

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

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Definitions 1

5 Schedules 1

6 Exemption for network units solely being used for a trial 1

7 Requirements of, and conditions for the issuance of Trial Certificates 1

Schedule 1—Repeals 3

DETERMINATION UNDER SUBSECTION 51(1), No. 1 of 1998 3

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

(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