EXPLANATORY STATEMENT

Telecommunications (Annual Carrier Licence Charge) Amendment Determination 2007(No. 1)

Telecommunications (Carrier Licence Charges) Act 1997

This instrument is issued by the authority of the Australian Communications and Media Authority (‘ACMA’) to amend the Telecommunications (Annual Carrier Licence Charge) Determination 2007 (the Determination). The Amendment Determination corrects some errors in the content of the Determination which were not picked up until after that Determination was made.

Legislative Provisions

Section 12 of the Telecommunications (Carrier Licence Charges) Act 1997 (the Act) provides that a charge is imposed on a carrier licence that is in force at the beginning of a financial year.

Subsection 14(1) of the Act provides that the amount of charge to be imposed on a carrier licence is the amount ascertained in accordance with a written determination made by the ACMA.

Section 15 (1) of the Act enforces a limit on the total of the charges that are imposed on carrier licences.

For the purposes of the Legislative Instruments Act 2003, a Determination is considered as a legislative instrument. The accompanying Amendment Determination must therefore be registered on the Federal Register of Legislative Instruments (FRLI).

Consultation

On application for a licence, carriers are advised that this instrument imposes a carrier licence charge, to recover costs for a financial year if they hold a licence on the first day of the financial year.

On 1 May 2007 the Office of Best Practice Regulation advised that a Regulation Impact Statement was not required for the changes to the ACLC determinations (exemption number 9141), as the changes were minor and machinery in nature, and did not substantially alter existing arrangements.

On 27 April 2007 the Department of Communications, Information Technology and the Arts provided the figures for the Commonwealth’s 2006-07 contribution to the budget of the International Telecommunication Union and confirmed the registration of the following determinations:

1. Determination under paragraph 15(1)(d) No. 1 of 2007 of the Telecommunications (Carrier Licence Charges) Act 2007 for the estimated total amount of grants likely to be made for the financial year 2006-07 under section 593 of the Telecommunications Act 1997.
2. Telecommunication (Carrier Licence Charges) Determination No 2 of 2006 for the proportion of the Commonwealth’s costs for the financial year 2005-06, attributable to the administration of Part 2 of Schedule 1 to the Telecommunications Act 1997.

On 11 April 2007 the Australian Competition and Consumer Commission (ACCC) confirmed the registration of the Determination under paragraph 15(1)(b) of the Act, No 1. 2007 in relation to the proportion of the ACCC’s costs for the financial year 2005-06 that is attributable to the ACCC’s telecommunications functions and powers.
Notes on the Instrument

Section 1 - Name of Determination

This section specifies the title of the Amendment Determination.

Section 2 - Commencement

This section provides the commencement date of the Amendment Determination; which is the day after it is registered on the FRLI.

Section 3 - Amendment

This section amends the determination known as the *Telecommunications (Annual Carrier Licence Charge) Determination 2007*.

Schedule 1 - Amendments

Item 1 refers to section 4 MFC (minimum fixed charge), which has been amended from $270 to $287

Item 2 refers to section 4 TNC (total number of carriers), which has been amended from 167 to 157.

Item 3 refers to section 4 TER (total eligible revenue), which has been amended from $24 661 381 187 to $24 638 110 162.

Item 4 refers to schedule 1 – Eligible revenue for carrier, which has been replaced.