

Application form – 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
- an exemption applies.

A nominated carrier declaration permits the owner(s) of one or more network units used to supply carriage services to the public to nominate a carrier to take responsibility for the units, 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

Only licenced carriers are eligible to apply to the ACMA for a nominated carrier declaration.

Submitting an application

This form can be used in the following circumstances when a carrier is applying:

- to be the nominated carrier for one network unit belonging to one owner
- to be the nominated carrier for one network unit belonging to more than one owner
- to be the nominated carrier for more than one network unit belonging to one owner, or
- to be the nominated carrier for more than one network unit belonging to more than one owner

If there is more than one network unit owner, then sections 7–9 of this application must be completed for each owner of the specified network units.

Prior to submitting your application, please contact the ACMA to obtain an invoice for payment of the nominated carrier declaration application charge.

More information on the nominated carrier declaration application charge is available at acma.gov.au/apply-nominated-carrier-declaration.

An application for a nominated carrier declaration must be in writing, using this form, and be accompanied by the application charge. The ACMA will process the application once the charge has been paid.

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

The Manager
Infrastructure and Equipment Safeguards 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

The ACMA may consult with the Communications Access Coordinator (CAC), government agencies and/or departments for the purposes of assessing applications for nominated carrier declarations.

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 each owner(s) of the network unit(s).

If the ACMA refuses to make a nominated carrier declaration, a person affected by the decision may apply to the ACMA for reconsideration of the decision. If the ACMA affirms or varies the decision on reconsideration, the decision may be reviewable by the Administrative Review Tribunal.

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

Enquiries

Applicants can contact the ACMA on 1300 850 115 or by email at carriers@acma.gov.au to discuss nominated carrier declarations and the application process.

Privacy

The collection of personal information in this form (such as the applicant's and owner's name and contact details) will be handled by the ACMA in accordance with the Australian Privacy Principles which are set out in Schedule 1 to the *Privacy Act 1988* (the **Privacy Act**) and all other obligations the ACMA must adhere to under the Privacy Act. Personal information is collected to enable the ACMA to assess applications for a nominated carrier declaration submitted under section 77 of the *Telecommunications Act 1997* (the **Telecommunications Act**). The ACMA may use the personal information to contact the applicant should additional information be required about the application. Personal information may also be disclosed to the CAC as described above or government agencies and/or departments and as otherwise enabled by law.

Further information on the Privacy Act can be found in the [ACMA's Privacy Policy](#). The ACMA's Privacy Policy contains details about how a person may access personal information that is held by the ACMA and seek the correction of such information. It also explains how a person may complain if they think the ACMA may have breached the Privacy Act and how we will deal with such a complaint.

DATE

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 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.

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(s) and the owners of the network unit(s) 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.

Section 4: Description of corporate relationships

In separate attachments, please specify the relationship (if any) between the applicant and each owner, of the network unit(s).

Section 5: Network units

Applicants **MUST** indicate the network unit(s) that they wish to be subject to the nominated carrier declaration. A description of the network units must be specified in an attachment and submitted with the application. The attachment should clearly identify each network unit and its owner(s). The ACMA may make a declaration 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*.) 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 identify the network units for the purposes of making a declaration in accordance with the *Telecommunications Act*.

In the attachment referred to above, please specify the type of network unit that will be subject to the nominated carrier declaration, by reference to the categorisation of network units below:

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 (see section 36 of the *Telecommunications Act*) in Australia that are at least 500 metres apart.
- Multiple line links connecting distinct places in Australia, where the aggregate of the distances between those distinct places is greater than 5km.

Category 2 – Designated radiocommunications facilities (sections 28 and 31 of the *Telecommunications Act*)

- a base station used or for use to supply 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 subsections 31(2) or 31(3) of the *Telecommunications Act*.

Provide an attachment addressing the following for each owner of the network units:

1. General description of the network and technology that is proposed to be used to supply services to customers.
2. Diagram of the components and architecture of the proposed network.
3. Information on the type of licensed radio spectrum being utilised (if applicable). If the applicant is already authorised to use radio spectrum in its network unit or units, the details of the relevant licence or third party authorisation.

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) by the network units.
2. Applicants are also requested to identify in this attachment the types of services intended to be supplied over the network units and provide a brief description. Examples of the types of services include, but are not limited to: public mobile telecommunications services, satellite services, voice services, internet services, entertainment services.

If there is more than one network unit owner, then sections 7–9 must be completed for each owner of the network units.

Section 7: Agreement between applicant and owner

Provide a copy of each agreement between the applicant and each 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 as nominated carrier in relation to the network units identified in the application.

Suggested wording of the agreement between the applicant and the network owner could be along the following lines, although it is recommended that applicants seek their own legal advice before entering or drafting such an agreement:

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

1. *the parties acknowledge that if [Carrier Pty Ltd] is declared the nominated carrier in respect of the network units as described in the application, 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 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*
 - b) *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 copies of each agreement separately.

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

Please provide a separate declaration from each owner consenting to appoint the applicant as the nominated carrier for the network units referred to in this application. The following information needs to be provided:

Details of consenting owner

Registered business name of consenting owner

Trading name of consenting owner (IF APPLICABLE)

Registered office address (FOR CORRESPONDENCE)

POSTCODE

ACN OR ARBN (IF APPLICABLE)

ABN (IF APPLICABLE)

Company Identifier (IF ACN, ARBN, or ABN ARE NOT APPLICABLE)

Contact details

NAME
POSITION
WORK ()
MOBILE
EMAIL

Name of applicant for nominated carrier declaration	
Description of the network units for which consent is being given. The description should: <ul style="list-style-type: none"> • specify the relevant category for each network unit • clearly identify each network unit and its owner(s). The information provided should allow the network unit to be uniquely identified from any other unit that will not be subject to the nominated carrier declaration • include the location or address of each network unit. For example, latitude / longitude points for the location of each network unit or, for satellite-based facilities, the names of the satellites as registered with the International Telecommunications Union. 	

Consent

The 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

This Declaration will need to be completed by each owner, declaring the applicant as the nominated carrier for the network units specified in this application.

I declare that:

- (a) I have the authority to sign this consent on behalf of the owner
- (b) the owner has read the Carrier Licensing Guide
- (c) the owner owns the network units described in the attachment(s) to the application
- (d) the contents of this consent are true and correct in every detail
- (e) I have the authority to sign this application on behalf of the owner
- (f) the owner consents to the ACMA disclosing information provided in, or as part of, this application (including a copy of this application) to the CAC, government agencies and/or departments for the purposes of considering the application for a nominated carrier declaration under the *Telecommunications Act 1997* and to enable the ACMA to perform a number of its telecommunications functions
- (g) I am aware that under the *Criminal Code Act 1995*, it is an offence to knowingly make false or misleading statements to a Commonwealth entity in an application and give false or misleading information or documents to a Commonwealth entity (see sections 136.1, 137.1 and 137.2 of the Criminal Code).

SIGNATURE OF AUTHORISED PERSON
DATE

PRINT FULL NAME
TITLE

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 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.

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 owners 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 is available for inspection on the ACMA's website.

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](#)?
- paid the application charge?
- read, signed and dated the declaration at Section 3? (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 unit(s) (as required by 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 for the network units (as required by Section 5)?
- attached information identifying the network units (as required by Section 5)?
- attached information describing the geographic coverage of the network, the market(s) proposed to be served, and the types of services intended to be supplied by the network units (as required by Section 6)?
- attached a copy of each agreement between the applicant and each 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 as nominated carrier in relation to the network units identified in the application (as required by Section 7)?
- each owner of the network units has provided written consent (see Sections 8 & 9) consenting to the applicant to be declared to be the nominated carrier in relation to the network units described in the application?