



FEDERAL SUBSIDIARY LEGISLATION

**P.U.(A) 125/2000
COMMUNICATIONS AND MULTIMEDIA (LICENSING) (EXEMPTION) ORDER 2000**

Incorporating Latest Amendment - P.U (A) 145/2005

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1 April 2000

FEDERAL SUBSIDIARY LEGISLATION

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Preamble

In exercise of the powers conferred by subsections 126(1) and 205(1) of the Communications and Multimedia Act 1998 [Act 588], the Minister makes the following order:

Order 1. Citation and commencement

(1) This order may be cited as the **Communications and Multimedia (Licensing) (Exemption) Order 2000**.

(2) This Order comes into operation on 1 April 2000.

Order 2. Interpretation

In this Order, unless the context otherwise requires –

"broadcasting and production studio" means a facility from which radio or television programmes are regularly broadcast or in which broadcast material is generated for broadcast;

"electronic transaction service" means an applications service which utilises network services and information processing to conduct and achieve or support end user or third party transactions;

"incidental network service" means a network service which is subordinate and ancillary to the primary purpose of a network service;

"interactive transaction service" means an electronic transaction service which involves end user interaction and where information may be customised according to end user specifications;

"Internet content applications service" means a content applications service which is delivered by means of the Internet;

"Internet cross-connect equipment" means the equipment which supports the exchange of the Internet traffic across network facilities and network services;

"LAN" means a local area network service which is designed to provide facilities for user communication within a defined area or corporate organisation and is on the customer side of the network boundary;

"networked advertising boards and cineplex" means an applications service for advertising in which content and information is remotely generated and is distributed through a network service;

"private network service" means a network service which is used by an end user on the customer side of the network boundary for the purposes principally or integrally related to the operations of the end user;

"public payphone facility" means a network facility comprising a device to which the general public has access and which is designed to inter-work with the Public Switched Telephone Network (PSTN);
[ins. Act P.U(A) 145/2005]

"switching centre" means a network facility that terminates many circuits or which can interconnect or route traffic between and among circuits;
[ins. Act P.U(A) 145/2005]

"web hosting or client server" means an applications service which provides for the operation or maintenance of servers for persons who wish to present a web or electronic-commerce presence.

Order 3. Exempt network facilities

(1) A person who owns or provides any or all of the following network facilities is exempt from holding an individual licence or registering under class licence under the Act:

- (a) broadcasting and production studios;
- (b) incidental network facilities; or
- (c) private network facilities.

(2) For the purpose of this paragraph—

"incidental network facility" means a network facility which is subordinate and ancillary to the primary purpose of a network facility, including without limitation, a public payphone facility, a switching centre and Internet cross connect equipment;

"private network facilities" means a network facility which is used by an end user on the customer side of the network boundary for the purposes principally or integrally related to the operations of the end user.

Order 4. Exempt network services

A person who provides any or all of the following network services is exempt from holding an individual licence or registering under a class licence under the Act:

- (a) incidental network services;
- (b) LAN service;
- (c) private network service.

[Am. Act P.U (A) 145/2005]

- (d) *[Deleted by P.U (A) 145/2005]*

Order 5. Exempt applications services

A person who provides any or all of the following applications is exempt from registering under a class licence under the Act:

[Am. Act P.U (A) 145/2005]

- (a) electronic transaction service;
- (b) interactive transaction service;
- (c) networked advertising boards and cineplex; or
- (d) web hosting or client server.

Order 6. Exempt content applications service

A person who provides any Internet content applications services is exempt from holding an individual licence or registering under a class licence under the Act.

Order 7. Extent of exemption

This Order does not exempt the person stated in paragraphs 3, 4, 5 and 6 from the requirement of any other provisions of the Act.

LIST OF AMENDMENTS

<i>Amending law</i>	<i>Short title</i>	<i>In force from</i>
P.U (A) 145/2005	Communications And Multimedia (Licensing) (Exemption) (Amendment) Order 2005	1 April 2005