Telecommunications (Submarine Cable Permit — Application Charge) Determination 2007

Australian Communications and Media Authority Act 2005

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Determination under subsection 60 (1) of the Australian Communications and Media Authority Act 2005.

Dated 9th February 2007

CHRIS CHAPMAN
[signed]
Chair

LYN MADDOCK
[signed]
Deputy Chair

Australian Communications and Media Authority

1 Name of Determination
This Determination is the Telecommunications (Submarine Cable Permit — Application Charge) Determination 2007.

2 Commencement
This Determination commences on 1 May 2007.
3 Revocation

The Telecommunications (Submarine Cable Permit — Application Charge) Determination 2006 (No. 2) is revoked.

4 Interpretation

(1) In this Determination:

ACMA Act means the Australian Communications and Media Authority Act 2005.

linked non-protection zone installation permit means a non-protection zone installation permit for a submarine cable that is, or will be, located partly in a protection zone and partly in waters that are not in a protection zone and that are not coastal waters of a State or the Northern Territory.


(2) Terms used in this Determination and in the Telecommunications Act have the same meaning in this Determination as they have in the Telecommunications Act.

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

- ACMA
- coastal waters
- non-protection zone installation permit
- protection zone
- protection zone installation permit
- submarine cable.

5 Purpose of this Determination

(1) Under subsection 60 (1) of the ACMA Act, ACMA may make determinations fixing charges for:

(a) services provided by ACMA; and

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

(2) Clause 51 of Schedule 3A to the Telecommunications Act provides that a carrier may apply to ACMA for a permit to install 1 or more submarine cables in a protection zone (a protection zone installation permit).

(3) Clause 53 of Schedule 31 to the Telecommunications Act provides that an application for a protection zone installation permit must be accompanied by the charge (if any) imposed on the application by a determination under section 60 of the ACMA Act.
(4) Clause 64 of Schedule 3A to the Telecommunications Act provides that a carrier may apply to ACMA for a permit to install 1 or more submarine cables in waters that are not in a protection zone and that are not coastal waters of a State or the Northern Territory (a *non-protection zone installation permit*).

(5) Clause 66 of Schedule 3A to the Telecommunications Act provides that an application for a non-protection zone installation permit must be accompanied by the charge (if any) imposed on the application by a determination under section 60 of the ACMA Act.

(6) This Determination fixes charges in relation to certain permits to install submarine cables.

### 6 Charges

(1) Until the end of 30 June 2007, the 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) On and after 1 July 2007, the charge for a matter mentioned in column 2 of an item in Schedule 1 is the amount mentioned in column 4 of the item.

(3) If, in relation to an application for a non-protection zone installation permit, ACMA’s expenditure on external consultants is greater than the amount specified in item 4 of Schedule 1, there is an additional charge equal to the excess of that expenditure over that amount.

### 7 By whom and when are the charges payable

(1) The charges mentioned in Schedule 1 are payable by the applicant when the application is made.

(2) An amount of charge mentioned in subsection 6(3) is payable by the applicant on the issue to the applicant of an invoice for that amount.

### 8 Refund

If ACMA’s expenditure on external consultants in the consideration of an application for a non-protection zone installation permit is less than the amount specified in item 4 of Schedule 1, ACMA must refund the amount by which the expenditure is less than the amount specified to the applicant.
## Schedule 1  Charges payable

*(section 6)*

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Matter</td>
<td>Charge to 30 June 2007</td>
<td>Charge from 1 July 2007</td>
</tr>
<tr>
<td>1</td>
<td>Protection zone installation permit — considering and processing application for permit</td>
<td>$2 215 for each submarine cable</td>
<td>$2 215 for each submarine cable</td>
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<tr>
<td>2</td>
<td>Protection zone installation permit — considering and processing application to extend duration of permit, including extension of linked non-protection zone installation permit (if any)</td>
<td>$495</td>
<td>$495</td>
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<tr>
<td>3</td>
<td>Non-protection zone installation permit, other than a linked non-protection zone installation permit — considering and processing application for permit, other than for use of external consultants</td>
<td>$6 225 for each submarine cable</td>
<td>$6 810 for each submarine cable</td>
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<tr>
<td>4</td>
<td>Non-protection zone installation permit — use of external consultants in considering application for permit (payable whether or not an external consultant is used in considering the application)</td>
<td>$25 000</td>
<td>$25 000</td>
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<tr>
<td>5</td>
<td>Non-protection zone installation permit, other than a linked non-protection zone installation permit — considering and processing application to extend duration of permit</td>
<td>$450</td>
<td>$495</td>
</tr>
<tr>
<td>6</td>
<td>Linked non-protection zone installation permit — considering and processing application for permit, other than for use of external consultants</td>
<td>$6 150 for each submarine cable</td>
<td>$6 150 for each submarine cable</td>
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</tbody>
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