



Telecommunications (Carrier Licence Exemption - Trial Network Units) Determination 2019

I, Mitch Fifield, Minister for Communications and the Arts, make the following determination.

Dated 12 March 2019

Mitch Fifield
Minister for Communications and the Arts

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1 Name

This instrument is the *Telecommunications (Carrier Licence Exemption - Trial Network Units) Determination 2019*.

2 Commencement

This instrument commences on the day after this instrument is registered.

3 Authority

This instrument is made under paragraph 51(1)(c) and subsection 51(2) of the *Telecommunications Act 1997*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the definitions section of the Act, including the following:

- (a) ACMA;
- (b) network unit.

In this instrument:

Act means the *Telecommunications Act 1997*.

Trial Certificate is a written document prepared by the ACMA that states, in the ACMA's opinion, the network unit is being solely operated on a trial basis. In issuing, or extending, a Trial Certificate, the ACMA must comply with the conditions and requirements set out in section 7 below.

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

6 Exemption for network units solely being used for a trial

Section 42 of the Act does not apply in relation to a network unit for which there has been a Trial Certificate issued by the ACMA.

7 Requirements of, and conditions for, the issuance of Trial Certificates

- (1) The ACMA, in deciding whether to issue a Trial Certificate (or to extend the duration of an existing Trial Certificate), may have regard to:
 - (a) the duration of the trial (including any proposed extension of the trial's duration);
 - (b) any previous trials for a similar carriage service;
 - (c) the reasons for the trial, including whether it is for the evaluation of technical feasibility or commercial prospects;

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- (d) the effects of the trial on competition within the telecommunications industry or a sector of the telecommunications industry;
 - (e) any charges to end-users participating in the trial;
 - (f) whether the size of the trial would unreasonably affect the revenue of a carrier; and
 - (g) any other matters the ACMA considers relevant.
- (2) The Trial Certificate must include a period, not exceeding 6 months, during which it remains in force.
 - (3) The ACMA may issue a certificate extending the original Trial Certificate for a period not exceeding 6 months at any time before the original Trial Certificate's expiry.
 - (4) The ACMA may only issue up to two Trial Certificates in respect of the same network unit.

Schedule 1—Repeals

DETERMINATION UNDER SUBSECTION 51(1), No. 1 of 1998

1 The whole of the instrument

Repeal the instrument