



Telecommunications (Customer Service Guarantee – Retail Performance Benchmarks) Instrument 2023

I, Michelle Rowland, Minister for Communications, make the following instrument.

Dated 31 August 2023

Michelle Rowland
Minister for Communications

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Part 1—Preliminary

1 Name

This instrument is the *Telecommunications (Customer Service Guarantee – Retail Performance Benchmarks) Instrument 2023*.

2 Commencement

This instrument commences on the day after this instrument is registered.

3 Authority

This instrument is made under subsection 117B(1) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

4 Definitions

(1) In this instrument:

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

ACMA means the Australian Communications and Media Authority.

appointment-keeping performance standard means the standard specified in the CSG standard that requires a carriage service provider to keep an appointment to which the provider is a party.

carriage service provider has the same meaning as section 87 of the *Telecommunications Act 1997*.

connection period performance standard means in respect of an in-place connection request or a new connection request (as applicable):

- (a) the standard specified in the CSG Standard for connection in the relevant guaranteed maximum connection period; or
- (b) if an arrangement in the CSG Standard providing for a connection period that is either shorter or longer than the guaranteed maximum connection period is in place – the standard provided by that arrangement.

CSG service has the same meaning as in the CSG Standard.

CSG Standard means the instrument made under sections 115, 117 and 120 of the Act, as in force from time to time.

in-place connection means an “in-place connection” as described in the CSG Standard.

in-place connection request means a request made by a customer to a carriage service provider for connection of a CSG service at a site that has an in-place connection.

major rural area means an urban centre or other recognised community grouping with a population greater than 2,500 but less than 10,000 people.

minor rural area means an urban centre, locality or other recognised community grouping with a population of greater than 200 but not more than 2,500 people.

new connection request means a request made by a customer to a carriage service provider for connection of a CSG service at a site that does not have an in-place connection and that site is in close proximity to external plant and facilities that have sufficient capacity to supply the service.

new CSG standard means the legislative instrument made by ACMA subject to the direction in section 6 of the *Telecommunications (Customer Service Guarantee) Direction 2023*.

qualifying carriage service provider means in respect of a benchmark period, a carriage service provider that on the last day of the financial year preceding that benchmark period, supplied 100,000 CSG services or more where the carriage service provider was obliged to comply with any one or more of the performance standards in respect of the carriage service provider's supply of those CSG services.

rectification period performance standard means in respect of a fault or service difficulty reported to a carriage service provider by a customer (as applicable):

- (a) the standard specified in the CSG Standard for rectification in the relevant guaranteed maximum rectification period; or
- (b) if an arrangement in the CSG Standard providing for a rectification period that is either shorter or longer than the guaranteed maximum rectification period is in place – the standard provided by that arrangement.

remote area means a geographic area which is not an urban area, major rural area or minor rural area.

rural area means an area that is either a major rural area or a minor rural area.

urban area means an urban centre with a population equal to or greater than 10,000 people.

- (2) Unless the contrary intention appears, expressions used in this instrument and in the CSG Standard have the same meaning in this instrument as in the CSG Standard.
- (3) For the purposes of this instrument, each of the following is taken to be a **benchmark period**:
 - (a) the financial year in which this instrument commences; and
 - (b) each financial year following.

5 Schedules

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

6 Location-specific thresholds

For the purposes of this instrument, a qualifying carriage service provider for a benchmark period meets the relevant threshold as specified in paragraphs (a) – (e) below where the following circumstances (as applicable) are satisfied:

- (a) the urban area services threshold for that benchmark period if, on the last day of the financial year preceding that benchmark period, the carriage service provider supplied 10,000 CSG services or more in urban areas where the carriage service provider was obliged to comply with any one or more of the performance standards in respect of the carriage service provider's supply of those CSG services;
- (b) the major rural area services threshold for a benchmark period if, on the last day of the financial year preceding that benchmark period, the carriage service provider supplied 1000 CSG services or more in major rural areas where the carriage service provider was obliged to comply with any one or more of the performance standards in respect of the carriage service provider's supply of those CSG services;
- (c) the minor rural area services threshold for that benchmark period if, on the last day of the financial year preceding that benchmark period, the carriage service provider supplied 1000 CSG services or more in minor rural areas where the carriage service provider was obliged to comply with any one or more of the performance standards in respect of the carriage service provider's supply of those CSG services;
- (d) the rural area services threshold for that benchmark period if, on the last day of the financial year preceding that benchmark period, the carriage service provider supplied 1000 CSG services or more in rural areas where the carriage service provider was obliged to comply with any one or more of the performance standards in respect of the carriage service provider's supply of those CSG services; or
- (e) the remote area services threshold for that benchmark period if, on the last day of the financial year preceding that benchmark period, the carriage service provider supplied 500 CSG services or more in remote areas where the carriage service provider was obliged to comply with any one or more of the performance standards in respect of the carriage service provider's supply of those CSG services.

7 Repeal

This instrument is repealed the day after the end of the period of 36 months beginning on the day the new CSG standard ACMA made in accordance with the *Telecommunications (Customer Service Guarantee) Direction 2023* commences.

Part 2—Retail Performance Benchmarks

Division 1 Performance benchmarks

8 Performance benchmarks for connection period performance standard

- (1) Each of the benchmarks at subsections (2) and (3) are minimum benchmarks for the purposes of section 117B of the Act in relation to compliance by carriage service providers with the connection period performance standard.
- (2) A qualifying carriage service provider must comply with the connection period performance standard in respect of at least 90 percent of the total number of in-place connection requests that:
 - (a) are subject to the connection period performance standard; and
 - (b) are required to be complied with by the carriage service provider during a benchmark period.
- (3) A qualifying carriage service provider must comply with the connection period performance standard in respect of at least 90 percent of:
 - (a) if the carriage service provider meets the urban area services threshold for a benchmark period—the total number of new connection requests from customers in urban areas that:
 - (i) are subject to the connection period performance standard; and
 - (ii) are required to be complied with by the carriage service provider during the benchmark period; and
 - (b) if the carriage service provider meets the major rural area services threshold for a benchmark period—the total number of new connection requests from customers in major rural areas that:
 - (i) are subject to the connection period performance standard; and
 - (ii) are required to be complied with by the carriage service provider during the benchmark period; and
 - (c) if the carriage service provider meets the minor rural area services threshold for a benchmark period—the total number of new connection requests from customers in minor rural areas that:
 - (i) are subject to the connection period performance standard; and
 - (ii) are required to be complied with by the carriage service provider during the benchmark period; and
 - (d) if the carriage service provider meets the remote area services threshold for a benchmark period—the total number of new connection requests from customers in remote areas that:
 - (i) are subject to the connection period performance standard; and
 - (ii) are required to be complied with by the carriage service provider during the benchmark period.

9 Performance benchmarks for rectification period performance standard

- (1) Each of the benchmarks at subsection (2) are minimum benchmarks for the purposes of section 117B of the Act in relation to compliance by carriage service providers with the rectification period performance standard.
- (2) Subject to subsection (3), a qualifying carriage service provider must comply with the rectification period performance standard in respect of at least 90 percent of:
 - (a) if the carriage service provider meets the urban area services threshold for a benchmark period—the total number of faults or service difficulties reported by customers located in an urban area that:
 - (i) are subject to the rectification period performance standard; and
 - (ii) are required to be rectified by the carriage service provider in the benchmark period; and
 - (b) if the carriage service provider meets the rural area services threshold for a benchmark period—the total number of faults or service difficulties reported by customers located in a rural area that:
 - (i) are subject to the rectification period performance standard; and
 - (ii) are required to be rectified by the carriage service provider in the benchmark period; and
 - (c) if the carriage service provider meets the remote area services threshold for a benchmark period—the total number of faults or service difficulties reported by customers located in a remote area that:
 - (i) are subject to the rectification period performance standard; and
 - (ii) are required to be rectified by the carriage service provider in the benchmark period.
- (3) In assessing compliance with the rectification period performance standard at paragraphs (2)(a) to (c), faults or service difficulties relating to an inoperative enhanced call handling feature on services that include an enhanced call handling feature are to be excluded from calculations required to be undertaken of the total number of faults or service difficulties reported by customers in either an urban, rural or remote area.

10 Performance benchmark for appointment-keeping performance standard

- (1) The benchmark at subsection (2) is a minimum benchmark for the purposes of section 117B of the Act in relation to compliance by carriage service providers with the appointment-keeping performance standard.
- (2) A qualifying carriage service provider must comply with the appointment-keeping performance standard in respect of at least 90 percent of the total number of appointments to which the carriage service provider is a party that:
 - (a) are subject to the appointment-keeping performance standard; and
 - (b) are required to be kept by the carriage service provider during a benchmark period.

Division 2 Compliance with performance benchmarks

11 Contravention of a performance benchmark

Each instance of a carriage service provider failing to meet or exceed any one of the performance benchmarks in sections 8, 9 or 10 constitutes a separate contravention of the relevant performance benchmark.

Schedule 1— Repeals

Telecommunications (Customer Service Guarantee – Retail Performance Benchmarks) Instrument (No. 1) 2011

1 The whole of the instrument

Repeal the instrument.