



Radiocommunications (Spectrum Access Charges — 1800 MHz Band) Determination 2013 (No. 2)

Radiocommunications Act 1992

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

Dated 21st November 2013

Chris Chapman
[signed]
Member

Chris Cheah
[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 2013 (No. 2)*.

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.fli.gov.au>.

3 Definitions

In this Determination:

ACMA means the Australian Communications and Media Authority.

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.

Pricing 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.

Public Interest Charges Direction means the *Radiocommunications (Spectrum Access Charges) Direction 2013* made under subsection 294 (2) of the Act by the Minister for Broadband, Communications and the Digital Economy dated 24 July 2013.

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 of the table in sections 6, 7, 8 or 9 is the corresponding number mentioned in column 2.

Note The population of a licence area is the estimated number of people residing in the area to which the spectrum licence relates. In compliance with the Pricing 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 Unit amounts applied

The unit amounts applied by the ACMA in calculating the spectrum access charges payable by a licensee mentioned in sections 6, 7, 8 or 9 are \$0.1053/MHz/Pop and \$0.2106/MHz/Pop, where:

- (a) \$0.1053 is the public interest charge for the first 20 MHz of spectrum, in Australian dollars, in relation to the 1800 MHz band for re-issue of a spectrum licence for a period of 13 years and 45 days;
- (b) \$0.2106 is the charge for the amount of spectrum in excess of 20 MHz, in Australian dollars, in relation to the 1800 MHz band for re-issue of a spectrum licence for a period of 13 years and 45 days;
- (c) MHz is the bandwidth of spectrum authorised for use in the licence area for a spectrum licence; and
- (d) Pop is the population of a licence area for a spectrum licence.

Note 1 The unit amount of \$0.23/MHz/Pop specified in the Pricing Direction, in relation to the 1800 MHz band, is based on re-issue of a spectrum licence for a period of 15 years. The spectrum licences mentioned in column 1 of the table in sections 6, 7, 8 and 9 will be re-issued for a period of 13 years and 45 days. Accordingly, the unit amount has been reduced from

\$0.23/MHz/Pop to \$0.2106/MHz/Pop to reflect the value associated with the shorter duration of the re-issued spectrum licences.

Note 2 The unit amount of \$0.1053/MHz/Pop, calculated in accordance with the Public Interest Charges Direction, applies only to a maximum of 2x10 MHz of spectrum in the 1800 MHz band. If a licensee seeks to have re-issued more than 2x10 MHz of spectrum, any spectrum in excess of that amount included in a re-issued licence will be charged at the unit amount of \$0.2106/MHz/Pop.

6 Spectrum access charge 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 of the following table is the corresponding amount mentioned in column 4.

Column 1	Column 2	Column 3	Column 4
Licence number	Population of licence area	Bandwidth (MHz)	Amount (\$)
9263514	2,874,447	20	\$6,053,585.38

Note In compliance with the Public Interest Charges Direction, the amount of spectrum access charge payable for the re-issue of a spectrum licence mentioned in the table in sections 6 and 7 is calculated by multiplying the public interest charge (being \$0.1053/MHz/Pop as specified in paragraph 5(a)) 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 9263514, the amount of spectrum access charge is calculated as follows:

$$\$0.1053 \times 2,874,447 \times 20 = \$6,053,585.38$$

7 Spectrum access charge payable by the 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 of the following table is the corresponding amount mentioned in column 4.

Column 1	Column 2	Column 3	Column 4
Licence number	Population of licence area	Bandwidth (MHz)	Amount (\$)
9263516	1,881,046	20	\$3,961,482.87

8 **Spectrum access charge 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 of the following table is the corresponding amount mentioned in column 4.

Column 1	Column 2	Column 3	Column 4
Licence number	Population of licence area	Bandwidth (MHz)	Amount (\$)
9263492	4,576,821	25	\$14,458,177.53

Note In compliance with the Public Interest Charges Direction and Pricing Direction, the amount of spectrum access charge payable for the re-issue of a spectrum licence mentioned in the table in sections 8 and 9 is calculated by:

- (a) multiplying the public interest charge (being \$0.1053/MHz/Pop as specified in paragraph 5(a)) by the population of the licence area for the spectrum licence (as determined in accordance with section 4) by the first 20 MHz of bandwidth for the spectrum licence; and
- (b) multiplying the charge (being \$0.2106/MHz/Pop as specified in paragraph 5(b)) by the population of the licence area for the spectrum licence (as determined in accordance with section 4) by the amount of bandwidth for the spectrum licence in excess of 20 MHz; and
- (c) adding together the two amounts.

9 **Spectrum access charge 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 of the following table is the corresponding amount mentioned in column 4.

Column 1	Column 2	Column 3	Column 4
Licence number	Population of licence area	Bandwidth (MHz)	Amount (\$)
9263523	5,678,448	25	\$17,938,217.22

10 **When a 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 30 July 2014.

11 **Expiry**

This Determination ceases to have effect at the end of 3 May 2015 as if it had been repealed by another instrument.