Radiocommunications (Spectrum Access Charges — 1800 MHz Band) Determination 2012 (No. 1)

*Radiocommunications Act 1992*

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Determination under subsection 294 (1) of the *Radiocommunications Act 1992*.

Dated *21 December* 2012

*Richard Bean*
[signed]
Member

*Giles Tanner*
[signed]
~~Member~~/General Manager

Australian Communications and Media Authority

**1 Name of Determination**

 This Determination is the *Radiocommunications (Spectrum Access Charges — 1800 MHz Band) Determination 2012 (No. 1)*.

2 Commencement

 This Determination commences on the day after it is registered.

*Note* All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*.See http://www.frli.gov.au.

3 Definitions

 In this Determination:

***Act*** means the *Radiocommunications Act 1992*.

***licence area*** means the area or aggregate of areas within which operation of a radiocommunications device is authorised by a spectrum licence.

***Ministerial Direction*** means the *Radiocommunications (Spectrum Access Charges) Direction 2012* made under subsection 294 (2) of the Act by the Minister for Broadband, Communications and the Digital Economy dated 9 February 2012.

***re-issue of a spectrum licence*** means the re-issue of a spectrum licence in accordance with subsection 82 (1) of the Act to the person to whom it was previously issued, authorising the operation of a radiocommunications device in the 1800 MHz band.

***1800 MHz band*** means the following frequency ranges:

(a) 1710 MHz to 1785 MHz; and

(b) 1805 MHz to 1880 MHz.

4 Population of a licence area for a spectrum licence

The population of a licence area for a spectrum licence mentioned in column 1 in the table in section 5, 6, 7, 8, 9, 10, 11 or 12 is the corresponding number mentioned in column 2.

*Note* The population of a licence area, for a spectrum licence, is the estimated number of people residing in the area to which the spectrum licence relates. In compliance with the Ministerial Direction, the population of the licence area is, by this instrument, determined at the time the spectrum access charge for the re-issue of the spectrum licence is determined, having regard to available population data at the time this instrument is made.

**5 Spectrum access charges payable by Telstra Corporation Limited**

 The amount of spectrum access charge payable by Telstra Corporation Limited (ACN 051 775 556) for the re-issue of a spectrum licence mentioned in column 1 in the following table is the corresponding amount mentioned in column 4.

| Column 1Licence number | Column 2Population of licence area | Column 3Bandwidth (MHz) | Column 4Amount ($) |
| --- | --- | --- | --- |
| 1136550 | 6,465,396 | 15 | $22,305,616.20 |
| 1136561 | 6,465,396 | 15 | $22,305,616.20 |
| 1136551 | 6,236,390 | 10 | $14,343,697.00 |
| 1136562 | 6,236,390 | 10 | $14,343,697.00 |
| 1136552 | 5,564,699 | 2.5 | $ 3,199,701.92 |
| 1136563 | 5,564,699 | 2.5 | $ 3,199,701.92 |
| 1136553 | 4,485,140 | 10 | $10,315,822.00 |
| 1136564 | 4,485,140 | 10 | $10,315,822.00 |
| 1136554 | 4,485,140 | 5 | $ 5,157,911.00 |
| 1136565 | 4,485,140 | 5 | $ 5,157,911.00 |
| 1136555 | 1,348,457 | 15 | $ 4,652,176.65 |
| 1136566 | 1,348,457 | 15 | $ 4,652,176.65 |
| 1136556 | 2,125,470 | 15 | $ 7,332,871.50 |
| 1136567 | 2,125,470 | 15 | $ 7,332,871.50 |
| 1136557 | 474,328 | 12.5 | $ 1,363,693.00 |
| 1136568 | 474,328 | 12.5 | $ 1,363,693.00 |
| 1136558 | 521,269 | 10 | $ 1,198,918.70 |
| 1136569 | 521,269 | 10 | $ 1,198,918.70 |
| 1136559 | 325,313 | 12.5 | $ 935,274.87 |
| 1136570 | 325,313 | 12.5 | $ 935,274.87 |
| 1136560 | 126,476 | 10 | $ 290,894.80 |
| 1136571 | 126,476 | 10 | $ 290,894.80 |

*Note* In compliance with the Ministerial Direction, the amount of spectrum access charge payable for the re-issue of a spectrum licence mentioned in the above table, or in the tables in sections 6 to 12 is calculated by multiplying the value of the spectrum in relation to the 1800 MHz band (being $0.23/MHz/Pop) by the population of the licence area for the spectrum licence (as determined in accordance with section 4) by the bandwidth for the spectrum licence (as mentioned in column 3). For example, in relation to licence number 1136550, the amount of spectrum access charge is calculated as follows:

$0.23 x 6,465,396 x 15 = $22,305,616.20.

6 Spectrum access charges payable by Vodafone Australia Pty Limited

 The amount of spectrum access charge payable by Vodafone Australia Pty Limited (ACN 056 161 043) for the re-issue of a spectrum licence mentioned in column 1 in the following table is the corresponding amount mentioned in column 4.

| Column 1Licence number | Column 2Population of licence area | Column 3Bandwidth (MHz) | Column 4Amount ($) |
| --- | --- | --- | --- |
| 1136572 | 521,269 | 5 | $ 599,459.35 |
| 1136583 | 521,269 | 5 | $ 599,459.35 |
| 1136573 | 126,476 | 5 | $ 145,447.40 |
| 1136584 | 126,476 | 5 | $ 145,447.40 |
| 1136575 | 4,485,140 | 5 | $ 5,157,911.00 |
| 1136586 | 4,485,140 | 5 | $ 5,157,911.00 |
| 1136577 | 2,816,867 | 5 | $ 3,239,397.05 |
| 1136588 | 2,816,867 | 5 | $ 3,239,397.05 |
| 1136578 | 5,564,699 | 10 | $12,798,807.70 |
| 1136589 | 5,564,699 | 10 | $12,798,807.70 |
| 1136579 | 4,485,140 | 7.5 | $ 7,736,866.50 |
| 1136590 | 4,485,140 | 7.5 | $ 7,736,866.50 |
| 1136581 | 1,348,457 | 5 | $ 1,550,725.55 |
| 1136592 | 1,348,457 | 5 | $ 1,550,725.55 |
| 1136582 | 2,816,867 | 5 | $ 3,239,397.05 |
| 1136593 | 2,816,867 | 5 | $ 3,239,397.05 |
| 1281511 | 1,348,457 | 2.5 | $ 775,362.77 |
| 1281512 | 1,348,457 | 2.5 | $ 775,362.77 |
| 1281515 | 1,843,366 | 10 | $ 4,239,741.80 |
| 1281516 | 1,843,366 | 10 | $ 4,239,741.80 |
| 1281517 | 5,564,699 | 2.5 | $ 3,199,701.92 |
| 1281518 | 5,564,699 | 2.5 | $ 3,199,701.92 |
| 8100045 | 5,564,699 | 2.5 | $ 3,199,701.92 |
| 8100048 | 5,564,699 | 2.5 | $ 3,199,701.92 |
| 8100046 | 671,691 | 5 | $ 772,444.65 |
| 8100047 | 671,691 | 5 | $ 772,444.65 |
| 8100424 | 1,348,457 | 2.5 | $ 775,362.77 |
| 8100426 | 1,348,457 | 2.5 | $ 775,362.77 |

7 Spectrum access charges payable by Singtel Optus Pty Limited

 The amount of spectrum access charge payable by Singtel Optus Pty Limited (ACN 052 833 208) for the re-issue of a spectrum licence mentioned in column 1 in the following table is the corresponding amount mentioned in column 4.

| Column 1Licence number | Column 2Population of licence area | Column 3Bandwidth (MHz) | Column 4Amount ($) |
| --- | --- | --- | --- |
| 1136530 | 2,816,867 | 2.5 | $ 1,619,698.52 |
| 1136540 | 2,816,867 | 2.5 | $ 1,619,698.52 |
| 1136531 | 2,816,867 | 2.5 | $ 1,619,698.52 |
| 1136541 | 2,816,867 | 2.5 | $ 1,619,698.52 |
| 1136532 | 2,816,867 | 10 | $ 6,478,794.10 |
| 1136542 | 2,816,867 | 10 | $ 6,478,794.10 |
| 1136533 | 5,564,699 | 5 | $ 6,399,403.85 |
| 1136543 | 5,564,699 | 5 | $ 6,399,403.85 |
| 1136534 | 5,564,699 | 10 | $12,798,807.70 |
| 1136544 | 5,564,699 | 10 | $12,798,807.70 |
| 1136535 | 4,485,140 | 2.5 | $ 2,578,955.50 |
| 1136545 | 4,485,140 | 2.5 | $ 2,578,955.50 |
| 1136536 | 4,485,140 | 12.5 | $12,894,777.50 |
| 1136546 | 4,485,140 | 12.5 | $12,894,777.50 |
| 1136537 | 1,348,457 | 2.5 | $ 775,362.77 |
| 1136547 | 1,348,457 | 2.5 | $ 775,362.77 |
| 1136538 | 1,348,457 | 12.5 | $ 3,876,813.87 |
| 1136548 | 1,348,457 | 12.5 | $ 3,876,813.87 |
| 1136539 | 1,843,366 | 15 | $ 6,359,612.70 |
| 1136549 | 1,843,366 | 15 | $ 6,359,612.70 |

8 Spectrum access charges payable by Rail Corporation New South Wales

 The amount of spectrum access charge payable by Rail Corporation New South Wales (ABN 59 325 778 353) for the re-issue of a spectrum licence mentioned in column 1 in the following table is the corresponding amount mentioned in column 4.

| Column 1Licence number | Column 2Population of licence area | Column 3Bandwidth (MHz) | Column 4Amount ($) |
| --- | --- | --- | --- |
| 8100227 | 5,564,699 | 2.5 | $3,199,701.92 |
| 8100228 | 5,564,699 | 2.5 | $3,199,701.92 |

9 Spectrum access charges payable by Victorian Rail Track

 The amount of spectrum access charge payable by Victorian Rail Track (ABN 55 047 316 805) for the re-issue of a spectrum licence mentioned in column 1 in the following table is the corresponding amount mentioned in column 4.

| Column 1Licence number | Column 2Population of licence area | Column 3Bandwidth (MHz) | Column 4Amount ($) |
| --- | --- | --- | --- |
| 8100221 | 4,485,140 | 2.5 | $2,578,955.50 |
| 8100222 | 4,485,140 | 2.5 | $2,578,955.50 |

10 Spectrum access charges payable by Queensland Rail Limited

 The amount of spectrum access charge payable by Queensland Rail Limited (ACN 132 181 090) for the re-issue of a spectrum licence mentioned in column 1 in the following table is the corresponding amount mentioned in column 4.

| Column 1Licence number | Column 2Population of licence area | Column 3Bandwidth (MHz) | Column 4Amount ($) |
| --- | --- | --- | --- |
| 8100368 | 2,816,867 | 5 | $3,239,397.05 |
| 8100369 | 2,816,867 | 5 | $3,239,397.05 |

11 Spectrum access charges payable by Department of Planning, Transport and Infrastructure (South Australia)

 The amount of spectrum access charge payable by the Crown in right of the State of South Australia through the Department of Planning, Transport and Infrastructure (South Australia) (ABN 92 366 288 135) for the re-issue of a spectrum licence mentioned in column 1 in the following table is the corresponding amount mentioned in column 4.

| Column 1Licence number | Column 2Population of licence area | Column 3Bandwidth (MHz) | Column 4Amount ($) |
| --- | --- | --- | --- |
| 8100298 | 1,348,457 | 2.5 | $775,362.77 |
| 8100300 | 1,348,457 | 2.5 | $775,362.77 |
| 8100423 | 1,348,457 | 2.5 | $775,362.77 |
| 8100425 | 1,348,457 | 2.5 | $775,362.77 |

12 Spectrum access charges payable by Public Transport Authority of Western Australia

 The amount of spectrum access charge payable by the Public Transport Authority of Western Australia (ABN 61 850 109 576) for the re-issue of a spectrum licence mentioned in column 1 in the following table is the corresponding amount mentioned in column 4.

| Column 1Licence number | Column 2Population of licence area | Column 3Bandwidth (MHz) | Column 4Amount ($) |
| --- | --- | --- | --- |
| 8100435 | 1,843,366 | 5 | $2,119,870.90 |
| 8100436 | 1,843,366 | 5 | $2,119,870.90 |

13 When spectrum access charge is payable

 A spectrum access charge fixed by this Determination for the re-issue of a spectrum licence is payable on or before 5 June 2013.

14 Expiry

 This Determination ceases to have effect at the end of 17 June 2013.