

Explanatory Statement

Issued by the authority of the Australian Communications and Media Authority

Telecommunications (Approving Bodies) Determination 2007

Telecommunications Act 1997

Purpose

The purpose of the determination is to revoke the *Telecommunications (Approving Bodies) Determination No. 1 of 1997* and to make a new determination in the name of the Australian Communications and Media Authority rather than the former Australian Communications Authority.

Further, the purpose of the determination is to change the title of the person appointed as an Approving Body for the purposes of determining a certification body to the current position title within the Australian Communications and Media Authority of Executive Manager, Regulation and Compliance Branch.

Legislative Provisions

The *Telecommunications (Approving Bodies) Determination 2007* (the Determination) is made under section 410(1) of the *Telecommunications Act 1997* (the Act).

Section 410(1) of the Act allows ACMA to make a determination that a specified person or association is an Approving Body. Section 410(2) of the Act allows an Approving Body to determine that a specified person or association is a certification body.

Background

The current telecommunications customer equipment regulatory regime allows for the use of a certification body in certain circumstances where test laboratories are unavailable to test to specific standards.

A statement of compliance from a certification body is one method a supplier of customer equipment might use to assist in demonstrating that their equipment is compliant with standards made under the telecommunications regulatory arrangements.

An Approving Body is required to determine a certification body under section 410(2) of the *Telecommunications Act 1997*.

Regulation Impact

ACMA obtained advice from its SES contact officer for the Government's regulation impact analysis arrangements that the Determination has no or low impact. For those reasons under the self-assessment regime administered by the Office of Best Practice Regulation, ACMA has determined that there is no need to produce a Business Cost Calculator report or to prepare a Regulation Impact Statement.

Consultation

This updating of the existing Determination to make current the title of the position of the person determined as an Approving Body is of a minor and machinery nature, and does not alter existing arrangements. Accordingly, no public consultation has been undertaken.

Notes on the instrument

Section 1 – Name of Determination

Section 1 provides that the Determination is the *Telecommunications (Approving Body) Determination 2007*.

Section 2 – Commencement

Section 2 sets out that the Determination commences on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3 – *Telecommunications (Approving Bodies) Determination No.1 of 1997* – revocation

Section 3 revokes the *Telecommunications (Approving Bodies) Determination No.1 of 1997*.

Section 4 – Determination of Approving Bodies

Section 4 provides that a person for the time being holding, occupying or performing the duties of the position of Executive Manager, Regulation and Compliance Branch, Australian Communications and Media Authority is an approving body for the purposes of subsection 410(1) of the *Telecommunications Act 1997*.