

# Carrier licensing guide

The purpose of this Guide is to give assistance to applicants for a carrier licence and/or nominated carrier declaration. It outlines the Government's telecommunications policy framework as it applies to carriers and provides general information about the range of obligations on carriers under the *Telecommunications Act 1997* (the Act).

The carrier licence application and nominated carrier declaration application processes are set out below in Attachment A and Attachment B to this Guide.

If you need additional information, please contact the Networks and National Interests Section of the Australian Communications and Media Authority (ACMA) on (03) 9963 6800.

## Policy framework

Carriers provide the basic transmission infrastructure on which carriage and content services are supplied to the public. In recognition of the important role that carriers play, the Act attempts to balance community and consumer safeguards with carrier freedoms to engage in genuine competitive market conduct.

The Act facilitates the establishment of an open market access regime for providers of both telecommunications infrastructure and services by removing the distinction between carriers on the basis of the technology they use by ensuring that any licensing requirements do not place unnecessary regulatory barriers on the choices carriers may make in regard to available technologies.

Under the regulatory regime, carriers are individually licensed and subject to initial application and annual licence charges intended to recover the costs of regulating the industry. A carrier licence must be held by the owner of a network unit (cable or wireless facility) which is used to supply carriage services, for example telephone or internet, to the public unless there is a nominated carrier declaration in force in relation to the unit. That is, the owner of the network unit arranges for a carrier to accept carrier-related responsibilities and become the 'nominated carrier' in relation to the unit (Division 4 of Part 3 of the Act). Special exemptions to this rule apply where network units are used solely or principally for purposes including defence, transport, electricity supply and broadcasting.

The granting of carrier licences and the making of nominated carrier declarations is provided for by the Act. Persons wishing to apply for carrier licences, or for the making of nominated carrier declarations, are urged to familiarise themselves with the obligations imposed on carriers in the Act, the [Telecommunications \(Consumer Protection and Service Standards\) Act 1999](#) (the TCPSS Act) and Chapter 5 of the [Telecommunications \(Interception and Access\) Act 1979](#).

## Key concepts of the regulatory framework

The concepts of 'network unit', 'carriage service' and 'supply to the public' are central to determining the extent of regulation applying to the owner of telecommunications infrastructure. Section 42 of the Act provides that where a network unit is owned by one or

more persons, and the unit is used to supply a carriage service to the public, the owner(s) of the network unit must either hold a carrier licence or ensure that a nominated carrier declaration is in force in relation to the unit.

## **Network unit**

The concept of 'network unit' is described in the Act in terms of four categories of network unit. These categories are set out below:

### **Category 1 - single line links connecting distinct places in Australia**

A single line link connecting distinct places within Australia that are at least 500 metres apart. A power exists for the Minister to extend these distances if this is considered appropriate at a future date.

For the purpose of minimum distance rules, the concepts of line link, distinct place, properties, combined areas, principal users of property and eligible combined areas are defined in Divisions 3 and 4 of Part 2 of the Act.

### **Category 2 - multiple line links connecting distinct places in Australia**

Two or more line links owned by the same person or persons which connect distinct places in Australia, the aggregate distance between which is at least 5 kilometres. It also applies to 2 or more line links which are owned by bodies corporate that are all members of the same related company group.

### **Category 3 - designated radiocommunications facility**

A designated radiocommunications facility is a network unit if it is used, or is for use, to supply a carriage service between a point in Australia and one or more other points in Australia, notwithstanding whether the supply involves the use of a satellite or a line or other facility outside Australia. A designated radiocommunications facility is defined to include the following kinds of facility:

1. a base station for the supply of public mobile telecommunications services
2. a base station that is part of a terrestrial radiocommunications customer access network
3. a fixed radiocommunications link that is 'double-ended interconnected'
4. a satellite based facility
5. a radiocommunications transmitter or receiver of a kind specified in a Ministerial determination.

### **Category 4 - facilities specified in a Ministerial determination under section 29 of the Act**

Any specified facility determined by the Minister under section 29 of the Act to be a network unit for the purposes of the Act.

## **Carriage service**

A 'carriage service' is defined under section 7 of the Act to mean a service for carrying communications by guided and/or unguided electromagnetic energy. The term 'communications' includes any communication whether between persons, things or persons and things and whether in the form of speech, music or other sounds, data, text, visual images, signals or any other form or combination of forms.

## **Supply to the public**

Section 44 of the Act deals with supply of services to the public and states that a network unit is deemed to be used to supply services to the public where, for example, each end user is outside the 'immediate circle' of the owner of the unit. 'Immediate circle' is defined in section 23 to include the employees of an individual or partnership, an officer of a body corporate, a body corporate related to another body corporate (within the meaning of the Corporations Law) and officers of the body corporate, an authority or institution of the Commonwealth, State or Territory etc.

Where a network unit is used to supply services within the 'immediate circle' of the owner of the network unit, that is, for private use only the owner(s) of the unit is not required to obtain a carrier licence or nominated carrier declaration in relation to the unit.

## **Carrier obligations**

The Act places obligations on carriers and to some extent, the industry at large. The key regulatory obligations that apply to all carriers are summarised below.

## **Consumer and community obligations industry codes and standards (Part 6 of the Act)**

The industry and consumer codes regime is intended to provide a framework for industry self-regulation through industry developed codes that may be registered with the ACMA. Compliance with an industry code is voluntary unless the ACMA directs a particular participant in the telecommunications industry to comply with the Code. The ACMA has a reserve power to make an industry standard if there is no industry code in a particular area or if an industry code is deficient. Compliance with such standards is mandatory.

## **Universal service regime (Part 2 of the TCPSS Act)**

At the core of the community obligations is the universal service obligation (the USO). The general object is to ensure that all people in Australia have reasonable access to:

1. the standard telephone service (including customer equipment relevant to the standard telephone service)
2. payphones
3. prescribed additional carriage services and
4. digital data services

on an equitable basis, wherever they live or work and a supporting obligation to supply those services on request.

Participating carriers (those with revenue of \$25 million or more) must contribute to funding losses incurred in fulfilling the USO in direct proportion to their share of total 'eligible revenue' or by a system determined by the Minister and agreed to by the carriers.

## **Customer service guarantee (Part 5 of the TCPSS Act)**

Carriers that supply the standard telephone services are required to comply with the [Customer Service Guarantee Standard](#) (CSG Standard). The CSG Standard specifies minimum performance that carriage service providers are required to meet in relation to the connection of a standard telephone service, fault rectification and attending appointments with customers. If a carrier contravenes the CSG Standard, it may be liable to pay compensation to the customer. The compensation will vary according to the type of service and length of delay in meeting the service requirements.

## **Telecommunications Industry Ombudsman scheme (Part 6 of the TCPSS Act)**

This Part requires the majority of carriers and carriage service providers to enter into the Telecommunications Industry Ombudsman (the TIO) Scheme. Members of the scheme must register with the TIO and comply with the scheme. The ACMA has the power to declare that a specified carrier or carriage service provider is exempt from the requirement to join the scheme, or if necessary, direct specified carriers or carriage service providers to enter the scheme.

## **Emergency service arrangements (Part 8 of the TCPSS Act)**

Under the Act, the ACMA has determined arrangements for the provision of direct access by end-users, free of charge, to emergency call services and ancillary arrangements for emergency call handling. The major impact on carriers is the obligation to provide access to the emergency call service for end-users.

## **Protection of communications (Part 13 of the Act)**

Carriers and other specified persons are required to protect the confidentiality of information that relates to:

1. the content of communications they carry
2. the carriage services they supply and
3. the affairs or personal particulars of other persons.

This Part outlines the circumstances in which carriers can disclose protected information, and also places record-keeping and reporting requirements on such disclosures.

## **National interest (Part 14 of the Act)**

Carriers are required to:

1. do their best to prevent telecommunications networks from being used to commit offences and
2. give Commonwealth, State and Territory authorities such help as is reasonably necessary for the purposes of:
  1. enforcing the criminal law and laws imposing pecuniary penalties
  2. protecting the public revenue and
  3. safeguarding national security.

## **Law enforcement (Chapter 5 of the Telecommunications (Interception and Access) Act 1979 as amended)**

There is an obligation on carriers to ensure that it is possible to execute a warrant issued for interception purposes, unless an exemption has been granted by the Minister, the ACMA or the Attorney-General's Department.

Carriers and nominated carriage service providers are required to lodge annual Interception Capability Plans with the Communications Access Coordinator of the Attorney-General's Department.

## **Defence requirements and disaster plans (Part 16 of the Act)**

A carrier may be required to supply a carriage service for defence purposes or for the management of natural disasters. A carrier may also be required to enter into an agreement with the Commonwealth about planning for network survivability or operational requirements in times of crisis. Compliance with designated disaster plans may be the subject of a carrier licence condition to be declared by the Minister.

## **Obligations to promote competition**

While competition regulation is for the most part dealt with in the *Competition and Consumer Act 2010*, the Act imposes a number of conditions on carriers in order to promote competition in carriage services, as outlined in the following paragraphs.

## **Pre-selection in favour of carriage service providers (Part 17 of the Act)**

Carriers and carriage service providers must comply with any ACMA pre-selection determinations. The Determinations require telecommunications networks and facilities operated by a carrier or carriage service provider to permit an end-user to:

1. pre-select another carriage service provider as the end-user's preferred carriage service provider for specified national and international calls, operator assisted services and calls to mobile telephones and
2. change the selection from time to time by written request.

Such networks and facilities must also provide over-ride dial codes for selecting alternative carriage service providers for pre-selectable calls on a call-by-call basis.

## **Calling line identification (CLI) (Part 18 of the Act)**

Carriers are required to take all reasonable steps to ensure that a facility they control when consisting of:

1. a switching system used in connection with the supply of a standard telephone service or
2. a switching system of a kind specified in an ACMA determination

is capable of providing CLI. Carriers who control such systems must comply with any ACMA determination.

## **International issues (Part 20 of the Act)**

The Act recognises the potential for telecommunications businesses based in other countries to take unfair advantage of Australia's liberal market. This Part also recognises access to INTELSAT and Inmarsat via their Australian signatories and compliance with international conventions as matters that are subject to Ministerial direction. Under this Part, the Minister can declare that a specified international convention is binding on certain carriers and make Rules of Conduct about carriers' dealings with international telecommunications operators. A carrier must comply with the Minister's declaration or Rules of Conduct where they apply.

## **Technical regulation**

### **Technical standards (Part 21 of the Act)**

Part 21 of the Act establishes the scheme for technical regulation of telecommunications in Australia. The scheme relies primarily on industry self-regulation with the ACMA having the power to make technical standards about customer equipment and customer cabling that is connected to telecommunications networks or facilities. The technical standards made by the ACMA are listed on the [ACMA website](#). Copies of the technical standards are either available from [Standards Australia](#) or [Communications Alliance Ltd](#).

The ACMA has made the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001* including amendments, which requires manufacturers and importers of customer equipment and customer cabling intended for connection to telecommunications networks or facilities to apply a label to the equipment and cabling. The label must indicate whether or not the equipment or cabling complies with the applicable technical standards made by the ACMA. The Labelling Notice is available from the [ACMA website](#).

It is an offence to connect customer equipment or customer cabling to a telecommunications network or facility where the equipment or cabling is required to be labelled and either there is no label or the label indicates non-compliance with the applicable technical standards. Questions on compliance requirements of customer equipment and customer cabling can be sent to [info@acma.gov.au](mailto:info@acma.gov.au).

## **Numbering (Part 22 of the Act)**

Carriers, in their capacity as carriage service providers, must comply with the the Numbering Plan made by the ACMA. The Numbering Plan includes rules regarding the numbering of carriage services in Australia, the use of numbers in connection with the supply of such services and number portability. A carrier, in its capacity as a carriage service provider, may apply to the ACMA for the allocation of numbers and must also provide number portability in accordance with the Numbering Plan.

## **Compliance with service provider obligations**

Carriers who supply carriage or content services to the public are also considered to be service providers and, therefore, are subject to relevant service provider regulation under the Act, the TCPSS Act and the *Competition and Consumer Act 2010*. There may be circumstances, however, where a carrier owns infrastructure but does not itself supply carriage or content services to the public. Obligations under the Act are specifically and separately imposed on both carriers and carriage service providers to avoid any such potential regulatory gaps. Further information on service provider obligations is set out in the [Guide to Service Provider Obligations](#).

## **Applying for a carrier licence or nominated carrier declaration**

The administrative processes and relevant documentation relating to the granting of carrier licences and nominated carrier declarations are detailed at Attachments A and B respectively.

## **Advice**

Further information on the carrier licensing framework may be obtained from:

### **Australian Communications and Media Authority**

Networks and National Interests Section

PO Box 13112 Law Courts

MELBOURNE VIC 8010

Telephone: (03) 9963 6800

Facsimile: (03) 9963 6899

Website: [www.acma.gov.au](http://www.acma.gov.au)

Further information about the TIO Scheme may be obtained from:

**Telecommunications Industry Ombudsman**

PO BOX 276 Collins Street West

MELBOURNE VIC 8007

Telephone: (03) 8600 8700 or Freecall: 1800 062 058

Facsimile: (03) 8600 8797 or freecall facsimile: 1800 634 614

Website: [www.tio.com.au](http://www.tio.com.au)

Further information about the development of industry codes may be obtained from:

**Communications Alliance Ltd**

PO BOX 444

MILSONS POINT NSW 1565

Telephone: (02) 9959 9111

Facsimile: (02) 9954 6136

Website: [www.commsalliance.com.au](http://www.commsalliance.com.au)

Further information about the obligations on carriers under the *Competition and Consumer Act 2010* may be obtained from:

**Australian Competition & Consumer Commission**

GPO Box 520 J

MELBOURNE VIC 3000

Telephone: (03) 9290 1800

Facsimile: (03) 9663 3699

Website: [www.accc.gov.au](http://www.accc.gov.au)

Further information about the Government's policy for telecommunications, IDP requirements and competition regulation may be obtained from:

**Department of Communications**

Market Structure Branch

GPO Box 2154

CANBERRA ACT 2601

Telephone: (02) 6271 1000

Facsimile: (02) 6271 1901

Website: [www.communications.gov.au](http://www.communications.gov.au)

## **Carrier licence – Attachment A**

### **Scope of the licence**

A carrier licence permits the owner(s) of a network unit to use the unit to supply carriage services to the public subject to obligations set out in the Act and the licence itself, and any additional conditions that are imposed by the Minister.

### **Conditions of a carrier licence**

All carrier licences are subject to the standard carrier licence conditions set out in Schedule 1 to the Act. These include obligations regarding access to facilities and network information of



other carriers. Under these standard conditions, carriers must provide other carriers with access to their facilities for the purpose of enabling those other carriers to provide facilities and carriage services or establish their own facilities. There is an additional facilities access condition which requires carriers to provide other carriers with access to telecommunications transmission towers, sites and underground facilities if technically feasible. Carriers must also provide other carriers with access to certain information relating to the operation of their telecommunications networks.

## Special conditions

Under section 62 of the Act, a carrier licence is also subject to the condition set out in section 152AZ of the *Competition and Consumer Act 2010*, which provides that a carrier licence is subject to a condition that the carrier must comply with all standard access obligations that are applicable to the carrier.

Section 67 states that a condition of a carrier licence held by a carrier has effect subject to the provisions of a licence granted under the Radiocommunications Act 1992 under which the carrier is authorised to do something.

The Minister may, through a Determination, impose further conditions on all carrier licences, specified carrier licences or proposed carrier licences. However, the Minister must not impose, vary or revoke such conditions unless the carriers affected have first been consulted. Any Determination by the Minister under these provisions is disallowable by the Parliament.

## Application for carrier licence

Division 3 of Part 3 of the Act provides administrative arrangements for the granting of carrier licences. A person may apply to the ACMA for a carrier licence. The application must be in writing and in accordance with an application form approved by the ACMA. (See [T033 - Application for a carrier licence](#) on the [ACMA website](#).) An application charge must accompany the application. The ACMA may grant a carrier licence if it is satisfied that the applicant has met the following requirements:

1. The person applying is a constitutional corporation, an eligible partnership or a public body. To assist the ACMA in its determination, the applicant must provide a copy of the certificate of registration in the case of an applicant company and, in the case of an eligible partnership, a copy of the certificate of registration of each company that is party to the partnership and a copy of the partnership deed. Where the applicant is a 'public body', it must provide as applicable, a statement as to the legislation that established the body or a copy of the certification of registration of the relevant corporation together with a statutory declaration by a director of the corporation.
2. The applicant has paid the carrier licence application charge to the ACMA. The charge imposed on an application for a carrier licence is due and payable when the application is made to the ACMA. The amount of the application charge is \$2,122, representing the charge determined by the ACMA in the Telecommunications (Carrier Licence Application Charge) Determination 2012 made under section 9 of the Telecommunications (Carrier Licence Charges) Act 1997.

Applicants are requested to provide information in the form of application specifying the category of network unit(s) owned by the applicant and describing the nature of the proposed services to be supplied using the network unit(s). This information will assist the ACMA in meeting its obligations under Part 8 of the Australian Communications and Media Authority Act 2005 (the ACMA Act), including to monitor, regulate and report to the Minister on the telecommunications industry and the carrier licensing process.

## **Granting carrier licences**

Time limits for deciding applications are specified in Division 3 of the *Telecommunications Act 1997*. The ACMA cannot grant you a licence until a copy of your application has been considered by the Attorney-General's Department, who will then consult with the ACMA. The time provided to the ACMA to make a decision on an application will be anywhere from 20 days onwards, depending on the circumstances of each application. You should refer to the specific provisions in Division 3 of the *Telecommunications Act 1997* to ascertain which time period will apply to your application.

Where the ACMA decides to grant a carrier licence it will give the applicant a written notice stating that the licence has been granted and publish a notice in the Gazette stating that the licence has been granted.

The ACMA may refuse to grant a carrier licence if the applicant becomes 'disqualified' under section 58 of the Act. However, this section does not limit the grounds on which the ACMA may refuse to grant a carrier licence. If the ACMA is not satisfied that the application meets the requirements above, it will refuse the application and give the person written notice of refusal.

## **Charges relating to carrier licences**

The carrier licence application charge of \$2,122 is due and payable when the application is made to the ACMA.

An annual charge will also be imposed on a participating carrier's licence that is in force at the beginning of a financial year, where the financial year begins on or after 1 July 1998. This charge is payable by the holder of the carrier licence. The annual charge consists of a fixed component and a variable component that will be determined for each financial year. The fixed component (the minimum charge) will be specified in that year's Annual Carrier Licence Charge Determination. The variable component will be calculated on the basis of market share in accordance with the formula set out in section 20R of the TCPSS Act. This formula is also used in determining the amount of levy debit applicable to a participating carrier under the universal service regime. Each year the ACMA makes a determination under subsection 14(1) of the Telecommunications (Carrier Licence Charges) Act 1997 setting out the annual charge for each participating licensed carrier. The annual charge is intended to provide a mechanism for recovery of costs associated with the regulation of the telecommunications industry by the ACMA and the ACCC.

Subsection 73(4) of the Act provides that the ACMA may, by written instrument, also determine a 'late penalty payment' to apply to carriers where the annual charge remains unpaid. The Telecommunications (Carrier Licence Charges) Act 1997 provides that this amount may be calculated at the rate of no more than 20% of the outstanding annual charge per annum.

## **Information about change of status**

The holder of a carrier licence must inform the ACMA if it no longer meets the eligibility requirements or if it has failed to pay an annual charge or universal service levy in the period specified for payment. These requirements are a condition of a carrier licence granted by the ACMA and are intended to provide the ACMA with information that will enable it to determine whether the holder of a carrier licence should be disqualified and whether the carrier licence should be cancelled.

### **Breach of a condition**

Carriers in breach of a carrier licence condition and persons otherwise involved in a breach of a carrier licence condition are subject to pecuniary penalties detailed in Part 31 of the Act. Penalties up to \$10 million are possible under this Part.

The ACMA may issue formal warnings regarding the breach of a licence condition or remedial directions requiring action to ensure further breaches do not occur. Carriers must not contravene a direction issued by the ACMA.

### **Surrender of carrier licences**

A carrier may, by written notice given to the ACMA, surrender the carrier licence held by the carrier.

### **Cancellation of carrier licences**

The ACMA may cancel a carrier licence held by a carrier under the following circumstances:

1. the carrier fails to pay in full any annual charge on or before the date on which the charge becomes due and payable
2. the carrier fails to pay in full any levy on or before the due date on which the levy becomes due and payable
3. the holder of a carrier licence becomes a disqualified body corporate or partnership within the meaning of section 58 of the Act or
4. the holder of a carrier licence is no longer a constitutional corporation, an eligible partnership or a public body.

Before cancelling a licence, the ACMA will give the carrier written notice setting out the proposal for cancellation and inviting the carrier to make a submission on the proposal. The ACMA will consider any submission provided by a carrier within the period specified in the notice, being at least 7 days.

Where the ACMA decides to cancel a carrier licence it will give written notice of cancellation to the person.

## **Reviewable decisions of the ACMA**

Part 29 of the Act provides that certain decisions may be reviewed by the Administrative Appeals Tribunal following a process of internal consideration by the ACMA. A decision to refuse to grant a carrier licence or cancel a licence may be subject to merits review under this Part (see Schedule 4 to the Act).

## **Register of carrier licences and nominated carrier declarations**

The ACMA will maintain an electronic register of all carrier licences and nominated carrier declarations currently in force and the conditions on such licences. This register is available on the [ACMA website](#).

## **Information disclosure**

Part 27 of the Act provides, in effect, that the ACMA may, by notice, require a carrier, service provider or any other person to give information or to produce a document, if it has reason to believe the person has information or a document that is relevant to the performance of its telecommunications regulatory functions or the exercise of any of its telecommunications powers.

The ACMA may also make rules requiring one or more specified carriers or carriage service providers to keep and retain records. A carrier or carriage service provider must comply with any record-keeping rules that are applicable.

Except as required by law, the ACMA will not disclose commercially confidential information.

# **Nominated carrier declaration – Attachment B**

## **Scope of the declaration**

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.

The ACMA may only declare one carrier to be the nominated carrier in relation to specific network units.

## **Application for nominated carrier declaration**

Division 4 of Part 3 of the Act provides administrative arrangements for the granting of nominated carrier declarations. A carrier may apply to the ACMA for a nominated carrier declaration. The application must be in writing and in accordance with an application form

approved by the ACMA (See [T034 - Application for a nominated carrier declaration](#) on the [ACMA website](#)). It must be accompanied by:

1. an application charge
2. the consent of the owner or each of the owners of the network units
3. the election of the applicant accepting responsibility for the units and
4. a description of the network units subject to the application.

The ACMA may make a nominated carrier declaration if it is satisfied that:

1. the applicant would be in a position to comply with all of the obligations imposed on the applicant in its capacity as the nominated carrier in relation to the network units and
2. the making of the declaration would not impede the efficient administration of the Act (section 81).

Applicants are required to attach a submission to the application detailing matters that would assist the ACMA to form a view regarding the issues outlined above. For example, the submission should provide details of any arrangements between the owner(s) of the network units and the nominated carrier which provide that the nominated carrier will not be precluded from meeting its carrier-related obligations in relation to the network units concerned. The applicant should also provide details of its approach to complying with the relevant provisions.

Applicants are required to provide information in the form set out in the application specifying the network unit(s) and owner(s) of those units to which the nominated carrier has accepted responsibility, whether by reference to the categories of network unit described in the Guide or by reference to any other details that will enable the ACMA to make a declaration in accordance with the Act. Information is also sought regarding the nature of the proposed services to be supplied using the network unit(s). This information will assist the ACMA to meet its obligations under section 8 of the ACMA Act, including to monitor, regulate and report to the Minister on the telecommunications industry and the carrier licensing process.

The ACMA may request further information about the application and can refuse to consider the application until this information is provided.

If the ACMA refuses to make a nominated carrier declaration it will give written notice of the refusal to the applicant and the owner or each of the owners of the network units.

If the ACMA makes a nominated carrier declaration it will give a copy of the declaration to the applicant and each of the owners of the network units and publish the declaration in the Gazette.

## **Application charge**

The charge imposed on an application for a nominated carrier declaration is due and payable when the application is made to the ACMA. The amount of the application charge is \$2,375, representing the charge fixed by the Telecommunications (Charges) Determination 2012

## **Revocation of nominated carrier declaration**

The ACMA must revoke a nominated carrier declaration in any of the following circumstances:

1. the owner or any of the owners of the network units gives the ACMA a written notice stating that the owner does not consent to the continued operation of the declaration or
2. the nominated carrier gives the ACMA a written notice stating that it does not accept responsibility for the units.

The ACMA may revoke a nominated carrier declaration if the ACMA is satisfied that, if it were assumed that the nominated carrier were to apply for the declaration, the ACMA would refuse to make the declaration.

Before making a revocation, the ACMA will give the nominated carrier a written notice setting out the proposal to revoke the declaration and inviting the nominated carrier to make a submission on the proposal. The ACMA will consider any submission provided by the nominated carrier within a period specified in the notice, being at least 7 days.

Where the ACMA decides to revoke a declaration, it will give a copy of the revocation to the former nominated carrier and the owner or each of the owners of the network units concerned. The revocation will be published in the Gazette.

## **Reviewable decisions of the ACMA**

Part 29 of the Act provides that certain decisions may be reviewed by the Administrative Appeals Tribunal following a process of internal reconsideration by the ACMA. A decision to refuse to make a nominated carrier declaration or a decision to revoke a declaration may be subject to merits review under this Part (see also Schedule 4 to the Act).

## **Register of carrier licences and nominated carrier declarations**

The ACMA will maintain an electronic register of all carrier licences and nominated carrier declarations currently in force and the conditions of such licences. This register is available on the [ACMA website](#).

## **Information disclosure**

Part 27 of the Act provides, in effect, that the ACMA may, by notice, require a carrier, service provider or any other person to give information or to produce a document, if it has reason to believe the person has information or a document that is relevant to the performance of its telecommunications regulatory functions or the exercise of any of its telecommunications powers.

The ACMA may also make rules requiring one or more specified carriers or carriage service providers to keep and retain records. A carrier or carriage service provider must comply with any record-keeping rules that are applicable.

Except as required by law, the ACMA will not disclose commercially confidential information.

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