Australian Government | acma Australian Communications and Media Authority

Carrier licensing guide

Carrier licences and nominated carrier declarations

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Introduction

This guide is designed to assist applicants for a carrier licence or nominated carrier declaration under the *Telecommunications Act 1997* (the Act). It provides general information about the obligations on carriers and our administration of the relevant processes.

This guide is not a substitute for the Act and is intended to be read in conjunction with Part 2 and 3 of the Act. The guide also refers to additional legislation that imposes obligations on carriers that is not administered by the ACMA.

For further information about the carrier licensing process, please contact us:

Telephone: 1300 850 115
Email: carriers@acma.gov.au
Post: PO Box 13112 Law Courts Melbourne VIC 8010.

In making decisions on matters covered in this guide, we will take all relevant factors into account and assess each application on its merits. Potential applicants are advised to seek their own independent legal advice when preparing an application. This guide is not intended to be a substitute for independent legal advice.

Legislative framework

The Act imposes carrier licensing requirements on the owners of specified telecommunications infrastructure ('network units') over which carriage services are offered to the public.

Section 42 of the Act provides that the owner or owner(s) of a network unit used to supply carriage services to the public must hold a carrier licence (issued by the ACMA), unless either:

- there is a nominated carrier declaration (made by the ACMA) in force in relation to the network unit
- an exemption applies.

Typically, the owner or owner(s) of a network unit may choose to become a carrier or arrange for a carrier to accept carrier-related responsibilities on their behalf by becoming the 'nominated carrier' in relation to the unit.

Penalties for breaching section 42 of the Act can be substantial. A person who contravenes subsection 42(1), (2), (3) or (4) of the Act commits an offence. The penalty for each offence is a fine of up to 20,000 penalty units. A separate offence occurs for each day the contravention continues in accordance with section 43 of the Act.

The granting of carrier licences, and the making of nominated carrier declarations, is provided for by the Act. There is no limit to the number of carrier licences we may issue.

The following Acts of Parliament and legislative instruments are typically relevant to carrier licensing:

- the Act
- the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (the TCPSS Act)
- *Telecommunications (Interception and Access) Act 1979* (the TIA Act)
- the Telecommunications Consumer Protections Code (the TCP Code)
- the Telecommunications (Financial Hardship) Industry Standard 2024 (the Financial Hardship Standard)
- the Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025 (the DFVS Standard)
- the Telecommunications (Emergency Call Service) Determination 2019 (the ECS determination)
- the Telecommunications (Customer Communications for Outages) Industry Standard 2024 (the outages standard)
- the Telecommunications (Consumer Complaints Handling) Industry Standard 2018 (the Complaints Handling Standard)
- any other related regulations or additional conditions imposed by the Minister for Communications (the Minister)
- the *Security of Critical Infrastructure Act 2018* (the SOCI Act) and subordinate legislation.

The administrative processes relating to the granting of carrier licences and nominated carrier declarations are in Appendix A and Appendix B respectively. Further information about carrier obligations is in Appendix C.

Key concepts

The terms 'network unit', 'carriage service' and 'supply to the public' are central to determining the extent of regulation applying to the owner or owners of telecommunications infrastructure.

What is a network unit?

The Act outlines the categories of network units as shown in Table 1.

Table 1: Network units

Type of network unit	Examples
Single line links connecting distinct places in Australia, where the distinct places are at least 500m apart. For minimum distance rules, the concepts of line link, distinct place, properties, combined areas, principal users of property and eligible combined areas are defined in the Act. **See sections 26, 30 and 36–40 of the Act**	• A wired (fixed-line) backhaul cable connecting buildings in different locations, or a fibre connecting a datacentre to an exchange/node.
Multiple line links, each connecting distinct places in Australia, and the aggregate of the distance between the distinct places is more than 5km. For minimum distance rules, the concepts of line link, distinct place, properties, combined areas, principal users of property and eligible combined areas are defined in the Act. **See sections 27, 30 and 36–40 of the Act**	• A cable network connecting units or houses in a new development.
Designated radiocommunications facilities used to supply a carriage service between a point in Australia and one or more other points in Australia, including: • A base station used to supply a public mobile telecommunications service. • A base station that is part of a terrestrial radiocommunications customer access network.	• A base station for mobile services. • A wireless customer access network – can be used to connect multiple end users to the network. • Fixed microwave links between buildings which are interconnected to a telecommunications network at both ends of the link.

• A fixed radiocommunications link. • A satellite-based facility. • A radiocommunications transmitter or receiver of a kind specified in a ministerial determination. Key concepts such as a public mobile telecommunications service, intercell hand over functions, when a base station is part of a terrestrial radiocommunications customer access network and fixed radiocommunications link are defined in the Act. **See sections 28 and 31–35 of the Act**	• Transmitters and receivers on satellites (low-Earth orbit satellites). • Satellite ground stations or terminals, depending on the deployment scenario. Please note: a designated radiocommunications facility can be a network unit for the purposes of the Act, regardless of whether it is used in conjunction with a satellite or other facility outside Australia to supply a carriage service.

A facility may also be a network unit if specified in a determination made by the Minister for Communications under section 29 of the Act.

The Act provides exemptions to the carrier licensing requirements in section 42. These exemptions are set out in sections 45 to 51 of the Act. For example, there are exemptions related to network units used solely or principally for the purposes of defence, transport, electricity supply or broadcasting.

What is a ‘carriage service’?

‘Carriage service’ is given a broad definition by section 7 of the Act, being a service for carrying communications by guided and/or unguided electromagnetic energy.

The term 'communications' includes any communication between persons and/or things, whether in the form of speech, music, sounds, data, text, visual images, signals or any other form or combination of forms.

What is ‘supply to the public’?

Section 44 of the Act sets out the circumstances in which a network unit will be taken to be used to supply a carriage service to the public. Generally, if the end-user is outside the ‘immediate circle’ of the owner of the network unit, this will be taken to involve supply to the public.

‘Immediate circle’ is defined in section 23 of the Act and includes the employees of an individual or partnership, an officer of a body corporate, another related body corporate (within the meaning of the *Corporations Act 2001*) and its officers, and an authority or institution of the Commonwealth, state or territory.

Where a network unit is used to supply services within the 'immediate circle' of the owner of the network unit then the requirements in section 42 of the Act will not apply. For example, if the network unit is only used by the owner(s) of the unit and their employees, then the owner is not required to obtain a carrier licence or arrange a nominated carrier declaration in relation to the unit.

Appendix A: Applications for a carrier licence

Purpose of carrier licence

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

A person who does not own any network units may also apply for a carrier licence for the purposes of becoming the nominated carrier in relation to specified network units on behalf of the owner(s). In this case, the person would first need to hold a carrier licence before making an application for a nominated carrier declaration. See Appendix B for more information about applying for a nominated carrier declaration.

Applying for a carrier licence

An applicant for a carrier licence must be a constitutional corporation, an eligible partnership or a public body. A constitutional corporation may be a foreign corporation.

Before submitting an application, please contact the ACMA at carriers@acma.gov.au to provide an overview of the reasons for seeking a carrier licence, including a brief description of the relevant network units and their ownership arrangements. This will assist with determining whether a carrier licence is required in the circumstances.

Once it has been determined that a carrier licence may be required, applicants should send a draft version of the application form to carriers@acma.gov.au for review prior to submission. The ACMA will advise if further information may be required in the application for submission.

Application form

An application must be in writing and in the form approved by the ACMA (T033 Application for carrier licence).

Please note that:

- Applicants are required to lodge an electronic copy of the application form 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

- An application must be accompanied by the application charge.
- Applications that are incomplete or illegible will be returned to the applicant.

Section 1: Applicant details

Provide current details of the applicant (entity applying for the licence), including:

- ACN, ARBN and ABN (if applicable)
- a company identifier (if ACN, ARBN and ABN are not applicable)

- the registered office address.

A registered office address is the postal address where official or legal documents can be sent. If the applicant has an address registered with the Australian Securities and Investments Commission (ASIC), submitted addresses should match the details recorded with ASIC.

Section 2: Legal status of applicant
Specify your legal status, being either a constitutional corporation, an eligible partnership or a public body. The applicant must also provide all documentation applicable to your legal status. For example, a 'constitutional corporation' must provide a copy of the certificate of registration of the corporation.

Section 3: Applicant information
Provide an attachment to your application using the headings and numbering provided, address each item as applicable, and provide copies of any supporting documents. Please note the applicant in this context is the constitutional corporation, eligible partnership or public body applying for the licence.

Section 4: Type of network owned or proposed to be owned by the applicant
When completing section 4, you will need to carefully consider the types of network units specified under the Act. See Table 1: Network units for more details.

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

i. A description of the network and technology that is proposed to be used to supply carriage services to customers, which includes:
    a. detailed information on the operation of your network
    b. how you intend to provide those carriage services to customers over your network
    c. any equipment/facilities/infrastructure and describe these with reference to the statutory definitions for each relevant category of network unit.

ii. A labelled diagram consisting of the key components and architecture of the proposed network. The diagram should:
    a. Preferably be a high-level overview of the network and the flow of communications over the infrastructure from end-to-end. The diagram does not need to be overly technical.
    b. Clearly label the network units/facilities/infrastructure that the applicant owns or proposes to own. For example, identify the line links in the network (such as cable or fibre backhaul) that you own or propose to own.
    c. Clearly label any other network units/facilities/infrastructure owned by third parties that will be used in the network. Please specify the owner if known.
    d. Include key points of connection (for example, data centres, nodes, customer buildings or facilities) including geographic location or addresses.

iii. The type of radio spectrum to be used (if applicable), or if you are already authorised to use radio spectrum, provide 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

Line links are typically fibre optic or copper cable, and your network may consist of single or multiple line links that connect distinct places in Australia.

Category 2 – Designated radiocommunications facilities
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.

Category 3 – Facilities specified in a ministerial determination
Any specified facility determined by the minister under section 29 of the Act to be a network unit for the purposes of the Act. Currently, the minister has not made any determinations under section 29 of the Act.

Section 5: Type of services proposed
Provide an attachment to your application that contains the following information:

- The intended geographic coverage of the network and the proposed market(s) to be serviced. For example, is it a specific location or industry you intend to target, is it residential, small or large businesses as your customer base?
- Please identify the type(s) of carriage services that you intend to provide to customers. These can include, but are not limited to voice services, satellite services or internet services.

If you own, or propose to own, single line links or multiple line links, please note the types of services that can be supplied using the line links may be affected by Part 8 of the Act. Subject to some exceptions, under Part 8 of the Act, controllers of local access lines used to supply residential customers with superfast broadband services are required to supply services on a wholesale-only basis. This means that a company that controls a superfast broadband network cannot generally itself supply retail services over it unless an exemption applies. For further information, please see 'Carrier separation rules' in Appendix C.

Application charge

An application for a carrier licence must be accompanied by payment of the appropriate charge.

Find out more about the carrier licence application charge.

Payment of application charge
Once an invoice has been issued, payment can be made by BPAY, EFT direct deposit to the ACMA, or credit card online via our website.

Requests for additional information

After an application has been made, we will either proceed to consideration of the application or request additional information from the applicant. We will give applicants a reasonable time in which to provide the requested information.

Consultation on applications

The Act requires us to consult with the Communications Access Coordinator (CAC) on all carrier licence applications to ensure that national security matters are appropriately considered. In addition to the CAC, we may consult with other government agencies and departments for the purposes of assessing carrier licensing applications.

Within 15 business days after the application is received by the CAC, the CAC may either:

- advise the ACMA that no further consultation about the application is required
- extend the consultation period by giving a written notice that the ACMA must not grant the carrier licence for a specified period of up to 3 months (see subsection 56A(3) of the Act).

The CAC may extend the consultation period by giving further written notices in accordance with subsection 56A(4) of the Act. Further notices can extend the consultation period for up to 3 months per notice however the CAC can only extend the consultation period by up to a total of 12 months from the date of the initial notice (see paragraph 56A(4)(b) of the Act).

On consideration of the application, the Home Affairs Minister may direct us not to grant a carrier licence on security grounds under section 58A of the Act.

Timeframes

Time limits for decisions on applications are specified in Division 3 of Part 3 of the Act.

We cannot grant a carrier licence until a copy of the application has been considered by the CAC.

In general, the ACMA must decide on the application within 20 business days of it being received by the CAC. However, the timeframe on a carrier licence decision can vary in certain circumstances, including when:

- the ACMA requests further information from the applicant
- the CAC gives us a written notice under section 56A of the Act stating that while the notice remains in force, the ACMA must not grant the carrier licence.

ACMA consideration and decision-making

After considering an application, we may grant a carrier licence in accordance with the application.

The ACMA may refuse, or be deemed to refuse, a carrier licence application under the Act. For example, the ACMA may refuse to grant a carrier licence under section 58 of the Act if the applicant becomes 'disqualified'. The ACMA may also refuse an application if it is not satisfied the application meets the requirements.

The ACMA must refuse to grant a carrier licence if directed by the Home Affairs Minister under section 58A of the Act.

The ACMA must notify the applicant of its decision to grant or refuse a carrier licence.

Standard carrier licence conditions

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 purposes 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.

There is also a standard condition requiring compliance with the carrier separation rules under Part 8 of the Act. See Appendix C for more information on carrier obligations.

Special conditions

A carrier licence is also subject to the following conditions:

- section 62 of the Act – a carrier licence is subject to the condition set out in section 152AZ of the *Competition and Consumer Act 2010* (CCA), which deals with standard access obligations
- section 62A of the Act – a carrier licence is subject to the condition set out in section 152BCO of the CCA, which deals with access determinations
- section 62B of the Act – a carrier licence is subject to the condition set out in section 152BDF of the CCA, which deals with binding rules of conduct
- section 62C of the Act – a carrier licence is subject to the condition set out in section 152BEC of the CCA, which deals with access agreements)
- section 63 of the Act – a carrier licence is subject to such conditions as are declared by the minister, by legislative instrument, as applying to the carrier licence.

As set out above, the minister may declare further conditions on all carrier licences, specified carrier licences or proposed carrier licences under section 63 of the Act. The minister may also vary or revoke the carrier licence conditions that have been declared. However, the minister must not impose, vary or revoke such conditions unless the carriers affected have first been consulted and given an opportunity (at least 30 days) to make submissions.

Section 67 of the Act provides 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.

Charges relating to carriers

Annual carrier licence charge

An annual carrier licence charge (ACLC) is imposed on a participating carrier's licence that is in force at the beginning of a financial year. This charge is payable by the holder of the carrier licence.

The total ACLC must not exceed the sum of the following telecommunications costs:

- the ACMA's costs, including the cost of the Consumer Safeguards Part program
- the ACCC's costs, including the cost of the Measuring Broadband Australia program
- the amount reimbursed for the development or variation of industry codes under Part 6 of the Act
- the costs incurred by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts for the Commonwealth's contribution to the International Telecommunication Union membership (for telecommunications), and for grants made under section 593 of the Act.

Each year, we make a determination under subsection 14(1) of the *Telecommunications (Carrier Licence Charges) Act 1997*, setting out the annual charge for each participating licensed carrier and the method of ascertaining the amount of the charge. 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.

Telecommunications Industry Levy

The Telecommunications Industry Levy (TIL), set up by the *Telecommunications Industry Levy Act 2012*, is administered under the TCPSS Act. Each carrier that held a carrier licence during the relevant financial year must report eligible revenue information to the ACMA. The reporting requirements are based on whether a carrier meets the definition of a 'participating person' or a 'non-participating person'.

Find out more about the TIL.

Regional Broadband Scheme

The Regional Broadband Scheme (RBS) was established to ensure there are long-term sustainable funding arrangements in place to provide essential broadband services to regional, rural and remote Australians.

Under the RBS, a carrier or a declared nominated carrier is required to pay an RBS funding charge per month for each chargeable premises on their network supplied with a designated broadband service over a local access line owned by the carrier, or for which the carrier is responsible under a nominated carrier declaration. Carriers with fewer than 2,000 premises for the month are exempt from paying the RBS funding charge for that month.

Find out more about the RBS.

Failure to pay charges

A carrier licence may be cancelled due to a failure to pay in full the ACLC, TIL or RBS charge (see subsections 72(1), (2A) and (2B) of the Act).

A failure to pay in full the ACLC, TIL or RBS charge may also result in a body corporate, partnership or certain individuals of a body corporate or partnership becoming disqualified. A body corporate also becomes disqualified if a disqualified individual is a director, secretary or is concerned in, or takes part in, the management of a body corporate. Similarly, a partnership also becomes disqualified if a disqualified individual is an employee and is concerned in, or takes part in, the management of the partnership.

A disqualified body corporate or partnership may have their carrier licence cancelled and/or be refused a carrier licence (see section 58 and subsections 72(3) and (4) of the Act).

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 payable per contravention.

Surrender

A carrier may, by written notice given to the ACMA, surrender the carrier licence under section 71 of the Act. Find out more about surrendering a carrier licence.

Cancellation

Section 72 of the Act sets out the circumstances in which we may cancel a carrier licence, or a carrier licence is taken to be cancelled.

Cancellation of a carrier licence may occur in the following circumstances:

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

Cancellation by the ACMA

Before cancelling a carrier licence because of a failure to pay in full a relevant charge or the holder becoming a disqualified body corporate or partnership, we must give the carrier written notice setting out the proposal for cancellation and inviting the carrier to make a submission on the proposal. We will consider any submission provided by a carrier within the period specified in the notice, being at least 7 days.

Cancellation due to change of status

Under subsection 72(5) of the Act, a carrier licence is taken to be cancelled if the holder of a carrier licence is no longer a constitutional corporation, an eligible partnership or a public body.

Notification of cancellation

If a carrier licence held by a person is cancelled, the ACMA must give written notice of cancellation to the person.

Review of ACMA decision

A person affected by a decision under sections 56, 58 or 59 of the Act to refuse to grant a carrier licence (other than a decision made in compliance with sections 56A or 58A) may apply to us for reconsideration of the decision in accordance with Part 29 of the Act. A person affected by a decision to cancel a carrier licence under section 72 of the Act may apply to the ACMA for reconsideration of the decision in accordance with Part 29 of the Act. If we affirm or vary the decision on reconsideration, the decision may be reviewable by the Administrative Review Tribunal.

Limitations on reviewable decisions

There are some limitations on when the ACMA can reconsider a decision.

The Home Affairs Minister may direct the ACMA not to grant a carrier licence application under section 58A of the Act. While the direction is in force:

- the ACMA cannot reconsider a non-compulsory refusal to grant a carrier licence to the person

- the Administrative Review Tribunal cannot consider an application for review of a non-compulsory refusal to grant a carrier licence to the person.

A non-compulsory refusal means a refusal to grant a carrier licence, other than a refusal that is required by sections 56A or 58A.

Register of carrier licences

We maintain an electronic register of all carrier licences currently in force and the conditions of such licences in accordance with section 84 of the Act. This register is available on the ACMA website.

Privacy

The collection of personal information through the application process 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* and all other obligations we must adhere to under the Privacy Act.

Personal information is collected to enable us to assess applications for a carrier licence submitted under section 52 of the Act. We may use the personal information to contact an 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 privacy policy. The 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 we may have breached the Privacy Act and how we will deal with such a complaint.

Treatment of information

The information that must be provided as part of the application process is being sought for the purpose of considering applications for carrier licences under the Act 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* (ACMA Act), in particular those under paragraphs 8(1)(a), (c), (f) and (j). The ACMA may make the information provided in the application available to government agencies and departments in accordance with Part 7A of the ACMA Act.

A copy of the application will be provided by the ACMA to the CAC in accordance with section 53A of the Act.

Any application provided to the ACMA may be released under the *Freedom of Information Act 1982*.

We 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 the licence is granted, the name of the applicant will be included on the register maintained by the ACMA under section 84 of the Act. By virtue of the same section, the register is available for inspection on our website.

False or misleading information

Under the *Criminal Code Act 1995*, it is an offence to knowingly make false or misleading statements to a Commonwealth entity in an application or give false or misleading information or documents to a Commonwealth entity (see sections 136.1, 137.1 and 137.2 of the Criminal Code).

Complaints

Complaints about the quality of our service can be raised via our Customer Service Centre in the first instance, in accordance with our client service charter. Applicants that remain dissatisfied with the outcome of a complaint may escalate a complaint to the Commonwealth Ombudsman.

Appendix B: Application for a nominated carrier declaration

Purpose of declaration

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 on a carrier's responsibilities for the network units under the Act, subject to the carrier satisfying us that it would be in a position to comply with carrier-related obligations in respect of those network units.

We can only declare one carrier to be the nominated carrier in relation to a specific network unit. In the case of network units specified by an existing nominated carrier declaration, the current nominated carrier or the network unit owner may need to request that the ACMA revoke the declaration before a new nominated carrier declaration can be made.

Application

Division 4 of Part 3 of the Act provides administrative arrangements for making nominated carrier declarations.

The applicant for a nominated carrier declaration must be a licensed carrier.

The application must be in writing and in accordance with an application form approved by the ACMA (Form T034 - Application for Nominated Carrier Declaration).

Applicants are required to lodge an electronic copy of the application form 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

An application must be accompanied by:

- the application charge
- the consent of the owner or each of the owners of the network units
- the election of the applicant accepting responsibility for the units
- a description of the network units subject to the application.

Applicants must 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 must identify the network units that they wish to be subject to the nominated carrier declaration. The description of the network units should:

- Specify the relevant category for each network unit. See Table 1: Network units for more details.
- Clearly identify each network unit and its owner(s). The information provided should allow the network unit to be uniquely identified from other units that will not be subject to the nominated carrier declaration.
- Include the location or address of each network unit.

Information is also sought regarding the nature of the proposed services to be supplied using the network unit(s). This will assist us in understanding the purpose of a declaration and how the network unit(s) may need to be described in a declaration, if made.

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

If we refuse to make a nominated carrier declaration, we will give written notice of the refusal to the applicant and the owner or each of the owners of the network units.

If we make a nominated carrier declaration, we 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

An application for a nominated carrier declaration must be accompanied by payment of the appropriate charge.

Before lodging an application, please email carriers@acma.gov.au to request an invoice for payment of the application charge.

Find out more about the nominated carrier declaration application charge.

Payment of application charge

Once an invoice has been issued, payment can be made by BPAY, EFT direct deposit to the ACMA, or credit card online via our website.

Requests for additional information

After receiving an application, we will either proceed to consideration of the application or request additional information from the applicant. We will give applicants a reasonable period in which to provide the requested information.

Consultation on applications

The ACMA may consult with the CAC, government agencies and departments for the purposes of assessing applications for a nominated carrier declaration.

ACMA consideration and decision-making

In accordance with section 81 of the Act, the ACMA may declare in writing that an applicant is the nominated carrier in relation to specified network units if the ACMA is satisfied that:

- if the declaration were made, the applicant would be able to comply with all of the carrier-related obligations in relation to the units
- making the declaration would not impede the efficient administration of the Act.

Duration of declaration

A nominated carrier declaration continues to operate unless it is revoked by the ACMA on either one of the following grounds:

- if we are satisfied that, if it were assumed the nominated carrier was to apply for the declaration, we would refuse to make the declaration
- the owner(s) of the network units give the ACMA a written notice that they do not consent to continued operation of the declaration
- the nominated carrier gives the ACMA written notice that it does not accept responsibility for the units for the purposes of the Act.

Revocation of declaration

In accordance with subsection 83(1) of the Act, the ACMA ***may*** revoke a nominated carrier declaration if the ACMA is satisfied that, if it were assumed that the nominated carrier was to apply for the declaration, the ACMA would refuse to make the declaration.

Before revoking a nominated carrier declaration under subsection 83(1), the ACMA must 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 must consider any submission that was provided by the nominated carrier within a period specified in the notice, being at least 7 days.

Under subsection 83(2) of the Act, we must revoke a nominated carrier declaration in either of the following circumstances:

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

Where the ACMA decides to revoke a declaration, we must 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 must be published in the Gazette.

Review of ACMA decision

A person affected by a decision to refuse to make a nominated carrier declaration or revoke a nominated carrier declaration may apply to the ACMA for reconsideration of the decision under Part 29 of the Act. If we affirm or vary the decision on reconsideration, the decision may be reviewable by the Administrative Review Tribunal.

Register of nominated carrier declarations

We will maintain an electronic register of all nominated carrier declarations currently in force. This register is available on the ACMA website.

Privacy

The collection of personal information through the application process 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* and all other obligations we must adhere to under the Privacy Act.

Personal information is collected to enable us to assess applications for a nominated carrier declaration submitted under section 77 of the Act. We may use the personal information to contact an 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 privacy policy. The 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 we may have breached the Privacy Act and how we will deal with such a complaint.

Treatment of information

The information that must be provided as part of the application process is being sought for the purpose of considering applications for a nominated carrier declaration under the Act 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* (ACMA Act), in particular those under paragraphs 8(1)(a), (c), (f) and (j). We may make the information provided in the application available to the government agencies and departments in accordance with Part 7A of the ACMA Act.

Any application provided to the ACMA may be released under the *Freedom of Information Act 1982*.

We 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 Act. By virtue of the same section, the register is available for inspection on our website.

False or misleading information

Under the *Criminal Code Act 1995*, it is an offence to knowingly make false or misleading statements to a Commonwealth entity in an application or give false or misleading information or documents to a Commonwealth entity (see sections 136.1, 137.1 and 137.2 of the Criminal Code).

Complaints

Complaints about the quality of our service can be raised via our Customer Service Centre in the first instance, in accordance with our client service charter. Applicants who remain dissatisfied with the outcome of a complaint may escalate a complaint to the Commonwealth Ombudsman.

Appendix C: Carrier obligations

If an applicant is granted a carrier licence, there are rules, standards and conditions they are obliged to meet as a condition of the licence. In addition, there are rules and obligations that may apply to a carrier if they are also a carriage service provider (CSP) or a controller of specified telecommunications infrastructure.

The key regulatory obligations that apply to carriers are summarised below. You can read more about these obligations on the ACMA website.

Applicants are encouraged to seek independent expert advice to ensure compliance with all relevant obligations that may sit outside telecommunications law.

Consumer and community obligations industry codes and standards

Part 6 of the Act

Part 6 of the Act provides a legislative framework for industry self-regulation through industry developed codes that may be registered with the ACMA. Industry codes may apply to participants of the telecommunications industry (such as carriers and CSPs), telemarketing industry or fax marketing industry. Compliance with an industry code is voluntary unless the ACMA directs a particular participant in the telecommunications industry, telemarketing industry or fax marketing industry to comply with the code.

We have 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.

We maintain a register of telecommunications industry codes and standards.

Telecommunications (Customer Communications for Outages) Industry Standard 2024

There are obligations on carriers under the Telecommunications (Customer Communications for Outages) Industry Standard 2024 (the outages standard) when it suffers a major outage or a significant local outage to:

- notify other carriers and providers that rely on it for access link
- notify relevant stakeholders
- publish information about the outage on its website
- publish on its website written procedures about how it will communicate with the public, other carriers, CSPs, and relevant stakeholders, during a major outage.

The outages standard also imposes obligations on CSPs in relation to notifying and communicating with end-users and the public after receiving notification about a major outage or a significant local outage.

Universal service regime

Part 2 of the TCPSS Act

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

- the standard telephone service (including customer equipment relevant to the standard telephone service)
- payphones
- prescribed additional carriage services
- 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 pay the Telecommunications Industry Levy (TIL). This contributes 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. Further information about the TIL is available on the ACMA website.

Customer service guarantee

Part 5 of the TCPSS Act

CSPs that supply a standard telephone service[1] are required to comply with the Telecommunications (Customer Service Guarantee) Standard 2023 (CSG standard) unless an exemption or waiver applies. The CSG standard specifies minimum performance standards that CSPs are required to meet in relation to the connection of a standard telephone service, fault rectification and attending appointments with customers. If a CSP 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 each carrier and the majority of CSPs to enter into the Telecommunications Industry Ombudsman (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 CSP is exempt from the requirement to join the scheme, or if necessary, direct specified carriers or CSPs to enter the scheme.

Further information about the TIO scheme and exemptions is available on the ACMA website.

[1] See section 6 of the TCPSS Act

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.

Telecommunications (Emergency Call Service) Determination 2019

The Telecommunications (Emergency Call Service) Determination 2019 (ECS determination) is made under subsection 147(1) of the TCPSS Act.

Under the ECS determination, carriers and CSPs have obligations to:

- maintain emergency call networks and facilities
- tell Emergency Call Persons and other providers that rely on them for access if there is a major outage affecting calls to Triple Zero
- share real-time network information with Emergency Call Persons, Emergency Service Organisations and other stakeholders where there is a major outage affecting calls to Triple Zero
- do a welfare check on people who have tried to call during a major outage
- monitor disruptive and non-genuine calls and work out a process to stop these.

There are also other obligations specific to CSPs that supply, or will supply, a service that enables end-users to access the emergency call service on a mobile phone (see Part 4 of the ECS determination). A carrier must do everything reasonably necessary to ensure that a CSP using the carrier's mobile network is able to comply with their obligations under Part 4 of the ECS determination. There are separate obligations on carriers and CSPs in relation to mobile devices that are not configured to be able to access Triple Zero.

Carrier separation rules

Part 8 of the Act

Part 8 of the Act requires a controller of a telecommunications network or local access line that is used or proposed to be used for the supply of superfast carriage services to residential customers, to supply eligible services to CSPs on a wholesale-only basis.

This means that a company that controls a superfast broadband network cannot itself supply retail services over the network unless an exemption applies. Network operators may seek to be exempt from the wholesale-only requirement via either of 2 processes:

- a class exemption
- a functional separation undertaking.

Guidance to help network operators understand whether the wholesale access and carrier separation rules apply under Part 8 of the Act is available on the ACCC website. Factors related to determining whether these requirements apply include:

- the type of network/technology used to supply services to end-uses (i.e., non-NBN fixed line networks and local access lines)
- when the network/access lines were installed or upgraded

- whether the service supplied over the networks/access lines is a superfast carriage service
- whether the service is supplied to residential customers (including home businesses).

We recommend that you review this information and contact the ACCC at telcoseparationrules@accc.gov.au if you have any questions regarding your compliance with Part 8 requirements.

Protection of communications

Part 13 of the Act

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

- the content of communications they carry
- the carriage services they supply
- the affairs or personal particulars of other persons.

This Part outlines the circumstances in which protected information can be disclosed and places record-keeping and reporting requirements on such disclosures. All telcos, including carriers, are required to report to the ACMA on their disclosures of personal information annually.

National interests

Part 14 of the Act

All carriers and CSPs have obligations to prevent, so far as it is reasonably practicable to do so, telecommunications networks and facilities from being used to commit offences.

The ACMA, carriers and CSPs must give the authorities such help as is reasonably necessary for the purposes of:

- enforcing the criminal law and laws imposing pecuniary penalties
- protecting the public revenue
- safeguarding national security.

Statutory Infrastructure Provider (SIP) rules

Part 19 of the Act

Under Part 19 of the Act, carriers (including NBN Co) and CSPs have connection and supply obligations where they are the statutory infrastructure provider (SIP) for a service area. For example, if a carrier enters into a contract to install telco network infrastructure in a new development or redevelopment project area and no other SIP is present, the carrier will be the SIP for the area.

Under the SIP rules, there are obligations on carriers and CSPs to:

- notify the ACMA about new and completed telecommunications project areas
- connect and supply an eligible service, unless an exception applies
- meet minimum broadband speeds
- provide voice services

- publish declarations and terms and conditions
- notify government and customers if SIP obligations cannot be met.

The project and service area information provided by carriers is included on a SIP map and register of SIPs and their service areas, which is maintained by the ACMA. Find out more about SIP rules and obligations. If you'd like further information, please contact us at sip@acma.gov.au.

Security of critical infrastructure

SOCI Act and subordinate legislation

Amendments to the SOCI Act and new cyber security legislation, including the Security of Critical Infrastructure (Telecommunications Security and Risk Management Program) Rules 2025 (TSRMP rules), aim to strengthen and improve existing cyber security laws. This legislation imposes obligations on carriers and CSPs as responsible entities for critical telecommunications assets in relation to security and risk management.

Responsible entities will comply with the positive security obligations to:

- protect the critical telecommunications asset (including by complying with risk management obligations under Part 2A of the SOCI Act)
- notify the Secretary of Home Affairs of certain changes and proposed changes to the telecommunications service or system
- Mandatory Cyber Incident Report (MCIR) requirements (Part 2B of the SOCI Act)
- provide information to the register of critical infrastructure assets (Part 2 of the SOCI Act)
- identify all material risks to their asset(s) across all hazards and minimise or eliminate those risks so far as it is reasonably practical to do so as part of their Critical Infrastructure Risk Management Program obligations (section 9 of the TSRMP Rules).

Further information on obligations under the SOCI Act and subordinate legislation is available at the Cyber and Infrastructure Security Centre.

Law enforcement

Chapter 5 of the TIA Act

Interception capability

There is an obligation on carriers and CSPs to ensure that they have the capability to intercept a communication passing over their system in keeping with a warrant issued under the TIA Act, unless an exemption has been granted by the minister, the ACMA or a Communications Access Coordinator (CAC).

Carriers and nominated CSPs (relevant telcos) are required to lodge annual Interception Capability Plans with the CAC.

Whenever business plans of relevant telcos change enough that the interception capability plan no longer adequately describes a service's interception capability, they must prepare and submit a new interception capability plan and submit it to the Office of the Communication Access Coordinator (OCAC) as soon as possible.

Data retention

Carriers, CSPs, and internet service providers that use telecommunications infrastructure in Australia to operate any of their services may be subject to telecommunications data retention obligations.

The data retention obligations require telcos to retain specific telecommunications data (the data set) relating to the services they offer for at least 2 years. Some subscriber information (a category of data in the data set) must be retained for the life of the account and for a further 2 years after the account is closed.

The retained data must be encrypted and protected from unauthorised interference and access.

Please note: Carriers or CSPs that know they will not be able to comply with these requirements should contact the CAC to discuss their options. The CAC will work with telcos to support achieving compliance as soon as possible, including by considering granting exemptions from, or variation of, data retention obligations for a relevant service.

The Department of Home Affairs (DHA) administers the TIA Act and further information is available on the DHA webpage. Any questions about the TIA Act should be directed to DHA.

Defence requirements and disaster plans

Part 16 of the Act

A carrier or CSP may be required to supply a carriage service for defence purposes or for the management of natural disasters. A carrier or CSP 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

The Act imposes a number of conditions on carriers and CSPs in order to promote competition in carriage services, as outlined in the following paragraphs.

Pre-selection in favour of CSPs

Part 17 of the Act

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

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

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

Calling line identification (CLI)

Part 18 of the Act

Carriers and CSPs are required to take all reasonable steps to ensure that a controlled facility consisting of:

- a switching system used in connection with the supply of a standard telephone service, or
- 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 recognised 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 or CSPs and make Rules of Conduct about carriers' or CSP's dealings with international telecommunications operators. A carrier or CSP must comply with the minister's declaration or Rules of Conduct where they apply.

Technical regulation

Part 21 of the Act

This Part of the Act establishes the scheme for technical regulation of telecommunications customer equipment and customer cabling that connects to a telecommunications network or facility operated by a carrier or CSP in Australia.

Under this scheme, the ACMA makes technical standards for specified customer equipment and customer cabling. Our technical standards are listed on the ACMA website.

Typically, the technical standards adopt industry standards made by either Standards Australia or Australian Telecommunications Alliance (ATA) (formerly Communications Alliance). Copies of the industry standards made by ATA are available free of charge on the ATA website. Copies of the industry standards made by Standards Australia are available for a fee on the Standards Australia website.

The ACMA has made the Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2025 (the TLN) which requires manufacturers and importers of customer equipment and customer cabling used, or to be used, 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.

Unless an exception applies, it is an offence under section 411 of the Act to connect an item of customer equipment or customer cabling to a telecommunications network or a facility, or to maintain such a connection, if the manufacturer or importer either:

- did not label the item as required under the TLN
- labelled the item as required under the TLN, but the label indicated the equipment, or cabling did not meet the requirements of the applicable technical standards for the item.

Numbering

Part 22 of the Act

CSPs must comply with 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 CSP, may apply to us for the allocation of numbers and must also provide number portability in accordance with the Numbering Plan.

Compliance with CSP obligations

A CSP uses network units to supply, or propose to supply, carriage services to the public. A CSP does not need to own the network unit. There are specific obligations imposed on CSPs. Carriers that supply carriage services to the public are typically also CSPs and must comply with relevant service provider regulation in addition to any carrier obligations. Further information on CSP obligations is set out on the ACMA website.