Draft 2024–25 fees for service Cost Recovery Implementation Statement

Consultation paper

May 2024

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Executive summary

The ACMA is Australia's regulator for broadcasting, radiocommunications, telecommunications and interactive gambling, among other functions. As an Australian Government agency, we are required to define and implement, where feasible, charges for recovering the costs of our products and services, in accordance with the [Australian Government Charging Framework](https://www.finance.gov.au/government/managing-commonwealth-resources/implementing-charging-framework-rmg-302). The charging framework provides the overarching framework for government entities to plan, implement and review their charging activities.

We are required to prepare a Cost Recovery Implementation Statement (CRIS) in accordance with the [Australian Government Cost Recovery Policy](https://www.finance.gov.au/government/managing-commonwealth-resources/implementing-charging-framework-rmg-302/australian-government-cost-recovery-policy). This must be consulted on with industry stakeholders before implementing any new charges or changes to existing charges. A draft 2024–25 fees for service CRIS is attached for consultation on our radiocommunications, telecommunications and broadcasting services that are subject to charging arrangements.

In the draft fees CRIS, we are proposing the introduction of new charges relating to:

* The ACMA’s innovation and industry development exemption framework (IIDF).[[1]](#footnote-2) The charges relate to us considering whether to give written permission to a person under section 193 of the *Radiocommunications Act 1992*. That permission allows a person to operate a radiocommunications transmitter in a way that they know is likely to interfere substantially with certain radiocommunications. Operating a radiocommunications transmitter in such a way without that permission is an offence under the Radiocommunications Act.
* Applications for the re‑assignment of certain call signs that have only been assigned for a limited period, as well as the ‘transfer’ of call signs. These are to support the call sign arrangements prescribed in the Radiocommunications (Amateur Stations) Class Licence 2023.

We have undertaken a comprehensive review of all current activities to assess the requirements of each activity and the time taken to complete each activity. Following this review, we have proposed changes to some of the existing radiocommunications and broadcasting charges. This is due to a revision of the underlying business processes and corresponding ACMA staffing effort required to provide the service.

While we intend to keep our standard hourly rate at the current rate set out in the [2023–24 fees for service CRIS](https://www.acma.gov.au/sites/default/files/2023-12/2023-24%20Fees%20for%20Service%20Cost%20Recovery%20Implementation%20Statement.pdf), we are proposing amendments to the special hourly rate A with a fee reduction from $255 to $241, and the removal of the special hourly rate B, due mainly to the ACMA no longer providing the related service.

There are other minor stylistic and drafting changes proposed throughout the *Radiocommunications (Charges) Determination 2022* (Radiocommunications Determination) that are administrative in nature, including the removal of any redundant information. These changes are discussed in the [Issues for comment](#_Issues_for_comment) section and reflected in Appendix A of the draft fees for service CRIS.

One change is proposed to the *Broadcasting (Charges) Determination 2017* (Broadcasting Determination). This is to increase the existing charge for renewal of a commercial television broadcasting licence or commercial radio broadcasting licence under section 46 of the *Broadcasting Services Act 1992* (Broadcasting Services Act).

The draft fees for service CRIS has also been updated to reflect the ACMA’s financial and non-financial performance information.

This consultation paper does not pose specific questions. However, we welcome comment from interested stakeholders on the proposed new charges, or any other issues relevant to the draft fees for service CRIS.

You can find details on how to make a submission in the [Invitation to comment](#_Invitation_to_comment) section at the end of this paper.

# Issues for comment

## Proposed new charges

We are proposing new charges relating to permission to operate certain radiocommunications transmitters, and to amateur radio call signs. The charge for new call sign activities is based on the set time expected for staff to consider and assess each process. The methodology for calculation of the charges is based on our hourly rate for services, multiplied by the estimated time taken to conduct the activity.

The charge for new permissions activities is the hourly rate multiplied by the time taken to conduct the activity. The proposed new charges are described in further detail below, and in Table 1.

### Permission to operate certain transmitters

We may make a ‘permanent ban’ in relation to specified equipment under the Radiocommunications Act (banned equipment). If we do so, it is an offence, and subject to a civil penalty, to operate, possess or supply banned equipment. We have generally only made a permanent ban where the banned equipment is likely to cause significant interference to radiocommunications. It is also an offence under section 193 of that Act for a person to use a transmitter in a way that the person knows is likely to interfere substantially with certain radiocommunications, without our written permission.

We have made the *Radiocommunications (Exemption) Determination 2021*, which allows us to name persons who are not prohibited from possessing, operating or supplying banned equipment in a notifiable instrument, subject to specified conditions. We generally only give written permission under section 193 of the Radiocommunications Act to those named persons. However, any person can request written permission under section 193 at any time.

We propose to impose charges for considering the following:

* an application for a written permission under section 193 of the Radiocommunications Act
* giving a new written permission to a person who currently holds such a permission, or who has held such a permission within the past 3 months, without an application being made by the person.

### Amateur radio call signs

#### Re-assignment

Under the amateur class licence, we may assign a call sign for a limited period only. For example, we generally only assign call signs with the prefix VK0 or VK9, special event call signs and contest call signs for 12 months. The holders of these call signs will be able to apply to have their call sign re‑assigned before expiry.

We propose to impose charges for considering an application for call sign reassignment.

#### Transfer

Amateur radio operators can apply to assign their call sign to another amateuroperator. We propose to impose a charge for considering an application made by a person assigned a call sign under the amateur class licence that the assignment **be** cancelled, and the call sign be assigned to another person. This is more commonly referred to as a transfer.

#### The plans to implement a re-assignment process responds to stakeholder feedback and would align with the arrangements delivered by the Australian Maritime College under the previous Deed arrangement, whereby various call signs needed to be re-applied for annually at a fee. The plans to implement call sign checks were communicated in our August 2023 Response to submissions: Proposed amateur class licence and high-power operation, and the plan to consider possible re-assignment fees was flagged in Appendix B of the 2023-24 Fees CRIS.

Proposed new charges

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No.** | **Charge type** | **Description** | **Estimated time taken by ACMA staff to provide this service** | **Proposed charge** |
| 1 | Written permission | Considering an application for written permission to be given under subsection 193(1) of the Radiocommunications Act (whether or not the application is granted). | As each application is expected to be different, the time taken to process each application will vary significantly. | The proposed charge will be based on the actual time taken to provide the service using the current standard hourly rate of $226. |
| 2 | Written permission | Giving written permission (new permission) under subsection 193(1) of the Radiocommunications Act to a person where a written permission (previous permission) has already been given to the same person, and the new permission is made either while the previous permission is still in force, or within 3 months after the previous permission has ceased to be in force. | As each application is expected to be different, the time taken to process each application will vary significantly. | The proposed charge will be based on the actual time taken to provide the service using the current standard hourly rate of $226. |
| 3 | Call sign | Considering an application made under the amateur class licence for the re‑assignment of a special event call sign.  | 9 minutes | $34 |
| 4 | Call sign | Considering an application made under the amateur class licence for the re‑assignment of a contest call sign. | 4 minutes | $15 |
| 5 | Call sign | Considering an application made under the amateur class licence for the re‑assignment of a call sign with the prefix VK9 or VK0. | 9 minutes | $34 |
| 6 | Call sign | Considering an application made by a person assigned a call sign under the amateur class licence that the assignment be cancelled and the call sign be assigned to another person. | 4 minutes | $15 |

## Changes to existing radiocommunications and broadcasting charges

A change (either an increase, decrease or removal) is being proposed to some of the existing radiocommunications charges relating to apparatus, spectrum and broadcasting licences. The proposed charge for registration of assignments of spectrum licences will be based on the actual time taken to provide the service using the current standard hourly rate of $226, rather than the existing fixed rate. See Appendix A to the draft fees for service CRIS, Ref 83.

We are also proposing an increase to the existing broadcasting charge for processing an application under section 46 of the Broadcasting Services Act for renewal of a commercial television broadcasting licence or commercial radio broadcasting licence. See Appendix A to the draft fees for service CRIS, Ref 137.

We have undertaken a comprehensive review to assess the requirements of each of our current activities. This has resulted in a revision of the underlying business processes and corresponding ACMA staffing effort required to provide some services. Revision of existing charges is based on a bottom-up assessment of the actual time and effort to provide the service. This has been applied to our standard hourly rate.

A description of other changes to the radiocommunications charges (including minor changes to descriptions, a reordering of apparatus licence charges into assigned, non-assigned and area-wide licence groups, and other minor editorial changes, including the removal of any redundant information) can be found in Appendix A of the draft CRIS. Besides the increase in charge identified above, no other changes are proposed to the existing broadcasting charges.

#### Changes to hourly rates

The current standard hourly rate was established by dividing our net cost of service by the total number of productive hours worked by staff providing direct services, including an attribution of all support and overhead costs. The proposed changes are:

* **ACMA standard hourly rate:** No change proposed, as we are yet to finalise our actual costs for the 2023–24 financial year. We are proposing to maintain our standard hourly rate as per the previous rate set out in the 2023–24 fees for service CRIS.
* **Special hourly rate A – Radiocommunications field operations and interference investigations:** The special hourly rate relating to field operations and interference investigations has decreased from $255 to $241 due to lower vehicle and technical equipment costs incurred in the 2022–23 financial year.
* **Special hourly rate B – Testing of radiocommunications devices:** This rate is proposed to be removed. You can find more details below.

#### Proposed removal of charges

Certain charges and costs incurred by the ACMA are proposed to be removed as the associated services or costs are no longer provided or incurred:

* Testing (on request by a person other than a member of a police force of a state or Territory or the Australian Federal Police) of radiocommunications devices (other than a device that is subject to a permanent ban) for compliance with the Radiocommunications Act and instruments made under that Act – charged at the special hourly rate B. We no longer provide this service.
* Considering an application for the issue of a scientific licence (scientific non assigned station) or outpost licence (outpost non assigned station). These apparatus licences are no longer issued, as the relevant radiocommunications devices are now class licensed.
* Considering an application for the issue of an amateur licence where the applicant holds an Amateur Operator’s Certificate of Proficiency (Advanced); an Amateur Operator’s Certificate of Proficiency (Standard); or an Amateur Operator’s Certificate of Proficiency (Foundation). These apparatus licences are no longer issued, as the relevant radiocommunications devices are now class licensed.

## Changes to legislative instruments

We propose to amend the RadiocommunicationsDetermination to implement the new charges and changes identified above, including:

* + Repealing ‘Part 1 – Charges payable for device testing’ of Schedule 1 to the Radiocommunications Determination in its entirety as we no longer provide device testing.
	+ Amending ‘Part 2 – Charges relating to apparatus licences’ of Schedule 1 to the Radiocommunications Determination to reduce the total number of tables, grouping licences into assigned licence, non-assigned licence and area-wide licence classes, and reordering the charges so they are sorted by the charge amount.
	+ Repealing ‘Part 4 – Charges for examinations’ of Schedule 1 to the Radiocommunications Determination and moving item 4.1.3 in Part 4 of Schedule 1 to ‘Part 3 – Charges for permits, certificates or exemptions’of Schedule 1 to the Radiocommunications Determination.
	+ Minor stylistic and drafting changes that are editorial in nature, including the removal of any redundant information.

We also propose to amend the Broadcasting Determinationto:

* + Implement the proposed change to the existing charge for considering and processing an application under section 46 of the Broadcasting Services Act for renewal of a commercial television broadcasting licence or commercial radio broadcasting licence.

# Invitation to comment

## Making a submission

We invite comments on the issues set out in this consultation paper.

[Online submissions](https://www.acma.gov.au/have-your-say) can be made by uploading a document. Submissions in PDF, Microsoft Word or Rich Text Format are preferred.

Submissions by post can be sent to:

The Manager

Revenue, Cost Recovery, Budgets and Financial Operations
Australian Communications and Media Authority
PO Box 78

Belconnen ACT 2616

The closing date for submissions is **COB, Friday 31 May 2024**.

Consultation enquiries can be emailed to costrecoveryteam@acma.gov.au.

#### Publication of submissions

We publish submissions on our website, including personal information (such as names and contact details), except for information that you have claimed (and we have accepted) is confidential.

Confidential information will not be published or otherwise released unless required or authorised by law.

#### Privacy

View information about our policy on the [publication of submissions](https://www.acma.gov.au/publication-submissions), including collection of personal information during consultation and how we handle that information.

Information on the *Privacy Act 1988,* how to access or correct personal information, how to make a privacy complaint and how we will deal with any complaints, is available in our [privacy policy](https://www.acma.gov.au/privacy-policy).

1. See [Innovation and industry development exemption framework | ACMA](https://www.acma.gov.au/innovation-and-industry-development-exemption-framework).

The [Radiocommunications (Exemption) Determination 2021](https://www.legislation.gov.au/F2021L01201/latest/text) is the legal basis for the IIDF. [↑](#footnote-ref-2)