

EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

Australian Communications and Media Authority Act 2005

Telecommunications (Charges) Amendment Determination 2025 (No. 2)

Authority

The Australian Communications and Media Authority (the **ACMA**) has made the *Telecommunications (Charges) Amendment Determination 2025 (No. 2)* (the **instrument**) under subsection 60(1) of the *Australian Communications and Media Authority Act 2005* (the **Act**) and subsection 33(3) of the *Acts Interpretation Act 1901* (the **AIA**).

Subsection 60(1) of the Act relevantly provides that the ACMA may, by written instrument, make determinations fixing charges for services provided by the ACMA and for any matter in relation to which expenses are incurred by the ACMA under various Acts (or instruments made under those Acts).

Subsection 33(3) of the AIA relevantly provides that where an Act confers a power to make a legislative instrument, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Purpose and operation of the instrument

The instrument makes one amendment to the *Telecommunications (Charges) Determination 2022* (the **Determination**) to correct a typographical error made in the *Telecommunications (Charges) Amendment Determination 2025 (No. 1)* (**previous amendment determination**). The error involved a misdescription of one of the amendments sought to be made to the Determination by that instrument. The purpose of the instrument is to correct that error. No other amendments to the Determination are proposed.

The Determination sets out fees for a number of services provided by the ACMA to the telecommunications industry, including charges or expenses associated with services provided, or expenses incurred, under an instrument (a numbering plan) made by the ACMA under subsection 455(1) of the Telecommunications Act.

The previous amendment determination amended the Determination to replace references in the Determination to provisions of the (now repealed) *Telecommunications Numbering Plan 2015* (the **2015 Numbering Plan**), with references to equivalent provisions in the *Telecommunications Numbering Plan 2025* (the **2025 Numbering Plan**).

A provision-by-provision description of the instrument is set out in the notes at **Attachment A**.

The instrument is a disallowable legislative instrument for the purposes of the *Legislation Act 2003* (the **LA**).

Documents incorporated by reference

The instrument does not incorporate any documents by reference.

Consultation

Before the previous amendment determination was made, the ACMA was satisfied that consultation was undertaken to the extent appropriate and reasonably practicable, in accordance with section 17 of

the LA. Details of that consultation are set out in the explanatory statement to the previous amendment determination.

Statement of compatibility with human rights

Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires the rule-maker in relation to a legislative instrument to which section 42 (disallowance) of the LA applies to cause a statement of compatibility with human rights to be prepared in respect of that legislative instrument.

The statement of compatibility with human rights set out below has been prepared to meet that requirement.

Overview of the instrument

The instrument amends the Determination, which sets out fees for the services provided by the ACMA to the telecommunications industry. The purpose of the instrument is to correct a typographical error made in the previous amendment determination. No other changes are proposed.

Human rights implications

The ACMA has assessed whether the instrument is compatible with human rights, being the rights and freedoms recognised or declared by the international instruments listed in subsection 3(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* as they apply to Australia.

Having considered the likely impact of the instrument and the nature of the applicable rights and freedoms, the ACMA has formed the view that the instrument does not engage any of those rights or freedoms.

Conclusion

The instrument is compatible with human rights as it does not raise any human rights issues.

Notes to the *Telecommunications (Charges) Amendment Determination 2025 (No. 2)*

Section 1 Name

This section provides for the instrument to be cited as the *Telecommunications (Charges) Amendment Determination 2025 (No. 2)*.

Section 2 Commencement

This section provides for the instrument to commence at the start of the day after the day it is registered on the Federal Register of Legislation, which may be accessed free of charge at www.legislation.gov.au.

Section 3 Authority

This section identifies the provision that authorises the making of the instrument, namely subsection 60(1) of the *Australian Communications and Media Authority Act 2005*.

Section 4 Amendment

This section provides that the Determination is amended as set out in the Schedule.

Schedule 1- Amendment

Item 1 amends table item 2.3 of the table in Part 2 of Schedule 1 to the Determination to omit the reference to section 73 of the 2015 Numbering Plan, and to substitute the equivalent section of the 2025 Numbering Plan, namely section 63.

Item 12 of Schedule 1 to the previous amendment determination proposed the same amendment to item 2.3 of the table in Part 2 of Schedule 1 to the Determination. Item 12 contained a typographical error that misdescribed the amendment by referring to ‘section 67’ instead of ‘section 73’. The intention of the ACMA was always to replace the reference to section 73 of the 2015 Numbering Plan with a reference to section 63 of the 2025 Numbering Plan. The amendment in item 1 gives effect to that intention.