



Telecommunications (Infringement Notice Penalties) Determination 2022

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

Dated 21 December 2022

Michelle Rowland
Minister for Communications

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1 Name

This instrument is the *Telecommunications (Infringement Notice Penalties) Determination 2022*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
The whole of this instrument.	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 572G(2) of the *Telecommunications Act 1997*.

4 Definitions

In this instrument:

Act means the *Telecommunications Act 1997*.

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

primary universal service provider has the same meaning as in the Consumer Protection Act.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

- (1) For the purposes of paragraph 572G(1)(a) of the Act, for each kind of contravention of section 68 of the Act set out at item in column 1 of the table at

Schedule 1 to this Determination, the associated number of penalty units for that item in column 2 of that table is specified.

- (2) For the purposes of paragraph 572G(1)(a) of the Act, for each kind of contravention of section 101 of the Act set out at item in column 1 of the table at Schedule 2 to this Determination, the associated number of penalty units for that item in column 2 of that table is specified.

Schedule 1 — Contraventions and penalties (section 68)

Contraventions and penalties under the Act

Item	Column 1	Column 2
	Contravention	Number of penalty units
1	A contravention that consists of breach of the carrier licence condition set out in Part 1 of Schedule 1 to the Act in so far as that condition relates to subsection 12EE(9) of the Consumer Protection Act and the failure of a primary universal service provider to meet a minimum benchmark by less than 2 percentage points.	3 000
2	A contravention that consists of a breach of the carrier licence condition set out in Part 1 of Schedule 1 to the Act in so far as that condition relates to subsection 12EE(9) of the Consumer Protection Act and the failure of a primary universal service provider to meet a minimum benchmark by 2 percentage points or more but less than 5 percentage points.	6 000
3	A contravention that consists of a breach of the carrier licence condition set out in Part 1 of Schedule 1 to the Act in so far as that condition relates to subsection 12EE(9) of the Consumer Protection Act and the failure of a primary universal service provider to meet a minimum benchmark by 5 percentage points or more.	9 000
4	A contravention that consists of a breach of the carrier licence condition set out in Part 1 of Schedule 1 to the Act in so far as that condition relates to subsection 12EF(2) of the Consumer Protection Act.	600
5	A contravention that consists of a breach of the carrier licence condition set out in Part 1 of Schedule 1 to the Act in so far as that condition relates to subsection 12EI(6) of the Consumer Protection Act.	900

Note: The relevant minimum benchmarks referred to in items 1 – 3 above are set out in Division 3 of Part 3 of the *Telecommunications (Payphones) Determination 2022*, as in force from time to time.

Schedule 2 — Contraventions and penalties (section 101)

Contraventions and penalties under the Act

Item	Column 1	Column 2
	Contravention	Number of penalty units
1	A contravention that consists of a breach of the service provider rule set out in Part 1 of Schedule 2 to the Act in so far as that rule relates to subsection 12EE(9) of the Consumer Protection Act and the failure of a primary universal service provider to meet a minimum benchmark by less than 2 percentage points.	3 000
2	A contravention that consists of a breach of the service provider rule set out in Part 1 of Schedule 2 to the Act in so far as that rule relates to subsection 12EE(9) of the Consumer Protection Act and the failure of a primary universal service provider to meet a minimum benchmark by 2 percentage points or more but less than 5 percentage points.	6 000
3	A contravention that consists of a breach of the service provider rule set out in Part 1 of Schedule 2 to the Act in so far as that rule relates to subsection 12EE(9) of the Consumer Protection Act and the failure of a primary universal service provider to meet a minimum benchmark by 5 percentage points or more.	9 000
4	A contravention that consists of a breach of the service provider rule set out in Part 1 of Schedule 2 to the Act in so far as that rule relates to subsection 12EF(2) of the Consumer Protection Act	600
5	A contravention that consists of a breach of the service provider rule set out in Part 1 of Schedule 2 to the Act in so far as that rule relates to subsection 12EI(6) of the Consumer Protection Act.	900
6	A contravention that consists of a breach of the service provider rule set out in Part 1 of Schedule 2 to the Act in so far as that rule relates to subsection 117C(2) of the Consumer Protection Act and the failure of a carriage service provider to meet a minimum benchmark by less than 2 percentage points.	3 000

Contraventions and penalties under the Act		
Item	Column 1	Column 2
	Contravention	Number of penalty units
7	A contravention that consists of a breach of the service provider rule set out in Part 1 of Schedule 2 to the Act in so far as that rule relates to subsection 117C(2) of the Consumer Protection Act and the failure of a carriage service provider to meet a minimum benchmark by 2 percentage points or more but less than 5 percentage points.	6 000
8	A contravention that consists of a breach of the service provider rule set out in Part 1 of Schedule 2 to the Act in so far as that rule relates to subsection 117C(2) of the Consumer Protection Act and the failure of a carriage service provider to meet a minimum benchmark by 5 percentage points or more.	9 000

Note 1: The relevant minimum benchmarks referred to in items 1 – 3 above are set out in Division 3 of Part 3 of the *Telecommunications (Payphones) Determination 2022*, as in force from time to time.

Note 2: The relevant minimum benchmarks referred to in items 6 – 8 above are set out in Part 2 of the *Telecommunications (Customer Service Guarantee – Retail Performance Benchmarks) Instrument (No. 1) 2011*, as in force from time to time.