Radiocommunications Spectrum Marketing Plan (700 MHz unallocated lots band) 2016

The Australian Communications and Media Authority makes the following plan under section 39A of the *Radiocommunications Act 1992*.

Dated: *15 DECEMBER 2016*

Richard Bean
[signed]
Member

Anita Jacoby
[signed]
Member~~/General Manager~~

Australian Communications and Media Authority

Part 1—Preliminary

1 Name

This is the *Radiocommunications Spectrum Marketing Plan (700 MHz unallocated lots band) 2016*.

2 Commencement

This instrument commences immediately after the commencement of the *Radiocommunications Spectrum Marketing Plan (700 MHz Band) Variation 2016 (No. 1)*.

Note: The Federal Register of Legislation may be accessed at www.legislation.gov.au.

3 Authority

This instrument is made under section 39A of the Act.

4 Purpose of the instrument

This instrument describes:

(a) the procedures for issuing spectrum licences in the 700 MHz (unallocated lots) band;

(b) the spectrum licences that will be allocated by the ACMA in accordance with this instrument;

(c) some of the matters a licensee must take into account when operating radiocommunications devices under a spectrum licence allocated in accordance with this instrument; and

(d) other matters which a person should take into account when deciding whether to apply for a spectrum licence under the allocation determination.

5 Definitions

In this instrument:

10 MHz lot has the meaning given by subsection 4(1) of the allocation determination.

5 MHz lot has the meaning given by subsection 4(1) of the allocation determination.

700 MHz band means the following spectrum, in the geographic areas specified in the re-allocation declaration:

(a) 703 MHz to 748 MHz; and

(b) 758 MHz to 803 MHz.

700 MHz lower band means the frequency range 703 MHz to 748 MHz in the geographic areas specified in the re-allocation declaration.

700 MHz (unallocated lots) band means the following spectrum, in the geographic areas specified in the re-allocation declaration:

(a) 733 MHz to 748 MHz; and

(b) 788 MHz to 803 MHz.

Note 1: The 700 MHz (unallocated lots) band is a subset of the 700 MHz band.

Note 2: In the residual 700 MHz spectrum direction, the 700 MHz (unallocated lots) band is referred to as the residual 700 MHz spectrum in the designated area.

700 MHz upper band means the frequency range 758 MHz to 803 MHz in the geographic areas specified in the re-allocation declaration.

Act means the *Radiocommunications Act 1992*.

advisory guidelines means either, or both, of the following:

(a) *Radiocommunications Advisory Guidelines (Managing Interference to Receivers – 700 MHz Band) 2012*;

(b) *Radiocommunications Advisory Guidelines (Managing Interference from Transmitters – 700 MHz Band) 2012*.

Note: The advisory guidelines are registered on the Federal Register of Legislation.

affected area has the meaning given by paragraph (6)(b) of Part 1 of Schedule 4.

allocation determination means the *Radiocommunications (Spectrum Licence Allocation – 700 MHz Band) Determination 2016*.

applicant has the meaning given by subsection 4(1) of the allocation determination.

applicant information package has the meaning given by subsection 4(1) of the allocation determination.

auction has the meaning given by subsection 4(1) of the allocation determination.

Australian spectrum map grid or ***ASMG*** means the *Australian Spectrum Map Grid 2012* published by the ACMA on its website, as existing from time to time.

balance of the upfront pre-determined price has the meaning given by subsection 4(1) of the allocation determination.

balance of the upfront winning price has the meaning given by subsection 4(1) of the allocation determination.

delayed pre-determined price has the meaning given by subsection 4(1) of the allocation determination.

delayed pre-determined price bank guarantee has the meaning given by subsection 4(1) of the allocation determination.

delayed winning price has the meaning given by subsection 4(1) of the allocation determination.

delayed winning price bank guarantee has the meaning given by subsection 4(1) of the allocation determination.

first auction instalment has the meaning given by subsection 4(1) of the allocation determination.

first instalment has the meaning given by subsection 4(1) of the allocation determination.

geographic area, for a spectrum licence, means the area within which operation of a radiocommunications device is authorised under the licence.

harmful interference means interference that:

(a) endangers the functioning of a radio-navigation service or other safety services; or
(b) seriously degrades, obstructs or repeatedly interrupts a radiocommunications service.

HCIS identifier means an identifier used to describe a geographic area in the HCIS.

hierarchical cell identifier scheme or ***HCIS*** means the cell grouping hierarchy scheme used to describe geographic areas in the ASMG.

horizontally radiated power, for a radiocommunications device, means the sum of:
(a) the maximum true mean power, in dBm, per specified rectangular bandwidth at the antenna connector that is located within the frequency band of the licence authorising the operation of the radiocommunications device; and
(b) the antenna gain relative to an isotropic antenna in a specified direction in the horizontal plane containing the phase centre of the antenna used with the device, in dBi.

in-band means:
(a) for a radiocommunications transmitter or radiocommunications receiver operated under a spectrum licence – the frequencies within the frequency band to which the licence relates;
(b) for a radiocommunications transmitter or radiocommunications receiver operated under an apparatus licence – the frequencies within the lower frequency limit and the upper frequency limit of that licence.

licence schedule means a schedule to the sample spectrum licence.

lot has the meaning given by subsection 4(1) of the allocation determination.

Note: See also subsection 11(1) of this instrument and subsection 8(4) of the residual 700 MHz spectrum direction.

maximum true mean power means the true mean power measured in a specified rectangular bandwidth that is located within a specified frequency band such that the true mean power is the maximum of true mean powers produced.

Note: The power within the specified rectangular bandwidth is normally established by taking measurements using either an adjacent channel power meter or a spectrum analyser. Estimation of the accuracy of the measuring equipment, measurement procedure and any adjustments made to measurements to take account of practical filter shape factors should be in accordance with good engineering practice.

mean power means the average power measured during an interval of time that is at least 10 times the period of the lowest modulation frequency.

occupied bandwidth, in relation to a radiocommunications transmitter, means the bandwidth of a frequency band, having fixed upper and lower limits, that is necessary to contain not less than 99 per cent of the true mean power of the transmitter's emissions at any time.

pre-determined price has the meaning given by subsection 4(1) of the allocation determination.

re-allocation means the re-allocation of spectrum by the issue of spectrum licences in accordance with the re-allocation declaration.

re-allocation declaration means the *Radiocommunications (Spectrum Re-allocation) Declaration No. 1 of 2011*.

region: see subsection 11(2).

residual 700 MHz spectrum direction means the *Radiocommunications (Spectrum Licence Allocation–Residual 700 MHz Spectrum) Direction 2016*.

sample spectrum licence: see section 21.

spurious emission means an emission that is not:

(a) a modulation product; or

(b) wide band noise; or

(c) an emission caused by switching transients.

transmitter site means the site from which a transmitter is authorised to operate under the relevant apparatus licence.

true mean power means:

(a) if an unmodulated carrier is present – the mean power measured while the unmodulated carrier is present;

(b) if an unmodulated carrier is not present – the mean power measured while transmitter information is present.

Note: A number of other expressions used in this instrument are defined in the Act, including the following:

(a) ACMA;

(b) apparatus licence;

(c) core conditions;

(d) frequency band;

(e) licensee;

(f) Register;

(g) spectrum licence.

6 References to other legislative instruments, other instruments or writing

(1) In this instrument, unless the contrary intention appears, a reference to another legislative instrument is a reference to that other legislative instrument as in force from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

(2) In this instrument, unless the contrary intention appears, a reference to an instrument or other writing (other than a legislative instrument) is a reference to that instrument or writing as existing from time to time.

Note: See section 314A of the Act.

7 References to frequency ranges

In this instrument, the range of numbers that identifies a frequency range includes the higher, but not the lower, number.

Part 2—Allocation of spectrum licences

8 Simplified outline of this Part

This Part describes the procedures for allocating spectrum licences that authorise the operation of radiocommunications devices in the 700 MHz (unallocated lots) band.

9 Parts of the spectrum

The ACMA will allocate and issue spectrum licences for spectrum in the 700 MHz (unallocated lots) band in the manner described in this instrument and the allocation determination.

10 How licences will be allocated

(1) Spectrum licences for spectrum in the 700 MHz (unallocated lots) band will be allocated by simple clock auction in accordance with the procedures set out in the allocation determination.

Note: Neither the ACMA nor the Commonwealth accepts any liability for any loss or damage suffered by any person participating in the auction. Any person intending to participate in the auction should obtain independent legal, technical and financial advice before applying.

(2) If, before the auction manager sets the start date and time for the first and second rounds of the auction, the ACMA considers that it may be able to allocate spectrum licences for lots without having to conduct an auction to identify the person willing to make the highest value payment for the allocation of a spectrum licence represented by those lots, the ACMA may offer to allocate spectrum licences for the lots for a pre-determined price, as set out in Part 5 of the allocation determination.

Note: See also subsection 8(6) of the residual 700 MHz spectrum direction.

11 Lots for the auction

(1) The ACMA has divided the 700 MHz (unallocated lots) band into the 10 MHz lot and the 5 MHz lot. Each lot is characterised by:

(a) the frequencies set out in columns 3 and 4 of Table 1 in Schedule 1; and

(b) the bandwidth specified in column 5 of Table 1 in Schedule 1.

Note: The lots are also specified in Part 2 of Schedule 2 to the allocation determination. See also subsection 8(4) of the residual 700 MHz spectrum direction.

(2) The ***region*** for each lot is known as the National Region and is the area described by the HCIS identifiers specified in item 3 of Schedule 2.

(3) The auction will be held in accordance with the procedures set out in the allocation determination. Both lots will be available for allocation at the auction.

12 Advertising the auction

The ACMA will publish details of the auction and invite persons to apply to take part in the auction, in accordance with the allocation determination.

13 Taking part in the auction

(1) The ACMA will make available an applicant information package that contains more details about application requirements and the auction process in accordance with the allocation determination. Details of what must be in the applicant information package are in subsection 27(1) of the allocation determination.

(2) Details of how to apply to take part in the auction are set out in Part 4 of the allocation determination.

Part 3—Spectrum licences to be issued

14 Simplified outline of this Part

This Part describes:

(a) the spectrum licences that will be issued in accordance with this instrument;

(b) some of the matters a licensee must take into account when operating devices under a spectrum licence issued in accordance with this instrument;

(c) conditions to be included in spectrum licences issued in accordance with this instrument; and

(d) other matters which a person should take into account when deciding whether to apply for a spectrum licence to be issued in accordance with this instrument.

15 Issue of licences

(1) Subject to the Act, the allocation determination and other relevant law, the ACMA will issue a spectrum licence to the person to whom it is allocated as soon as practicable after the person pays to the ACMA, on behalf of the Commonwealth, whichever of the following is relevant:

(a) the balance of the upfront pre-determined price;

(b) the first instalment;

(c) the balance of the upfront winning price;

(d) the first auction instalment.

Note 1: If a spectrum licence is allocated to a person for a pre-determined price, the person has a choice whether to pay the pre-determined price upfront, or in instalments.

Note 2: If a spectrum licence is allocated to a person as a result of an auction, the person has a choice whether to pay the winning price upfront, or in instalments.

(2) If the first instalment is relevant, the person must also provide to the ACMA the delayed pre-determined price bank guarantee before the person is entitled to be issued the licence.

Note: The delayed pre-determined price bank guarantee secures part of the payment of other instalments.

(3) If the first auction instalment is relevant, the person must also provide to the ACMA the delayed winning price bank guarantee before the person is entitled to be issued the licence.

Note: The delayed winning price bank guarantee secures part of the payment of other instalments.

(4) If a spectrum licence is issued to a person after the first instalment, or the first auction instalment, is paid, that instalment and any subsequent instalment is not refundable in any circumstances.

16 Commencement and duration of licences

A licence issued to a person who has been allocated the licence as a result of the auction or for a pre-determined price will commence on 1 April 2018 and, subject to the Act, will be for a fixed term with an expiry date of 31 December 2029.

Note 1: In accordance with the Act, a licence may be resumed or cancelled before the expiry date.

Note 2: See subsection 8(7) of the residual 700 MHz spectrum direction.

17 Core licence conditions

(1) Section 66 of the Act requires spectrum licences to include the following core conditions:
   (a) a condition specifying the part or parts of the spectrum in which operation of radiocommunications devices is authorised under the licence;
   (b) a condition specifying the maximum permitted level of radio emission, in parts of the spectrum outside such a part, that may be caused by operation of radiocommunications devices under the licence;
   (c) a condition specifying the area within which operation of radiocommunications devices is authorised under the licence;
   (d) a condition specifying the maximum permitted levels of radio emission, outside that area, that may be caused by operation of radiocommunications devices under the licence.

(2) These conditions will be included in the spectrum licences issued in accordance with this instrument.

Note: These core conditions may be varied by the ACMA, with the licensee's agreement, under section 72 of the Act.

18 Determining core licence conditions

(1) For each spectrum licence issued to a person as a result of the auction or for a pre-determined price:
   (a) the licence will be for the frequencies, or the aggregation of the frequencies, represented by the lots:
      (i) for which the person is the winning bidder, in accordance with the allocation determination; or
      (ii) for which the person is willing to make the highest value payment for the spectrum represented by those lots, as identified by the ACMA in accordance with subsection 41(1) of the allocation determination;
   (b) the geographic area of the licence will be the region.

Note: The region is set out in Schedule 2. It corresponds with the National Area, as defined in subsection 4(2) of the re-allocation declaration, which excludes the Mid West Radio Quiet Zone, as defined in section 3 of the re-allocation declaration.

(2) The emission limits outside the geographic area for all licences issued in accordance with this instrument will be calculated in accordance with Schedule 3.

(3) The emission limits outside part or parts of the spectrum for each licence issued in accordance with this instrument will be calculated in accordance with Schedule 4.

19 Other licence conditions

(1) Each spectrum licence will also include conditions about:
   (a) the payment of charges (section 67 of the Act);
   (b) use by third parties (section 68 of the Act);
   (c) registration of transmitters (section 69 of the Act); and
   (d) residency (section 69A of the Act).

(2) If:

(a) a spectrum licence is issued for a pre-determined price; and
(b) the applicant accepted the offer of the spectrum licence and agreed to pay the delayed pre-determined price for the spectrum licence in accordance with section 46 of the allocation determination;

the spectrum licence will include a condition that requires the licensee to give the ACMA the delayed pre-determined price bank guarantee.

Note: The sample spectrum licence includes a version of this condition.

(3) If:
(a) a spectrum licence is issued as a result of an auction; and
(b) the winning bidder notified the ACMA that it elected to pay the delayed winning price in accordance with subsection 75(3) of the allocation determination;

the spectrum licence will include a condition that requires the licensee to give the ACMA the delayed winning price bank guarantee.

Note: The sample spectrum licence includes a version of this condition.

(4) Under section 71 of the Act, the ACMA may also include conditions about other matters as it thinks fit.

(5) Other conditions likely to be included in a licence are included in the sample spectrum licence at Schedule 5.

Note: The ACMA may include conditions in a spectrum licence that are not included in the sample spectrum licence.

20 Registration of transmitters

(1) Each spectrum licence will include a condition that prohibits operation of a radiocommunications transmitter unless the requirements under Part 3.5 of the Act to have the transmitter registered have been met.

Note 1: Under subsection 145(1) of the Act, the ACMA may refuse to include in the Register details of a radiocommunications transmitter that is proposed to be operated under a spectrum licence if the ACMA is satisfied that operation of the transmitter could cause an unacceptable level of interference to the operation of other radiocommunications devices under that or any other licence.

Note 2: Subsection 145(4) of the Act states that the ACMA may determine, by written instrument, what are acceptable levels of interference for the purposes of section 145 of the Act.

Note 3: The *Radiocommunications (Unacceptable Levels of Interference – 700 MHz Band) Determination 2012* sets out what are the unacceptable levels of interference for the purpose of registering devices to be operated under a licence issued in accordance with this instrument, and is to be used for the issue of certificates by accredited persons under subsection 145(3) of the Act.

(2) Transmitters that are part of a group of transmitters may be registered individually or as a group.

(3) The ACMA does not propose to register a transmitter that operates in the 700 MHz lower band with a maximum radiated true mean power of 23 dBm or less per occupied bandwidth, or in the 700 MHz upper band with a maximum radiated true mean power of 30 dBm or less per occupied bandwidth.

21 Draft sample licence

Schedule 5 sets out a sample spectrum licence (***sample spectrum licence***) including conditions that may be included in each spectrum licence that is issued in the 700 MHz (unallocated lots) band.

Note: The sample spectrum licence may not reflect all the conditions included in a spectrum licence issued in accordance with the instrument.

22 Compatibility requirements

The advisory guidelines provide a means of coordinating services operating under spectrum licences with other services.

Part 4—After allocation

23 Simplified outline of this Part

This Part describes various matters that apply after licences are issued in accordance with this instrument.

24 Registration of licences

The ACMA will register all spectrum licences in accordance with Part 3.5 of the Act.

Note: Details about registration are in the *Radiocommunications (Register of Radiocommunications Licences) Determination 1997*.

25 Third party use

A licensee may authorise other persons to operate radiocommunications devices under any spectrum licence issued to it, provided it does so in accordance with Division 1 of Part 3.2 of the Act.

26 Trading in spectrum licences

(1) A licensee may assign, or otherwise deal with, the whole or any part of a spectrum licence, provided it does so in accordance with Division 5 of Part 3.2 of the Act.

(2) The ACMA has made rules under section 88 of the Act to regulate trading in spectrum licences. Section 85 of the Act requires assignments of the whole or part of any spectrum licence to comply with these rules.

Note: The rules are set out in the *Radiocommunications (Trading Rules for Spectrum Licences) Determination 2012*.

27 Agreements about emission limits

A licensee may enter into an agreement for the purpose of one or more of the following:

(a) paragraph 3 of Part 2 of Schedule 3 (about emission limits outside the geographic area of the licence); or

(b) paragraph 3 of Part 2 of Schedule 4 (about emission limits outside the band of the licence).

28 Spectrum licences that are about to expire

As required by subsection 78 of the Act, the ACMA must, from time to time, publish on its website a notice that:

(a) states where information may be obtained about:

(i) the spectrum licences that will expire during a period specified in the notice; and

(ii) the parts of the spectrum to which they relate; and

(b) invites expressions of interest from persons who wish to have issued to them spectrum licences relating to those parts of the spectrum.

29 Re-issue of licence

(1) The ACMA re-issues licences in accordance with Division 4 of Part 3.2 of the Act.

(2) Spectrum licences that are re-issued are unlikely to take the same form as originally issued, as the lots may be divided and distributed differently. Conditions on the spectrum licences may also change upon re-issue. A person considering applying to participate in the allocation process should not assume that, if the person is issued with a licence in accordance with this instrument:

(a) the licence will be re-issued to the person; or

(b) if the licence is re-issued to the person – the licence re-issued will have the same conditions as the licence originally issued to the person.

Schedule 1—Lots

(subsection 11(1))

Table 1 Lots

Column 1	Column 2	Column 3	Column 4	Column 5
Lot number	**Lot name**	**Lower frequency range**	**Upper frequency range**	**Bandwidth**
1	10 MHz lot	738 MHz – 748 MHz	793 MHz – 803 MHz	10 MHz
2	5 MHz lot	733 MHz – 738 MHz	788 MHz – 793 MHz	5 MHz

Note 1: Columns 1 and 2 are included for information only. The auction system used for the purposes of the allocation determination may refer to the lot number and the lot name.

Note 2: The bandwidth in column 5 refers to each part of a frequency pair. That is, the bandwidth refers to the size of each of the lower frequency range and the upper frequency range for a lot. The 10 MHz lot has a bandwidth of 10 MHz in the lower frequency range and 10 MHz in the upper frequency range, with a duplex separation of 55 MHz. The 5 MHz lot has a bandwidth of 5 MHz in the lower frequency range and 5 MHz in the upper frequency range, with a duplex separation of 55 MHz.

Note 3: See also the residual 700 MHz spectrum direction.

Schedule 2—Region

(subsection 11(2))

1 The region

(1) There is one region, known as the National Region, which is the area described by the HCIS identifiers specified in item 3.

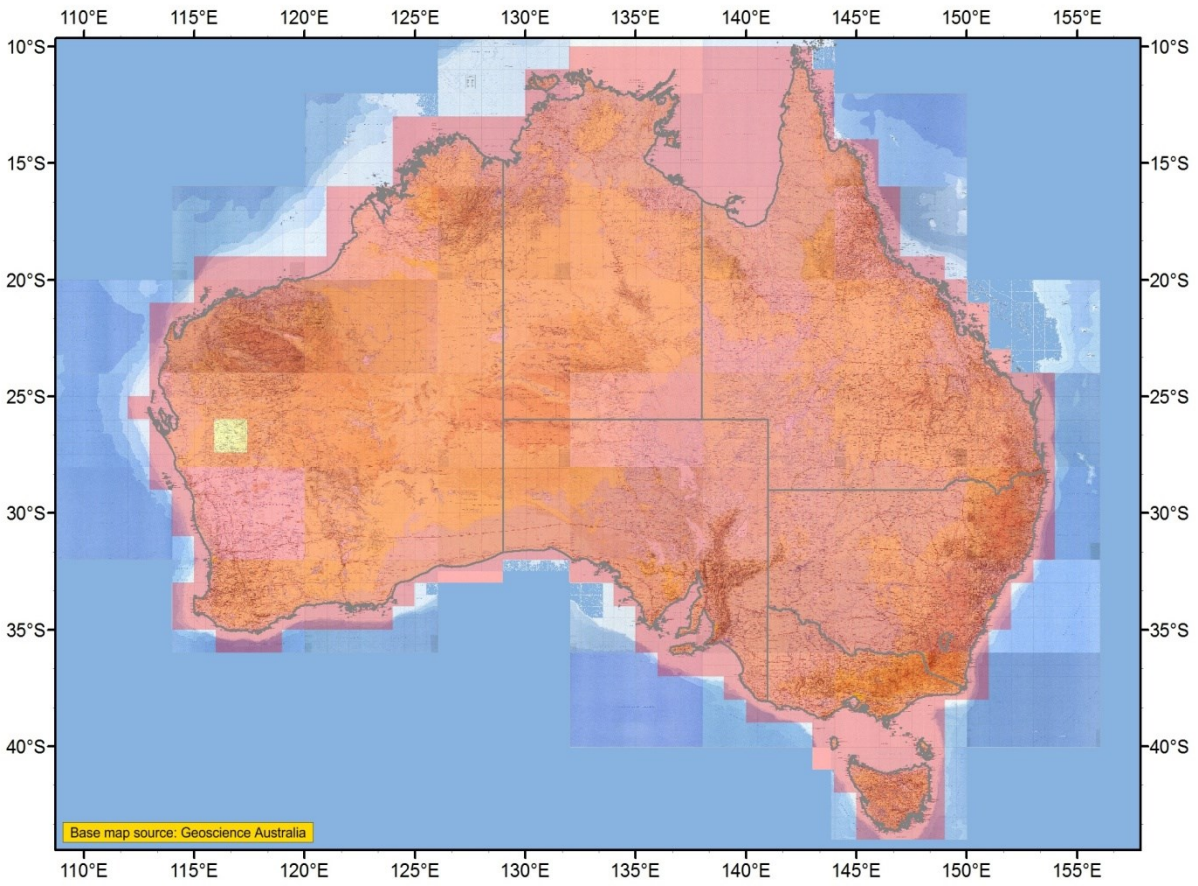
(2) The region is described using the hierarchical cell identifier scheme in the ASMG. There are four levels to the HCIS, corresponding to 3 degree cells, 1 degree cells, 15 minute cells and 5 minute cells of the ASMG.

(3) The geographic area of the National Region can be determined by the aggregation of block areas represented by the HCIS identifiers used to describe the region. Refer to the ASMG for a complete description of the HCIS naming convention, as published by the ACMA.

Note: The map included in this Schedule is included for information only. The ACMA does not accept responsibility for the accuracy of that information. Potential participants in the allocation should obtain their own advice and make their own inquiries into the pictorial representation of the region.

2 Indicative pictorial representation

The area shaded in red in the map is only an indicative pictorial representation of the National Region. The ACMA does not accept responsibility for the accuracy of the information in the map.



3 HCIS identifiers for the National Region

BR, BS, BU, BV, CR, CS, CT, CU, CV, DQ, DR, DS, DT, DU, DV, EP, EQ, ER, ES, ET, EU, FP, FQ, FR, FS, FT, FU, GP, GQ, GR, GS, GT, GU, HO, HP, HQ, HR, HS, HT, HU, IO, IP, IQ, IR, IS, IT, IU, IV, IW, JO, JP, JQ, JR, JS, JT, JU, JV, JW, KQ, KR, KS, KT, KU, KV, KW, LR, LS, LT, LU, LV, LW, LX, LY, MS, MT, MU, MV, MW, NT, NU, AR8, AR9, AS2, AS3, AS5, AS6, AS8, AS9, AT1, AT2, AT3, AT5, AT6, AT8, AT9, AU2, AU3, AU6, AU9, AV9, AW3, BT1, BT2, BT3, BW1, BW2, BW3, BW5, BW6, CW1, CW2, CW3, CW4, DW1, DW2, DW3, EV1, EV2, EV3, EV4, EV5, EV6, EV7, FV1, FV2, FV3, FV4, FV5, GO3, GO4, GO5, GO6, GO7, GO8, GO9, GV1, GV2, GV3, GV6, HV1, HV2, HV3, HV4, HV5, HV6, HV8, HV9, HW3, HW6, JX1, JX2, JX3, JX5, JX6, KO1, KO4, KO5, KO7, KO8, KP1, KP2, KP4, KP5, KP6, KP7, KP8, KP9, KX1, KX2, KX3, KX4, KX5, KX6, KX8, KX9, KY2, KY3, KY6, LP4, LP7, LQ1, LQ2, LQ4, LQ5, LQ7, LQ8, LZ1, LZ2, LZ3, MR1, MR4, MR5, MR7, MR8, MR9, MX1, MX2, MX3, MX4, MX7, MY1, MY4, MY7, MZ1, NS4, NS7, NS8, NS9, NV1, NV2, NV3, NV4, NV5, NV7, NW1, BT4A, BT4B, BT4C, BT4E, BT4F, BT4G, BT4I, BT4J, BT4K, BT4M, BT4N, BT4O, BT6C, BT6D, BT6G, BT6H, BT6K, BT6L, BT6O, BT6P, BT7A, BT7B, BT7C, BT7E, BT7F, BT7G, BT7I, BT7J, BT7K, BT7L, BT7M, BT7N, BT7O, BT7P, BT8I, BT8J, BT8K, BT8L, BT8M, BT8N, BT8O, BT8P, BT9C, BT9D, BT9G, BT9H, BT9I, BT9J, BT9K, BT9L, BT9M, BT9N, BT9O, BT9P, BT4D1, BT4D2, BT4D4, BT4D5, BT4D7, BT4D8, BT4H1, BT4H2, BT4H4, BT4H5, BT4H7, BT4H8, BT4L1, BT4L2, BT4L4, BT4L5, BT4L7, BT4L8, BT4P1, BT4P2, BT4P4, BT4P5, BT4P7, BT4P8, BT6B3, BT6B6, BT6B9, BT6F3, BT6F6, BT6F9, BT6J3, BT6J6, BT6J9, BT6N3, BT6N6, BT6N9, BT7D1, BT7D2, BT7D4, BT7D5, BT7D7, BT7D8, BT7H1, BT7H2, BT7H4, BT7H5, BT7H7, BT7H8, BT7H9, BT8E7, BT8E8, BT8E9, BT8F7, BT8F8, BT8F9, BT8G7, BT8G8, BT8G9, BT8H7, BT8H8, BT8H9, BT9B3, BT9B6, BT9B9, BT9E7, BT9E8, BT9E9, BT9F3, BT9F6, BT9F7, BT9F8, BT9F9.

Schedule 3—Emission limits outside the area

(subsection 18(2))

Part 1—Base emission limits

(1) This Part applies in those parts of the spectrum for which there is no agreement in force for the purposes of paragraph (3) of Part 2 of this Schedule.

(2) The maximum permitted level of radio emission for an area, caused by the operation of radiocommunications devices under the licence, must not exceed a horizontally radiated power of:

47 dBm EIRP per 30 kHz.

(3) For this Part, the maximum permitted level of radio emission is to be determined with a level of confidence not less than 95 percent that the true level of emission will always remain below the requirement specified.

(4) A licensee complies with paragraph (2) by ensuring that no radiocommunications device is operated under its licence in excess of a horizontally radiated power of:

47 dBm EIRP per 30 kHz.

(5) For the purposes of paragraphs (2) and (4), the level of emission is to be estimated after taking into account:
   (a) the kind of antenna; and
   (b) the kind of equipment used with the antenna; and
   (c) the location and immediate physical environment in which the antenna operates.

Part 2—Other emission limits

(1) This Part applies in those parts of the spectrum for which there is an agreement in force for the purposes of paragraph (3) of this Part 2.

(2) For this Part, the maximum permitted level of radio emission is to be determined with a level of confidence not less than 95 percent that the true level of emission will always remain below the requirement specified.

(3) Where a written agreement exists between:

(a) the licensee; and

(b) all the affected licensees of frequency-adjacent and area-adjacent spectrum licences;

specifying the maximum permitted level of radio emission, the licensee must comply with that specified maximum permitted level of radio emission.

(4) For the purposes of paragraph (3), the specified maximum permitted level of radio emission cannot exceed the base emission limits set out in Part 1 of this Schedule.

Schedule 4—Emission limits outside the band

(subsection 18(3))

Part 1—Base emission limits

Application

(1) This Part applies in those parts of the spectrum for which there is no agreement in force for the purposes of paragraph (3) of Part 2 of this Schedule.

Note: Emission limits outside the band manage levels of:
- (a) modulation and intermodulation products outside the frequency band of the licence associated with:
  - (i) the transmitted information; and
  - (ii) switching transient emissions (carrier rise times); and
  - (iii) where applicable, multicarrier transmitters; and
- (b) transmitter wide band noise; and
- (c) transmitter spurious signals from frequency combining processes, including multicoupling of transmitters into an antenna; and
- (d) receiver emissions.

(2) For this Part, the maximum permitted level of radio emission is to be determined with a level of confidence not less than 95 percent that the true level of emission will always remain below the requirement specified.

Non spurious emission

(3) The non spurious emission limits in Table 1 apply:
- (a) to a radiocommunications transmitter operating in the band 703 MHz to 748 MHz; and
- (b) at frequencies outside of the licence frequency band; and
- (c) at frequencies above 694 MHz; and
- (d) offset from the upper and lower limits of the licence frequency band;

where:

f_{offset} is the frequency offset from the upper or lower frequency limits set out in Part 2 of Licence Schedule 1 of a spectrum licence allocated in accordance with this instrument.

Table 1 Non spurious emission limits at frequencies outside the band

Column 1	Column 2	Column 3
Frequency offset (f_{offset})	**Radiated maximum true mean power (dBm EIRP)**	**Bandwidth**
0 Hz ≤ f_{offset} < 1 MHz	-15	30 kHz
1 MHz ≤ f_{offset} < 5 MHz	-10	1 MHz
5 MHz ≤ f_{offset} < 20 MHz	-13	1 MHz
f_{offset} ≥ 20 MHz	-25	1 MHz

(4) The non spurious emission limits in Table 2 apply:
- (a) to a radiocommunications transmitter operating in the band 758 MHz to 803 MHz; and
- (b) at frequencies outside of the licence frequency band; and
- (c) within the band 748 MHz to 806 MHz; and

(d) offset from the upper and lower limits of the licence frequency band;

where:

f_{offset} is the frequency offset from the upper or lower frequency limits set out in Part 2 of Licence Schedule 1 of a spectrum licence allocated in accordance with this instrument.

Table 2 Non spurious emission limits at frequencies outside the band

Column 1	Column 2	Column 3
Frequency offset (f_{offset})	**Radiated maximum true mean power (dBm EIRP)**	**Bandwidth**
0 Hz ≤ f_{offset} < 5 MHz	15	1 MHz
5 MHz ≤ f_{offset} < 10 MHz	11	1 MHz
f_{offset} ≥ 10 MHz	9	1 MHz

(5) The non spurious emission limits in Table 3 apply to a radiocommunications transmitter operating in the band 758 MHz to 803 MHz, where:

f is the range of frequencies at which the limit applies.

Table 3 Non spurious emission limits at frequencies outside the band

Column 1	Column 2	Column 3
Frequency range (f)	**Radiated maximum true mean power (dBm EIRP)**	**Bandwidth**
f < 748 MHz	-15	1 MHz
806 MHz ≤ f < 813 MHz	-6	1 MHz
813 MHz ≤ f	15	1 MHz

(6) The non spurious emission limits in Table 4 apply:

(a) to a radiocommunications transmitter operating in the band 703 MHz to 738 MHz; and

(b) within an area referred to in paragraph 3.2(1)(a) of Part 3 of the *Radiocommunications Advisory Guidelines (Managing Interference from Transmitters – 700 MHz Band) 2012* (***affected area***);

where ***f*** is the range of frequencies at which the limit applies.

Table 4 Non spurious emission limits at frequencies outside the band

Column 1	Column 2	Column 3
Frequency range (f)	**Radiated maximum true mean power (averaged over a 7 MHz television channel bandwidth) (dBm EIRP)**	**Bandwidth**
f < 694 MHz	-40	1 MHz

(7) The non spurious emission limits in Table 5 apply:

(a) to a radiocommunications transmitter operating in the band 703 MHz to 738 MHz; and

(b) outside the affected areas;

where ***f*** is the range of frequencies at which the limit applies.

Table 5 Non spurious emission limits at frequencies outside the band

Column 1	Column 2	Column 3
Frequency range (f)	**Radiated maximum true mean power (averaged over a 7 MHz television channel bandwidth) (dBm EIRP)**	**Bandwidth**
f < 673 MHz	-40	1 MHz
673 MHz ≤ f < 694 MHz	-34	1 MHz

Spurious emission

(8) The licensee must ensure that radiocommunications devices operated under the licence do not exceed the spurious emission limits in paragraphs (9) and (10).

(9) The spurious emission limits in Table 6 apply to radiocommunications transmitters operated under the licence at frequencies outside the 703 MHz to 748 MH and 758 MHz to 803 MHz frequency bands.

Table 6 Radiocommunications transmitter spurious emission limits

Column 1	Column 2	Column 3
Frequency (f)	**Radiated mean power (dBm EIRP)**	**Bandwidth**
9 kHz ≤ f < 150 kHz	-36	1 kHz
150 kHz ≤ f < 30 MHz	-36	10 kHz
30 MHz ≤ f < 1 GHz	-36	100 kHz
1 GHz ≤ f < 12.75 GHz	-30	1 MHz

(10) The spurious emission limits in Table 7 apply to radiocommunications receivers operated under the licence at frequencies outside the 703 MHz to 748 MH and 758 MHz to 803 MHz frequency bands.

Table 7 Radiocommunications transmitter spurious emission limits

Column 1	Column 2	Column 3
Frequency (f)	**Radiated mean power (dBm EIRP)**	**Bandwidth**
30 MHz ≤ f < 1 GHz	-57	100 kHz
1 GHz ≤ f < 12.75 GHz	-47	1 MHz

Part 2—Other emission limits

(1) This Part applies in that part of the spectrum for which there is an agreement in force for the purposes of paragraph (3) of this Part 2.

(2) For this Part, the maximum permitted level of radio emission is to be determined with a level of confidence not less than 95 percent that the true level of emission will always remain below the requirement specified.

(3) Where a written agreement exists between:

(a) the licensee and

(b) all the affected licensees of frequency-adjacent and area-adjacent spectrum licences;

specifying the maximum permitted level of radio emission, the licensee must comply with that specified maximum permitted level of radio emission.

(4) For the purposes of paragraph (3), the specified maximum permitted level of radio emission cannot exceed the base emission limits of Part 1 of this Schedule.

Schedule 5—Sample spectrum licence

(section 21)

This Schedule sets out a sample spectrum licence, and the conditions that may be included in a spectrum licence, issued in the 700 MHz (unallocated lots) band, in accordance with this instrument.

COMMONWEALTH OF AUSTRALIA

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

Radiocommunications Act 1992

Sample Spectrum Licence for the 700 MHz (unallocated lots) Band

Prepared under section 61 of the *Radiocommunications Act 1992* ('the Act') in accordance with the

Radiocommunications Spectrum Marketing Plan (700 MHz (Unallocated Lots) Band) 2016

This licence is issued under section 62 of the Act to the person named at Item 1 of Licence Schedule 1 of this licence.

1. The person named at Item 1 of Licence Schedule 1 of this licence (the licensee), or a person authorised under subsection 68 (1) of the Act, is authorised to operate radiocommunications devices in accordance with:

   (a) the Act;

   (b) the core conditions set out in Licence Schedule 2;

   (c) the statutory conditions set out in Licence Schedule 3; and

   (d) the other conditions set out in Licence Schedule 4.

2. This licence comes into force on the date shown at Item 5 of Licence Schedule 1 and remains in force until the end of the date shown at Item 6 of Licence Schedule 1.

3. Unless the contrary intention appears, terms and expressions used in this licence have the meaning given to them by the *Radiocommunications Spectrum Marketing Plan (700 MHz (unallocated lots band) 2016*.

4. Unless the contrary intention appears, in this licence:

   (a) the value of a parameter in Licence Schedules 2 and 3, must be estimated with a level of confidence not less than 95% that the true value of the parameter will always remain below the requirement specified; and

   (b) the range of numbers that identify a frequency band includes the higher, but not the lower, number.

Licence Schedule 1 Licence details, bands and areas

Part 1 Licence Details

Item	Details	
	Licensee Details	
1	*Name of licensee*	TBD
2	*Address of licensee*	TBD
3	*Client number*	TBD
	Licence Details	
4	*Band release*	700 MHz (unallocated lots) band
5	*Date of licence effect*	1 April 2018
6	*Date of licence expiry*	31 December 2029
7	*Licence number*	TBD
8	*Date of licence issue*	dd/mm/yyyy

Part 2 Frequency bands and geographic areas

For core condition 1, this licence authorises the operation of radiocommunications devices in the frequency bands specified in column 3 and within the corresponding geographic areas specified in column 2 of Table 1.

The frequency band consists of the lower and upper frequencies, where the lower frequency limit is exclusive and upper frequency limit is inclusive. The geographic areas in column 2 of Table 1 are described by the sequence of HCIS identifiers in Table 2.

Table 1: Frequency bands and geographic areas of this licence

Identifier (column 1)	Geographic areas (column 2)	Frequency bands (column 3)			
		Lower band (MHz)		Upper band (MHz)	
		Lower limit	Upper limit	Lower limit	Upper limit
A	1	738	748	793	803

Licence Schedule 1 Licence details, bands and areas (cont)

Table 2: Description of the geographic areas of this licence

Geographic areas (column 1)	HCIS identifiers (column 2)
1	BR, BS, BU, BV, CR, CS, CT, CU, CV, DQ, DR, DS, DT, DU, DV, EP, EQ, ER, ES, ET, EU, FP, FQ, FR, FS, FT, FU, GP, GQ, GR, GS, GT, GU, HO, HP, HQ, HR, HS, HT, HU, IO, IP, IQ, IR, IS, IT, IU, IV, IW, JO, JP, JQ, JR, JS, JT, JU, JV, JW, KQ, KR, KS, KT, KU, KV, KW, LR, LS, LT, LU, LV, LW, LX, LY, MS, MT, MU, MV, MW, NT, NU, AR8, AR9, AS2, AS3, AS5, AS6, AS8, AS9, AT1, AT2, AT3, AT5, AT6, AT8, AT9, AU2, AU3, AU6, AU9, AV9, AW3, BT1, BT2, BT3, BW1, BW2, BW3, BW5, BW6, CW1, CW2, CW3, CW4, DW1, DW2, DW3, EV1, EV2, EV3, EV4, EV5, EV6, EV7, FV1, FV2, FV3, FV4, FV5, GO3, GO4, GO5, GO6, GO7, GO8, GO9, GV1, GV2, GV3, GV6, HV1, HV2, HV3, HV4, HV5, HV6, HV8, HV9, HW3, HW6, JX1, JX2, JX3, JX5, JX6, KO1, KO4, KO5, KO7, KO8, KP1, KP2, KP4, KP5, KP6, KP7, KP8, KP9, KX1, KX2, KX3, KX4, KX5, KX6, KX8, KX9, KY2, KY3, KY6, LP4, LP7, LQ1, LQ2, LQ4, LQ5, LQ7, LQ8, LZ1, LZ2, LZ3, MR1, MR4, MR5, MR7, MR8, MR9, MX1, MX2, MX3, MX4, MX7, MY1, MY4, MY7, MZ1, NS4, NS7, NS8, NS9, NV1, NV2, NV3, NV4, NV5, NV7, NW1, BT4A, BT4B, BT4C, BT4E, BT4F, BT4G, BT4I, BT4J, BT4K, BT4M, BT4N, BT4O, BT6C, BT6D, BT6G, BT6H, BT6K, BT6L, BT6O, BT6P, BT7A, BT7B, BT7C, BT7E, BT7F, BT7G, BT7I, BT7J, BT7K, BT7L, BT7M, BT7N, BT7O, BT7P, BT8I, BT8J, BT8K, BT8L, BT8M, BT8N, BT8O, BT8P, BT9C, BT9D, BT9G, BT9H, BT9I, BT9J, BT9K, BT9L, BT9M, BT9N, BT9O, BT9P, BT4D1, BT4D2, BT4D4, BT4D5, BT4D7, BT4D8, BT4H1, BT4H2, BT4H4, BT4H5, BT4H7, BT4H8, BT4L1, BT4L2, BT4L4, BT4L5, BT4L7, BT4L8, BT4P1, BT4P2, BT4P4, BT4P5, BT4P7, BT4P8, BT6B3, BT6B6, BT6B9, BT6F3, BT6F6, BT6F9, BT6J3, BT6J6, BT6J9, BT6N3, BT6N6, BT6N9, BT7D1, BT7D2, BT7D4, BT7D5, BT7D7, BT7D8, BT7H1, BT7H2, BT7H4, BT7H5, BT7H7, BT7H8, BT7H9, BT8E7, BT8E8, BT8E9, BT8F7, BT8F8, BT8F9, BT8G7, BT8G8, BT8G9, BT8H7, BT8H8, BT8H9, BT9B3, BT9B6, BT9B9, BT9E7, BT9E8, BT9E9, BT9F3, BT9F6, BT9F7, BT9F8, BT9F9.

Note: The HCIS is described in the Australian Spectrum Map Grid 2012 and referenced to the Geocentric Datum of Australian 1994 (GDA94). The Australian Spectrum Map Grid 2012 is available on the ACMA website at: www.acma.gov.au. Copies are also available from the ACMA.

Licence Schedule 2 Core Conditions

Frequency band and geographic areas

1. This licence authorises the operation of radiocommunications devices in the frequency bands and within the geographic areas set out at Part 2 of Licence Schedule 1.

Emission limits outside the band

2. Core conditions 3 to 13 apply in relation to those frequencies that are outside the frequency bands set out in Part 2 of Licence Schedule 1.

3. Where a written agreement specifying the maximum permitted level of radio emission for frequencies described in core condition 2 exists between:

   (a) the licensee; and

   (b) all the affected licensees of frequency-adjacent and area-adjacent spectrum licences;

   the licensee must comply with that specified maximum permitted level of radio emission.

4. Where there is no written agreement for the purposes of core condition 3 in force, the licensee must comply with core conditions 5 to 13.

Non spurious emission limits

5. The licensee must ensure that radiocommunications devices operated under the licence do not exceed the non spurious emission limits in core conditions 6 to 10.

Licence Schedule 2 Core Conditions (cont)

6. The non spurious emission limits in Table 3 apply:

(a) to a radiocommunications transmitter operating in the band 703 to 748 MHz; and

(b) at frequencies outside the upper or lower frequency limits set out in Part 2 of Licence Schedule 1; and

(c) at frequencies above 694 MHz; and

(d) offset from the upper and lower limits set out in Part 2 of Licence Schedule 1;

where:

f_{offset}: is the frequency offset from the upper or lower frequency limits set out in Part 2 of Licence Schedule 1.

Table 3 Non spurious emission limits at frequencies outside the band

Frequency offset (f_{offset})	Radiated maximum true mean power (dBm EIRP)	Bandwidth
0 Hz ≤ f_{offset} < 1 MHz	-15	30 kHz
1 MHz ≤ f_{offset} < 5 MHz	-10	1 MHz
5 MHz≤ f_{offset} < 20 MHz	-13	1 MHz
f_{offset} ≥ 20 MHz	-25	1 MHz

7. The non spurious emission limits in Table 4 apply:

(a) to a radiocommunications transmitter operating in the band 758 MHz to 803 MHz;

(b) at frequencies outside the upper or lower frequency limits set out in Part 2 of Licence Schedule 1;

(c) within the band 748 to 806 MHz; and

(d) offset from the upper and lower limits set out in Part 2 of Licence Schedule 1;

where:

f_{offset}: is the frequency offset from the upper or lower frequency limits set out in Part 2 of Licence Schedule 1.

Licence Schedule 2 Core Conditions (cont)

Table 4 Non spurious emission limits at frequencies outside the band

Frequency offset, f_{offset}	Radiated maximum true mean power (dBm EIRP)	Bandwidth
0 Hz ≤ f_{offset} < 5 MHz	15	1 MHz
5 MHz ≤ f_{offset} < 10 MHz	11	1 MHz
f_{offset} ≥ 10 MHz	9	1 MHz

8. The non spurious emission limits in Table 5 apply to a radiocommunications transmitter operating in the band 758 MHz to 803 MHz where:

f: is the range of frequencies at which the limit applies.

Table 5 Non spurious emission limits at frequencies outside the band

Frequency range, f	Radiated maximum true mean power (dBm EIRP)	Bandwidth
f < 748 MHz	-15	1 MHz
806 MHz ≤ f < 813 MHz	-6	1 MHz
813 MHz ≤ f	-15	1 MHz

9. The non spurious emission limits in Table 6 apply:

(a) to a radiocommunications transmitter operating in the band 703 MHz to 748 MHz;

(b) within an area referred to in paragraph 3.2(1)(a) of Part 3 of the *Radiocommunications Advisory Guidelines (Managing Interference from Transmitters — 700 MHz Band) 2012 (**affected area**)*;

where:

f: is the range of frequencies at which the limit applies.

Licence Schedule 2 Core Conditions (cont)

Table 6 Non spurious emission limits at frequencies outside the band

Frequency range, f	Radiated maximum true mean power (averaged over a 7 MHz television channel bandwidth) (dBm EIRP)	Bandwidth
f < 694 MHz	-40	1 MHz

10. The non spurious emission limits in Table 7 apply:

    (a) to a radiocommunications transmitter operating in the band 703 MHz to 748 MHz;

    (b) outside of the affected areas;

    where:

    f: is the range of frequencies at which the limits applies.

Table 7 Non spurious emission limits at frequencies outside the band

Frequency range, f	Radiated maximum true mean power (averaged over a 7 MHz television channel bandwidth) (dBm EIRP)	Bandwidth
f < 673 MHz	-40	1 MHz
673 MHz ≤ f < 694 MHz	-34	1 MHz

Spurious emission limits

11. The licensee must ensure that radiocommunications devices operated under the licence do not exceed the spurious emission limits in core conditions 12 and 13.

12. For radiocommunications transmitters operated under the licence, the spurious emission limits in Table 8 apply at frequencies outside the 703-748 MHz and 758-803 MHz frequency bands.

Licence Schedule 2 Core Conditions (cont)

Table 8 Radiocommunications transmitter spurious emission limits

Frequency (f)	Radiated mean power (dBm EIRP)	Bandwidth
9 kHz ≤ f <150 kHz	-36	1 kHz
150 kHz ≤ f <30 MHz	-36	10 kHz
30 MHz≤ f <1GHz	-36	100 kHz
1 GHz≤ f <12.75 GHz	-30	1 MHz

13. For radiocommunications receivers operated under the licence, the spurious emission limits in Table 9 apply at frequencies outside the 703-748 MHz and 758-803 MHz frequency bands.

Table 9 Radiocommunications receiver spurious emission limits

Frequency (f)	Radiated mean power (dBm EIRP)	Bandwidth
30 MHz ≤ f <1 GHz	-57	100 kHz
1GHz≤ f <12.75 GHz	-47	1 MHz

Emission limits outside the geographic area

14. Core conditions 15 to 17 apply in relation to those areas that are outside the geographic areas set out at Part 2 of Licence Schedule 1.

Licence Schedule 2 Core Conditions (cont)

15. Where a written agreement specifying the maximum permitted level of radio emission for areas described in core condition 14 exists between:

    (a) the licensee; and

    (b) all the affected licensees of frequency-adjacent and area-adjacent spectrum licences;

    the licensee must comply with that specified maximum permitted level of radio emission.

16. Where there is no written agreement for the purposes of core condition 15 in force, core condition 17 applies.

17. (a) The maximum permitted level of radio emission for an area described in core condition 14 caused by operation of radiocommunications devices under the licence must not exceed a horizontally radiated power of 47 dBm EIRP per 30 kHz.

    (b) The licensee complies with sub-condition 17(a) by ensuring that no radiocommunications device is operated under the licence in excess of a horizontally radiated power of 47 dBm EIRP per 30 kHz.

Licence Schedule 3 Statutory Conditions

Liability to pay charges

1. The licensee must comply with all its obligations to pay:

   (a) charges fixed by determinations made under section 60 of the *Australian Communications and Media Authority Act 2005*;
   (b) the spectrum access charges fixed by determinations made under section 294 of the Act; and
   (c) amounts of spectrum licence tax.

Third party use

2. (a) The licensee must notify any person authorised to operate radiocommunications devices under the licence of that person's obligations under the Act, in particular of any registration requirements under Part 3.5 of the Act for operation of radiocommunications devices under the licence, and any rules made under subsection 68(3) of the Act.

   (b) Any person other than the licensee who operates a radiocommunications device under the licence must comply with rules made by the ACMA under subsection 68(3) of the Act.

Radiocommunications transmitter registration requirements

3. The licensee must not operate a radiocommunications transmitter under this licence unless:

   (a) the radiocommunications transmitter has been exempted from the registration requirements under statutory condition 4 below; or
   (b) both:
      (i) the requirements of the ACMA under Part 3.5 of the Act relating to registration of the radiocommunications transmitter have been met; and
      (ii) the radiocommunications transmitter complies with the details about it that have been entered in the Register.

Licence Schedule 3 Statutory Conditions (cont)

Exemption from registration requirements

4. The following kinds of radiocommunications transmitters are exempt from the registration requirement in statutory condition 3:

   (a) a radiocommunications transmitter that operates within the band 703 MHz to 748 MHz band with a radiated maximum true mean power of less than or equal to 23 dBm EIRP per occupied bandwidth; or
   (b) a radiocommunications transmitter that operates within the band 758 MHz to 803 MHz band with a radiated maximum true mean power of less than or equal to 30 dBm EIRP per occupied bandwidth.

Determination of Unacceptable Interference

5. The ACMA has made the *Radiocommunications (Unacceptable Levels of Interference – 700 MHz Band) Determination 2012* which sets out the unacceptable levels of interference for the purpose of registering radiocommunications transmitters to be operated under this licence, and which is to be used for the issuing of certificates by accredited persons under subsection 145(3) of the Act.

   Note: Although not mandatory, the registration of receivers is advised because one of the matters ACMA will take into account in settling interference is the time of registration of the receiver involved in the interference.

Residency etc

6. (a) A licensee must not derive any income, profits or gains from operating radiocommunications devices under this licence or authorise any authorised person to do so unless:
   (i) the licensee is an Australian resident; or
   (ii) the income, profits or gains are attributable to a permanent establishment in Australia through which the licensee carries on business.

   (b) An authorised person must not derive income, profits or gains from allowing third parties to operate radiocommunications devices under the licence, unless:
   (i) the authorised person is an Australian resident; or
   (ii) the income, profits or gains are attributable to a permanent establishment in Australia through which the authorised person carries on business.

   (c) In this condition:
   Australian resident has the same meaning as in the *Income Tax Assessment Act 1997*.
   authorised person means a person authorised under section 68 of the Act by the licensee to operate radiocommunications devices under this licence.
   permanent establishment has the same meaning as in:
   (i) if the licensee or authorised person (as appropriate) is a resident of a country or other jurisdiction with which Australia has an agreement, within the meaning of the *International Tax Agreements Act 1953*—that agreement; or
   (ii) in any other case—the *Income Tax Assessment Act 1997*.

Licence Schedule 4 Other Conditions

Interference management

1. In this licence:

manage interference includes but is not limited to:

(a) investigating the possible causes of the interference;
(b) taking all steps reasonably necessary to resolve disputes about interference;
(c) taking steps (or requiring persons authorised to operate devices under this licence to take steps) reasonably likely to reduce interference to acceptable levels; and
(d) negotiating with other persons to reduce interference to acceptable levels.

Responsibility to manage interference

2. The licensee must manage:

(a) interference between radiocommunications devices operated under this licence; and
(b) interference between radiocommunications devices operated under this licence and under each other spectrum licence held by the licensee.

Co-sited devices

3. If:

(a) interference occurs between a radiocommunications device:
(i) operated under this spectrum licence; and
(ii) another device operated under another licence;
when the measured separation between the phase centre of the antenna used with each device is less than 200 metres; and
(b) that interference is not the result of operation of a radiocommunications device in a manner that does not comply with the conditions of the relevant licence; and
(c) either the licensee or the holder (or authorised third party) of the other licence wishes to resolve the interference;

the licensee must manage interference with:

(d) the holder of the other licence; or
(e) if a site manager is responsible for managing interference at that location, that site manager.

Licence Schedule 4 Other Conditions (cont)

Information for Register

4. The licensee must give the ACMA all information as required by the ACMA from time to time for inclusion in the Register.

Note: Licensees should assist the ACMA in keeping the Register accurate and up to date by informing the ACMA of changes to radiocommunications device registration details as soon as possible.

International coordination

5. A licensee must ensure that operation of a radiocommunications transmitter under this licence does not cause harmful interference to a receiver that operates in accordance with International Telecommunication Union Radio Regulations and is located in a country other than Australia.

Electromagnetic Energy Requirements (EME)

6. The licensee must comply with Parts 2, 3 and 4 of the *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015*, as in force from time to time. For the purpose of compliance with this condition, the definition of licence in subsection 4(1) of the *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015* should be read as if it means a spectrum licence.

Coordination with the Mid-West Radio Quiet Zone

7. Before seeking to register a radiocommunications transmitter for use in or around the RQZ and supplementary RQZ as defined by the *Radiocommunications (Mid-West Radio Quiet Zone) Frequency Band Plan 2011*, the licensee must follow the procedures set out in *Radiocommunications Assignment and Licensing Instruction (RALI) MS 32* as existing from time to time.

Note: RALI MS 32 is available on the ACMA website.

Record keeping – radiocommunicatons transmitters located at communal sites

8. (a) If the licensee operates a radiocommunications transmitter under this licence, and the transmitter:

(i) is located at a communal site; and

(ii) is not exempt under statutory condition 4 of Licence Schedule 3;

the licensee must comply with sub-condition 8(b).

(b) In relation to each radiocommunications transmitter, the licensee must keep a record which includes the following information:

(i) the transmitter's device registration number as specified in the Register;

(ii) the licence number of this licence;

(iii) the transmitter's geographic location;

(iv) if the licensee owns the transmitter, the licensee's name and address;

Licence Schedule 4 Other Conditions (cont)

(v) if the licensee does not own the transmitter, the owner's name and address;

(vi) the transmitter's centre frequency;

(vii) the transmitter's emission designator;

(viii) details of the transmitter's antenna including the manufacturer, model, type, gain, polarisation, azimuth and average ground height;

(ix) the transmitter's maximum true mean power; and

(x) the transmitter's maximum EIRP.

NOTE: only one of the two conditions below would be included in a licence

Paying the spectrum access charge by instalments – obligation to provide the delayed pre-determined price bank guarantee

9. (a) The licensee must, at all times during the period commencing on the day this licence comes into force and ending on the day the third instalment is paid, ensure that the delayed pre-determined price bank guarantee is in force and that the ACMA and the Commonwealth have the benefit of the delayed pre-determined price bank guarantee.

(b) In this condition:

delayed pre-determined price bank guarantee has the meaning given by subsection 4(1) of the *Radiocommunications (Spectrum Licence Allocation – 700 MHz Band) Determination 2016*.

third instalment has the meaning given by subsection 4(1) of the *Radiocommunications (Spectrum Licence Allocation – 700 MHz Band) Determination 2016*.

OR

Paying the spectrum access charge by instalments – obligation to provide the delayed winning price bank guarantee

9. (a) The licensee must, at all times during the period commencing on the day this licence comes into force and ending on the day the third auction instalment is paid, ensure that the delayed winning price bank guarantee is in force and that the ACMA and the Commonwealth have the benefit of the delayed winning price bank guarantee.

(b) In this condition:

delayed winning price bank guarantee has the meaning given by subsection 4(1) of the *Radiocommunications (Spectrum Licence Allocation – 700 MHz Band) Determination 2016*.

third auction instalment has the meaning given by subsection 4(1) of the *Radiocommunications (Spectrum Licence Allocation – 700 MHz Band) Determination 2016*.

Licence Schedule 5 Licence Notes

Variation to licence conditions

1. The ACMA may, with the written agreement of the licensee, vary a licence by including one or more further conditions, or revoking or varying any conditions of the licence, provided that the conditions, as varied, still comply with the requirements of Subdivision C of Division 1 of Part 3.2 of the Act.

2. The ACMA may, by written notice given to the licensee, vary a licence by including one or more further conditions or revoking or varying any non core conditions of the licence provided that the licence as varied complies with the requirements of Subdivision C of Division 1 of Part 3.2 of the Act.

Guidelines

3. The ACMA has issued written Radiocommunications Advisory Guidelines under section 262 of the Act about:

   (a) co-ordinating the operation of transmitters under this licence with radiocommunications receivers of other services:

   - *Radiocommunications Advisory Guidelines (Managing Interference from Transmitters — 700 MHz Band) 2012*;

   (b) co-ordinating the operation of receivers operated under this licence with other transmitters:

   - *Radiocommunications Advisory Guidelines (Managing Interference to Receivers - 700 MHz Band) 2012*.

4. The guidelines should be read in conjunction with the *Radiocommunications (Unacceptable Levels of Interference – 700 MHz Band) Determination 2012* made under subsection 145(4) of the Act. This determination sets out the unacceptable levels of interference for the purpose of the registration of transmitters to be operated under this licence. The guidelines should be followed by licensees (and accredited persons) in the planning of services and in the resolution of interference cases. The Advisory Guidelines do not prevent a licensee negotiating other protection requirements with another licensee. The ACMA will consider these guidelines during the settlement of interference disputes. Each case will be assessed on its merits. Copies of the guidelines are available from the Federal Register of Legislation.

The suspension and cancellation of spectrum licences

5. The ACMA may by written notice given to a licensee, suspend or cancel a spectrum licence in accordance with Division 3 of Part 3.2 of the Act.

Licence Schedule 5 Licence Notes (cont)

Reissue

6. A spectrum licence will not be reissued to the same licensee without a price based allocation procedure unless:

   (a) the ACMA is satisfied under subsection 82(1) of the Act that special circumstances exist as a result of which it would in the public interest for that licensee to continue to hold that licence; or

   (b) the licence was used to provide a service of a kind determined by the Minister under subsection 82(3) of the Act for which reissuing licences to the same licensees would be in the public interest.

Trading

7. (a) A licensee may assign or otherwise deal with the whole or any part of a spectrum licence provided that this is done in accordance with any rules determined by the ACMA under section 88 of the Act and Division 5 of Part 3.2 of the Act.

   (b) An assignment under section 85 of the Act of the whole or any part of a licence that involves any change to a licence does not take effect until the Register has been amended to take it into account.

Appeals

8. An application may be made to the ACMA for re-consideration of the ACMA's decisions listed under section 285 of the Act. A person affected by and dissatisfied with an ACMA decision may seek a re-consideration of the decision by the ACMA under subsection 288(1) of the Act. This decision can be subject to further re-consideration by the Administrative Appeals Tribunal, subject to the provisions of the *Administrative Appeals Tribunal Act 1975*.

Labelling of transmitters

9. Transmitters operated under this licence must be labelled in accordance with the *Radiocommunications (Labelling) Determination 2013*.
