

Commonwealth of Australia

Telecommunications (Consumer Protection and Service Standards) Act 1999

Universal Service Subsidies (2008-09 Contestable Areas) Determination (No. 1) 2008

I, STEPHEN MICHAEL CONROY, Minister for Broadband, Communications and the Digital Economy, make the following Determination under subsection 16(1) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

Dated 21 November 2008

STEPHEN MICHAEL CONROY
Minister for Broadband, Communications and the Digital Economy

1 Name of Determination

This Determination is the *Universal Service Subsidies (2008-09 Contestable Areas) Determination (No. 1) 2008*.

2 Commencement

This Determination commences on the day after it is registered on the Federal Register of Legislative Instruments.

3 Interpretation

In this Determination:

ACMA means the Australian Communications and Media Authority.

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

claim period means the 2008-2009 financial year.

contestable area means an area determined under the *Universal Service Areas Determination (No. 1) 2001* for which the obligation referred to in

paragraph 9(1)(a) of the Act (dealing with the standard telephone service) has been made contestable under the *Contestable Service Obligation Determination (No. 1) 2001*.

Minister means the Minister for Broadband, Communications and the Digital Economy.

relevant service obligation means the obligation referred to in paragraph 9(1)(a) of the Act (dealing with the standard telephone service).

standard telephone service includes an alternative telecommunications service (ATS) which is supplied in accordance with an approved ATS marketing plan in fulfilment of the obligation under paragraph 9(1)(a) of the Act.

universal service area means an area determined under the *Universal Service Areas Determination (No. 1) 2001*.

4 Universal service subsidies

Subject to clause 5, for the purposes of section 16 of the Act a universal service provider's universal service subsidy for the contestable area in respect of the relevant service obligation for the claim period is the lump sum subsidy specified in the Schedule for the relevant universal service area for the claim period.

5 Circumstances in which a universal service provider is eligible to be paid a subsidy

General conditions for payment of subsidies

- (a) A universal service provider for the claim period is eligible to be paid the subsidies specified in the Schedule if:
 - (i) the universal service provider was the end-user's prime service deliverer (as defined in paragraph (b)) for the claim period; and
 - (ii) the provider complies with the provider's obligations under section 12C or 13D of the Act, whichever is applicable; and
 - (iii) the universal service provider has supplied the standard telephone service continuously to the end-user for a period of not less than 90 calendar days, unless there are no competing universal service providers in the relevant universal service area in respect of the relevant service obligation for the claim

period, in which case this subparagraph does not apply.

- (b) For the purposes of paragraph (a), ***prime service deliverer*** means the universal service provider that supplies the retail standard telephone service to the end-user.

Number of services per place for which subsidy is payable

- (c) Subject to paragraph (d), within each of the contestable areas a universal service provider for the claim period is eligible to be paid the subsidies specified in the Schedule only in relation to:
- (i) one standard telephone service that the provider supplies to a place of residence of an end-user as the end-user's universal service provider; or
 - (ii) one standard telephone service that the provider supplies to a place of business of an end-user as the end-user's universal service provider;

except where a place of residence and a place of business are co-located, in which case the provider is eligible to be paid subsidy for one standard telephone service supplied to the place as a place of residence and for one such service supplied to the place as a place of business.

- (d) A subsidy is only payable in relation to a standard telephone service supplied to a place of business that is co-located with a place of residence if the universal service provider can, upon request of the ACMA and to the satisfaction of the ACMA, verify that the provider had reasonable grounds for believing the business to which it supplied the service was a *bona fide* business.
- (e) For the purpose of paragraph (c), the ***end-user's universal service provider*** means:
- (i) if the provider is the only person providing a standard telephone service to the end-user—that provider; or
 - (ii) if the provider is one of two or more persons that are universal service providers and that are supplying a standard telephone service to the end-user—the provider that the end-user nominates, in a manner acceptable to the ACMA.

Other circumstances in which subsidy may be payable

- (f) Subject to paragraph (g), the ACMA may determine in writing other circumstances in which a subsidy specified in the Schedule is payable to a universal service provider for a contestable area in respect of the relevant service obligation for the claim period.

Note: An example of the circumstances in which the ACMA may exercise this discretion includes, but is not limited to, where the second or subsequent service is supplied to the end-user solely or principally for use by the end-user for the purpose of connecting to a recognised distance education service for primary or secondary education.

- (g) Before making a determination under paragraph (f) the ACMA must consult with the Minister.

Universal service provider to satisfy ACMA on the provider's entitlement to subsidy

- (h) A universal service provider claiming a subsidy in relation to a circumstance described in clause 5 must, upon request by the ACMA, establish to the satisfaction of the ACMA that the service has been supplied in the circumstances described in clause 5.

Schedule – Universal service subsidies (contestable areas)

**(a) Universal service areas in north-east New South Wales
and inland south-east Queensland**

	Universal Service Area	2008-09 lump sum subsidy (\$)
1	Ballina	185,606
2	Bellingen	18,720
3	Boonah	106,403
4	Byron	503,687
5	Cambooya (S)	246,136
6	Clifton (S)	159,235
7	Coffs Harbour	365
8	Copmanhurst (A)	264,509
9	Crows Nest (S)	367,813
10	Esk	64,386
11	Gatton	241,892
12	Grafton (C)	48,437
13	Ipswich	4,835
14	Kempsey (A)	468,281
15	Kyogle (A)	42,112
16	Laidley	7,996
17	Lismore	610,764
18	Maclean (A)	369,211
19	Nambucca	27,115
20	Pristine Waters (DC)	528,567
21	Richmond Valley	323,279
22	Severn (A)	196,928
23	Tenterfield (A)	316,106
24	Toowoomba	40,419
25	Tweed	479,923
26	Warwick	208,201

(b) Universal service areas in central-west and south-west Victoria

	Universal Service Area	2008-09 lump sum subsidy (\$)
1	Ararat (RC)	229,489
2	Ballarat (C)	61,690
3	Central Goldfields (S)	9,397
4	Colac-Otway (S)	12,173
5	Corangamite (S)	328,292
6	Golden Plains (S)	323,570
7	Greater Bendigo (C)	426,456
8	Hepburn (S)	142,389
9	Moorabool (S)	18,336
10	Mount Alexander (S)	357,981
11	Moyne (S)	39,120
12	Pyrenees (S)	303,175
13	Surf Coast (S)	246,493

**(c) Universal service areas in central-west Victoria and
south-east South Australia**

The following census collection districts have the same meaning as in the *Universal Service Areas Determination (No. 1) 2001*.

1 S_1

No.	CD Code	S/T Code	2008-09 lump sum subsidy (\$)
1	2011701	2	22,605
2	2011710	2	18,194
3	2090202	2	34,183
4	2090208	2	42,454
5	2090701	2	19,848
6	4050203	4	44,659
7	4050401	4	52,378
8	2011305	2	15,989
9	2090101	2	21,502
10	2070813	2	3,859

2 S_3

No.	CD Code	2008-09 lump sum subsidy (\$)
1	4050201	29,259
2	4050304	43,888
3	4050402	31,697
4	4050503	19,201
5	4050601	26,821
6	4050604	33,221
7	2011303	17,982
8	2011307	22,554
9	2011903	18,287
10	2090110	25,906
11	2090210	21,335
12	2090211	37,183
13	2090302	20,725
14	2091109	24,687
15	2091201	26,516
16	4050204	37,488
17	4050207	37,488
18	2011304	15,849
19	2011712	10,667
20	2012001	16,458
21	2012006	19,201
22	2012004	11,886
23	2012012	13,106
24	2011904	15,544
25	2011905	12,801
26	2011901	8,534
27	2011705	14,325
28	2090206	13,715
29	2011704	14,934
30	2090203	17,373
31	2090102	17,982
32	2090306	9,753
33	2090303	16,763
34	2090111	15,239
35	2091110	15,239
36	2090703	17,068
37	2071903	15,849
38	2070805	11,582
39	2070804	16,458
40	2091002	10,667

3 Other non-urban

No.	CD Code	2008-09 lump sum subsidy (\$)
1	2011301	7,695
2	2011308	3,164
3	2011310	6,976
4	2011702	5,466
5	2011703	6,041
6	2011902	3,164
7	2011907	3,452
8	2011909	3,452
9	2011910	4,603
10	2012002	5,394
11	2012007	2,733
12	2012008	3,236
13	2012101	4,603
14	2012102	4,962
15	2012106	4,027
16	2012107	3,668
17	2070801	5,537
18	2070802	7,120
19	2070803	2,661
20	2070806	6,904
21	2070807	10,356
22	2070808	5,106
23	2070809	11,147
24	2070811	7,551
25	2070812	6,041
26	2071901	5,394
27	2071902	8,702
28	2071904	7,767
29	2071905	5,753
30	2090103	5,394
31	2090104	3,668
32	2090105	6,328
33	2090106	7,191
34	2090108	4,171
35	2090205	5,969
36	2090207	3,883
37	2090301	5,825
38	2090304	13,951
39	2090305	5,322
40	2090307	4,171
41	2090401	5,897
42	2090402	5,537
43	2090403	6,616

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No.	CD Code	2008-09 lump sum subsidy (\$)
44	2090404	3,668
45	2090405	11,794
46	2090406	12,154
47	2090407	4,531
48	2090408	21,574
49	2090702	8,846
50	2090704	4,315
51	2090706	7,048
52	2090707	11,147
53	2090708	3,380
54	2090709	3,883
55	2090710	9,133
56	2091001	4,818
57	2091003	5,753
58	2091004	7,263
59	2091005	7,191
60	2091006	5,034
61	2091009	6,976
62	2091101	5,825
63	2091102	8,917
64	2091103	9,996
65	2091107	5,681
66	2091202	7,479
67	2091204	5,537
68	2091205	6,185
69	2091303	10,356
70	2091304	7,839
71	2091305	15,965
72	2091306	13,232
73	2091307	13,160
74	2091308	10,787
75	2091309	9,708
76	2091310	15,534
77	2091311	8,774
78	2091312	7,551
79	2092503	7,120
80	2092504	8,486
81	2092505	4,315
82	2092506	5,466
83	2092507	6,185
84	2092508	3,668
85	2092509	19,201
86	4050205	5,250
87	4050206	6,904
88	4050305	9,493
89	4050306	4,890

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No.	CD Code	2008-09 lump sum subsidy (\$)
90	4050307	11,219
91	4050308	5,537
92	4050405	6,544
93	4050502	7,839
94	4050603	11,363
95	4050701	11,363
96	4050702	10,068
97	4050703	8,486
98	4050704	6,688
99	4050705	7,839
100	4050706	6,688
101	4050901	8,989
102	4050902	8,270
103	4050905	7,048
104	4050908	7,048
105	4051002	10,284
106	4051003	9,061
107	4051101	15,965
108	4051102	11,722
109	4051103	9,205
110	4051104	4,818
111	4051105	18,410
112	4051301	8,054
113	4051303	8,917
114	4051304	16,540
115	4051305	11,506
116	4051306	16,900
117	4051307	12,801
118	4051308	11,003
119	4051309	17,044
120	4051310	13,448
121	4051701	9,565
122	4051702	14,743
123	4051703	18,338
124	4051706	9,852