Telecommunications (Facility Installation Permit — Application Charge) Determination 2004

The AUSTRALIAN COMMUNICATIONS AUTHORITY makes this Determination under section 53 of the Australian Communications Authority Act 1997.

Dated 19 May 2004

R HORTON
Chair

A HORSLEY
Deputy Chair

1 Name of Determination
This Determination is the Telecommunications (Facility Installation Permit — Application Charge) Determination 2004.

2 Commencement
This Determination commences on the date of its notification in the Gazette.

3 Revocation
Section 4

4 Definitions

In this Determination, unless the contrary intention appears:

ACA Act means the Australian Communications Authority Act 1997.

GST has the meaning given by section 195-1 of the A New Tax System (Goods and Services Tax) Act 1999.


Note The following expressions used in this Determination are defined in the Telecommunications Act:

- ACA
- carrier
- facility installation permit.

5 Purpose of this Determination

(1) Under subsection 53 (1) of the ACA Act, the ACA may make determinations fixing charges for:

(a) services and facilities provided by the ACA; and

(b) any matter in relation to which expenses are incurred by the ACA under specified Acts (including the Telecommunications Act).

(2) Clause 21 of Schedule 3 to the Telecommunications Act provides that a carrier may apply to the ACA for a permit authorising the carrier to carry out the installation of one or more facilities. Such a permit is called a facility installation permit.

(3) Clause 23 of Schedule 3 to the Telecommunications Act provides that an application for a facility installation permit must be accompanied by the charge (if any) fixed by a determination under section 53 of the ACA Act in relation to so much of the ACA’s expenses in connection with dealing with the application as do not relate to the conduct of a public inquiry in relation to the permit.

6 Charges

(1) The charge, or the hourly rate of charge, for a matter mentioned in column 2 of an item in Schedule 1 is the amount mentioned in column 3 of the item.

(2) The charge, or the hourly rate of charge, includes GST, if applicable.

(3) If:

(a) a deposit is paid under item 1 of Schedule 1; and

(b) one or more amounts are paid under item 2 of Schedule 1;

the amounts paid under paragraph (b) will be deducted from the deposit, and any remaining amount will be refunded.
7 By whom and when is the charge payable

The charges are payable by the applicant:
(a) in the case of an hourly rate of charge — on the issue to the applicant of an invoice for the charge; and
(b) in any other case — when the application is made.

Schedule 1 Charges payable

(subsection 6 (1))

<table>
<thead>
<tr>
<th>Column 1 Item</th>
<th>Column 2 Matter</th>
<th>Column 3 Charge (including GST, if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Deposit to accompany an application for a facility installation permit</td>
<td>$5,907.00</td>
</tr>
<tr>
<td>2</td>
<td>Charge for activities of ACA staff in connection with dealing with an application for a facility installation permit that do not relate to the conduct of a public inquiry in relation to the permit</td>
<td>$162.80 for each hour or part of an hour</td>
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</tbody>
</table>