

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

(Presented and read a first time, 27 May 1993)

(MINISTER FOR TRANSPORT AND COMMUNICATIONS,
SENATOR COLLINS)

A BILL

FOR

An Act to amend various Acts relating to transport and communications

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Transport and Communications Legislation Amendment Act 1993*.

5 Commencement

2.(1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.

10 (2) The amendments of the *Radiocommunications Act 1992* (other than the amendments of sections 187, 314 and 315) set out in the Schedule are taken to have commenced immediately after the commencement of that Act.

Amendment of Acts

3. The Acts specified in the Schedule are amended as set out in the Schedule.

SCHEDULE

Section 3

**AMENDMENT OF VARIOUS ACTS RELATING TO TRANSPORT
AND COMMUNICATIONS**

Australian Postal Corporation Act 1989

Subsection 92(1):

Omit “subsection (2)”, substitute “subsections (1A) and (2)”.

After subsection 92(1):

Insert:

“(1A) Subsection (1) does not apply in relation to the disclosure by an employee of Australia Post of the name and address of a person (“**the customer**”) if:

- (a) the disclosure is made with the customer’s consent given in writing on a form obtained from an office of Australia Post; and
- (b) the disclosure is made to a person or an organisation covered by the customer’s consent; and
- (c) the disclosure is recorded by Australia Post.”.

Motor Vehicle Standards Act 1989

Subsection 10(2):

Omit “a vehicle”, substitute “a road vehicle”.

Paragraph 11(1)(a):

Omit “vehicles”, substitute “road vehicles”.

Subparagraph 11(1)(b)(i):

Omit “vehicle”, substitute “road vehicle or any other vehicle”.

Subsection 11(1):

Omit “vehicles” (last occurring), substitute “road vehicles”.

Section 12:

Omit “vehicle”, substitute “road vehicle”.

Section 12 (penalty):

Omit “\$12,000”, substitute “120 penalty units”.

SCHEDULE—continued

Subsections 14(1), 15(1), 16(1) and (2), 17(2) and 18(1)(penalties):

Omit “\$12,000”, substitute “120 penalty units”.

Subsection 18(2):

Omit “section 19”, substitute “sections 19 and 20”.

Subsections 18(2) and 19(3):

Omit “\$6,000”, substitute “60 penalty units”.

Section 20:

Add at the end:

“(4) A person must not knowingly or recklessly contravene a condition referred to in paragraph (3)(b).

Penalty: 60 penalty units.”.

Subsection 26(2) (penalty):

Omit “\$100”, substitute “1 penalty unit”.

Sections 31 and 32 (penalties):

Omit “\$3,000”, substitute “30 penalty units”.

Radiocommunications Act 1992

Section 5 (definition of “Australian aircraft”):

Omit “Air Navigation Regulations”, substitute “Civil Aviation Regulations”.

Paragraph 39(4)(d):

Omit “public community services”, substitute “public or community services”.

Subsection 100(5):

Insert “otherwise than because of the operation of section 307” after “has been cancelled”.

Section 110:

Omit “paragraph 109(1)(f)”, substitute “paragraph 107(1)(g) or 109(1)(f)”.

SCHEDULE—continued

Paragraph 147(1)(d):

Omit “spectrum licences”, substitute “apparatus licences”.

Paragraph 156(e):

Insert “and spectrum licences” after “apparatus licences”.

Subsection 157(2):

Omit “the way”, substitute “how”.

Subsection 158(2):

Omit “the way”, substitute “how”.

Subsection 184(2):

Omit “recognised test authority”, substitute “recognised testing authority”.

Paragraph 184(2)(a):

Insert “, technical licence specification or class licence” after “standard”.

Paragraph 184(2)(b):

Omit “approved testing authority”, substitute “recognised testing authority”.

Subsection 184(3):

Omit “approved testing authority”, substitute “recognised testing authority”.

Section 187:

Repeal the section, substitute the following section:

Affixing labels before satisfying requirements under subsection 182(4)

“187. If a person knows that he or she must satisfy requirements that have been specified under subsection 182(4) before affixing a particular label to a device under subsection 182(1), the person must not, without reasonable excuse, affix:

(a) the label; or

(b) a label that purports to be such a label;

SCHEDULE—continued

before he or she satisfies those requirements.

Penalty: 100 penalty units.”.

Paragraphs 255(2)(a) and (b):

Omit the paragraphs, substitute:

- “(a) interference, or risk of interference, to radiocommunications (other than transmission or reception of radio or television programs delivered by a broadcasting service), if the interference is attributable to operation of a broadcasting station; or
- (b) interference, or risk of interference, to transmission or reception of radio or television programs delivered by a broadcasting service, if the interference is not attributable to operation of a broadcasting station.”.

Section 307:

Insert “(except where otherwise provided)” after “this Act”.

Paragraph 314(2)(d):

Omit “paragraph 315(a),(b) or (c)”, substitute “paragraph 315(a),(b),(c) or (d)”.

Section 315:

Add at the end the following word and paragraph:

- “; or (d) for an offence in relation to a radiocommunications transmitter alleged to have been committed against subsection 300(4)—an amount equal to the lesser of:
 - (i) one-fifth of the maximum fine that a court could impose on the person alleged to have committed the offence as a penalty for that offence; or
 - (ii) twice the amount of tax that was paid or is payable in respect of holding for 12 months the licence under which the transmitter was operated.”.

Subclause 1(1) of Part 2 of the Schedule:

Insert “and this Part” after “section 93”.

Subclause 1(4) of Part 2 of the Schedule:

Omit “section 186”, substitute “section 93”.

Telecommunications Act 1991

Subsection 209(2):

Omit the subsection, substitute the following subsection:

SCHEDULE—continued

“(2) AUSTEL may include in a class licence any conditions it thinks necessary or desirable to achieve the objects of this Part, including, for example:

- (a) conditions relating to technical and operational standards for the supply of eligible services; and
- (b) conditions relating to compliance with technical standards about network matters in force under Division 3 of Part 12; and
- (c) conditions relating to how eligible services specified in the licence are to be supplied; and
- (d) conditions relating to prohibition of the supply of eligible services for illegal purposes; and
- (e) conditions relating to prohibition of the use of telecommunications networks in an unlawful way or for unlawful purposes; and
- (f) a condition that a supplier of eligible services must, in accordance with directions by AUSTEL, consult with Commonwealth, State and Territory law enforcement agencies about any proposal by the supplier to use new technology in its telecommunications activities or to develop new technology in order to so use it; and
- (g) a condition that the supplier must, in accordance with directions by AUSTEL, give to officers and authorities of the Commonwealth and of the States and Territories such help as is reasonably necessary for any of the following purposes:
 - (i) enforcing the criminal law and laws imposing pecuniary penalties;
 - (ii) protecting the public revenue;
 - (iii) safeguarding national security.”.

NOTE ABOUT SECTION HEADING

1. On the day on which section 110 of the *Radiocommunications Act 1992* is amended by this Act, the heading to that section is altered by omitting “**by broadcasters**”.



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