

# Utilities (Grant of Licence Application Fee) Determination 2023

## Disallowable instrument DI2023–238

made under the

Utilities Act 2000, section 254 (Determination of fees)

## EXPLANATORY STATEMENT

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### Background

On 16 June 2009 the commission determined the *Utilities (Grant of Licence Application Fee) Determination 2009 (NO 2)*, DI 2009-93. To maintain the fees at their original level, this determination uses year-by-year Consumer Price Index amounts from 2009 to increase the fees outlined in DI 2009-93 to their 2023 equivalence.

Column 1	Column 2	Column 3	Column 4
<i>Description</i>	<i>Previous fee payable</i>	<i>New fee payable</i>	<i>Amount of increase</i>
Applications for certain licence decisions:			
• the grant of a licence	\$1,500.00	\$2,210.00	\$710.00
• the grant of additional licence as part of a single application	\$250.00	\$370.00	\$120.00

## **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

The fee is exempt from GST under Division 81 of the *A New Tax System (Goods and Services Tax) Act 1999 (Cwth)*

## **Regulatory impact statement**

A regulatory impact statement is not required as this instrument does not impose appreciable costs on the community or a part of the community — section 34 (1) of the *Legislation Act 2001* (ACT). Further, the determination of the grant of licence application fee does not operate to the disadvantage of anyone by adversely affecting their rights or imposing liabilities on the person — section 36 (1) of the *Legislation Act 2001* (ACT).

## **Human rights**

There are no human rights implications arising from this instrument. The instrument does not engage any rights under the *Human Rights Act 2004* (ACT).