering of carriage services:
  - (i) must be adhered to by the numbering scheme manager;  
and
  - (ii) must be published and available at no charge;
- (m) the numbering scheme must include compliance mechanisms to provide for enforcement of scheme rules;
- (n) the numbering scheme must make effective complaints processes available to both the telecommunications industry and users of carriage services;
- (o) the recovery of costs in relation to the management of the numbering scheme must reasonably reflect costs and must be fair and transparent;
- (p) public consultation must be undertaken before any significant change to the numbering scheme;
- (q) any additional principles determined by the Minister by legislative instrument.

#### **454D Revocation of determination**

- (1) The Minister may, by legislative instrument, revoke the determination of a person as the numbering scheme manager if:
  - (a) the Minister is not satisfied the person is managing the numbering scheme in accordance with the numbering scheme principles; or
  - (b) the Minister is satisfied it is in the best interests of one of more of the following:
    - (i) the telecommunications industry;
    - (ii) users of carriage services;
    - (iii) the general community; or
  - (c) the Minister is satisfied it is in the best interests of national security.
- (2) Before the Minister revokes the determination of a person as the numbering scheme manager, the Minister must consult the person, the ACMA and the ACCC.



#### **454E Directions to numbering scheme manager**

##### *Directions by Minister*

- (1) The Minister may, by legislative instrument, direct the numbering scheme manager to amend the rules or change the processes of the numbering scheme.
- (2) The direction must be consistent with the numbering scheme principles.

##### *Directions by the ACMA or the ACCC*

- (3) The ACMA or the ACCC may, by legislative instrument, direct the numbering scheme manager to do, or refrain from doing, a specified act or thing in relation to the management of the numbering scheme.
- (4) The direction must be consistent with the numbering scheme principles and the rules and processes of the numbering scheme.
- (5) Before the ACMA gives a direction under this section, it must consult with the Minister, the ACCC and the numbering scheme manager.
- (6) Before the ACCC gives a direction under this section, it must consult with the Minister, the ACMA and the numbering scheme manager.

##### *Numbering scheme manager must comply with directions*

- (7) The numbering scheme manager must comply with a direction under this section.
- (8) Subsection (7) is a civil penalty provision.

Note: Part 31 provides for pecuniary penalties for breaches of civil penalty provisions.

**454F Numbering scheme manager providing information to the ACMA**

- (1) The ACMA may, in writing, request information from the numbering scheme manager relating to numbers for carriage services.
- (2) The ACMA may request the information for the following purposes:
  - (a) identifying persons liable for a charge under the *Telecommunications (Numbering Charges) Act 1997*;
  - (b) working out the amount of a charge under that Act;
  - (c) otherwise administering charges under that Act.
- (3) The request may specify the form in which the information is required, such as a written report.
- (4) The numbering scheme manager must comply with a request under this section.
- (5) Subsection (4) is a civil penalty provision.

Note: Part 31 provides for pecuniary penalties for breaches of civil penalty provisions.

**454G Directions to comply with rules**

- (1) The ACMA or the ACCC may, by written notice given to a person who is:
  - (a) a carriage service provider; or
  - (b) a carrier; or
  - (c) a person of a kind determined by the Minister in a legislative instrument;direct the person to comply with a rule or process published by the numbering scheme manager.
- (2) The person must comply with the direction.
- (3) Subsection (2) is a civil penalty provision.

Note: Part 31 provides for pecuniary penalties for breaches of civil penalty provisions.

(4) A direction under subsection (1) is not a legislative instrument.

#### **454H Numbering scheme documents are not legislative instruments**

Documents containing the rules and processes of the numbering scheme, including a plan for numbering of carriage services, are not legislative instruments.

#### **11 Subdivision A of Division 2 of Part 22 (heading)**

Repeal the heading, substitute:

#### **Subdivision A—Management by the ACMA**

#### **12 Before section 455**

Insert:

#### **455A Application**

This Subdivision does not apply if there is a numbering scheme manager (see section 454A).

#### **13 After section 459**

Insert:

#### **459A Delegation**

- (1) The ACMA may, by writing, delegate any or all of the powers conferred on the ACMA by the numbering plan to a body corporate.
- (2) If, under section 50 of the *Australian Communications and Media Authority Act 2005*, the ACMA has delegated a power referred to in subsection (1) to a Division of the ACMA:
  - (a) the Division may delegate the power to a body corporate; and
  - (b) subsections 52(2), (3), (4), (5) and (6) of the *Australian Communications and Media Authority Act 2005* have effect as if the delegation by the Division were a delegation under section 52 of that Act.

- (3) The delegate is, in the exercise of a delegated power, subject to the written directions of:
  - (a) the ACMA, if the delegation to the delegate was under subsection (1); or
  - (b) the Division that delegated the power, if the delegation to the delegate was under subsection (2).
- (4) Before giving a direction under subsection (3), the ACMA or the Division (as the case requires) must consult the ACCC.
- (5) The powers conferred on the ACMA by subsection (1), and on a Division of the ACMA by subsection (2), are in addition to the powers conferred by sections 50, 51 and 52 of the *Australian Communications and Media Authority Act 2005*.

#### **14 After section 461**

Insert:

##### **461A Making numbering plan in cases of urgency**

- (1) This section applies if the ACMA is satisfied that it is necessary to make or vary a numbering plan as a matter of urgency to ensure that numbering of carriage services and the use of numbers are properly managed in the absence of a numbering scheme manager.
- (2) In the circumstances described in subsection (1):
  - (a) the ACMA is not required to comply with section 460 before making or varying a plan; and
  - (b) the ACMA is not required to consult the ACCC in accordance with subsection 461(1) if it is not practicable to do so.
- (3) If a numbering plan is made or varied in the circumstances described in subsection (1), the plan ceases to have effect 12 months after it was made or varied.
- (4) Subsection (3) does not prevent the ACMA from repealing the plan and making another numbering plan after complying with section 460 and subsection 461(1).

## **15 Before section 463**

Insert:

### **463A Numbering scheme manager**

- (1) If there is a numbering scheme manager, the allocation system determined by the ACMA under this Subdivision may be prepared by the numbering scheme manager.
- (2) However, the ACMA must not determine an allocation system that does not meet the ACMA's requirements (including in relation to the *Telecommunications (Numbering Charges) Act 1997*).

## **16 At the end of section 463**

Add:

- (8) The ACMA may delegate any of the powers conferred on the ACMA by an allocation system to the numbering scheme manager or another person.

## **17 After paragraph 465(1)(a)**

Insert:

- (aa) if there is a numbering scheme manager—the numbering scheme manager; or

## **18 Paragraph 465(2)(a)**

Omit “under the authority of the numbering plan”.

## **19 Paragraph 466(1)(d)**

Repeal the paragraph, substitute:

- (d) if there is a numbering scheme manager—a service specified by the ACMA for the purposes of this paragraph in a legislative instrument;
- (e) if there is no numbering scheme manager—a service specified for the purposes of this paragraph in the numbering plan made by the ACMA.

## **20 Subsection 466(2)**

Omit all the words after “specified”, substitute:

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for the purposes of this section in:

- (a) if there is a numbering scheme manager—a legislative instrument made by the ACMA; or
- (b) if there is no numbering scheme manager—the numbering plan made by the ACMA.

**21 Subsections 466(3) and (4)**

Omit “The numbering plan may specify different numbers”, substitute “Different emergency service numbers may be specified”.

**22 Subsection 466(5)**

Repeal the subsection, substitute:

- (5) Rules about the use of emergency service numbers may be set out in:
  - (a) the rules and processes published by the numbering scheme manager; or
  - (b) the numbering plan made by the ACMA.

**23 Subsection 466(6)**

Omit “In making the numbering plan”, substitute “In specifying emergency service numbers”.

**24 Section 467**

Repeal the section.

**25 Subsection 468(10)**

After “the ACMA”, insert “or the numbering scheme manager”.

**26 At the end of subsection 468(10)**

Add “and the numbering scheme”.

**27 Subsection 472(7) (definition of *public number*)**

Repeal the definition, substitute:

***public number*** means a number specified for use in connection with the supply of carriage services to the public in Australia (within the meaning of subsection 456(2)).

**28 Subclause 10(3) of Schedule 2 (definition of *public number*)**

Repeal the definition, substitute:

*public number* means a number specified for use in connection with the supply of carriage services to the public in Australia (within the meaning of subsection 456(2)).

**29 Subclause 11(3) of Schedule 2 (definition of *public number*)**

Repeal the definition, substitute:

*public number* means a number specified for use in connection with the supply of carriage services to the public in Australia (within the meaning of subsection 456(2)).

## Part 2—Amendments of other Acts

### *Do Not Call Register Act 2006*

#### **30 Section 4 (definition of *Australian number*)**

Repeal the definition, substitute:

*Australian number* means a number that is:

- (a) specified in:
  - (i) the numbering scheme referred to in section 454A of the *Telecommunications Act 1997*; or
  - (ii) the numbering plan referred to in section 455 of that Act; and
- (b) for use in connection with the supply of carriage services to the public in Australia, within the meaning of subsection 456(2) of that Act.

### *Telecommunications (Consumer Protection and Service Standards) Act 1999*

#### **31 Subsection 147(11) (paragraph (d) of the definition of *emergency service organisation*)**

Repeal the paragraph, substitute:

- (d) if there is a numbering scheme manager—a service specified by the ACMA for the purposes of this paragraph in a legislative instrument; or
- (da) if there is no numbering scheme manager—a service specified for the purposes of this paragraph in the numbering plan made by the ACMA; or

#### **32 Subsection 147(11) (paragraph (e) of the definition of *emergency service organisation*)**

Omit “or (d)”, substitute “, (d) or (da)”.



***Telecommunications (Numbering Charges) Amendment Act  
2016***

**33 Subsection 2(1) (table item 1, column 2, paragraph (b))**

Omit “*Communications Legislation Amendment (Deregulation and Other Measures) Act 2016*”, substitute “*Communications Legislation Amendment (Deregulation and Other Measures) Act 2019*”.

## Part 3—Transitional provisions

### 34 Delegations by ACMA

- (1) A delegation under subsection 467(1) of the *Telecommunications Act 1997* that was in force immediately before the commencement of this Schedule has effect immediately after that commencement as if it had been made under subsection 459A(1) of that Act.
- (2) A delegation under paragraph 467(1A)(a) of the *Telecommunications Act 1997* that was in force immediately before the commencement of this Schedule has effect immediately after that commencement as if it had been made under paragraph 459A(2)(a) of that Act.

## **Schedule 7—Publication requirements**

### **Part 1—Amendments**

#### ***Broadcasting Services Act 1992***

##### **1 Section 127**

Before “If”, insert “(1)”.

##### **2 Section 127**

Omit “in the *Gazette*”.

##### **3 Paragraph 127(b)**

Omit “purchased”, substitute “accessed”.

##### **4 At the end of section 127**

Add:

(2) A notice under subsection (1) must be published:

- (a) on the ACMA’s website; and
- (b) in one or more other forms that are readily accessible by the public.

Example: Publication in a form mentioned in paragraph (b) could be publication on a website other than the ACMA’s website.

##### **5 Clause 33 of Schedule 6**

Before “If”, insert “(1)”.

##### **6 Clause 33 of Schedule 6**

Omit “in the *Gazette*”.

##### **7 Paragraph 33(b) of Schedule 6**

Omit “purchased”, substitute “accessed”.

##### **8 At the end of clause 33 of Schedule 6**

Add:

**Schedule 7** Publication requirements  
**Part 1** Amendments

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- (2) A notice under subclause (1) must be published:
- (a) on the ACMA's website; and
  - (b) in one or more other forms that are readily accessible by the public.

Example: Publication in a form mentioned in paragraph (b) could be publication on a website other than the ACMA's website.

## **Part 2—Application provisions**

### **9 Application of amendments—section 127 of the *Broadcasting Services Act 1992***

The amendments of section 127 of the *Broadcasting Services Act 1992* made by this Schedule do not apply in relation to a determination, variation or revocation of a standard if a notice relating to that determination, variation or revocation was published under that section before the commencement of this item.

### **10 Application of amendments—clause 33 of Schedule 6 to the *Broadcasting Services Act 1992***

The amendments of clause 33 of Schedule 6 to the *Broadcasting Services Act 1992* made by this Schedule do not apply in relation to a determination, variation or revocation of a standard if a notice relating to that determination, variation or revocation was published under that clause before the commencement of this item.

## Schedule 8—Installation of optical fibre lines

### *Telecommunications Act 1997*

#### **1 Section 372A**

Omit:

- The rule about the installation of a fixed-line facility does not apply if NBN Co has issued a statement to the effect that neither it nor any other NBN corporation has installed, is installing, or proposes to install, optical fibre lines in the project area.

#### **2 Section 372A**

Omit:

- The rule about selling or leasing a building lot or building unit does not apply if NBN Co has issued a statement to the effect that neither it nor any other NBN corporation has installed, is installing, or proposes to install, optical fibre lines in the project area.

#### **3 Subsections 372E(3), 372F(3), 372G(3) and (5) and 372H(3)**

Repeal the subsections.

#### **4 Subdivision C of Division 3 of Part 20A**

Repeal the Subdivision.

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*[Minister's second reading speech made in—  
House of Representatives on 16 October 2019  
Senate on 27 November 2019]*

(192/19)

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