

EXPOSURE DRAFT

2025

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

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Telecommunications Legislation Amendment (Universal Outdoor Mobile Obligation) Bill 2025

No. , 2025

*(Infrastructure, Transport, Regional Development, Communications, Sport and the
Arts)*

**A Bill for an Act to amend the law relating to
telecommunications, and for related purposes**

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A Bill for an Act to amend the law relating to telecommunications, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the *Telecommunications Legislation Amendment (Universal Outdoor Mobile Obligation) Act 2025*.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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| Commencement information | | |
|--------------------------|---|--------------|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this Act | The day after this Act receives the Royal Assent. | |

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Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

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(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

8

3 Schedules

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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

2

1 **Schedule 1—Amendments**
2

3 *Competition and Consumer Act 2010*

4 **1 At the end of paragraph 151BC(2)(c)**
5 Add “or universal outdoor mobile obligation”.

6 *Telecommunications Act 1997*

7 **2 Section 7**
8 Insert:

9 *universal outdoor mobile obligation* has the same meaning as in
10 the *Telecommunications (Consumer Protection and Service*
11 *Standards) Act 1999*.

12 **3 Subparagraph 27(5)(e)(i) of Schedule 3**
13 After “universal service obligation”, insert “or universal outdoor mobile
14 obligation”.

15 *Telecommunications (Consumer Protection and Service*
16 *Standards) Act 1999*

17 **4 Section 4**
18 After:

- 19
 - The universal service regime established by this Act is to be
20 phased out and replaced by alternative contractual
21 arrangements.

22 insert:

- 23
 - A universal outdoor mobile regime is also established. The
24 main object of the universal outdoor mobile regime is to

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Schedule 1 Amendments

ensure that mobile coverage is reasonably available outdoors to all people in Australia on an equitable basis.

5 Subsection 5(2)

Insert:

available, in relation to a designated mobile telecommunications service, has the meaning given by subsection 12H(2).

designated mobile telecommunications service has the meaning given by section 8BB.

general Australian outdoor mobile coverage area has the meaning given by subsections 8D(2) and (3).

mobile coverage has the meaning given by subsection 12H(1).

mobile telecommunications service: if:

- (a) an end-user can use a carriage service while moving continuously between places; and
- (b) the customer equipment used for or in relation to the supply of the service is not in physical contact with any part of the telecommunications network by means of which the service is supplied; and

(c) the service is supplied to the public;
the service is a *mobile telecommunications service*.

outdoor mobile coverage area has the meaning given by subsections 8D(1) and (3).

outdoor mobile obligation has the meaning given by section 12G.

outdoors does not include:

- (a) in a building, vehicle, aircraft or vessel; or
- (b) underground or underwater.

primary universal outdoor mobile provider has the meaning given by section 12J.

universal outdoor mobile obligation has the meaning given by section 12F.

universal outdoor mobile provider means a primary universal outdoor mobile provider.

6 Section 8

After “a universal service regime” (first occurring), insert “and a universal outdoor mobile regime”.

7 Section 8

After:

- The universal service regime is to be phased out and replaced by alternative contractual arrangements.

insert:

- The main object of the universal outdoor mobile regime is to ensure that mobile coverage is reasonably available outdoors to all people in Australia on an equitable basis.

8 After section 8BA

Insert:

8BB Kinds of *designated mobile telecommunications services*

- (1) Each of the following is a kind of *designated mobile telecommunications service*:
 - (a) a mobile telecommunications service that enables an end-user to communicate, by means of voice calls, with other end-users;
 - (b) a mobile telecommunications service that:
 - (i) is a short message service; and
 - (ii) enables an end-user to communicate with other end-users;
 - (c) a kind of mobile telecommunications service determined under subsection (2).

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- 1 (2) For the purposes of paragraph (1)(c), the Minister may, by
2 legislative instrument, determine a kind of mobile
3 telecommunications service.

4 **9 After section 8C**

5 Insert:

6 **8D Outdoor mobile coverage areas**

- 7 (1) Subject to subsection (3), an *outdoor mobile coverage area* is:
8 (a) a geographical area within Australia; or
9 (b) any area of land;
10 regardless of size.
- 11 (2) Subject to subsection (3), the *general Australian outdoor mobile*
12 *coverage area* is the outdoor mobile coverage area consisting of
13 Australia.
- 14 (3) An area determined under subsection (4) is not, and is not part of,
15 an *outdoor mobile coverage area* or the *general Australian*
16 *outdoor mobile coverage area*.
- 17 (4) For the purposes of subsection (3), the Minister may, by legislative
18 instrument, determine an area.
- 19 *Australian Radio Quiet Zone Western Australia*
- 20 (5) The Minister is taken to determine under subsection (4) of this
21 section, on the commencement of this section, the RQZ, within the
22 meaning of the *Radiocommunications (Australian Radio Quiet*
23 *Zone Western Australia) Frequency Band Plan 2023* as in force
24 from time to time.
- 25 (6) Despite subsection (4), the determination that the Minister is taken
26 to make is not a legislative instrument.
- 27 (7) The Minister may, by legislative instrument, revoke the
28 determination that the Minister is taken to make.

10 Paragraphs 12A(2)(a) and (2C)(a)

Omit “and”, substitute “or”.

11 Subsections 12A(2D) and (2E)

Repeal the subsections.

12 Section 12B

Repeal the section.

13 After Division 2 of Part 2

Insert:

Division 2A—Universal outdoor mobile obligation

Subdivision A—What is the universal outdoor mobile obligation?

12F What is the *universal outdoor mobile obligation*?

- (1) For the purposes of this Act, the *universal outdoor mobile obligation* is the obligation to ensure that mobile coverage is reasonably available outdoors to all people in Australia on an equitable basis.
- (2) The obligation mentioned in subsection (1) includes the obligation to supply each kind of designated mobile telecommunications service such that the service is reasonably available outdoors throughout Australia.
- (3) An obligation does not arise under subsection (1) or (2):
 - (a) in relation to a location that is not in the general Australian outdoor mobile coverage area; or
 - (b) in the circumstances (if any) determined under paragraph (4)(a).
- (4) The Minister may, by legislative instrument, determine:
 - (a) circumstances for the purposes of paragraph (3)(b); or

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- 1 (b) matters to which regard must, or must not, be had in
2 determining whether mobile coverage or a designated mobile
3 telecommunications service is reasonably available outdoors
4 for the purposes of this Act.

5 **12G What is an *outdoor mobile obligation*?**

- 6 (1) Unless the Minister makes a determination under subsection (2) of
7 this section, the obligation referred to in subsection 12F(1) is the
8 ***outdoor mobile obligation***.

- 9 (2) The Minister may, by legislative instrument, determine the ***outdoor***
10 ***mobile obligations*** by dividing the universal outdoor mobile
11 obligation into 2 or more outdoor mobile obligations.

12 Example: The Minister could divide the universal outdoor mobile obligation by
13 reference to each kind of designated mobile telecommunications
14 service.

- 15 (3) The determination must also specify, in respect of each outdoor
16 mobile obligation, what must be supplied or done in order to fulfil
17 the outdoor mobile obligation.

18 **12H Availability of designated mobile telecommunications services** 19 **outdoors**

- 20 (1) ***Mobile coverage*** is available outdoors at a location to the extent to
21 which each kind of designated mobile telecommunications service
22 is available outdoors at that location.
- 23 (2) A designated mobile telecommunications service is ***available***
24 outdoors at a location if the service is supplied such that an
25 end-user who is outdoors at that location can use the service.

26 **Subdivision B—Primary universal outdoor mobile providers**

27 **12J Determination of primary universal outdoor mobile providers**

- 28 (1) The Minister may determine in writing that a specified carrier or
29 carriage service provider is a ***primary universal outdoor mobile***
30 ***provider*** in respect of a specified outdoor mobile obligation for a
31 specified outdoor mobile coverage area.

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- Note: The Minister may determine more than one primary universal outdoor mobile provider in respect of a particular outdoor mobile obligation for a particular outdoor mobile coverage area.
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- (2) In exercising the Minister’s powers under this section in relation to an outdoor mobile obligation, the Minister must ensure that, at all times occurring on or after the day mentioned in subsection 12L(6), each point in the general Australian outdoor mobile coverage area is within an outdoor mobile coverage area for which there is at least one primary universal outdoor mobile provider in respect of that outdoor mobile obligation.
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- (3) In deciding whether to make a determination that a person is a primary universal outdoor mobile provider, the Minister is limited to considering factors that are relevant to achieving the objects of this Act.
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- (4) If the Minister determines under this section that a person is a primary universal outdoor mobile provider, the Minister must give a copy of the determination to:
- 20

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23
- (a) the person; and

(b) the ACMA.
- 24

25

26
- (5) A determination under this section (including a determination varying or revoking a determination the Minister is taken to make under this section because of subsection 12L(1)) is a legislative instrument.
- 24

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- Note: A determination that the Minister is taken to make under this section because of subsection 12L(1) is not a legislative instrument (see subsection 12L(2)).

12K Obligations of primary universal outdoor mobile providers

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- (1) If there is only one primary universal outdoor mobile provider for an outdoor mobile coverage area in respect of an outdoor mobile obligation, that outdoor mobile obligation, so far as it relates to that area, is imposed on that primary universal outdoor mobile provider.

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- 1 (2) If there are 2 or more primary universal outdoor mobile providers
2 for an outdoor mobile coverage area in respect of an outdoor
3 mobile obligation, that obligation, so far as it relates to that area:
4 (a) is imposed on each of those primary universal outdoor
5 mobile providers individually; and
6 (b) to avoid doubt, must be complied with by each of those
7 primary universal outdoor mobile providers irrespective of
8 whether another of those universal outdoor mobile providers
9 complies with the obligation.
- 10 (3) To avoid doubt, this section does not apply before there are any
11 primary universal outdoor mobile providers.

12L Default primary universal outdoor mobile providers

- 13 (1) The Minister is taken to determine under section 12J, on the day
14 mentioned in subsection (6) of this section, that each of the
15 following is a primary universal outdoor mobile provider, in
16 respect of each outdoor mobile obligation, for the general
17 Australian outdoor mobile coverage area:
18 (a) Telstra Limited;
19 (b) SingTel Optus Pty Limited;
20 (c) TPG Corporation Limited.
- 21 (2) Despite subsection 12J(5), the determination that the Minister is
22 taken to make is not a legislative instrument.
- 23 (3) Subsection (1) of this section does not apply to a person mentioned
24 in paragraph (1)(a), (b) or (c) unless that person is a carrier or
25 carriage service provider.
- 26 (4) Subject to subsection (5) of this section, this section does not limit
27 the Minister's powers under section 12J.
- 28 (5) A determination:
29 (a) made under section 12J; and
30 (b) in force immediately before the day mentioned in
31 subsection (6) of this section;
32 is repealed by force of this subsection on the day mentioned in
33 subsection (6).

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When is the determination taken to be made?

- (6) Subject to subsection (7), the day is:
- (a) unless a day is determined under subsection (9)—the default day; or
 - (b) an earlier day determined under subsection (9).
- (7) For the purposes of this section, and subject to subsection (8), the **default day** is 1 December 2028.
- (8) Before the day mentioned in subsection (6), the Minister may, by notifiable instrument, postpone the default day by 12 months. The Minister may postpone the default day under this subsection up to 3 times.
- (9) Before the default day, the Minister may, by notifiable instrument, determine a day for the purposes of paragraph (6)(b).

12M Former universal outdoor mobile provider may be required to provide information to current universal outdoor mobile provider

Scope

- (1) This section applies if:
- (a) the Minister determines under section 12J that a carrier or carriage service provider (the **current provider**) is a primary universal outdoor mobile provider for an outdoor mobile coverage area in respect of an outdoor mobile obligation; and
 - (b) another person, who is or was a universal outdoor mobile provider for the outdoor mobile coverage area in respect of the outdoor mobile obligation, is determined to be a former provider under subsection (4) of this section.
- (2) This section also applies if:
- (a) either:
 - (i) the Minister revokes or varies a determination under section 12J so that a person (the **former provider**) ceases to be a universal outdoor mobile provider for an

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- 1 outdoor mobile coverage area in respect of an outdoor
2 mobile obligation; or
3 (ii) a person (the *former provider*) otherwise ceases to be a
4 universal outdoor mobile provider for an outdoor
5 mobile coverage area in respect of an outdoor mobile
6 obligation; and
7 (b) another person (the *current provider*), who was also a
8 universal outdoor mobile provider in respect of the outdoor
9 mobile obligation, continues to be a universal outdoor mobile
10 provider for the outdoor mobile coverage area in respect of
11 that outdoor mobile obligation:
12 (i) if subparagraph (a)(i) of this subsection applies—after
13 the revocation or variation; or
14 (ii) if subparagraph (a)(ii) applies—after the cessation.
- 15 (3) Subsections (1) and (2) can apply before the determination,
16 revocation or variation under section 12J takes effect.
- 17 *Former provider*
- 18 (4) The Minister may determine in writing that a person is a former
19 provider for the purposes of this section.
- 20 *Requirement to give information*
- 21 (5) The current provider may, in accordance with subsection (6), by
22 written notice given to the former provider, require the former
23 provider to give to the current provider specified information. A
24 notice of this kind cannot be given more than 6 months after:
25 (a) if subsection (1) applies—the later of the following days:
26 (i) the day on which the current provider became a
27 universal outdoor mobile provider;
28 (ii) the day on which the determination under section 12J
29 was made in respect of the current provider; or
30 (b) if subsection (2) applies—the day on which the former
31 provider ceases to be a universal outdoor mobile provider.

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- 1 (6) For the purposes of subsection (5):
- 2 (a) the specified information must be information that will assist
- 3 the current provider in doing something that the current
- 4 provider is or will be required or permitted to do by or under
- 5 a provision of this Part; and
- 6 (b) the notice must identify the doing of that thing as the purpose
- 7 for which the information is required; and
- 8 (c) the specified information must not be personal information
- 9 (within the meaning of the *Privacy Act 1988*) other than:
- 10 (i) the name, address, email address or mobile telephone
- 11 number of a customer to whom a designated mobile
- 12 telecommunications service is supplied; or
- 13 (ii) information relating to the entitlement of such a
- 14 customer to a particular pricing arrangement or kind of
- 15 pricing arrangement.
- 16 Note 1: If, for example, information about service location, or a customer's
- 17 name, address, email address or mobile telephone number, will assist
- 18 the current provider in fulfilling its obligation under section 12K, the
- 19 former provider may be required to provide that kind of information.
- 20 Note 2: See also subsection (8), which allows the Minister to determine that a
- 21 specified kind of information is information referred to in
- 22 paragraph (a) of this subsection.
- 23 (7) If a requirement made by a notice under subsection (5) is
- 24 reasonable, the former provider must comply with the requirement
- 25 as soon as practicable after receiving the notice. However, if the
- 26 requirement is unreasonable, the former provider does not have to
- 27 comply with it.
- 28 (8) The Minister may, by legislative instrument, make a determination
- 29 to the effect that, either generally or in a particular case,
- 30 information of a kind specified in the determination is taken to be
- 31 information that will assist a person in doing a specified thing that
- 32 the person is or will be required or permitted to do by or under a
- 33 provision of this Part.
- 34 (9) If a former provider has been given notice of a requirement under
- 35 subsection (5), the ACMA may, in writing, direct the former
- 36 provider to comply with the requirement or with specified aspects

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1 of the requirement. The former provider must comply with the
2 direction.

3 (10) In deciding whether to give a direction under subsection (9), the
4 ACMA must consider whether the requirement under
5 subsection (5) is reasonable.

6 **Subdivision C—Universal outdoor mobile obligation standards, 7 benchmarks and rules**

8 **12N Standards**

9 (1) The Minister may, by legislative instrument, determine standards
10 to be complied with by primary universal outdoor mobile providers
11 in relation to any or all of the following matters relating to
12 designated mobile telecommunications services supplied, or
13 proposed to be supplied, in fulfilment of the universal outdoor
14 mobile obligation:

15 (a) the terms and conditions (whether or not relating to price or a
16 method of ascertaining price) of the supply of a designated
17 mobile telecommunications service;

18 (b) the reliability of a designated mobile telecommunications
19 service;

20 (c) the quality of voice calls made and received using a
21 designated mobile telecommunications service;

22 (d) the performance of a designated mobile telecommunications
23 service that is a short message service;

24 (e) the maximum period within which a primary universal
25 outdoor mobile provider must rectify a fault or service
26 difficulty relating to a designated mobile telecommunications
27 service following the making of a report by a customer about
28 the fault or service difficulty;

29 (f) action which a primary universal outdoor mobile provider
30 must take to address congestion affecting a
31 telecommunications network the provider uses to supply a
32 designated mobile telecommunications service;

33 (g) information a primary universal outdoor mobile provider
34 must give to a customer of a designated mobile
35 telecommunications service;

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- 1 (h) any other matter concerning the accessibility of a designated
2 mobile telecommunications service.
- 3 Note: See also section 589 of the *Telecommunications Act 1997* (instruments
4 under this Act may provide for matters by reference to other
5 instruments).
- 6 (2) A determination under subsection (1) may be of general
7 application or may be limited as provided in the determination.
- 8 (3) Subsection (2) does not, by implication, limit subsection 33(3A) of
9 the *Acts Interpretation Act 1901*.
- 10 (4) Standards determined under subsection (1) of this section may
11 make provision for or in relation to a matter by conferring a power
12 on the ACMA to make a legislative instrument.
- 13 (5) Subsection (1) does not, by implication, limit the power to make
14 rules under subsection 12R(1).

15 *Compliance*

- 16 (6) A primary universal outdoor mobile provider must comply with a
17 standard determined under subsection (1).

18 **12P Performance benchmarks—standards**

- 19 (1) The Minister may, by legislative instrument, determine minimum
20 benchmarks in relation to compliance by a primary universal
21 outdoor mobile provider with a standard determined under
22 section 12N.
- 23 Note: See also section 589 of the *Telecommunications Act 1997* (instruments
24 under this Act may provide for matters by reference to other
25 instruments).
- 26 (2) An instrument under subsection (1) of this section may be of
27 general application or may be limited as provided in the
28 instrument.
- 29 (3) Subsection (2) does not, by implication, limit subsection 33(3A) of
30 the *Acts Interpretation Act 1901*.

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- 1 (4) Benchmarks determined under subsection (1) of this section may
2 make provision for or in relation to a matter by conferring a power
3 on the ACMA to make a legislative instrument.

4 *Provider must meet or exceed minimum benchmarks*

- 5 (5) A primary universal outdoor mobile provider must meet or exceed
6 a minimum benchmark determined under subsection (1).

7 **12Q Performance benchmarks—other benchmarks**

- 8 (1) The Minister may, by legislative instrument, determine minimum
9 benchmarks that must be complied with by primary universal
10 outdoor mobile providers in relation to the supply or proposed
11 supply of a designated mobile telecommunications service to a
12 customer in fulfilment of the universal outdoor mobile obligation.

13 Note: See also section 589 of the *Telecommunications Act 1997* (instruments
14 under this Act may provide for matters by reference to other
15 instruments).

- 16 (2) An instrument under subsection (1) may be of general application
17 or may be limited as provided in the instrument.

- 18 (3) Subsection (2) does not, by implication, limit subsection 33(3A) of
19 the *Acts Interpretation Act 1901*.

- 20 (4) Benchmarks determined under subsection (1) of this section may
21 make provision for or in relation to a matter by conferring a power
22 on the ACMA to make a legislative instrument.

23 *Provider must meet or exceed other benchmarks*

- 24 (5) A primary universal outdoor mobile provider must meet or exceed
25 a minimum benchmark determined under subsection (1).

26 **12R Rules**

- 27 (1) The Minister may, by legislative instrument, make rules to be
28 complied with by primary universal outdoor mobile providers in
29 relation to designated mobile telecommunications services

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supplied, or proposed to be supplied, in fulfilment of the universal outdoor mobile obligation.

Note: See also section 589 of the *Telecommunications Act 1997* (instruments under this Act may provide for matters by reference to other instruments).

(2) Rules under subsection (1) may be of general application or may be limited as provided in the rules.

(3) Subsection (2) of this section does not, by implication, limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

(4) Rules under subsection (1) may make provision for or in relation to a matter by conferring a power on the ACMA to make a legislative instrument.

(5) Subsection (1) does not, by implication, limit the power to determine standards under subsection 12N(1).

Compliance

(6) A primary universal outdoor mobile provider must comply with rules under subsection (1).

14 Section 73

Repeal the section, substitute:

73 Delegation by the Minister to the ACMA

(1) The Minister may, in writing, delegate all or any of the Minister's functions or powers under this Part to the ACMA.

Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.

(2) In performing a delegated function or exercising a delegated power, the ACMA must comply with any written directions of the Minister.

Sub-delegation by the ACMA

(3) The ACMA may, in writing, delegate to:

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- 1 (a) a member of the ACMA; or
2 (b) an APS employee who is:
3 (i) a member of the staff of the ACMA; and
4 (ii) an SES employee or acting SES employee;
5 any or all of the functions or powers that have been delegated by
6 the Minister to the ACMA under subsection (1).
- 7 (4) If the ACMA delegates to a person (the *second delegate*) a
8 function or power that has been delegated by the Minister to the
9 ACMA under subsection (1), then that function or power, when
10 performed or exercised by the second delegate, is taken for the
11 purposes of this Act to have been performed or exercised by the
12 Minister.
- 13 (5) If the ACMA is subject to directions in relation to the performance
14 of a function, or the exercise of a power, delegated by the Minister
15 to the ACMA under subsection (1), then:
16 (a) the ACMA must give corresponding written directions to the
17 second delegate; and
18 (b) the ACMA may give other written directions (not
19 inconsistent with those corresponding directions) to the
20 second delegate in relation to the performance of that
21 function or the exercise of that power.
- 22 (6) In performing a delegated function or exercising a delegated
23 power, the second delegate must comply with any directions of the
24 ACMA.

73A Delegation by the Minister to SES employees in the Department

- 26 (1) The Minister may, in writing, delegate all or any of the Minister's
27 functions or powers under this Part to an SES employee, or acting
28 SES employee, in the Department.
- 29 Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain
30 provisions relating to delegations.
- 31 (2) In performing a delegated function or exercising a delegated
32 power, the delegate must comply with any written directions of the
33 Minister.

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Amendments **Schedule 1**

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