



Radiocommunications (Spectrum Licence Allocation - 2 GHz Band) Amendment Determination 2001 (No. 1)

The AUSTRALIAN COMMUNICATIONS AUTHORITY makes this Determination under sections 60 and 294 of the *Radiocommunications Act 1992*.

Dated 27 February 2001

R HORTON
Chair

G.W LUTHER
Senior Executive Manager

Australian Communications Authority

1 Name of Determination

This Determination is the *Radiocommunications (Spectrum Licence Allocation - 2 GHz Band) Amendment Determination 2001 (No. 1)*.

2 Commencement

This Determination commences on 13 February 2001.

3 Amendment of *Radiocommunications (Spectrum Licence Allocation - 2 GHz Band) Determination 2000*

Schedule 1 amends the *Radiocommunications (Spectrum Licence Allocation - 2 GHz Band) Determination 2000*.

Schedule 1 Amendments

(section 3)

[1] Section 4.23

substitute

4.23 Withdrawal penalty

- (1) A registered applicant is liable for the withdrawal penalty in subsection (2) if:
 - (a) the registered applicant withdraws a bid on a particular lot; and
 - (b) there is a subsequent bid on the lot but no subsequent bid on the lot is equal to or greater than the withdrawn bid.

Note: A bid cannot be withdrawn unless it is the high bid for the lot – see section 4.21.

- (2) For subsection (1), the withdrawal penalty is an amount equal to the difference between the withdrawn bid and the highest subsequent bid.
- (3) A registered applicant is liable for the withdrawal penalty in subsection (4) if:
 - (a) the registered applicant withdraws a bid on a particular lot; and
 - (b) there is no subsequent bid on the lot.
- (4) For subsection (3), the withdrawal penalty is an amount equal to the amount of the withdrawn bid.
- (5) A registered applicant may withdraw a bid on a particular lot more than once, but the applicant is liable for a withdrawal penalty each time.
- (6) The amount of all withdrawal penalties imposed on an unsuccessful applicant will be deducted from the applicant's eligibility payment before any remaining portion is refunded.
- (7) If the amount of all withdrawal penalties exceeds the eligibility payment, the balance will be taken out of the repayable performance payment, with any amount still owing being a debt due to the ACA that may be recovered in a court of competent jurisdiction.

Note If a withdrawal penalty is incurred by a successful applicant, the amount of the penalty will be added to the balance of the bid price payable by the applicant under section 5.2.

- (8) An applicant is not otherwise liable for a withdrawal penalty.