



Telecommunications (Charges) Determination 2022

The Australian Communications and Media Authority makes the following determination under subsection 60(1) of the *Australian Communications and Media Authority Act 2005*.

Dated: 21 September 2022

James Cameron

[signed]

Member

Brendan Byrne

[signed]

~~Member~~/General Manager

Australian Communications and Media Authority

Part 1 Preliminary

1 Name

This is the *Telecommunications (Charges) Determination 2022*.

2 Commencement

This instrument commences on 1 October 2022.

Note 1: The instrument will be registered on the Federal Register of Legislation, which may be accessed free of charge at www.legislation.gov.au.

Note 2: In accordance with subsection 50(1) of the *Legislation Act 2003*, the *Telecommunications (Charges) Determination 2012* (Registration No. F2012L01231) sunsets on 1 October 2022.

3 Authority

This instrument is made under subsection 60(1) of the *Australian Communications and Media Authority Act 2005*.

4 Definitions

In this instrument:

ACMA Act means the *Australian Communications and Media Authority Act 2005*.

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

carrier has the same meaning as in section 7 of the Telecommunications Act.

certification body has the same meaning as in section 410 of the Telecommunications Act.

enhanced rights of use means the rights set out in section ~~6676~~ of the numbering plan.

EROU applicant has the same meaning as in subsection ~~673~~(1) of the numbering plan.

EROU-holder has the same meaning as in ~~section 15~~ of the numbering plan.

facility installation permit means a permit, as described in clause 21 of Schedule 3 to the Telecommunications Act, authorising a carrier to carry out the installation of one or more facilities.

facility installation permit application means an application under clause 21 of Schedule 3 to the Telecommunications Act for a facility installation permit.

geographic number has the same meaning as in section ~~108~~ of the numbering plan.

hourly rate: see section 8.

nominated carrier declaration has the same meaning as in section 7 of the Telecommunications Act.

non-protection zone installation permit has the same meaning as in clause 2 of Schedule 3A to the Telecommunications Act.

non-protection zone installation permit application means an application under clause 64 of Schedule 3A to the Telecommunications Act for a non-protection zone installation permit.

numbering plan means the *Telecommunications Numbering Plan 2024*.

protection zone has the same meaning as in clause 2 of Schedule 3A to the Telecommunications Act.

protection zone (declaration) request means a request under clause 5 of Schedule 3A to the Telecommunications Act that the ACMA declare a protection zone.

protection zone installation permit has the same meaning as in clause 2 of Schedule 3A to the Telecommunications Act.

protection zone installation permit application means an application under clause 51 of Schedule 3A to the Telecommunications Act for a protection zone installation permit.

protection zone (revocation) request means a request under clause 24 of Schedule 3A to the Telecommunications Act that the ACMA revoke a declaration of a protection zone.

protection zone (variation) request means a request under clause 24 of Schedule 3A to the Telecommunications Act that the ACMA vary a declaration of a protection zone.

public inquiry means a public inquiry held by the ACMA under subclause 25(2) of Schedule 3 to the Telecommunications Act in relation to a facility installation permit.

registered carriage service provider has the same meaning as in [section 15](#) of the numbering plan.

standard unit has the same meaning as in [section 15](#) of the numbering plan.

submarine cable has the same meaning as in clause 2 of Schedule 3A to the Telecommunications Act.

Telecommunications Act means the *Telecommunications Act 1997*.

unassigned unallocated smartnumber has the same meaning as in [section 15](#) of the numbering plan.

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

- ACMA;
- ACMA official.

5 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.

Part 2 Charges for services or matters under the Telecommunications Act

6 Purpose

- (1) Under subsection 60(1) of the ACMA Act, the ACMA may make determinations fixing charges for:
 - (a) services provided by the ACMA; and
 - (b) any matter in relation to which expenses are incurred by the ACMA under the Acts specified in the subsection (including the Telecommunications Act) or in an instrument made under such an Act (including the numbering plan).
- (2) This instrument fixes the charges that are to be applied in relation to:
 - (a) services provided; and
 - (b) expenses incurred,by the ACMA in performing its functions or exercising its powers under the Telecommunications Act and instruments made under that Act.

7 Charges relating to ACMA's costs

For the purposes of section 60 of the ACMA Act, the charge mentioned in column 3 of an item in Schedule 1 is the charge fixed for:

- (a) provision of a service or matter mentioned in column 2 of that item; or
- (b) the service or matter mentioned in column 2 of the item, in relation to which expenses are incurred, or to be incurred, by the ACMA, as the case requires.

8 Hourly rate of charge

For this instrument, the hourly rate of charge for each person providing a service or matter to which the rate applies is:

- (a) for each completed hour – \$226; and
- (b) for a part of an hour – the proportion of \$226 equal to the proportion of an hour for which charge is to be made.

9 Special rules – refund of numbering plan application charge

If a person:

- (a) makes the application mentioned in column 2 of item 2.1 of Part 2 of Schedule 1; and
- (b) the ACMA decides not to approve the application;

the ACMA must refund any payment of the charge mentioned in column 3 of the item.

10 Special rules – charges for facility installation permit applications (not relating to public inquiry)

- (1) This section applies if a deposit is paid under item 3.1 of Schedule 1 (the *deposit*).

- (2) If:
 - (a) 1 or more amounts are payable under item 3.2 of Schedule 1; and
 - (b) the aggregate of those amounts is less than the deposit,the amounts referred to in paragraph (a) will be deducted from the deposit, and the ACMA must refund the difference to the applicant.
- (3) If:
 - (a) 1 or more amounts are payable under item 3.2 of Schedule 1; and
 - (b) the aggregate of those amounts is greater than the deposit,the applicant must pay the difference under subparagraph 14(1)(d)(i).

11 Special rules – charges for facility installation permit applications (relating to public inquiry)

- (1) This section applies if a deposit is paid under item 4.1 of Schedule 1 (*the public inquiry deposit*).
- (2) If:
 - (a) 1 or more amounts are payable under items 4.2 or 4.3 of Schedule 1; and
 - (b) the aggregate of those amounts is less than the public inquiry deposit,the amounts mentioned in paragraph (a) will be deducted from the public inquiry deposit, and the ACMA must refund the difference to the applicant.
- (3) If:
 - (a) 1 or more amounts are payable under items 4.2 or 4.3 of Schedule 1; and
 - (b) the aggregate of those amounts is greater than the public inquiry deposit,the applicant must pay the difference under subparagraph 14(1)(d)(ii).

12 Special rules – charges payable in relation to a request for a declaration, variation or revocation of a protection zone

- (1) This section applies if a deposit is paid under items 5.1 or 5.2 of Schedule 1 (*the protection zone deposit*).
- (2) If:
 - (a) 1 or more amounts are payable under items 5.3 or 5.4 of Schedule 1; and
 - (b) the aggregate of those amounts is less than the protection zone deposit,the amounts mentioned in paragraph (a) will be deducted from the protection zone deposit, and the ACMA must refund the difference to the requesting person.
- (3) If:
 - (a) 1 or more amounts are payable under items 5.3 or 5.4 of Schedule 1; and
 - (b) the aggregate of those amounts is greater than the protection zone deposit,the requesting person must pay the difference under subparagraph 14(1)(d)(iii).

13 Special rules – charges payable in relation to an application for a permit to install a submarine cable

- (1) This section applies if a deposit is paid under item 6.4 of Schedule 1 (*the submarine cable deposit*).

- (2) If:
 - (a) 1 or more amounts are payable under item 6.5 of Schedule 1; and
 - (b) the aggregate of those amounts is less than the submarine cable deposit, the amounts mentioned in paragraph (a) will be deducted from the submarine cable deposit, and the ACMA must refund the difference to the applicant.
- (3) If:
 - (a) 1 or more amounts are payable under item 6.5 of Schedule 1; and
 - (b) the aggregate of those amounts is greater than the submarine cable deposit, the applicant must pay the difference under subparagraph 14(1)(d)(iv).

14 By whom and when is a charge payable?

- (1) The charges are payable by the applicant or requesting person:
 - (a) in the case of a charge mentioned in items 1.1, 2.2, 3.1, 5.1, 5.2, 6.1, 6.2, 6.3, 6.4 or 6.6 of Schedule 1 — when the application or request is made;
 - (b) in the case of a charge mentioned in item 2.1 of Schedule 1:
 - (i) for an application made under Part 2 of Chapter 6 of the numbering plan — in accordance with subsection ~~4~~58(6) of the numbering plan;
 - (ii) for an application made under Part 3 of Chapter 6 of the numbering plan — in accordance with subsection ~~5~~63(6) of the numbering plan;
 - (c) in the case of a charge mentioned in item 4.1 of Schedule 1 — within 7 days of the applicant being notified by the ACMA of the intention to hold a public inquiry in relation to the facility installation permit application;
 - (d) in the case of a charge mentioned in:
 - (i) subsection 10(3) in relation to item 3.2 of Schedule 1;
 - (ii) subsection 11(3) in relation to items 4.2 or 4.3 of Schedule 1;
 - (iii) subsection 12(3) in relation to items 5.3 or 5.4 of Schedule 1; or
 - (iv) subsection 13(3) in relation to item 6.5 of Schedule 1,by the due date specified in an invoice issued by the ACMA to the applicant or requesting person for the charge;
 - (e) in the case of a charge mentioned in item 7.1 of Schedule 1 — by the due date specified in an invoice issued by the ACMA to the applicant for the charge; and
 - (f) in any other case in which a charge is payable at the hourly rate or on the basis of actual costs — by the due date specified in an invoice issued by the ACMA to the applicant or requesting person for the charge.
- (2) In the case of a charge mentioned in item 2.3 of Schedule 1, the charge is payable by the person registering to use the electronic system immediately before registration.

Part 3 Transitional arrangements

15 Transitional arrangements – facility installation permit applications (not relating to public inquiry)

If:

- (a) prior to the commencement of this instrument, a deposit was paid under item 4.1 of Schedule 1 to the *Telecommunications (Charges) Determination 2012*; and
- (b) as at the commencement of this instrument — the deposit has not been reduced to nil,

then section 10 applies to the residue of the deposit as if it was the deposit mentioned in that section.

16 Transitional arrangements – facility installation permit applications (relating to public inquiry)

If:

- (a) prior to the commencement of this instrument, a deposit was paid under item 5.1 of Schedule 1 to the *Telecommunications (Charges) Determination 2012*; and
- (b) as at the commencement of this instrument — the deposit has not been reduced to nil,

then section 11 applies to the residue of the deposit as if it was the public inquiry deposit mentioned in that section.

17 Transitional arrangements – request for a declaration, variation or revocation of a protection zone

If:

- (a) prior to the commencement of this instrument, a deposit was paid under items 6.1 or 6.2 of Schedule 1 to the *Telecommunications (Charges) Determination 2012*; and
- (b) as at the commencement of this instrument — the deposit has not been reduced to nil,

then section 12 applies to the residue of the deposit as if it was the protection zone deposit mentioned in that section.

18 Transitional arrangements – application for a permit to install a submarine cable

If:

- (a) prior to commencement of this instrument, an amount was paid under item 7.4 of Schedule 1 to the *Telecommunications (Charges) Determination 2012*; and
- (b) as at the commencement of this instrument — the amount has not been reduced to nil,

then section 13 applies to the residue of the amount as if it was the submarine cable deposit mentioned in that section.

Schedule 1 Charges payable

(sections 7, 8, 9, 10, 11, 12, 13 and 14)

Part 1 Nominated carrier declaration charges

Column 1 Item	Column 2 Matter	Column 3 Charge
1.1	Making an application mentioned in section 77 of the Telecommunications Act for a nominated carrier declaration in relation to one or more specified network units	\$2,237

Part 2 Charges payable in relation to applications for numbers under the numbering plan

Column 1 Item	Column 2 Matter	Column 3 Charge
2.1	Making an application mentioned in paragraph 457 (1) (a) of the Telecommunications Act for the allocation of a number otherwise than in accordance with an allocation system determined under section 463 of the Telecommunications Act	<p>(1) For an application made under Part 2 of Chapter 6 of the numbering plan for allocation of one or more standard units of geographic numbers — \$57.00</p> <p>(2) For an application made under Part 3 of Chapter 6 of the numbering plan for allocation of one or more geographic numbers — \$57.00</p> <p>(3) For any other application made under the numbering plan for allocation of a number — zero</p>
2.2	Making an application under subsection 1 1324 (1) of the numbering plan for registration of a carriage service provider under section 1 1422 of the numbering plan	\$57.00
2.3	Registering to use the electronic system, made available by the ACMA, for EROU applicants to apply with a registered carriage service provider under section 673 of the numbering plan for the initial allocation of an unassigned unallocated smartnumber, and for EROU-holders to manage their enhanced rights of use	\$57.00

Note An allocation charge may also be imposed on the allocation of a number under the *Telecommunications (Numbering Charges) Act 1997*.

Part 3 Facility installation permits – application charges

Column 1 Item	Column 2 Matter	Column 3 Charge
3.1	Deposit to accompany a facility installation permit application	\$9,108
3.2	Activities of ACMA official in connection with dealing with a facility installation permit application that does not relate to the conduct of a public inquiry in relation to the permit	hourly rate

Part 4 Facility installation permits – public inquiry charges

Column 1 Item	Column 2 Matter	Column 3 Charge
4.1	Deposit payable on account of the expenses to be incurred by the ACMA for the holding of a public inquiry	\$57,385
4.2	Activities of ACMA officials in relation to the holding of a public inquiry	hourly rate
4.3	Any other expenses incurred by the ACMA not included in item 4.2 in relation to the holding of a public inquiry	actual costs

Part 5 Charges payable to declare, vary or revoke a protection zone

Column 1 Item	Column 2 Matter	Column 3 Charge
5.1	Deposit payable on account of the expenses to be incurred by the ACMA in relation to a protection zone (declaration) request	\$161,251
5.2	Deposit payable on account of the expenses to be incurred by the ACMA in relation to a protection zone (revocation) request or a protection zone (variation) request	\$136,278
5.3	Charges for the activities of ACMA officials in relation to a: (a) protection zone (declaration) request; (b) protection zone (revocation) request; (c) protection zone (variation) request	hourly rate

5.4	External costs incurred by the ACMA in relation to a protection zone (declaration) request, protection zone (revocation) request or protection zone (variation) request including, but not limited to, the following: (a) advertising costs; (b) venue hire and catering costs; (c) travel expenses; (d) consultation costs	actual costs
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Part 6 Charges payable in relation to certain permits to install a submarine cable

Column 1 Item	Column 2 Matter	Column 3 Charge
6.1	Protection zone installation permit application — charge for the purposes of clause 53 of Schedule 3A to the Telecommunications Act, in relation to considering and processing a protection zone installation permit application	\$5,123 for each submarine cable the subject of the application
6.2	Protection zone installation permit —considering and processing an application under clause 61 of Schedule 3A to the Telecommunications Act to extend the duration of a protection zone installation permit	\$1,394
6.3	Non-protection zone installation permit application — charge for the purposes of clause 66 of Schedule 3A to the Telecommunications Act, in relation to considering and processing a non-protection zone installation permit application, excluding the additional charges mentioned at items 6.4 and 6.5	\$5,951 for each submarine cable the subject of the application
6.4	Non-protection zone installation permit application — deposit payable on account of the charges at item 6.5	\$25,000
6.5	Non-protection zone installation permit application — charge for the purposes of clause 66 of Schedule 3A to the Telecommunications Act, in relation to external costs for the use of external consultants in considering a non-protection zone installation permit application	actual costs
6.6	Non-protection zone installation permit — considering and processing an application under clause 76 of Schedule 3A to the Telecommunications Act to extend the duration of a non-protection zone installation permit	\$1,394

Part 7 Charges payable in relation to labelling certifications

Column 1 Item	Column 2 Matter	Column 3 Charge
7.1	Activities of an ACMA official acting as a certification body in connection with dealing with an application for a written statement under paragraph 408(5)(a) of the Telecommunications Act	hourly rate
