

EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications (Charges) Amendment Determination 2010 (No.1)

Australian Communications and Media Authority Act 2005

Purpose

The purpose of the *Radiocommunications (Charges) Amendment Determination 2010 (No. 1)* (the Amendment Determination) is to remove the PMTS Class A and PACTS licensing options from the scope of the *Radiocommunications (Charges) Determination 2007* (the Charges Determination).

Legislative Provisions

Subsection 60 (1) of the *Australian Communications and Media Authority Act 2005* provides that the ACMA may make determinations fixing charges for services provided by the ACMA and expenses incurred by the ACMA under, inter alia, the *Radiocommunications Act 1992*.

The Amendment Determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (the LIA).

Subsection 33 (3) of the *Acts Interpretation Act 1901* provides that where an Act confers a power to make an instrument, that power shall, unless the contrary intention appears, be construed as including a power exercisable in a like manner and subject to like conditions, to amend that instrument.

Background

Administrative charges apply to the issue, renewal and coordination of apparatus licences. The ACMA sets out the amount of the administrative charge for each apparatus licence type in the Charges Determination.

References to the PMTS Class A and PACTS apparatus licence options and the relevant charges and information for these licence options will be removed from the Charges Determination.

Operation

The Amendment Determination removes the PMTS Class A and PACTS apparatus licence provisions from the scope of the Charges Determination.

Consultation

Section 17 of the LIA requires the ACMA to be satisfied that any consultation it considers to be appropriate and that is reasonably practicable to undertake has been undertaken. The Amendment Determination, along with a number of other legislative instruments, were included for consultation in a package of regulatory proposals to facilitate the deployment of public mobile telecommunications services in the 2 GHz band.

The package was released on the ACMA website for consultation for the period 6 October to 23 November 2009 and was accompanied by a media release. Four submissions were received in relation to the package. Respondents to the 2 GHz consultation process were supportive of the Amendment Determination.

Regulatory Impact Statement

The ACMA obtained advice from its SES contact officer for the Government's regulation impact analysis arrangements that the Amendment Determination has no or low impact. For those reasons under the self-assessment regime administered by the Office of Best Practice Regulation (OBPR), the ACMA has determined that there is no need to produce a Business Cost Calculator report or to prepare a Regulation Impact Statement. The ACMA RIS exemption reference number is ACMA 103.

Detailed Description of the Instrument

Details of the Amendment Determination are set out in the Attachment.

NOTES ON SECTIONS

Section 1 – Name of Determination

This section provides the name of the Amendment Determination.

Section 2 – Commencement

This section provides that the Determination commences on the day after it is registered.

Section 3 – Amendment of *Radiocommunications (Charges) Determination 2007*

This section provides that Schedule 1 amends the *Radiocommunications (Charges) Determination 2007*.

Schedule 1 Amendments

Item [1] Schedule 2, Part 12, item 12.1

This section removes the PMTS Class A and PACTS licence types and any associated charges from the scope of the Charges Determination.