

CHAPTER 8

OTHER BILLS IN THE LEGISLATIVE PACKAGE

Background

8.1 The provisions of the remaining Bills in the telecommunications package were the subject of little comment or discussion either in submissions received by the Committee or during its public hearings. The following Bills are therefore dealt with together in this Chapter:

- Australian Communications Authority Bill 1996;
- Radiocommunications (Receiver Licence Tax) Amendment Bill 1996;
- Radiocommunications (Transmitter Licence Tax) Amendment Bill 1996;
- Telecommunications (Carrier Licence Charges) Bill 1996;
- Telecommunications (Carrier Licence Fees) Termination Bill 1996;
- Telecommunications (Numbering Charges) Bill 1996; and
- Telecommunications (Universal Service Levy) Bill 1996.

Australian Communications Authority Bill 1996

8.2 The Australian Telecommunications Authority (AUSTEL) established a Consumer Consultative Forum in November 1995, comprising representatives of consumer, small business, ethnic, indigenous, youth, disabled and other organisations. The Forum's objective is to provide consumers with the opportunity to highlight their concerns to AUSTEL and to have input into the development of strategies to address those concerns.¹

8.3 During its deliberations the Committee became aware that AUSTEL's Consumer Consultative Forum was not protected by transitional provisions contained in this legislative package. The Department of Communications and the Arts advised that it understood that the Forum was not constituted under the

1 AUSTEL, *Annual Report, 1995-96*, pp 26 & 77.

provisions of the *Telecommunications Act 1991*. It is, therefore, unable to be protected by transitional arrangements.²

8.4 The Committee noted advice from AUSTEL that the Forum could easily be re-established under the new legislation.³ The Committee considers it important, particularly given the increased role of self-regulation and consumer consultation in this package of legislation, that the Consumer Consultative Forum's continued operation be assured.

RECOMMENDATION 8.1

The Committee recommends that the Minister amend the Australian Communications Authority Bill 1996 to ensure that the Consumer Consultative Forum is re-established by the Australian Communications Authority under the post 1997 regulatory arrangements.

8.5 The Committee proposes to broaden the ACA's telecommunications functions under clause 6 of the Australian Communications Authority Bill 1996 to provide the Authority with a specific role in relation to the facilitating the progressive undergrounding of telecommunications facilities such as designated overhead lines.

8.6 Specifically, the Committee recommends that the ACA be required to report to the Minister on options for placing telecommunications facilities underground and monitoring progress with implementation of arrangements to place telecommunications facilities underground. As part of this function, the Committee would expect the Authority to investigate options for placing such facilities underground as part of a co-ordinated program for placing other above ground facilities, including electricity transmission and distribution facilities underground.

8.7 This amendment would be consistent with the new role provided for the ACA by Recommendation 4.6 in relation to undergrounding. Recommendation 4.6 will, indirectly, require the ACA to monitor carrier compliance with a new licence condition requiring them to place their designated overhead lines underground in areas where all other aerial cabling is placed underground.

2 Mr Anthony Shaw, First Assistant Secretary, Planning and Review Division, Department of Communications and the Arts, *Committee Hansard*, p 128.

3 Ms Sue Harlow, Member, AUSTEL, *Committee Hansard*, p 129.

RECOMMENDATION 8.2

The Committee recommends that clause 6 of the Australian Communications Authority Bill 1996 be amended to require the Australian Communications Authority to report to the Minister on options for placing telecommunications facilities underground and monitoring progress with implementation of arrangements to place telecommunications facilities underground. As part of this function, the Authority will be required to investigate options for placing such facilities underground as part of a co-ordinated program for placing other above ground facilities, including electricity transmission and distribution facilities, underground.

Radiocommunications (Receiver Licence Tax) Amendment Bill 1996

8.8 This Bill makes the necessary amendments to the *Radiocommunications (Receiver Licence Tax) Act 1983* arising from the merger of the Spectrum Management Agency and AUSTEL to form the Australian Communications Authority under the main Bills contained in the package. The Committee does not recommend any changes to this Bill.

Radiocommunications (Transmitter Licence Tax) Amendment Bill 1996

8.9 This Bill amends the *Radiocommunications (Transmitter Licence Tax) Act 1983* to reflect the merger of the Spectrum Management Agency and AUSTEL to form the Australian Communications Authority under the main Bills contained in the package. The Committee does not recommend any changes to this Bill.

Telecommunications (Carrier Licence Charges) Bill 1996

8.10 This Bill provides for the imposition of charges for carrier licenses under the proposed *Telecommunications Act*. The Committee does not recommend any changes to this Bill.

Telecommunications (Carrier Licence Fees) Termination Bill 1996

8.11 The *Telecommunication (Carrier Licence Fees) Act 1991* is repealed by this Bill from 1 July 1998. The Bill also makes provision for the payment by existing carriers of carrier licence fees on 1 July 1997. The Committee does not recommend any changes to this Bill.

Telecommunications (Numbering Charges) Bill 1996

8.12 Telephone numbers are currently allocated to carriers and service providers without any charge. However, carriers and service providers are able to make a windfall gain by charging users for some of these numbers. This Bill supports the introduction of a price based system for allocating these commercially valuable numbers. It is intended that the new system will allow the value of the public resource represented by these numbers to be returned to the Commonwealth and will encourage a more efficient allocation of this resource.

8.13 Some comments were received about the introduction and operation of this system. However, the Committee does not recommend any changes to this Bill.

Telecommunications (Universal Service Levy) Bill 1996

8.14 Part 7 of the Telecommunications Bill 1996 establishes a universal service regime aimed at ensuring that all Australians have reasonable access, on an equitable basis, to basic telecommunications services. This Bill forms a part of that regime by imposing a levy on telecommunications carriers to fund the losses incurred by universal service providers in providing those services in some areas. The Committee does not recommend any changes to this Bill.