

## Information for applicants

Under the *Telecommunications Act 1997* (the Telecommunications Act) the owner of a network unit that is used to supply carriage services to the public must hold a carrier licence unless the entity:

- enters into an arrangement by which a licensed carrier is nominated to take on carrier-related responsibilities in relation to the network units (a nominated carrier declaration);
- is exempted from the requirement to hold a carrier licence; or
- has a certificate entitling it to conduct a trial of its services or operations (a trial certificate).

The ACMA issues trial certificates under a [Ministerial Determination](#), made under subsection 51(1) of the Telecommunications Act.

Applicants for a trial certificate should refer to the ['Guide to a Trial Certificate'](#) on the ACMA's website prior to completing and submitting an application form.

### Charges and levies associated with a trial certificate

There is no application charge for a trial certificate nor are any charges or fees incurred during the term of the trial.

### Eligibility

The ACMA will accept trial certificate applications from a person in relation to a network unit to conduct a trial. Applicants may include persons who are individuals, registered businesses, constitutional corporations, eligible partnerships or public bodies.

### Submitting an application

An application for a trial certificate must be in writing using the form below. The ACMA may ask applicants to supply additional written information if necessary and may decline to consider the application until that information is provided.

Completed application forms and any relevant supporting information or documentation must be submitted 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.

### Consultation and timeframe for considering an application

The ACMA will consult the Office of the Communications Access Coordinator at the Department of Home Affairs in relation to applications for trial certificates.

There is no legislative timeframe for making a decision to issue a trial certificate, however, the ACMA typically takes about 20 business days to process an application unless further information or consultation is required.

### 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.

# Trial certificate application form

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 trial certificates to the:

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

## Section 1: Applicant details

Name of applicant

Registered business or trading name of applicant (IF APPLICABLE)

Postal address

POSTCODE

Registered office address (IF DIFFERENT)

POSTCODE

ACN or ARBN (IF APPLICABLE)

ABN (IF APPLICABLE)

Contact person

NAME
POSITION
TELEPHONE (    )
MOBILE
EMAIL

## Section 2: Legal status of applicant

**Specify your legal status:**

**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.

**Registered Business**

Provide a copy of the certificate of registration of the business name.

**Individual**

**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 trial
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 1997*.

**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 trialed:**

#### **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 500 m apart.
- multiple line links connecting distinct places in Australia, where the aggregate 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:

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### Section 5: Type of services proposed

**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): _____                      |   |

<sup>1</sup> See section 58 of the Telecommunications Act  
ACMA form – T056

## **Section 6: Information on trial arrangements**

The ACMA may issue a trial certificate if it considers that the network unit(s) is being solely used for a trial. In deciding whether to issue a certificate, the ACMA may have regard to items 1–6 below. Guidance regarding the kind of information that applicants can supply in support of each item is provided below.

### **Provide an attachment to your application addressing each of the matters listed below:**

#### **1. The duration and nature of the trial**

- What is the start and end date of the trial? Why is this time period required?
- Which geographic location(s) will the service be offered in during the trial and why?
- Will you own all the network infrastructure and equipment used in the trial?
- Who will participate in the trial (for example residential or businesses consumers)? Provide a copy of relevant marketing material and standard agreements made with trial participants.
- How many participants have currently agreed to being involved in the trial?
- Will additional participants be sought during the trial? If so, how many participants in total are required and in what locations?

#### **2. Previous trials held for a similar service**

- Are you aware of this type of service (for example using the same type of network infrastructure and customer equipment) having been trialled in the same geographic location?
- If so, who conducted the trial(s) and what was the outcome, if known?

#### **3. Reason for the trial**

- Is the purpose of the trial to investigate the technical feasibility of providing a service? If so, outline each technical issue and explain the results required to demonstrate service feasibility.
- Is the trial to investigate the commercial viability of the service? If so, what results will demonstrate commercial viability of the service?

#### **4. Effect on competition of the trial**

- Are any carriers or carriage service providers currently offering similar services in the same geographic areas and target markets that you propose supplying your services? If so, please identify the relevant carriers/carriage service providers. Please provide information about how the trial may affect the revenue of those carriers or carriage service providers.

#### **5. Charges to end users participating in the trial**

What are the total costs that participants will incur during the trial and how will they be calculated, including:

- Usage costs
- Equipment costs (either leased or purchased)
- Installation costs
- Maintenance costs
- Cancellation costs / refunds (if the participant decides to leave the trial early).
- If you will be supplying customer equipment, does this equipment comply with technical regulation\* requirements?

\* Technical standards made by the ACMA are listed on the ACMA's website and available on [www.legislation.gov.au](http://www.legislation.gov.au). Copies of the technical standards are either available from Standards Australia ([www.standards.com.au](http://www.standards.com.au)) or Communications Alliance ([www.commsalliance.com.au](http://www.commsalliance.com.au)).

#### **6. Other matters the ACMA considers relevant**

- What arrangements have you made (or propose to make) for use of, or access to, other carrier or carriage service provider services (including interconnection or peering arrangements), networks or facilities? Please detail these arrangements.
- What arrangements will you have for network management and fault rectification?
- What are the terms and conditions governing participation in the trial and what will happen at the conclusion of the trial should you decide not to continue offering the service?
- How will you deal with any complaints made by trial participants?
- Any matters that you think might be relevant to the ACMA's consideration of your application?

## Section 7: Compliance information and declaration

Although the holder of a trial certificate is exempt from compliance with carrier licensing requirements under section 42 of the Telecommunications Act, the holder must still comply with other relevant legislative obligations that apply to carriage service providers.

**Review the following carriage service provider obligations. Tick the box to confirm that you understand and will comply with the obligations.**

### 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 an authorised purpose
- maintain records of any disclosures and make them available to the ACMA on request.

### 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.

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 Communications Access Co-ordinator and obtain a copy of the Interception Capability Obligations
- nominate a delivery point for interception-related information
- meet certain costs in regard to interception and special assistance.

The 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 year
- 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

A carriage service provider 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.

The ACMA expects that the trial will be conducted in accordance with these assurances made by the applicant. Any non-compliance with the above assurances may mean that the provision of services will no longer be covered by the certificate. In the event of a failure to comply, the exemption from compliance with section 42 of the Telecommunications Act may no longer be applicable to the services and a carrier licence or nominated carrier declaration will be required to continue providing the services.

#### 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 trial certificates 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*.

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 trial certificate application

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

Have you:

- read the ACMA's [Trial certificate guide](#) which is available online at [www.acma.gov.au](http://www.acma.gov.au) and factsheets on [carrier and service provider requirements](#)?
- provided documentation to demonstrate the legal status of the applicant, e.g. a certificate of company registration (as required for Section 2)?
- 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 3)?
- provided information about the proposed network and technology to be deployed (as required for Section 4)?
- attached information describing the geographic coverage of the network and the market(s) proposed to be served (as required for Section 5)?
- attached information describing the nature and reason for the trial (as required for Section 6)?
- ticked the boxes indicating the applicant's agreement to fulfil carriage service provider requirements to comply with Parts 13–14 of the *Telecommunications Act 1997*, the *Telecommunications (Interception and Access) Act 1979*, and the *Telecommunications (Emergency Call Service) Determination 2009*?
- read the declaration at the end of the form, signed and dated it where appropriate?