

313 Obligations of carriers and carriage service providers

- (1) A carrier or carriage service provider must, in connection with:
- (a) the operation by the carrier or provider of telecommunications networks or facilities; or
 - (b) the supply by the carrier or provider of carriage services;
- do the carrier's best or the provider's best to prevent telecommunications networks and facilities from being used in, or in relation to, the commission of offences against the laws of the Commonwealth or of the States and Territories.
- (2) A carriage service intermediary must do the intermediary's best to prevent telecommunications networks and facilities from being used in, or in relation to, the commission of offences against the laws of the Commonwealth or of the States and Territories.
- (3) A carrier or carriage service provider must, in connection with:
- (a) the operation by the carrier or provider of telecommunications networks or facilities; or
 - (b) the supply by the carrier or provider of carriage services;
- give officers and authorities of the Commonwealth and of the States and Territories such help as is reasonably necessary for the following purposes:
- (c) enforcing the criminal law and laws imposing pecuniary penalties;
 - (ca) assisting the enforcement of the criminal laws in force in a foreign country;
 - (d) protecting the public revenue;
 - (e) safeguarding national security.

Note: Section 314 deals with the terms and conditions on which such help is to be provided.

- (4) A carriage service intermediary who arranges for the supply by a carriage service provider of carriage services must, in connection with:
- (a) the operation by the provider of telecommunications networks or facilities; or
 - (b) the supply by the provider of carriage services;
- give officers and authorities of the Commonwealth and of the States and Territories such help as is reasonably necessary for the following purposes:
- (c) enforcing the criminal law and laws imposing pecuniary penalties;
 - (ca) assisting the enforcement of the criminal laws in force in a foreign country;
 - (d) protecting the public revenue;
 - (e) safeguarding national security.

Note: Section 314 deals with the terms and conditions on which such help is to be provided.

- (5) A carrier or carriage service provider is not liable to an action or other proceeding for damages for or in relation to an act done or omitted in good faith:
- (a) in performance of the duty imposed by subsection (1), (2), (3) or (4); or
 - (b) in compliance with a direction that the ACMA gives in good faith in performance of its duties under section 312.
- (6) An officer, employee or agent of a carrier or of a carriage service provider is not liable to an action or other proceeding for damages for or in relation to an act done or omitted in good faith in connection with an act done or omitted by the carrier or provider as mentioned in subsection (5).
- (7) A reference in this section to giving help includes a reference to giving help by way of:
- (a) the provision of interception services, including services in executing an interception warrant under the *Telecommunications (Interception and Access) Act 1979*; or
 - (b) giving effect to a stored communications warrant under that Act; or
 - (c) providing relevant information about:

- (i) any communication that is lawfully intercepted under such an interception warrant; or
- (ii) any communication that is lawfully accessed under such a stored communications warrant; or
- (ca) complying with a domestic preservation notice or a foreign preservation notice that is in force under Part 3-1A of that Act; or
- (d) giving effect to authorisations under Division 3 or 4 of Part 4-1 of that Act; or
- (e) disclosing information or a document in accordance with section 280 of this Act.

Note: Additional obligations concerning interception capability and delivery capability are, or may be, imposed on a carrier or carriage service provider under Chapter 5 of the *Telecommunications (Interception and Access) Act 1979*.