



Telecommunications (Charges) Amendment Determination 2015 (No. 1)

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: 10th July 2015

Chris Chapman
[signed]
Member

Richard Bean
[signed]
Member / ~~General Manager~~

Australian Communications and Media Authority

1 Name of Determination

This Determination is the *Telecommunications (Charges) Amendment Determination 2015 (No. 1)*.

2 Commencement

- (1) Subject to subsection (2), each provision of this Determination specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table.

Column 1	Column 2
Provisions	Commencement
1. Sections 1 to 3, Schedule 1 and anything in this instrument not elsewhere covered by this table	The day after this Determination is registered.
2. Sections 4 and 5, and Schedule 2	The same day as sections 5 to 135 of, and Schedules 1 to 8 to, the <i>Telecommunications Numbering Plan 2015</i> commence.

- (2) If this Determination is registered on or after the day mentioned in column 2 of item 2 in the above table, the provisions mentioned in item 2 of the table commence immediately after the provisions mentioned in item 1 commence.

Note 1 All legislative instruments must be registered on the Federal Register of Legislative Instruments required to be maintained under the *Legislative Instruments Act 2003*.

Note 2 Section 2 of the *Telecommunications Numbering Plan 2015* provides that sections 5 to 135 of, and Schedules 1 to 8 to, that instrument commence on a single day to be fixed by the ACMA by legislative instrument. However, if those provisions do not commence before 1 October 2015, they commence on that day.

3 Amendments – submarine cables

Schedule 1 amends the *Telecommunications (Charges) Determination 2012* [F2012L01231].

4 Amendments – numbering applications

Schedule 2 amends the *Telecommunications (Charges) Determination 2012* [F2012L01231].

5 Revocation

The *Telecommunications (Freephone and Local Rate Numbers Auctions – Registration Charge) Determination 2007* [F2007L00369] is revoked.

Schedule 1 Amendments to the *Telecommunications (Charges) Determination 2012* – submarine cables

(section 3)

- 1 Section 4, definitions of *coastal waters, linked (NPZ) installation permit* and *linked (NPZ) installation permit application***
omit the definitions
- 2 Section 4, definition of *non-protection zone installation permit***
omit
clause 64

insert
clause 2
- 3 Section 4, definition of *protection zone installation permit application***
omit

permit (including such an application in respect of that part of a trans-zone submarine cable that is, or will be, located in a protection zone).

insert
permit.
- 4 Section 4, definitions of *trans-zone (NPZ) installation permit* and *trans-zone submarine cable***
omit the definitions
- 5 Paragraph 12(a)**
omit
7.4, 7.6 or 7.7

insert
7.4 or 7.6

6 Schedule 1, Part 7

substitute

Part 7 Charges payable in relation to certain permits to install a submarine cable

Column 1 Item	Column 2 Matter	Column 3 Charge
7.1	Protection zone installation permit application — charge for the purposes of clause 53 of Schedule 3A to the Telecommunications Act, in relation to considering and processing a protection zone installation permit application	\$2 660 for each submarine cable the subject of the application
7.2	Protection zone installation permit —considering and processing an application under clause 61 of Schedule 3A to the Telecommunications Act to extend the duration of a protection zone installation permit	\$595
7.3	Non-protection zone installation permit application — charge for the purposes of clause 66 of Schedule 3A to the Telecommunications Act, in relation to considering and processing a non-protection zone installation permit application, excluding the additional charges mentioned at items 7.4 and 7.5	\$8 176 for each submarine cable the subject of the application
7.4	Non-protection zone installation permit application — deposit payable on account of the charges at item 7.5	\$25 000
7.5	Non-protection zone installation permit application — charge for the purposes of clause 66 of Schedule 3A to the Telecommunications Act, in relation to external costs for the use of external consultants in considering a non-protection zone installation permit application	Actual costs
7.6	Non-protection zone installation permit — considering and processing an application under clause 76 of Schedule 3A to the Telecommunications Act to extend the duration of a non-protection zone installation permit	\$595

Schedule 2 Amendments to the *Telecommunications (Charges) Determination 2012* – numbering applications

(section 4)

1 Section 4, after definition of *authority of the Commonwealth*

insert

carriage service provider has the same meaning as in the Telecommunications Act.

2 Section 4, after definition of *certification body*

insert

enhanced rights of use has the same meaning as in the numbering plan.

EROU applicant has the same meaning as in subsection 73(1) of the numbering plan.

EROU-holder has the same meaning as in the numbering plan.

3 Section 4, after definition of *facility installation permit application*

insert

geographic number has the same meaning as in the numbering plan.

4 Section 4, after definition of *non-protection zone installation permit application*

insert

numbering plan means the *Telecommunications Numbering Plan 2015*.

5 Section 4, definition of *online application* and note to the definition

omit the definition and note

6 Section 4, after definition of *public inquiry*

insert

registered carriage service provider has the same meaning as in the numbering plan.

7 Section 4, after definition of *Remuneration Tribunal*

insert

standard unit has the same meaning as in the numbering plan.

8 Section 4, after definition of *Telecommunications Act*

insert

unassigned unallocated smartnumber has the same meaning as in the numbering plan.

9 Section 5

substitute

5 Purpose of Determination

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

- (a) services provided by the ACMA; and
- (b) any matter in relation to which expenses are incurred by the ACMA under the Acts specified in the subsection (including the Telecommunications Act) or an instrument made under such an Act (including the numbering plan);

and specifying the persons by whom, and the times when, the charges are payable.

The purpose of this Determination is to fix the charges for certain matters under the Telecommunications Act, and certain instruments made under the Telecommunications Act (including the numbering plan), which are set out in Schedule 1.

10 After section 7

insert

7A Special rules – refund of numbering plan application charge

If a person:

- (a) makes an application mentioned in column 2 of item 3.1 of Part 3 of Schedule 1; and
- (b) the ACMA decides not to approve the application;

the ACMA must refund any payment of the charge mentioned in column 3 of the item.

11 Subsection 8(3)

omit

subparagraph 12 (c) (i)

insert

subparagraph 12 (1) (c) (i)

12 Subsection 9(3)

omit

subparagraph 12 (c) (ii)

insert

subparagraph 12 (1) (c) (ii)

13 Subsection 10(3)

omit

subparagraph 12 (c) (iii)

insert

subparagraph 12 (1) (c) (iii)

14 Subsection 11(3)

omit

subparagraph 12 (c) (iv)

insert

subparagraph 12 (1) (c) (iv)

15 Section 12

omit

The charges are payable by the applicant:

insert

(1) The charges are payable by the applicant:

16 Paragraph 12(1)(a)

omit

3.1

insert

3.2

17 After paragraph 12(1)(a)

insert

- (aa) in the case of a charge mentioned in item 3.1 of Schedule 1:
 - (i) for an application made under Part 2 of Chapter 6 of the numbering plan – in accordance with subsection 58 (6) of the numbering plan;
 - (ii) for an application made under Part 3 of Chapter 6 of the numbering plan – in accordance with subsection 63 (6) of the numbering plan.

18 After subsection 12(1)

insert

- (2) In the case of a charge mentioned in item 3.3 of Schedule 1, the charge is payable by the person registering to use the electronic system immediately before registration.

19 After section 16

insert

17 Transitional arrangements – numbering plan

- (1) If:
 - (a) an application is made under the *Telecommunications Numbering Plan 1997* before the commencement of this section; and
 - (b) section 135 of the numbering plan requires the application to be dealt with in accordance with the *Telecommunications Numbering Plan 1997* as if that instrument had not been repealed; the *Telecommunications (Charges) Determination 2012* as in force immediately before the commencement of this section applies to the application.

Note The amendments made by Schedule 2 to the *Telecommunications (Charges) Amendment Determination 2015 (No. 1)* only apply to applications made after sections 5 to 135 of, and Schedules 1 to 8 to, the numbering plan commence.
- (2) If:
 - (a) an application for registration is made under a legislative instrument in force under subsection 463(1) of the Telecommunications Act before the commencement of this section; and
 - (b) a decision had not been made on the application when this section commenced;

then:

- (c) the *Telecommunications (Freephone and Local Rate Numbers Auctions – Registration Charge) Determination 2007* applies to the application as if that instrument had not been repealed; and
- (d) the charge mentioned in item 3.3 of Schedule 1 does not apply to the application.

Note 1 Before the commencement of this section, the *Telecommunications (Freephone and Local Rate Numbers) Allocation Determination 2007 (No. 1)*, made under subsection 463(1) of the Telecommunications Act, allowed a person to be registered in relation to becoming an EROU applicant.

Note 2 The amendments made by Schedule 2 to the *Telecommunications (Charges) Amendment Determination 2015 (No. 1)* only apply to registrations that occur after sections 5 to 135 of, and Schedules 1 to 8 to, the numbering plan commence.

20 Schedule 1, Part 3

substitute

Part 3 Charges payable in relation to applications for numbers under the numbering plan

Column 1 Item	Column 2 Matter	Column 3 Charge
3.1	Making an application mentioned in paragraph 457 (1) (a) of the Telecommunications Act for the allocation of a number otherwise than in accordance with an allocation system determined under section 463 of the Telecommunications Act	<ul style="list-style-type: none"> (1) For an application made under Part 2 of Chapter 6 of the numbering plan for allocation of one or more standard units of geographic numbers — \$19.50 (2) For an application made under Part 3 of Chapter 6 of the numbering plan for allocation of one or more geographic numbers — \$19.50 (3) For any other application made under the numbering plan for allocation of a number — zero
3.2	Making an application under subsection 121(1) of the numbering plan for registration of a carriage service provider under section 122 of the numbering plan	\$19.50

3.3	Registering to use the electronic system, made available by the ACMA, for EROU applicants to apply with a registered carriage service provider under section 73 of the numbering plan for the initial allocation of an unassigned unallocated smartnumber, and for EROU-holders to manage their enhanced rights of use	\$19.50
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Note An allocation charge may also be imposed on the allocation of a number under the *Telecommunications (Numbering Charges) Act 1997*.