



Australian Government
**Australian Communications
and Media Authority**

Information for carrier licence applicants

INTRODUCTION

The Australian Communications and Media Authority (ACMA) administers the regime that licenses telecommunications carriers. Owners of a network unit used to supply carriage services to the public are generally required to hold a carrier licence. Examples of a network unit include a length of telecommunications cable or a radiocommunications base station (meeting the legislative requirements). Organisations that supply carriage services to the public but do not own a network unit are carriage service providers (CSPs) and do not require a carrier licence.

Carriers are subject to carrier-specific regulatory obligations, in addition to those that apply to CSPs. These carrier obligations are set out in the conditions attached to the licence, the *Telecommunications Act 1997* (the Telecommunications Act), the *Telecommunications (Consumer Protection and Service Standards) Act 1999*, related regulations and any additional conditions imposed by the Minister for Communications, Information Technology and the Arts (the Minister).

More information about the regulatory obligations that apply to carriers and CSPs is in the *Know Your Obligations* booklet on the ACMA website at www.acma.gov.au (go to ACMA > Publications > Licences > Telecomms).

FEES AND CHARGES ASSOCIATED WITH BEING A CARRIER

Application fee

The carrier licence application fee is \$2,200, which covers the cost to ACMA of processing applications.

Annual carrier licence charge

Each carrier must pay annual licence charges. The annual carrier licence charge (ACLC) recovers the costs of regulating the telecommunications industry and comprises a fixed component (the minimum charge) and a variable component, both of which are calculated each year.

The fixed component is specified in that year's Annual Carrier Licence Charge Determination made by ACMA. For the 2004–05 and 2005–06 financial years, ACMA expects the fixed component to be below \$1,000.

The variable component is calculated based on the carrier's proportion of eligible industry revenue for that year (for more information, see the web link below). Carriers will be notified of their required ACLC contribution in the annual licence charge invoice.

Levies for initiatives aimed at providing equitable access to telecommunications

Carriers are required to contribute annually to the cost of providing equitable access to telecommunications services for all end-users. The three such initiatives that are funded through annual levies on industry are the universal service obligation, the digital data service obligation and the National Relay Service. Each carrier's contribution to funding these initiatives is calculated based on their proportion of eligible industry revenue.

For more information about carrier charges and levies, and eligible revenue calculations, see the industry fact sheet *Carrier fees and levies* on the ACMA website at www.acma.gov.au (go to ACMA > Publications > Fact Sheets > Industry Fact Sheets).

INFORMATION TO ASSIST IN COMPLETING THE APPLICATION FORM

Eligibility

Carrier licence applicants must either be a constitutional corporation, eligible partnership or public body. ACMA may refuse to grant a licence if at any time the applicant, or one of the individuals involved in the management of the applicant, has been disqualified from holding a carrier licence.

Reference material

Before completing this application form, applicants should read the *Guide to Carrier Licence and Nominated Carrier Declaration* on the ACMA website at www.acma.gov.au (go to Licences > Telecomms > About Telecomms Licensing > Guide to Carrier and Nominated Carrier Declaration).

Applicants may also consult the Acts of Parliament relevant to carrier licensing (available on the website at www.comlaw.gov.au):

1. *Telecommunications Act 1997*
2. *Telecommunications (Consumer Protection and Service Standards) Act 1999*

The application form also includes a checklist to assist applicants in reviewing their application before submitting it to ACMA.

Accompanying information

Applicants must supply supporting information and documentation as specified on the application form. Where supporting information is required, applicants are encouraged to provide as much detail in support of the application as they consider necessary.

ACMA requests for additional information

ACMA may ask for additional information from applicants and may not give further consideration to applications until that information is provided. If asked for additional information, applicants should reply in writing. Incomplete or illegible applications may be returned to the applicant.

Granting of licences

ACMA may grant or refuse to grant a carrier licence to an applicant. ACMA will provide written notice stating whether or not the licence has been granted. If ACMA refuses to grant a licence, it will notify the applicant of their right to request a statement of reasons, and procedures available for reconsideration of the decision by ACMA, or subsequently by the Administrative Appeals Tribunal or the Commonwealth Ombudsman.

Time taken to decide applications

Time limits for deciding applications are specified in section 59 of the Telecommunications Act. ACMA cannot grant a licence until a copy of the application has been considered by the Attorney-General's Department, which will then consult with ACMA. ACMA has 20 business days following receipt of the application by the Attorney-General's Department to make a decision on whether to issue the licence.

Application charge

Payment of the application fee of \$2,200 is required before the application can be processed. The fee must be paid by cheque or direct deposit to ACMA. Please indicate the payment method on the application form, where requested.

Cheque

Cheques should be made payable to: Collector of Public Monies, Australian Communications and Media Authority, then forwarded with the application (see **Application submission** below).

Direct deposit

Account name: Australian Communications and Media Authority Clearing Trust Account

BSB number: 092-009

Account number: 922765

Bank name: Reserve Bank of Australia

Bank address: 20 London Circuit, Canberra City ACT 2600

A copy of the remittance advice must be submitted with the application and must also be faxed or emailed to:

Attn: Collector of Public Monies

Facsimile: (02) 6219 5264

Email: remittances@acma.gov.au

Application submission

Send completed application and payment to:

Manager Telecommunications Licensing and Numbering Section

Australian Communications and Media Authority

PO Box 13112 Law Courts

Melbourne Vic 8010

Contact us

Enquiries about carrier licences can be directed to:

Manager Telecommunications Licensing and Numbering Section

Australian Communications and Media Authority

Telephone: (03) 9963 6800

Facsimile: (03) 9963 6899

Email: carriers@acma.gov.au



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Carrier licence application form

Registered business name of applicant _____

Trading name of applicant (if applicable) _____

ACN _____

ABN (as applicable) _____

Postal address _____

Registered office address (if different) _____

Contact person

Name _____


Position _____


Telephone _____


Facsimile _____

Email address _____

Payment method (please tick)


(The symbol  indicates that an attachment is required.)

Cheque  (made payable to: Collector of Public Monies)

Direct deposit  (attach remittance advice and fax or email to Collector of Public Monies)

1. Legal status of the applicant (please tick)


Constitutional corporation

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

Eligible partnership

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


Public body

 Provide either:

- I. a statement as to the legislation that established the public body; or
- II. where the public body is an incorporated company, a copy of the certification of registration of the relevant corporation together with a statutory declaration by a director that states:
 - (a) the capacity in which the statutory declaration is made; and
 - (b) that all the stock or shares in the corporation are beneficially owned by the Commonwealth, state or territory; or
- III. for public bodies that are corporations limited by guarantee, a copy of the certificate of registration of the corporation.


For definitions of these categories, see section 7 of the Telecommunications Act.

2. Information about the applicant

 Provide an attachment containing the following information about the corporation, partnership or public body and copies of documents to support these statements:

- I. organisational structure, including directors, major shareholders and links with overseas and/or other Australian companies;
- II. provide statements as to whether the company has any foreign ownership, control or direction;
- III. any relationship between the corporation, partnership or public body and another in connection with the production and supply of facilities
- IV. background and history of the corporation, partnership or public body, as it relates to this application
- V. any current or proposed research into new technologies and development of those technologies.

3. Type of network owned, or proposed to be owned, by the applicant (relevant definitions are found in Part 2 of the Telecommunications Act)

 Provide an attachment containing the following information:

- I. general description of the network and technology that is proposed to be used to supply services to customers;
- II. diagram of the proposed network configuration (including identification of any facilities/infrastructure in the network that are not owned by the applicant); and
- III. provide information on type of licensed radio spectrum being utilised (if applicable).

Tick the type of network unit owned, or proposed to be owned, by the applicant:

Category 1

A single line link (e.g. optical fibre cable, copper cable) connecting distinct places (e.g. two different properties) in Australia and having a length of greater than 500 metres.

Category 2

Multiple line links connecting distinct places in Australia and having an aggregate length of greater than five kilometres.

Category 3

Designated radiocommunications facilities:

- 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 that is double-ended interconnected
- a satellite-based facility
- a radiocommunications transmitter of a kind specified in a ministerial determination
- a radiocommunications receiver of a kind specified in a ministerial determination

If the facility is of a kind specified in a ministerial determination, specify the determination_____

Category 4

Facilities specified in a ministerial determination under section 29 of the Telecommunications Act – specify the determination:

4. Type of services you propose to provide

Provide an attachment describing the intended geographic coverage of the network and the market(s) proposed to be serviced (e.g. small business, household consumer, wholesale).

Tick the type(s) of services you propose to provide:

- Local telecommunications services
- Long distance national telecommunications services
- International telecommunications services
- Voice over internet protocol (VoIP) services
- Public mobile telecommunications services
- Satellite telephone services
- Internet access
- Encrypted services
- Entertainment services, e.g. pay TV, video on demand
- Other(please specify)

5. Compliance information required from all applicants

Applications must include an attachment containing policies or strategies for compliance with:

- I. Part 13 of the Telecommunications Act—Protection of communications;
- II. Part 14 of the Telecommunications Act—National interest matters; and
- III. Part 15 of the Telecommunications Act—Co-operation with agencies.*

* Note: A new carrier must lodge an Interception Capability Plan to the ACMA (via the email address icp@acma.gov.au) and the Agency Coordinator (at the Attorney-General's Department) within 90 days after the day of becoming a carrier and by each following 1 July (as required by section 330 of the Telecommunications Act). The office of the Agency Coordinator is located within the Commonwealth Attorney General's Department in Canberra, and may be contacted by telephone on (02) 6250 5430 or at agency.coordinator@ag.gov.au to discuss these obligations.

6. Declaration

I declare that:

- I. the applicant is able to apply for the licence within the meaning of section 52 of the *Telecommunications Act 1997*;
- II. neither the applicant nor any director, secretary or any other person who is concerned with or takes part in the management of the applicant is disqualified within the meaning of section 58 of the *Telecommunications Act 1997*;
- III. the applicant is aware of (and if necessary has sought professional advice on), and undertakes to comply with, the applicant's obligations under the *Telecommunications Act 1997*, the *Telecommunications (Consumer Protection and Service Standards) Act 1999* and, where the applicant is providing voice services, the *Telecommunications (Emergency Call Service) Determination 2002*.
- IV. the contents of this application and any enclosures are true and correct;
- V. I have the authority to sign this application on behalf of the applicant;
- VI. the applicant acknowledges that this application does not constitute application for radiocommunications licence(s) and separate action by the applicant may be required if radiofrequency spectrum access is required;
- VII. the applicant acknowledges that it is the applicant's responsibility to ascertain the suitability and availability of spectrum for his/her purposes; and
- VIII. I am aware that under section 136.1 of the *Criminal Code Act 1995* it is an offence to knowingly make a false or misleading statement to a Commonwealth entity in connection with an application for a licence.

Signature of authorised person _____

Name _____

Position _____

Date _____

Note: The information that must be provided on or with this form is being sought for the purpose of considering applications for carrier licences under the Telecommunications Act. Applicants should note that the name of the applicant will be included on the register to be maintained by ACMA under section 84 of the Telecommunications Act, by virtue of which section the register will be open to inspection by the public. Other information that has been requested on this application form is being sought to enable 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).



Checklist for carrier licence application

Have you:

- Read ACMA's online *Guide to Carrier Licence and Nominated Carrier Declaration*, the *Know Your Obligations* booklet and fact sheets on carrier and service provider regulation and carrier fees and levies?
- Enclosed payment for application fee (cheque or direct debit) and followed the payment instructions?
- Provided documentation to support the legal status of the applicant (e.g. a company certificate) as required for Question 1?
- Supplied statements about organisational structure, foreign ownership, current or proposed research, relationships with other entities and background information on the applicant (as required for Q.2)?
- Provided information about the proposed network and technology to be deployed (as required for Q.3)?
- Attached information describing the geographic coverage of the network and the market(s) proposed to be served (as required for Q.4)?
- Provided statements about the applicants ability to comply with Parts 13–15 the *Telecommunications Act 1997* (as required for Q.5)?
- Noted the requirement to provide an Interception Capability Plan to ACMA and the Agency Coordinator (at the Attorney-General's Department) within 90 days after the day of becoming a carrier and by each following 1 July?
- Read the declaration at the end of the form and signed and dated where appropriate?