

Utilities (Grant of Licence Application Fee) Determination 2009

Disallowable instrument DI2009–30

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

Until 2008-09, ICRC recovered the regulatory cost of an application for a utility licence through the annual licence fee for the first year in which a licence was granted. In 2007, the Act was amended to provide for an energy industry levy, which has progressively replaced licence fees for prescribed energy utilities. ICRC has determined a fee for an application for the grant of a licence under section 34, to cover the regulatory costs of consulting on and assessing the application.