



Telecommunications (Consumer Protection and Service Standards) (Non-Participating Persons) Determination 2025

I, Anika Wells, Minister for Communications, make the following determination.

Dated

Anika Wells **DRAFT ONLY—NOT FOR SIGNATURE**
Minister for Communications

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1 Name

This instrument is the *Telecommunications (Consumer Protection and Service Standards) (Non-Participating Persons) Determination 2025*.

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
1. 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Note: This table relates only to the provisions of this instrument as originally made.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 44(2) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

4 Definitions

Note: A number of expressions used in this instrument are defined in section 5 of the Act, including the following:

- (a) eligible revenue;
- (b) eligible revenue period;
- (c) participating person.

In this instrument:

ACMA means the Australian Communications and Media Authority.

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

company secretary has the same meaning as in the *Corporations Act 2001*.

director has the same meaning as in subsection 9AC(1) of the *Corporations Act 2001*.

Eligible Revenue Determination means the *Telecommunications (Eligible Revenue) Determination 2025*, as in force from time to time.

eligible statutory declaration, by a person, means a declaration made in accordance with the *Statutory Declarations Act 1959* by:

- (a) if the person is a company—a director or company secretary of the company, or any person authorised in writing by the company to make the declaration; or
- (b) if the person is a natural person—the person.

gross telecommunications sales revenue, of a person for an eligible revenue period, means the amount that would be the person's gross telecommunications sales revenue for the period under the Eligible Revenue Determination if the person were a participating person.

initial sales revenue, of a person for an eligible revenue period, means the amount that would be the person's initial sales revenue for the period under the Eligible Revenue Determination if the person were a participating person.

specified timeframe, for an eligible revenue period, means the period of time within which a participating person is required to give the ACMA a written return of the person's eligible revenue for the period, as specified by the ACMA for the purposes of paragraph 43(1)(b) of the Act.

ultimate Australian parent entity has the same meaning as in the Eligible Revenue Determination.

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 Persons who are not participating persons for an eligible revenue period

- (1) Subject to subsection (5) of this section, a person is exempt from section 44 of the Act for an eligible revenue period if any of subsections (2), (3) and (4) of this section applies to the person for the period.

Note: A person who is exempt from section 44 of the Act for an eligible revenue period is not a **participating person** for the period.

- (2) This subsection applies to a person for an eligible revenue period if:
 - (a) the person's initial sales revenue for the period is less than \$25 million; and
 - (b) either:
 - (i) the person provides to the ACMA an eligible statutory declaration, within the specified timeframe for the period, stating that the person's initial sales revenue for the period is less than \$25 million; or
 - (ii) the ACMA is otherwise reasonably satisfied that the person's initial sales revenue for the period is less than \$25 million.
- (3) This subsection applies to a person for an eligible revenue period if:

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- (a) the person's gross telecommunications sales revenue for the period is less than \$25 million; and
 - (b) either:
 - (i) the person provides to the ACMA an eligible statutory declaration, within the specified timeframe for the period, stating that the person's gross telecommunications sales revenue for the period is less than \$25 million; or
 - (ii) the ACMA is otherwise reasonably satisfied that the person's gross telecommunications sales revenue for the period is less than \$25 million.
- (4) This subsection applies to a person for an eligible revenue period if:
- (a) were the person a participating person for the period, the person's eligible revenue for the period would be less than \$25 million; and
 - (b) either:
 - (i) the person provides to the ACMA an eligible statutory declaration, within the specified timeframe for the period, stating that, if the person were a participating person for the period, the person's eligible revenue for the period would be less than \$25 million; or
 - (ii) the ACMA is otherwise reasonably satisfied that, if the person were a participating person for the period, the person's eligible revenue for the period would be less than \$25 million.
- (5) If a person has the same ultimate Australian parent entity as one or more other:
- (a) carriers; or
 - (b) carriage service providers, if a determination is in force under paragraph 44(1)(b) of the Act; or
 - (c) persons specified in regulations in force under paragraph 44(1)(c) of the Act;
- then, for the purposes of calculating:
- (d) initial sales revenue for the purposes of paragraph (2)(a); or
 - (e) gross telecommunications sales revenue for the purposes of paragraph (3)(a); or
 - (f) eligible revenue for the purposes of paragraph (4)(a);
- the person and each of those carriers, carriage service providers or other persons must make the relevant calculations on a group basis, identifying and accounting for revenue and deductions as a whole.

7 Application and savings provisions

- (1) This instrument applies to the 2025-26 eligible revenue period and each later eligible revenue period.
- (2) Despite its repeal by this instrument, the *Telecommunications (Participating Persons) Determination 2015*, as in force immediately before the commencement of this instrument, continues to apply in relation to an eligible revenue period starting on or after 1 July 2015 and ending on or before 30 June 2025.

Schedule 1—Repeals

Telecommunications (Participating Persons) Determination 2015

1 The whole of the instrument

Repeal the instrument.