

STANDING COMMITTEE ON COMMUNICATIONS AND THE ARTS

QUESTION ON NOTICE

INQUIRY INTO CO-INVESTMENT IN MOBILE INFRASTRUCTURE

Australian Communications and Media Authority

Division/Agency: Communications Infrastructure Division, Australian Communications and Media Authority

Topic: Foreign investment rules

Ms McKenzie asked:

Ms McKENZIE: Could you remind me of the foreign investment rules? I can't remember how they apply and if there are carve-outs.

Ms Caruso: I would have to take that on notice. It's not an area that we administer, but I am happy to take that question on notice and to provide some additional information.

Answer:

The foreign investment review framework is administered by the Treasury. The Australian Communications and Media Authority (ACMA) understands that there is no general carve-out for telecommunications companies or radiocommunications licensees. To that end, section 69A of the *Radiocommunications Act 1992* (the Act) requires the ACMA to include a condition on spectrum licences that, at all times when the licensee derives income, profits or gains from operating radiocommunications devices under the licence or from authorising others to do so, either:

- the licensee is to be an Australian resident; or
- the income, profits or gains are to be attributable to a permanent establishment in Australia through which the licensee carries on business.