

Australian Capital Territory

Utilities (Grant of Licence Application Fee) Determination 2009 (No 2)

Disallowable instrument DI2009–93

made under the

Utilities Act 2000, section 254 (Determination of fees)

EXPLANATORY STATEMENT

Legislative Provisions

Section 34 (Applications for certain licence decisions) of the *Utilities Act 2000* (the Act) provides that an application for the grant of a licence must be made to the Independent Competition and Regulatory Commission (ICRC).

Section 254 (Determination of fees) of the Act provides that ICRC may, in writing, determine fees for the Act (other than for parts 12 and 14). The section does not apply to an annual licence fee. Under section 45 (Determination of fee), ICRC may determine the annual licence fee payable by each licensed utility.

A determination under section 254 is a disallowable instrument.

Background

On 13 March 2009 the ICRC made the Utilities (Grant of Licence Application Fee) Determination 2009, DI2009-30 which set a fee for an application for the grant of a licence under section 34 of the Act, to cover the regulatory costs of consulting on and assessing the application. The determined fee at that stage included GST.

The fee will be exempt from GST under Division 81 of the *A New Tax System (Goods and Services Tax) Act 1999* from 1 July 2009. This instrument revokes DI2009-30 and replaces the fee with the new GST-exempt fee.