

## Information for applicants

The Australian Communications and Media Authority (the ACMA) licenses telecommunications carriers. Owners of a network unit used to supply carriage services to the public must hold a carrier licence, unless a nominated carrier declaration is in place or an exemption applies.

Carriers are subject to specific regulatory obligations in addition to those that apply to carriage service providers.

These carrier obligations are set out in the conditions attached to the licence, the *Telecommunications Act 1997* (the Telecommunications Act), the *Telecommunications (Consumer Protection and Service Standards) Act 1999*, the *Telecommunications (Interception and Access) Act 1979*, the *Telecommunications (Emergency Call Service) Determination 2009* and the *Telecommunications (Interception and Access) Amendment (Data Retention) Act 2015*, related regulations and any additional conditions imposed by the Minister for Communications and the Arts.

Unless exempted by the ACMA, a carrier must join the Telecommunications Industry Ombudsman scheme.

### Charges and levies associated with being a carrier

Participating persons (including telecommunications carriers that earn AUD \$25 million or more in an eligible revenue period) are required to pay the following levies and charges based on their eligible revenue for the financial year:

- the telecommunications industry levy (TIL), and
- the annual carrier licence charge (ACLC).

For more information on how the TIL and ACLC are calculated, see the [Carrier fees and levies factsheet](#) or [contact the ACMA's Revenue Assurance Section on phone 02 6219 5355](#).

### Eligibility

The ACMA will accept a carrier licence application from a person that is a constitutional corporation, eligible partnership or public body.

### Consultation and timeframe for considering an application

The ACMA must consult the Office of the Communications Access Co-ordinator (OCAC) at the Department of Home Affairs about a licence application. The ACMA has 20 business days from when the application is received by the OCAC in which to decide whether to grant a licence. This timeframe can be extended if the ACMA requests further information from the applicant or the OCAC gives the ACMA a notice not to grant the licence for a specified period.

### Submitting an application

Prior to submitting your application please contact the Technical Regulation and Carrier Infrastructure Section to obtain an invoice for payment of the carrier licence application fee (\$2,122).

An application for a carrier licence must be in writing, using the form attached and be accompanied by a receipt confirming payment of the application fee.

Please submit your application, including any relevant supporting information or documentation, to the ACMA by email at: [carriers@acma.gov.au](mailto:carriers@acma.gov.au) or by mail to:

The Manager  
Technical Regulation and Carrier Infrastructure Section  
Australian Communications and Media Authority  
PO Box 13112 Law Courts  
Melbourne VIC 8010

Applicants should refer to the checklist on the last page of this form to ensure their application is complete prior to submitting it to the ACMA. Applications which are incomplete or illegible may be returned.

## Enquiries

Applicants can contact the Technical Regulation and Carrier Infrastructure Section on (03) 9963 6800 or by email at [carriers@acma.gov.au](mailto:carriers@acma.gov.au) to discuss the application process.

## 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*

# Carrier licence application form

## Instructions for completion

Please print clearly. An illegible, unclear or incomplete application form may be returned.

Send the completed form by email to: [carriers@acma.gov.au](mailto:carriers@acma.gov.au) or by mail to:

The Manager,  
 Technical Regulation and Carrier Infrastructure Section  
 Australian Communications and Media Authority  
 PO Box 13112 Law Courts  
 Melbourne VIC 8010

Please direct enquiries about the carrier licence application process to the:

Technical Regulation and Carrier Infrastructure Section  
 Tel: (03) 9963 6800  
 Email: [carriers@acma.gov.au](mailto:carriers@acma.gov.au)

## Section 1: Applicant details

Name of applicant

ACN or ARBN (IF APPLICABLE)

Registered business or trading name of applicant (IF APPLICABLE)

ABN (IF APPLICABLE)

Postal address

POSTCODE

Contact person

NAME
POSITION
TELEPHONE (    )
MOBILE
EMAIL

Registered office address (IF DIFFERENT)

POSTCODE

## Section 2: Legal status of applicant

**Specify your legal status:** (For definitions of these categories, see section 7 of the Telecommunications Act.)

**Constitutional corporation**

Provide a copy of the certificate of registration of the corporation.

**Eligible partnership**

Provide a copy of the certificate of registration of each corporation that is party to the partnership and a copy of the partnership agreement, deed or other arrangement.

**Public body**

Provide EITHER:

- 1) a statement as to the legislation that established the applicant as a public body; or
- 2) where the public body is an incorporated company, a copy of the certificate of incorporation of the company together with a statutory declaration by a director that states:
  - a) the capacity in which the statutory declaration is made; and
  - b) (i) that all the stock or shares in the capital of the company is beneficially owned by the Commonwealth, a State or a Territory; or
  - (ii) for a company limited by guarantee, that the interests and rights of the members in or in relation to the company are beneficially owned by the Commonwealth, a State or a Territory.

## Section 3: Applicant information

**Provide an attachment addressing each item below (if applicable) along with copies of any supporting documents:**

1. organisational structure, including directors, major shareholders and links with overseas and/or other Australian companies
2. whether the applicant has any foreign ownership, control or direction
3. details of any relationship between the applicant and another person in connection with the production and supply of facilities
4. background and experience of the applicant, as it relates to this application
5. any current or proposed research into new technologies and development of those technologies relevant to this application
6. whether the applicant (or any director, secretary or any other person involved in the management of the applicant) has been disqualified under the Telecommunications Act<sup>1</sup>
7. membership of the Telecommunications Industry Ombudsman scheme, or the date the applicant will apply for membership, or evidence of exemption from joining the Telecommunications Industry Ombudsman scheme, or a statement that the applicant proposes to seek exemption and the grounds on which the exemption would be sought.

**Section 4: Type of network owned or proposed to be owned by the applicant**

Note: Relevant definitions are found in Part 2 of the Telecommunications Act.

**Provide an attachment to your application that contains the following information:**

1. a description of the network and technology that is proposed to be used to supply carriage services to customers
2. a diagram of the key components and architecture of the proposed network (including identification of any facilities/infrastructure in the network that are not owned by the applicant)
3. the type of radio spectrum to be used (if applicable) or if the applicant is already authorised to use radio spectrum as a part of its network unit or units, details of the relevant licence or third party authorisation.

**Select the category or categories of network unit owned, or proposed to be owned, by the applicant:**

**Category 1 – Line links (sections 26, 27 and 30 of the Telecommunications Act)**

- a single line link (e.g. optical fibre cable, copper cable) connecting distinct places (e.g. two different properties) in Australia that are at least 500m apart.
- multiple line links connecting distinct places in Australia, where the aggregate of the distances between the places is greater than 5 km.

**Category 2 – Designated radiocommunications facilities (section 31 of the Telecommunications Act)**

- 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
- a satellite-based facility
- a radiocommunications transmitter or receiver of a kind specified in a ministerial determination made under section 31 of the Telecommunications Act. Specify the relevant determination:

**Category 3 – Facilities specified in a Ministerial determination**

- facilities specified in a ministerial determination under section 29 of the Telecommunications Act. Specify the relevant determination:
- 

**Section 5: Type of services proposed**

1. Provide an attachment that describes the intended geographic coverage of the network and the proposed market(s) to be serviced (e.g. residential, small businesses, wholesale).
2. Select the type(s) of carriage services you propose to provide:
 

<input type="checkbox"/> local telecommunications services	<input type="checkbox"/> satellite telephone services
<input type="checkbox"/> long-distance national telecommunications services	<input type="checkbox"/> internet access
<input type="checkbox"/> international telecommunications services	<input type="checkbox"/> encrypted services
<input type="checkbox"/> voice over internet protocol (VoIP) services	<input type="checkbox"/> entertainment services, e.g. pay TV, video on demand
<input type="checkbox"/> public mobile telecommunications services	
<input type="checkbox"/> other (please specify): _____	

**Section 6: Compliance information**

**Review the following obligations placed on carrier licence holders. Tick the box to confirm that you understand and will comply with the obligations.**

\_\_\_\_\_

<sup>1</sup> See section 58 of the Telecommunications Act  
ACMA form – T033

### 1. Part 13 of the Telecommunications Act—Protection of communications.

This part of the Telecommunications Act makes it an offence for carriers, carriage service providers, emergency call persons and their respective associates to use or disclose certain information.

The applicant will:

- protect the confidentiality of information regarding the contents of communications and the affairs or personal details of persons using the network
- not disclose such information other than for authorised purpose
- maintain records of any disclosures
- provide to the ACMA within two months of the end of each financial year a statement on the number and types of disclosures made during the financial year.

### 2. Part 14 of the Telecommunications Act—National interest matters.

This part of the Telecommunications Act imposes obligations on carriers and carriage service providers in relation to national interests.

The applicant:

- will put in place measures to prevent telecommunications networks and facilities from being used to commit offences
- will give law enforcement agencies such help as is reasonably necessary in enforcing the criminal law and laws imposing pecuniary penalties, protecting the public revenue and safeguarding national security
- is aware that it may be requested to suspend supply of carriage services to an individual if requested to do so by a law enforcement agency
- will do their best to protect telecommunications networks and facilities from unauthorised interference or unauthorised access for the purpose of security
- notify the Office of the Communications Access Co-ordinator (OCAC) of changes to telecommunications services or telecommunications systems that are likely to have a material adverse effect on their capacity to comply with the security obligations.

Under the Telecommunications Act, Telecommunications Sector Security Reform (TSSR) obligations apply to all carriers, carriage service providers and carriage service intermediaries within the meaning of the Telecommunications Act. Further information on TSSR obligations is available at <https://cicentre.gov.au/tss>. The Critical Infrastructure Centre is responsible for the implementation of TSSR obligations and may be contacted at [cicentre@homeaffairs.gov.au](mailto:cicentre@homeaffairs.gov.au).

### 3. Telecommunications (Interception and Access) Act 1979.

This Act imposes obligations on carriers and carriage service providers to provide interception capability with respect to the carriage services provided.

The applicant will:

- contact the OCAC and obtain a copy of the Interception Capability Obligations
- lodge an Interception Capability Plan within 90 days of being granted a licence and by 1 July of every subsequent year
- nominate a delivery point for interception-related information
- meet certain costs in regard to interception and special assistance.

This Act also requires carriage service providers to retain specific telecommunications data for a minimum of two years from the time the information or document came into existence and encrypt and protect data from unauthorised interference and access.

The applicant will:

- retain specific telecommunications data relating to offered services for a minimum period of two years
- encrypt the retained data and protect it from unauthorised interference and access.

Carriage service providers that know that they will **NOT** be able to comply with these requirements should contact the Office of the Communications Access Co-ordinator (OCAC) to discuss their options. The OCAC will work with service providers to support achieving compliance as soon as possible, including by considering granting exemptions from, or variation of, data retention obligations for a relevant service. Detailed information is available at <https://www.homeaffairs.gov.au/about-us/our-portfolios/national-security/lawful-access-telecommunications/data-retention> or on request by contacting: [cac@homeaffairs.gov.au](mailto:cac@homeaffairs.gov.au) or by calling (02) 8622 2103.

### 4. Telecommunications (Emergency Call Service) Determination 2009 - made under subsection 147(1) of the Telecommunications (Consumer Protection and Service Standards) Act 1999.

A carrier who supplies an emergency telephone service (as defined in the Determination) must have written arrangements in place that enable the provider to comply with the requirements imposed by this Determination in relation to emergency calls made using the service.

If applicable, the applicant will:

- have procedures that enable calls made to an emergency service number to be delivered to an emergency call service in accordance with this Determination
- have arrangements ensuring that calls with a text component using the emergency service number 106 are delivered to the relevant emergency call person
- have agreements with any other carrier or carriage service provider whose carriage service, controlled network or controlled facility is required for the delivery of emergency calls in accordance with this Determination
- have arrangements to ensure that calls made using a satellite service and transferred to an Australian-based terrestrial network are delivered to the relevant emergency call person
- take reasonable steps to ensure that information about the customer of the service is available to emergency call persons.

### Declaration by applicant's agent

I declare that:

1. I have the authority to sign this application on behalf of the applicant.
2. The applicant is aware of (and if necessary has sought professional advice on) and undertakes to comply with, the applicant's legal obligations under legislation, including but not limited to the *Telecommunications Act 1997*, the *Telecommunications (Consumer Protection and Service Standards) Act 1999*, *Telecommunications (Interception and Access) Act 1979* and *Telecommunications (Emergency Call Service) Determination 2009*.
3. The information provided in this application and in any enclosures is true and correct in every detail.
4. The applicant acknowledges that this application does not constitute an application for a radiocommunications licence or licences, and separate action by the applicant will be required if radiofrequency spectrum access is sought.
5. The applicant acknowledges that it is the applicant's responsibility to ascertain the suitability and availability of spectrum for its purposes.
6. I am aware that under the *Criminal Code Act 1995*, it is an offence to knowingly give false or misleading information to a Commonwealth entity.

SIGNATURE OF AGENT
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 carrier licences 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).

A copy of this application will be provided by the ACMA to the OCAC in accordance with section 53A of the *Telecommunications Act 1997*. 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*.

Applicants should note that, if their application is successful and the licence is granted, the name of the applicant 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 is available for inspection on the ACMA's website.

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.

# Checklist for carrier licence application

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



Have you:

- read the ACMA's online [Carrier Licensing Guide](#) and fact sheets on [carrier and service provider regulation](#) and [carrier charges and levies](#)?
- enclosed receipts of payment for the application fee?
- provided documentation to support the legal status of the applicant, e.g. a certificate of company registration (as required for Section 3)?
- supplied statements about organisational structure, foreign ownership, current or proposed research, relationships with other entities, and background information about the applicant (as required for Section 4)?
- provided information about the proposed network and technology to be deployed (as required for Section 5)?
- attached information describing the geographic coverage of the network and the market(s) proposed to be served (as required for Section 6)?
- provided statements about the applicant's ability to comply with Parts 13–14 of the *Telecommunications Act 1997* and the *Telecommunications (Interception and Access) Act 1979* (as required for Section 7)?
- noted the requirement to provide an Interception Capability Plan to the Office of the Communications Access Co-ordinator (at the Department of Home Affairs) within 90 days of becoming a carrier and by 1 July of every following year?
- read the declaration at the end of the form and signed and dated it where appropriate?