THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

TELECOMMUNICATIONS BILLS PACKAGE 1996

Report by the Senate Environment, Recreation, Communications and the Arts Legislation Committee

5 March 1997

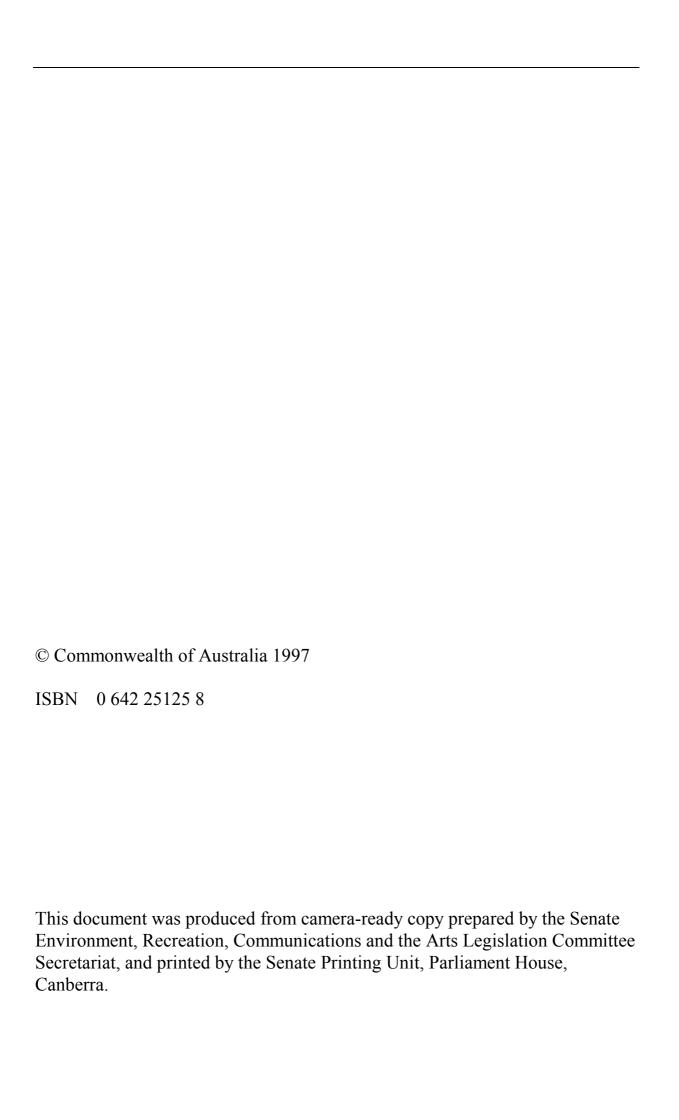


TABLE OF CONTENTS

MEMBERSHIP OF THE COMMITTEE SUMMARY	1
RECOMMENDATIONS ABBREVIATIONS	V XVII
CHAPTER 1	
INTRODUCTION	1
Referral of the Bills	1
Objectives of the Bills	1
Brief outline of the post-1997 regulatory arrangements	2 3
The structure and content of the Bills	
Conduct of the Inquiry Structure and Content of the Report	5 6
CHAPTER 2	
TELECOMMUNICATIONS BILL 1996: PARTS 1 TO 11	9
Background	9
Definitions (Clause 7, Part 1)	11
Carriers and service providers (Clause 23 and Parts 2 to 4)	12
Performance monitoring (Part 5)	18
Industry codes and standards (Part 6)	18
Universal Service Regime (Clause 17 and Part 7)	22
Untimed local calls (Part 8)	29
Customer Service Guarantee (Part 9)	32
Telecommunications Industry Ombudsman scheme (Part 10)	35
CHAPTER 3	
TELECOMMUNICATIONS BILL 1996: PARTS 12 TO 35	39
Background	39
Emergency call services (Part 12)	39
Protection of communications (Part 13)	44 47
National interest matters (Part 14) Pre-selection (Part 17)	47 47
Technical regulation (Part 21)	49
Numbering of carriage services/ regulation of electronic addressing	
22)	51
Public inquiries (Part 25)	55
Investigations (Part 26)	56

CHAPTER 4

TELECOMMUNICATIONS BILL 1996: SCHEDULES Background	59 59
Standard carrier licence conditions (Schedule 1)	59
Carriers' powers and immunities (Schedule 3)	70
CHAPTER 5	
TRADE PRACTICES AMENDMENT (TELECOMMUNICATIONS	
BILL 1996	85
Background	85
Anti-competitive conduct (Part XIB) Telecommunications Access Regime (Part XIC)	86 88
CHAPTER 6	
TELECOMMUNICATIONS (TRANSITIONAL PROVISIONS ANI)
CONSEQUENTIAL AMENDMENTS) BILL 1996	91
Background	91
Telecommunications Access Regime	92
Tariff filing	96
Numbering	99
CHAPTER 7	
RADIOCOMMUNICATIONS AMENDMENT BILL 1996	101
Reallocation of encumbered spectrum	101
The 900 megahertz Band Plan	103
Class licensed spectrum	103
CHAPTER 8	
OTHER BILLS IN THE LEGISLATIVE PACKAGE	105
Background	105
Australian Communications Authority Bill 1996 Radiocommunications (Receiver Licence Tax) Amendment Bill 1996	105 107
Radiocommunications (Receiver Licence Tax) Amendment Bill 1990 Radiocommunications (Transmitter Licence Tax) Amendment Bill 1990	96
T.1 (C. 1. (C. 1. D.) D.11.100(107
Telecommunications (Carrier Licence Charges) Bill 1996	107
Telecommunications (Carrier Licence Fees) Termination Bill 1996 Telecommunications (Numbering Charges) Bill 1996	108 108
Telecommunications (Universal Service Levy) Bill 1996	108
10.000 initiality (Oniversal Service Levy) Bill 1770	100

OTHER ISSUES CONSIDERED BY THE COMMITTEE AND	
CONCLUSIONS	109
Other issues considered by the Committee	109
Conclusions	123
APPENDIX 1	
LIST OF SUBMISSIONS	127
APPENDIX 2	
LIST OF PUBLIC HEARINGS AND WITNESSES	131
APPENDIX 3	
DOCUMENTS TABLED AND AUTHORISED TO BE PUBLISHED	139
MINORITY REPORT BY SENATORS SCHACHT AND LUNDY	143
MINORITY REPORT BY SENATOR ALLISON	161
MINISTER ON DE VERMI ON MEDIOCI	101

MEMBERSHIP OF THE COMMITTEE

TELECOMMUNICATIONS BILLS INQUIRY

Senate Environment, Recreation, Communications and the Arts Legislation Committee

Members

Senator Kay Patterson (Chair from 5 February 1997) Senator the Hon Chris Schacht (Deputy Chair) Senator Alan Eggleston Senator Meg Lees Senator Kate Lundy Senator Ian Macdonald

Substitute Members

Senator Lyn Allison was appointed a substitute member for Senator Meg Lees (from 5 February 1997 for the duration of the Telecommunications Bills inquiry)

Senator the Hon Jim Short was appointed a substitute member for Senator Kay Patterson and elected Chair (from 5 December 1996 to 4 February 1997) and a substitute member for Senator Ian Macdonald (from 5 February 1997 for the duration of the Telecommunications Bills inquiry)

Participating Members (excluding members for Estimates only)

Senator Eric Abetz

Senator Lyn Allison

Senator the Hon Nick Bolkus

Senator Ron Boswell

Senator Bob Brown

Senator Paul Calvert

Senator Kim Carr

Senator the Hon Bob Collins

Senator Mal Colston

Senator Helen Coonan

Senator Barney Cooney

Senator Winston Crane

Senator the Hon John Faulkner

Senator Alan Ferguson

Senator Brian Harradine

Senator John Hogg

Senator Sue Mackay

Senator Dee Margetts

Senator John Tierney

Former Participating Members

Senator Vicki Bourne (until 12 December 1996)

Secretariat:

Mr Frank Nugent, Secretary
Dr Frances B Michaelis, Principal Research Officer
Dr Cliff Bott, Executive Development Scheme placement
Mr James Cameron, Department of Communications and the Arts (from 13 January 1997)
Ms Ann Campton, Department of Communications and the Arts (from 20 January 1997)
Ms Catherine Drinkwater, Estimates Officer
Mrs Winifred Jurcevic, Executive Assistant (2 December 1996 to 2 January 1997)
Ms Jane Osmotherly, Executive Assistant (from 2 January 1997)

The Senate Parliament House CANBERRA ACT 2600 Telephone: (06) 277 5887