

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](http://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 This instrument is repealed at the start of 1 July 2023.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 ***QRCSP*** 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.

1. The amount for the purposes of this subsection is ascertained using the formula:



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:

1. 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);
2. 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
3. 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*.*

1. The amount for the purposes of this subsection is ascertained using the formula:



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.

1. The amount for the purpose of this subsection is ascertained using the formula:



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)

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| --- | --- | --- | --- |
| **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)

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| --- | --- | --- | --- |
| **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)

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| **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** |