

Application for nominated carrier declaration



Information for applicants

The owner of a network unit that is used to supply carriage services to the public must hold a carrier licence unless:

- a nominated carrier declaration is in force in relation to the network unit; or
- an exemption applies.

Examples of a network unit include a length of telecommunications cable or a radiocommunications base station that meets certain legislative requirements.

A nominated carrier declaration permits the owner(s) of one or more network units to nominate a carrier to supply carriage services over those units to the public, subject to the carrier satisfying the ACMA that it would be in a position to comply with carrier-related obligations in respect of those network units.

Prior to completing this application form, applicants should read the [Carrier Licensing Guide](#).

Eligibility

The ACMA will only accept an application for a nominated carrier declaration from a licensed carrier.

TO APPLY

An application for a nominated carrier declaration **must** be accompanied by payment of the application fee, which is \$2,375. This fee covers the cost of processing the application and will not be refunded if the application is refused.

To request an invoice **prior to lodging a nominated carrier declaration application**, please contact the Networks and National Interests Section at the ACMA via email at carriers@acma.gov.au or by telephone on (03) 9963 6800.

Once the application fee is paid, applicants can submit a completed application form, including any necessary supporting information or documentation, via email to carriers@acma.gov.au or by mail to:

The Manager
Networks and National Interests Section
Australian Communications and Media Authority
PO Box 13112 Law Courts, Melbourne VIC 8010

The ACMA may ask applicants to supply additional written information if necessary, and may refuse to consider the application until that information is provided. Applications which are incomplete or illegible may cause processing delays. Applicants should refer to the checklist on the last page of this form to ensure their application is complete prior to submitting to the ACMA.

Unsuccessful applications

The ACMA may make or refuse to make a nominated carrier declaration and will provide a written notice of the decision to the applicant and to the owner/s of the network units.

In general, if the ACMA refuses to make a nominated carrier declaration, the applicant may request a reconsideration of the decision by the ACMA. If the applicant is dissatisfied with the decision on reconsideration, it can apply for review of that decision by the Administrative Appeals Tribunal.

The applicant may also make a complaint regarding the ACMA's handling of an application to the Commonwealth Ombudsman.

Enquiries

Networks and National Interests Section
Australian Communications and Media Authority
Tel: (03) 9963 6800
Email: carriers@acma.gov.au

References

Before completing this application form, applicants should read the [Carrier Licensing Guide](#).

Applicants should also familiarise themselves with the Acts of Parliament relevant to carrier licensing (available on the [Comlaw](#) website):

1. *Telecommunications Act 1997*
2. *Telecommunications (Consumer Protection and Service Standards) Act 1999*
3. *Telecommunications (Interception and Access) Act 1979*
4. *Telecommunications (Carrier Licence Charges) Act 1997*
5. *Telecommunications (Interception and Access) Amendment (Data Retention) Act 2015.*

Nominated carrier declaration application form



In respect of network unit(s) and election accepting responsibility for those units

Section 1: Applicant's details

Registered business name of applicant

ACN OR ARBN (IF APPLICABLE)

Trading name of applicant (IF APPLICABLE)

ABN (IF APPLICABLE)

Postal address

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|----------------------|
| <input type="text"/> |
| <input type="text"/> |
| <input type="text"/> |
| POSTCODE |

Date the applicant's carrier licence was granted

Registered office address (IF DIFFERENT)

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| <input type="text"/> |
| <input type="text"/> |
| <input type="text"/> |
| <input type="text"/> |
| POSTCODE |

Contact details

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| NAME |
| POSITION |
| WORK () |
| MOBILE |
| EMAIL |

Section 2: Application and election

The applicant described above **applies** for a nominated carrier declaration in respect of the network units specified in the attachments to this application, and **elects** to accept responsibility for the units for the purposes of the *Telecommunications Act 1997*.

Section 3: Declaration by applicant's agent

I declare that:

- (a) the applicant is the holder of a carrier licence under the *Telecommunications Act 1997*; and
- (b) if the applicant were to be declared to be the nominated carrier in relation to the network units the subject of this application:
 - (i) the applicant will be in a position to comply with all the obligations imposed on the applicant in the applicant's capacity as the nominated carrier in relation to the units; and
 - (ii) the applicant is not aware of any circumstances in which the making of the declaration would impede the efficient administration of the *Telecommunications Act 1997*; and
- (c) the contents of this application and any enclosures are true and correct; and
- (d) I have the authority to sign this application on behalf of the applicant; and
- (e) I am aware that under section 136 of the *Criminal Code Act 1995* it is an offence to knowingly make a false or misleading statement to a Commonwealth entity.

SIGNATURE

DATE

PRINT FULL NAME

POSITION IN ORGANISATION

IMPORTANT NOTES

The information that must be provided on or with this form is being sought for the purpose of considering applications for nominated carrier declarations 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 may 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*.

Applicants should note that, if their application is successful and a nominated carrier declaration is made, the name of the applicant and specified details of the network unit and owner of the network unit will be included on the register maintained by the ACMA under section 84 of the *Telecommunications Act 1997*. By virtue of the same section, the register will be open to inspection by the public.

Section 4: Description of corporate relationships

Please specify the relationship (if any) between the applicant and the owner, or any of the owners of the network units. (For these purposes, bodies are related if they would be related within the meaning of the Corporations Law). Please attach details separately.

Section 5: Network units

Applicants **MUST** indicate the network unit(s) that they wish to be subject to the nominated carrier declaration. A declaration must be made in relation to one or more specified network units. (For the meaning of 'network unit' see Division 2 of Part 2 of the *Telecommunications Act 1997*.) Network units may be specified by name, by inclusion in a specified class, or by reference to such other details of the network units as will enable the ACMA to make a declaration in accordance with the *Telecommunications Act 1997*.

Tick the type of network unit that will be subject to the nominated carrier declaration:

Category 1

- A single line link (e.g. optical fibre cable, copper cable) connecting distinct places (e.g. two different properties) in Australia and having a length of greater than 500m.

Category 2

- Multiple line links connecting distinct places in Australia and having an aggregate length of greater than 5km.

Category 3

- Designated radiocommunications facilities:
- a base station for the supply of public mobile telecommunications services
 - a base station that is part of a terrestrial radiocommunications customer access network
 - a fixed radiocommunications link that is double-ended interconnected
 - a satellite-based facility
 - a radiocommunications transmitter of a kind specified in a Ministerial determination
 - a radiocommunications receiver of a kind specified in a Ministerial determination.

Provide an attachment containing the following information:

1. general description of the network and technology that is proposed to be used to supply services to customers;
2. diagram of the proposed network configuration (including identification of any facilities/infrastructure in the network that are not owned by the applicant); and
3. information on type of licensed radio spectrum being utilised (if applicable).

Network units belonging to each owner must be identified in a separate attachment to this application.

Section 6: Description of proposed services

1. Provide an attachment describing the intended geographic coverage of the network and the markets proposed to be serviced (for example small business, residential, wholesale).
2. Applicants are also requested to tick the types of services intended to be supplied over the network units and provide a brief description.

- Local telecommunications services
- Long distance national telecommunications services
- International telecommunications services
- Voice over internet protocol (VoIP) services
- Public mobile telecommunications services
- Satellite telephone services
- Internet access
- Encrypted services
- Entertainment services, for example pay TV, video on demand

Please attach details separately.

Section 7: Agreement between applicant and owner

Provide a copy of an agreement between the applicant and network owner demonstrating that the applicant and the owner would be in a position to comply with all the obligations imposed on the applicant under the *Telecommunications Act 1997* as nominated carrier in relation to the network units identified in the declaration.

Suggested wording of the agreement between the applicant and the network owner could be along the following lines:

The applicant [Carrier Pty Ltd] and owner [Network unit owner P/L] have entered into an agreement dated [DD/MM/YYYY] in terms of which, among other things:

1. *the parties acknowledge that if [Carrier Pty Ltd] is declared the nominated carrier in respect of the network units by the Australian Communications and Media Authority under the Telecommunications Act 1997 (the Act), [Carrier Pty Ltd] will have the obligations imposed on a licensed carrier under the Act ('Obligations') and the rights of a licensed carrier under the Act ('Rights') in respect of the network units; and*
2. *the owner [Network unit owner P/L] undertakes in relation to the network units:*
 - a) *to exercise its rights of ownership according to the Act as if it were a licensed carrier;*
 - b) *to co-operate with [Carrier Pty Ltd] in all respects to enable [Carrier Pty Ltd] to meet its Obligations and to exercise its Rights in accordance with the Act; and*
 - c) *to obey the lawful directions of [Carrier Pty Ltd] to enable [Carrier Pty Ltd] to comply with all of its obligations and to ensure that the efficient administration of the Act is not impeded by the nominated carrier declaration.*

Please attach copy of agreement separately

Section 8: Consent of owner of network units to nominated carrier declaration

Details of consenting owner

Registered business name of consenting owner

ACN OR ARBN (IF APPLICABLE)

Trading name of consenting owner (IF APPLICABLE)

ABN (IF APPLICABLE)

Postal address

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| POSTCODE |

Contact details

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| NAME |
| POSITION |
| WORK () |
| MOBILE |
| EMAIL |

Registered office address (IF DIFFERENT)

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| POSTCODE |

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|--|--|
| Name of applicant for nominated carrier declaration | |
| Description of network units and application for nominated carrier declaration in respect of which consent is being given. | |

Consent

The consenting owner consents to the ACMA declaring that the applicant referred to above is the nominated carrier in relation to the network units described above.

Section 9: Declaration

Declaration by person signing the consent

I declare that:

- (a) I have the authority to sign this consent on behalf of the consenting owner; and
- (b) the consenting owner owns the network units described in the attachment(s) to the application described above; and
- (c) the contents of this consent are true and correct.

| |
|--------------------------------|
| SIGNATURE OF AUTHORISED PERSON |
| DATE |

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|-----------------|
| PRINT FULL NAME |
| TITLE |

IMPORTANT NOTES

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Applicants should note that, if their application is successful and a nominated carrier declaration is made, the name of the applicant and specified details of the network unit and owner of the network unit will be included on the register maintained by the ACMA under section 84 of the *Telecommunications Act 1997*. By virtue of the same section, the register will be open to inspection by the public.

Checklist for nominated carrier declaration application

(To be completed prior to submitting application to the ACMA)



Have you:

- read the ACMA's online [Carrier Licensing Guide](#)?
- read the declaration at Section 3 and signed and dated it where appropriate? (Note: Section 3 is to be completed by the applicant being the nominated carrier).
- attached details regarding the relationship (if any) between the applicant and the owner/s of the network units (as required for Section 4)?
- provided information about the proposed network and technology to be deployed, a diagram of the proposed network configuration and the type of licensed radio spectrum (if any) being utilised (as required for Section 5)?
- attached information identifying the network units belonging to each owner (as required for Section 5)?
- attached information describing the geographic coverage of the network and the market(s) proposed to be serviced (as required for Section 6)?
- attached a copy of an agreement between the applicant and network owner/s demonstrating that the applicant and the owner would be in a position to comply with all the obligations imposed on the applicant under the *Telecommunications Act 1997* as nominated carrier in relation to the network units identified in the declaration (as required for Section 7)?
- the owner, or each of the owners of the network units have provided written consent (see Sections 8 & 9) declaring that the applicant referred is the nominated carrier in relation to the network units described in the application?