



Telecommunications Carrier Licence Charges (Annual Charges) Determination (No. 1) 2022

The Australian Communications and Media Authority makes the following determination under subsection 14(1) of the *Telecommunications (Carrier Licence Charges) Act 1997*.

Dated: 30 September 2022

Chris Jose
[signed]
Member

Linda Caruso
[signed]
~~Member~~/General Manager

Australian Communications and Media Authority

1 Name

This is the *Telecommunications Carrier Licence Charges (Annual Charges) Determination (No. 1) 2022*.

2 Commencement

- (1) This instrument commences on the later of:
 - (a) the start of the day after the day it is registered on the Federal Register of Legislation; and
 - (b) the commencement of the *Telecommunications Carrier Licence Charges (Specification of Costs by the ACMA) Determination (No. 1) 2022*.
- Note: The Federal Register of Legislation may be accessed free of charge at www.legislation.gov.au.
- (2) However, this instrument does not commence at all unless both of the events mentioned in paragraphs (1)(a) and (b) occur.

3 Authority

This instrument is made under subsection 14(1) of the *Telecommunications (Carrier Licence Charges) Act 1997*.

4 Repeal of this instrument

This instrument is repealed at the start of 1 July 2023.

5 Application

This instrument applies to carrier licences that were in force at the beginning of the 2020-2021 financial year.

6 Definitions

In this instrument:

ACCC means the Australian Competition and Consumer Commission.

Act means the *Telecommunications (Carrier Licence Charges) Act 1997*.

carrier licence means a carrier licence to which this Determination applies, as provided by section 5.

carrier licence charge means a charge within the meaning of Part 3 of the Act.

CSPA (or Consumer Safeguards Part A) means the program of work undertaken by the ACMA to enhance analysis, transparency and reporting of telecommunications complaints data.

eligible revenue has the same meaning as in the TCPSS Act.

eligible revenue period has the same meaning as in the TCPSS Act.

exempt carrier licence means a carrier licence that was held by a carrier that was a non-participating person for the eligible revenue period that began on 1 July 2019 and ended on 30 June 2020.

MBA means the Measuring Broadband Australia program conducted by the ACCC to monitor and report on the performance of fixed line broadband services delivered over the National Broadband Network (**NBN**).

NBN fixed line connection means a fixed line broadband service delivered over the NBN fixed line network.

Note: The NBN fixed line network is part of the NBN but does not include a fixed wireless network or satellite access network.

non-participating person has the same meaning as in the *Telecommunications (Participating Persons) Determination 2015*.

qualifying retail carriage service provider or **QRCS** has the same meaning as in the *Telecommunications (Consumer Complaints) Record-Keeping Rules 2018*.

Note: The *Telecommunications (Consumer Complaints) Record-Keeping Rules 2018* are available, free of charge, on the Federal Register of Legislation: www.legislation.gov.au.

TCPSS Act means the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

test segment means a class of broadband service that is tested in accordance with specified conditions under the MBA.

Note: The following expressions used in this instrument are defined in the Act:

- (a) ACMA's telecommunications functions;
- (b) ACMA's telecommunications powers.

7 References to other instruments

In this instrument, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument is a reference to that other instrument as in force at the commencement of this instrument.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

8 Carrier licence charge – exempt carrier licence

The amount of carrier licence charge imposed on an exempt carrier licence is \$0.

9 Method of ascertaining carrier licence charge – other carrier licences

- (1) This section applies to a carrier licence that is not an exempt carrier licence.
- (2) The amount of carrier licence charge imposed on a carrier licence in relation to a carrier named in an item in Schedule 1 is equal to the sum of the amounts ascertained using the formulas in subsections (3) to (5), as applicable.

Note: The formula in subsection (3) applies to all the carriers named in Schedule 1. In addition, the formula in subsection (4) applies to all the carriers named in Schedule 2 (carriers who were also qualifying retail carriage service providers during the 2019-2020 financial year), and the formula in subsection (5) applies to all the carriers named in Schedule 3.

- (3) The amount for the purposes of this subsection is ascertained using the formula:

$$(MCA - OTC) \times \frac{ER}{TER}$$

where:

MCA (maximum charge amount, excluding costs relating to the CSPA and the MBA) is \$29 470 809.

Note: This amount is the total sum of the amounts determined under subsection 15(1) of the Act as specified in the following instruments, excluding costs relating to the CSPA and the MBA:

- (a) the *Telecommunications Carrier Licence Charges (Specification of Costs by the ACMA) Determination (No. 1) 2022*, made by the ACMA under paragraphs 15(1)(a), (c) and (ca) of the Act (excluding the portion of the amount determined by the ACMA under paragraph 15(1)(a) that relates to the CSPA);
- (b) the *2022 Determination under paragraph 15(1)(b)*, made by the ACCC under paragraph 15(1)(b) of the Act (excluding the portion of the amount that relates to the MBA); and
- (c) the *Telecommunications (Carrier Licence Charges) (Paragraph 15(1)(d)) Determination 2021 (No. 1)*, made by the Minister under paragraph 15(1)(d) of the Act.

OTC (other telecommunications costs) is \$130 980.

Note: This amount relates to costs that:

- (a) are part of the proportion of the ACMA's costs for the 2019–2020 financial year that is attributable to the ACMA's telecommunications functions and powers; and
- (b) have been recovered from telecommunications charges (other than annual carrier licence charges).

(The amount determined to be the proportion of the ACMA's costs for the 2019–2020 financial year that is attributable to the ACMA's telecommunications functions and powers is \$14 521 169 — see section 6 of the *Telecommunications Carrier Licence Charges (Specification of Costs by the ACMA) Determination (No. 1) 2022*). This figure includes the CSPA costs.

ER (eligible revenue), for the carrier, is the corresponding amount mentioned in the item in Schedule 1.

Note: This amount is the eligible revenue of the carrier for the 2019–2020 financial year as assessed by the ACMA under subsection 47(1) of the TCPSS Act.

TER (total eligible revenue) is \$24 525 943 678.

Note: This amount is the total sum of the eligible revenue of all the carriers named in Schedule 1 for the 2019–2020 financial year as assessed by the ACMA under subsection 47(1) of the TCPSS Act.

- (4) The amount for the purposes of this subsection is ascertained using the formula:

$$CSPA \times \frac{ERQRCSP}{TERQRCSP}$$

where:

CSPA (Consumer Safeguards Part A) program cost is equal to \$886 266.

Note: This amount is the portion of the costs incurred by the ACMA during the 2019–2020 financial year, as determined by the ACMA under paragraph 15(1)(a) of the Act, that relates to the CSPA.

ERQRCSP (eligible revenue of qualifying retail carriage service provider), for the QRCSP, is the corresponding amount mentioned in the item in Schedule 2.

Note: This amount is the eligible revenue of the carrier, who was also a QRCSP for the 2019–2020 financial year, as assessed by the ACMA under subsection 47(1) of the TCPSS Act. Schedule 2 lists each carrier who was also a QRCSP in the 2019–2020 financial year and their eligible revenue.

TERQRCSP (total eligible revenue of qualifying retail carriage service providers) is \$19 474 987 193.

Note: This amount is the total sum of the eligible revenue of all the carriers who were also QRCSPs for the 2019–2020 financial year, as assessed by the ACMA under subsection 47(1) of the TCPSS Act. Schedule 2 sets out the eligible revenue of all carriers who were also QRCSPs for the 2019-2020 financial year.

(5) The amount for the purpose of this subsection is ascertained using the formula:

$$APC \times \frac{FLC}{TFLC}$$

where:

APC (*annual program costs*) is equal to \$1 599 297.

Note: This amount is the portion of the costs incurred by the ACCC during the 2019-2020 financial year, as determined by the ACCC under paragraph 15(1)(b) of the Act, that are attributable to the MBA.

FLC (*fixed line connections*) is the number listed for each carrier in an item in Schedule 3.

Note: The FLC figure for each carrier is derived from information provided by the ACCC about the number of NBN fixed line connections operated in a test segment which are attributable to carriers during the 2019-2020 financial year.

TFLC (*total fixed line connections*) is equal to 6 899 851.

Note: This figure is derived from information provided by the ACCC about the total number of NBN fixed line connections operated in a test segment that are attributable to carriers during the 2019-2020 financial year.

Schedule 1 Eligible revenue for carrier

(section 9)

Item	Carrier name	ACN/ABN	Amount
1	AARNet Pty Ltd	ACN 084 540 518	\$56,449,211
2	Allegro Networks Pty Ltd	ACN 101 425 094	\$2,052,726
3	Aussie Broadband Limited	ACN 132 090 192	\$41,577,351
4	Axicom Land Pty Ltd	ACN 605 800 511	\$200,576,000
5	BigAir Cloud Managed Services Pty Ltd	ACN 118 033 051	\$807,942
6	BigAir Group Pty Limited	ACN 098 572 626	\$15,618,130
7	Capital Fibre Networks Pty Ltd	ACN 619 334 002	\$483,394
8	Chime Communications Pty Ltd	ACN 073 119 285	\$370,860,972
9	Intelligent IP Communications Pty Ltd	ACN 115 730 526	\$1,480,577
10	LBN Co Pty Ltd	ACN 073 226 114	\$23,289,520
11	Link Us Pty Ltd	ACN 604 463 710	\$513,157
12	Macquarie Telecom Pty Limited	ACN 082 930 916	\$83,898,977
13	NBN Co Limited	ACN 136 533 741	\$2,165,896,045
14	New Skies Satellites Australia Pty Ltd	ACN 114 962 248	\$21,542,703
15	Nextgen Networks Pty Limited	ACN 094 147 403	\$82,366,160
16	Nuskope Pty Ltd	ACN 125 849 149	\$7,142,376
17	O3B Teleport Services (Australia) Pty Ltd	ACN 161 700 509	\$51,150,472
18	OPENetworks Pty Ltd	ACN 118 525 821	\$8,005,962
19	Opticomm Ltd	ACN 117 414 776	\$42,078,394
20	Optus Fixed Infrastructure Pty Limited	ACN 092 450 783	\$13,186,621
21	Optus Mobile Pty Limited	ACN 054 365 696	\$4,259,952,863
22	Optus Networks Pty Limited	ACN 008 570 330	\$441,442,906
23	Optus Satellite Network Pty Limited	ACN 091 789 945	\$157,157,655
24	Over The Wire Pty Ltd	ACN 115 387 258	\$31,687,514
25	Pivotel Group Pty Limited	ACN 102 274 322	\$49,596,237
26	Primus Telecommunications Pty Limited	ACN 071 191 396	\$204,463,382
27	Skiron OpCo Pty Limited	ACN 166 751 784	\$600,691
28	Soul Pattinson Telecommunications Pty Limited	ACN 001 726 192	\$853,371,237
29	Speedcast Australia Pty Limited	ACN 159 524 553	\$33,109,604
30	Superloop (Australia) Pty Ltd	ACN 602 286 608	\$12,033,163
31	Telstra Corporation Limited	ACN 051 775 556	\$13,061,329,695
32	Telstra Multimedia Pty Limited	ACN 069 279 072	\$47,724,394
33	Uecomm Operations Pty Limited	ACN 093 504 100	\$46,003,992
34	Uniti Group Limited	ACN 158 957 889	\$14,871,993
35	Victorian Rail Track	ABN 55 047 316 805	\$39,916,705
36	Vocus Fibre Pty Ltd	ACN 150 260 156	\$176,041,054
37	Vodafone Australia Pty Limited	ACN 056 161 043	\$1,907,663,902
Total Eligible Revenue			\$24,525,943,678

Schedule 2 Eligible revenue for carrier/QRCSP

(section 9)

Item	Carrier/QRCSP name	ACN/ABN	Amount
1	Aussie Broadband Limited	ACN 132 090 192	\$41,577,351
2	Optus Mobile Pty Limited	ACN 054 365 696	\$4,259,952,863
3	Primus Telecommunications Pty Limited	ACN 071 191 396	\$204,463,382
4	Telstra Corporation Limited	ACN 051 775 556	\$13,061,329,695
5	Vodafone Australia Pty Limited	ACN 056 161 043	\$1,907,663,902
Total Eligible Revenue for QRCSPs			\$19,474,987,193

Schedule 3 Fixed line connections for carrier

(section 9)

Item	Name of carrier	ACN/ABN	FLC
1	Aussie Broadband Limited	ACN 132 090 192	240,855
2	Chime Communications Pty Ltd	ACN 073 119 285	484,934
3	Optus Mobile Pty Limited	ACN 054 365 696	1,111,828
4	Soul Pattinson Telecommunications Pty Ltd	ACN 001 726 192	1,115,861
5	Superloop (Australia) Pty Ltd	ACN 602 286 608	21,464
6	Telstra Corporation Limited	ACN 051 775 556	3,270,667
7	Vocus Fibre Pty Ltd	ACN 150 260 156	504,597
8	Vodafone Australia Pty Limited	ACN 056 161 043	149,645
Total fixed line connections			6,899,851