

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 5 May 1993

(Minister for Communications)

A BILL

FOR

An Act to amend the *Telecommunications Act 1991*

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *Telecommunications Amendment Act 1993*.

5 (2) In this Act, “**Principal Act**” means the *Telecommunications Act 1991*¹.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

Heading to Division 3 of Part 7

10 3. The heading to Division 3 of Part 7 is amended by omitting “*General Carriers*” and substituting “*Carriers*”.

Insertion of new sections

4. Before section 128 of the Principal Act the following sections are inserted in Division 3:

Land Access Code for carriers

“127A.(1) The Minister must by writing determine a Land Access Code 5
that does one or more of the following:

- (a) sets out procedures that carriers must follow in exercising powers under this Division relating to land;
- (b) sets out procedures that carriers must follow in complying with obligations under this Division relating to owners or occupiers of 10
land;
- (c) sets out procedures to be followed for consultation between owners or occupiers of land and carriers if there is disagreement about:
 - (i) a carrier exercising powers relating to land under this Division; 15
or
 - (ii) a carrier complying with obligations under this Division relating to owners or occupiers of land;
- (d) sets out procedures to be followed for consultation between carriers concerning the sharing of facilities if carriers propose to install or construct new facilities in the vicinity of existing facilities. 20

“(2) A determination is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Land Access Code binding on carriers

“127B. A carrier must, when exercising a power in relation to land under this Division, comply with the Code in force under section 127A. 25

AUSTEL may give directions about complying with Land Access Code

“127C. AUSTEL may give written directions to a carrier about how the carrier should comply with its obligations under section 127B.”.

Power to inspect land etc. 30

5. Section 128 of the Principal Act is amended by omitting from subsection (1) “general”.

Powers relating to installation of facilities etc.

6. Section 129 of the Principal Act is amended by omitting from subsections (1), (2), (3), (5) and (6) “general”. 35

Trees may be cut etc.

7. Section 130 of the Principal Act is amended by omitting from subsections (1), (2), (3) and (4) “general”.

A carrier may replace, repair and maintain facilities etc.

8. Section 131 of the Principal Act is amended by omitting from subsections (1), (2) and (3) "general".

Subdivider to pay for necessary alterations

5 9. Section 132 of the Principal Act is amended by omitting from subsections (1) and (2) "general".

Power extends to carrier's employees etc.

10. Section 133 of the Principal Act is amended by omitting "general".

Service of notices

10 11. Section 135 of the Principal Act is amended:
(a) by omitting from paragraphs (1)(a) and (b) "general";
(b) by omitting from subsections (2) and (3) "general".

Application

15 12. Section 347 of the Principal Act is amended by inserting after paragraph (f) the following paragraph:
“(fa) a direction under section 127C;”.

NOTE

1. No. 98, 1991, as amended. For previous amendments, see Nos. 145, 173, and 180, 1991; and Nos. 71, 105, 118, 167, 216 and 222, 1992.



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