

Application for a permit to install a submarine cable in a protection zone



Instructions for completion

Carriers may apply to the Australian Communications and Media Authority (ACMA) for a permit to install submarine cables in a protection zone. Please indicate the proposed installation to which this application relates by ticking the relevant box.

1. Installation of one or more submarine cables in a protection zone.
2. Installation of a single international submarine cable in both:
 - a. a protection zone; and
 - b. Australian waters that are not in a protection zone and that are not coastal waters of a State or the Northern Territory.
3. Installation of two or more international submarine cables in both:
 - a. a protection zone; and
 - b. Australian waters that are not in a protection zone and that are not coastal waters of a State or the Northern Territory.

Installing a submarine cable without a permit is an offence attracting heavy penalties.

Note: The ACMA recommends that applicants seek independent advice on the applicability of any state or territory legislation before making an application.

Applicants should be aware that in order to install a submarine cable, a carrier must obtain all necessary Commonwealth regulatory approvals (including any approval required under the [Environment Protection and Biodiversity Conservation Act 1999](#)).

Applicants are required to complete **all** sections of this application form.

For your information

Carriers are advised to familiarise themselves with the requirements of Schedule 3A of the *Telecommunications Act 1997* (the Act) before completing their application.

In accordance with clause 55A of Schedule 3A of the Act, the ACMA is required to provide a copy of each application to the Secretary of the Attorney-General's Department.

Please provide two hard-copies of your completed application and an electronic copy to:

The Manager
Broadband Applications and Services
Australian Communications and Media Authority
PO Box 13112 Law Courts
Melbourne VIC 8010

Please also forward an electronic copy of the application to The Manager, Broadband Applications and Services via: subcablesenquiries@acma.gov.au.

Application fee

In accordance with the [Telecommunications \(Charges\) Determination 2012](#), payment of an application fee of \$2,660 is required **before** the application can be processed and considered.

Please contact staff of the Broadband Applications and Services Section by telephone on (03) 9963 6800 or by email at subcablesenquiries@acma.gov.au to arrange for a tax invoice to be issued.

The fee may be paid by cheque or direct deposit to the ACMA. Please indicate the preferred payment method on the application form, where requested.

Cheque

Cheques should be made payable to: Collector of Public Monies, the Australian Communications and Media Authority.

Please forward cheques with the completed application form.

Direct deposit

If you wish to pay the application fee by direct deposit, please contact the ACMA's Finance Section via email at remittances@acma.gov.au or by telephone on (02) 6219 5521.

Payments may be made by EFT, locked bag, BPay or credit card in accordance with the instructions on the tax invoice.

Additional information

Applicants are requested to provide any information they consider may be relevant to consideration of their application. The ACMA may also request additional information about a proposed installation.

If an applicant becomes aware of a change of circumstances relating to the information set out in the application, the applicant **must** notify the ACMA of the change as soon as practicable.

Incomplete or illegible applications may be returned to the applicant.

For more information about the submarine cable installation permit process, contact the ACMA by email at: subcablesenquiries@acma.gov.au.

PART A: Applicant details

Please complete the requested information in the fields below.

Note: Only licensed carriers may apply for a permit. See clause 51 of Schedule 3A to the Act.

Australian Company number (ACN) or Australian Registered Business Number (ARBN)

Registered business name of applicant

Trading name of applicant

Is the applicant to be the:

- sole owner or operator?
 joint owner or operator? (IF YES, PLEASE PROVIDE DETAILS)

- installing the cable on behalf of another person? (IF YES, PLEASE PROVIDE IDENTITY OF OTHER PERSON)
 other?

Information about carrier licensing, is available from the ACMA's website at: <http://www.acma.gov.au/Industry/Telco/Carriers-and-service-providers/Licensing>

Contact name

SURNAME
GIVEN NAMES

Registered address

POSTCODE

Postal address

POSTCODE

Contact details

WORK
MOBILE
FACSIMILE

Does the applicant consent to the ACMA publishing the carrier's registered business name and a copy of the permit, if granted, on the ACMA website?

- Yes
 No

PART B: Required information

Applicants are requested to provide the following information to assist the ACMA's assessment of applications. Please address each question separately in a submission marked 'Part B'.

1. The proposed route(s), in Australian waters, of the submarine cable(s) specified in the application. (Include geographic coordinates/geodetic data; information regarding the point at which the proposed cable will land onshore; and where the proposed installation will interconnect with another carrier onshore. Please attach an A3/A4 desktop or hydrographic survey of the proposed submarine cable route.)

NOTE: SHOULD A CARRIER COME ACROSS A PREVIOUSLY UNCHARTED SHIPWRECK IN THE PROTECTION ZONE AS PART OF THE SURVEY PROCESS, IT IS RECOMMENDED THAT DETAILS BE PROVIDED TO RELEVANT STATE AND COMMONWEALTH HERITAGE AGENCIES, THE HYDROGRAPHIC OFFICE AND THE ACMA.

2. Details about the ownership and control of the submarine cable(s) specified in the application.

NOTE: PLEASE REFER TO SUBCLAUSE 52(3) OF SCHEDULE 3A OF THE ACT FOR MORE DETAIL REGARDING THE MEANING OF 'CONTROL' FOR THE PURPOSES OF THIS INFORMATION REQUEST.

3. The anticipated start and completion dates for installation of the cable.

4. Other matters that may be relevant to the ACMA's consideration of the application. This may include, but is not limited to the following:

(a) How will the proposed installation facilitate the supply of efficient, modern and cost-effective carriage services to the public.

(b) Relevant technical and economic aspects of the installation. (Technical aspects may include but are not limited to: name of party installing the cable; responsibility for maintenance and repair; design capacity of proposed installation; proposed method of installation, including depth and burial; width of trench surrounding installation; any action taken to minimise damage to the cable; compliance with technical standards; and possible installation alternatives, including any associated cost).

(c) Proposed co-location of the submarine cable or cables with one or more other submarine cables.

NOTE: IT IS RECOMMENDED THAT CARRIERS CONSULT WITH AND OBTAIN AGREEMENT ON CO-LOCATION AND CABLE CROSSINGS FROM OTHER CABLE OWNERS THAT HAVE CABLES LOCATED IN THE PROTECTION ZONE.

(d) Details of any necessary regulatory approvals from relevant state/territory or Commonwealth bodies in relation to the proposed installation.

NOTE: THE REQUIREMENTS OF CERTAIN STATE OR TERRITORY LEGISLATION MAY APPLY INDEPENDENTLY OF SCHEDULE 3A. THIS INCLUDES LEGISLATION ON PROTECTION OF PLACES OR ITEMS OF SIGNIFICANCE TO THE CULTURAL HERITAGE OF ABORIGINAL PERSONS OR TORRES STRAIT ISLANDERS. IT IS RECOMMENDED CARRIERS OBTAIN ANY REQUIRED STATE OR TERRITORY APPROVALS BEFORE APPLYING TO THE ACMA FOR A PERMIT.

NOTE: THE INFORMATION PROVIDED ON THIS FORM WILL ONLY BE USED FOR THE PURPOSES OF PERFORMING THE ACMA'S FUNCTIONS AND POWERS UNDER THE TELECOMMUNICATIONS ACT 1997.

PART C: Conditions applicable to the installation of submarine cables

In addition to the conditions listed in clause 58A of Schedule 3A to the Act, the following conditions apply to the installation of an international submarine cable in a protection zone or Australian waters, other than coastal waters of a State or Territory and to the installation of a domestic submarine cable in a protection zone (see clauses 78 to 83 of Schedule 3A of the Act). Carriers may wish to seek their own legal advice concerning their obligations.

Carriers should also note that the installation of telecommunications facilities on land is subject to the requirements detailed in Schedule 3 of the Act.

Carriers are requested to **tick boxes A to E** below to acknowledge that they have read and are aware of the following conditions:

- A. The carrier must ensure that all reasonable steps are taken to ensure that the installation causes as little detriment and inconvenience, and as little damage, as practicable.**
- B. The carrier must ensure that all reasonable steps are taken to:**
- (a) act in accordance with good engineering practice; and
 - (b) protect the safety of persons and property; and
 - (c) protect the environment.
- C. The carrier must ensure that the installation is done in accordance with any standard that:**
- (a) relates to installation; and
 - (b) is recognised by the ACMA as a standard for use in the telecommunications industry; and
 - (c) is likely to reduce a risk to the safety of the public if the carrier complies with the standard.
- D. The carrier must ensure that the installation is done in a manner that is consistent with Australia's obligations under a listed international agreement that is relevant to the installation.**
- E. A carrier must ensure that the installation complies with any conditions that are specified in the regulations.**

PART D: Carrier declaration

I declare that:

- (a) the applicant is a licensed carrier within the meaning of the *Telecommunications Act 1997*; and
- (b) the applicant is not disqualified within the meaning of section 58 of the *Telecommunications Act 1997*; and
- (c) the applicant has not ceased to be a constitutional corporation, an eligible partnership or a public body; and
- (d) the contents of this application and any enclosures are true and correct; and
- (e) I have the authority to sign this application on behalf of the applicant; and
- (f) I am aware that under section 136.1 of the *Criminal Code Act 1995* it may be an offence to make a false or misleading statement to the ACMA in connection with an application for a permit, and that under section 137.1 of the *Criminal Code* it may be an offence to provide false or misleading information to the ACMA.

SIGNATURE
PRINT NAME
POSITION IN COMPANY
DATE

Signed for by and on behalf of the applicant

IMPORTANT NOTES

The information that must be provided on or with this form is being sought for the purpose of considering applications for a permit to install a submarine cable in a protection zone under the *Telecommunications Act 1997* and to enable the ACMA to perform a number of its telecommunications functions under section 8 of the *Australian Communications and Media Authority Act 2005*, in particular those under paragraphs 8(1)(a), (c), (f) and (j).

In accordance with clause 55A of Schedule 3A to the *Telecommunications Act 1997*, the ACMA must provide the Secretary of the Attorney-General's Department with a copy of each application received. The ACMA may also make the information provided in this application available to other Government agencies and departments in accordance with Part 7A of the *Australian Communications and Media Authority Act 2005*.

Any application provided to the ACMA may be released under the *Freedom of Information Act 1982*. The ACMA may also be required to release applications for other reasons, including for the purpose of parliamentary processes or where otherwise required by law.

Where consent has been given by the applicant in accordance with this form, and a permit has been granted, the ACMA may publish the relevant carrier's registered business name and a copy of the permit on the ACMA website.

Privacy

The *Privacy Act 1988* (Cth) (the Privacy Act) imposes obligations on the ACMA in relation to the collection, security, quality, access, use and disclosure of personal information. These obligations are detailed in the Australian Privacy Principles.

The ACMA may only collect personal information if it is reasonably necessary for, or directly related to, one or more of the ACMA's functions or activities.

The personal information that must be provided on or with this form is being sought for the purpose of considering applications for a permit to install a submarine cable in in Australian waters other than in a protection zone or coastal waters under the *Telecommunications Act 1997* and to enable the ACMA to perform a number of its telecommunications functions under section 8 of the *Australian Communications and Media Authority Act 2005*, in particular those under paragraphs 8(1)(a), (c), (f) and (j).

The ACMA will not use the information for any other purpose, nor will we disclose it, unless we have your consent or we are otherwise permitted to do so under the Privacy Act.

Further information on the Privacy Act and the ACMA's Privacy Policy is available at www.acma.gov.au/privacypolicy. The Privacy Policy contains details about how you may access personal information about you that is held by the ACMA, and seek the correction of such information. It also explains how you may complain about a breach of the [Privacy Act](#) and how we will deal with such a complaint.

Should you have any questions in this regard, please contact the ACMA's privacy contact officer on telephone on 1800 226 667 or by email at privacy@acma.gov.au.