

EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

Australian Communications and Media Authority Act 2005

Telecommunications (Charges) Amendment Determination 2025 (No. 1)

Authority

The Australian Communications and Media Authority (the **ACMA**) has made the *Telecommunications (Charges) Amendment Determination 2025 (No. 1)* (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), including the *Telecommunications Act 1997* (**Telecommunications Act**). A charge must not be such as to amount to taxation.

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 amends the *Telecommunications (Charges) Determination 2022* (the **Determination**). 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The Determination refers to the *Telecommunications Numbering Plan 2015* (the **2015 Numbering Plan**), which was repealed and remade by the ACMA. The proposed changes to the Determination in the instrument are required to support the operation of the instrument following the making of the new *Telecommunications Numbering Plan 2025* (the **2025 Numbering Plan**) by the ACMA.

The amendments are consequential and minor in nature and relate to updating references in the Determination to reflect the provisions of 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 incorporates the following Acts and legislative instruments by reference, as in force from time to time, or otherwise refers to them:

- the Act;
- the Telecommunications Act; and
- the 2025 Numbering Plan.

Commonwealth legislation can be accessed, free of charge, on the Federal Register of Legislation (<http://www.legislation.gov.au>).

Consultation

Before the instrument 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.

Between 16 December 2024 and 24 January 2025, the ACMA conducted a consultation process, inviting submissions on the proposed 2025 Numbering Plan, and consequential changes to instruments to support the making of the 2025 Numbering Plan, including the proposed changes to the Determination.

A consultation paper outlined the proposed changes to the Determination. A copy of the Determination outlined all the proposed changes in track changes. Interested parties were invited to comment on the proposed changes to the Determination.

The ACMA received four submissions in response to the numbering charges consultation. There were no concerns raised about the proposed amendments to the 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 make consequential amendments to the instrument as a result of the making of the 2025 Numbering Plan, and to align relevant sections with the new 2025 Numbering Plan. 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. 1)*

Section 1 Name

This section provides for the instrument to be cited as the *Telecommunications (Charges) Amendment Determination 2025 (No. 1)*.

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.

The instrument will be 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 Amendments

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

Schedule 1- Amendments

Items 1 to 4 and 6 to 8 amend the definitions of the terms ‘enhanced rights of use’, ‘EROU applicant’, ‘EROU-holder’, ‘geographic number’, ‘registered carriage service provider’, ‘standard unit’ and ‘unassigned unallocated smartnumber’ in section 4 of the Determination, to adopt the same meaning as in the 2025 Numbering Plan. The definitions of these terms in the 2025 Numbering Plan remain largely the same as those in the 2015 Numbering Plan.

Item 5 repeals and substitutes the definition of ‘numbering plan’ to refer to the 2025 Numbering Plan or an instrument made under subsection 455(1) of the Telecommunications Act which replaces that instrument.

Items 9 and 10 amend subparagraphs 14(1)(b)(i) and (ii) of the instrument to omit references to provisions (namely, subsections 58(6) and 63(6)) in the 2015 Numbering Plan and replace them with references to the equivalent provisions (namely, subsections 48(6) and 53(6)) in the 2025 Numbering Plan.

Items 11 and 12 amend table items 2.2 and 2.3 of the table in Part 2 of Schedule 1 to the Determination to omit references to the 2015 Numbering Plan and to replace them with references to the equivalent sections of the 2025 Numbering Plan.