

Commonwealth of Australia

Telecommunications Act 1991

Licence to operate as a general telecommunications carrier

I, KIM CHRISTIAN BEAZLEY, Minister of State for Transport and Communications, under section 57 of the *Telecommunications Act 1991*:

- (a) grant AUSSAT Pty Ltd of 54 Marcus Clarke Street, Canberra in the Australian Capital Territory, Australian Company No. 008570330, a general telecommunications licence to do all or any of the acts the holder of a general telecommunications licence is permitted to do under the *Telecommunications Act 1991*; and
- (b) declare, under section 65 of that Act, that the licence is subject to the conditions specified in the Schedule.

SCHEDULE

Commencement

1.1 This licence comes into force on 26 November 1991.

Term of licence

2.1 If not sooner revoked, this licence ceases to have effect on 31 December 2016.

[NOTE: This clause may, with the written consent of the licensee, be varied by a further declaration under section 65 of the Act.]

[NOTE: a general carrier licence is transferable, in accordance with the provisions of section 59 of the Act.]

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Network rollout

3.1 No later than 31 December 1992, the licensee must have offered, and be in a position to supply:

- (a) domestic long distance services and international long distance services to not less than 45% of the population of Australia; and
- (b) terminating access to 99% of the population of Australia.

3.2 No later than 31 December 1993, the licensee must have offered, and be in a position to supply:

- (a) domestic long distance services and international long distance services to not less than 65% of the population of Australia; and
- (b) terminating access to 99% of the population of Australia.

3.3 No later than 31 December 1994, the licensee must have offered, and be in a position to supply:

- (a) domestic long distance services and international long distance services to not less than 68% of the population of Australia; and
- (b) terminating access to 99% of the population of Australia.

3.4 No later than 31 December 1995, the licensee must have offered, and be in a position to supply:

- (a) domestic long distance services and international long distance services to not less than 72% of the population of Australia; and
- (b) terminating access to 99% of the population of Australia.

3.5 No later than 31 December 1996, the licensee must have offered, and be in a position to supply:

- (a) domestic long distance services and international long distance services to not less than 80% of the population of Australia; and
- (b) terminating access to 99% of the population of Australia.

3.6 No later than 31 December 1997, the licensee must have offered, and be in a position to supply domestic long distance services and international long distance services to 100% of the population of Australia.

3.7 In this clause, a reference to “**terminating access**” is a reference to the means by which a customer of the licensee is able to call a customer of the licensee or of a nominated carrier.

Obligation to provide telecommunications services for certain users

4.1 The licensee must provide telecommunications services by the use of satellite-based facilities, or equivalent services, for the following users:

- (a) the Australian Broadcasting Corporation for its Homestead and Community Broadcasting Satellite Service;
- (b) remote broadcasting services;
- (c) the Department of Defence;
- (d) the Civil Aviation Authority;
- (e) providers of pay-TV services (sufficient to allow for the provision of up to 6 national pay-TV channels until 30 June 1994).

4.2 The licensee must continue to honour any contractual commitments to provide telecommunications services to a user referred to in subclause 4.1 that were current at the commencement of this licence.

4.3 If the term of a contract referred to in subclause 4.2 expires, and if reasonably requested to do so by the other party to that contract, the licensee must offer to enter into a new contract with that party to continue to provide that party with services equivalent to those referred to in that contract.

[NOTE: It is not intended that the test of whether one service is equivalent to another be based on the technical transmission capacity provided by the licensee—but rather on equivalence of transmission quality, scope and coverage and whether the parties are able to offer the same kind and level of service as under the expired contract.]

[NOTE: If a contract expires and there is no attempt within a reasonable time to renew it, the licensee may apply to the Minister for the removal, in accordance with section 68 of the Act, of so much of this clause as relates to the other party to the expired contract.]

4.4 The licensee will not be regarded as contravening this clause if compliance with it is delayed, prevented, restricted or

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interfered with because of any cause that is beyond the licensee's control, including, but not limited to satellite launch failure, transponder failure, satellite loss or other accident occurring in space.

4.5 A satellite launch failure, transponder failure, satellite loss or other accident occurring in space will operate to end the licensee's obligations under this clause that are adversely affected by the accident.

4.6 In this clause:

"remote broadcasting services" means services which a holder of:

- (a) a remote television licence; or
- (b) a remote radio licence; or
- (c) a public radio licence; or
- (d) a public television licence;

(within the meaning of the *Broadcasting Act 1942*) issued by the Australian Broadcasting Tribunal is authorised to provide in accordance with that licence;

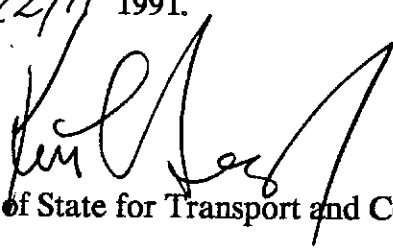
"pay-TV" means a subscription television service delivered by satellite to the homes of members of the general public.

4.7 This clause ceases to have effect on 1 January 2005, or such earlier date as the Minister, by notice in writing given to the licensee, determines.

[NOTE: It is intended that the obligation for the licensee to service these groups extend only for the life-span of the B-series satellites.]

4.8 The conditions set out in this clause are prescribed carrier obligations within the meaning of section 71 of the Act.

Dated 22/11 1991.



Minister of State for Transport and Communications