Radiocommunications (Spectrum Access Charges—3.4 GHz Band) Direction 2020

I, Paul Fletcher, Minister for Communications. Cyber Safety and the Arts, give the following direction to the Australian Communications and Media Authority.

Dated   10 December 2020

Paul Fletcher
Minister for Communications, Cyber Safety and the Arts

1 Name

This instrument is the *Radiocommunications (Spectrum Access Charges—3.4 GHz Band) Direction 2020*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provisions	**Commencement**	**Date/Details**
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 294(2) of the Act.

4 Definitions

Note: A number of expressions used in this instrument are defined in section 5 of the Act, including the following:
(a) ACMA
(b) spectrum;
(c) spectrum access charge; and
(d) spectrum licence.

In this instrument:

Act means the *Radiocommunications Act 1992*.

charges determination means a determination that is made under subsection 294(1) of the Act and that either fixes spectrum access charges payable by licensees for issuing relevant spectrum licences, or specifies the times when those spectrum access charges are payable, or both.

designated area means an inner-metropolitan area or an outer-metropolitan area.

Hierarchical Cell Identification Scheme or *HCIS* means the Hierarchical Cell Identification Scheme used as a part of the Australian Spectrum Map Grid 2012 document published by ACMA, as the document existed at the time this instrument was made.

inner-metropolitan area has the meaning given in clause 1 of Schedule 1.

NBN Co means NBN Co Limited (ACN 136 533 741), as the company exists from time to time (even if its name is later changed).

outer-metropolitan area has the meaning given in clause 2 of Schedule 1.

relevant part of the spectrum means the part of the spectrum including all frequencies greater than 3400 MHz up to and including 3542.5 MHz.

relevant spectrum licence means a spectrum licence issued under subsection 57(1) of the Act to replace an apparatus licence that, at the time the licence is issued, authorises the operation of radiocommunications devices:
   (a) at frequencies within one or more relevant parts of the spectrum; and
   (b) within a designated area.

5 Direction—spectrum access charge for relevant spectrum licences

(1) I direct the ACMA, in making a charges determination that relates to relevant spectrum licences to be issued to NBN Co, to:
   (a) fix the amount of the charges payable by NBN Co for the issue of those licences; and
   (b) specify the times at which those charges are payable;
in accordance with this section.

   Note: Subsection 294(1) of the Act provides that the ACMA may, by written instrument, make determinations fixing the amount of spectrum access charges payable by licensees for issuing spectrum licences and specifying the times when spectrum access charges are payable.

Spectrum access charge—inner-metropolitan areas

(2) The amount of spectrum access charges payable by NBN Co for issuing one or more relevant spectrum licences that authorise the operation of radiocommunications devices within a designated area that is an inner-metropolitan area (*inner-metropolitan charges*) must be, in the aggregate:
   (a) if all relevant spectrum licences are no longer in force at the start of the first anniversary of the first of those licences coming into force—nil; or
   (b) if any relevant spectrum licence is still in force at the start of the first anniversary of the first of those licences coming into force—$226,441,720.

(3) The aggregate amount of the inner-metropolitan charges (if any) must be payable on:
   (a) if only one relevant spectrum licence is issued—the day which is the first anniversary of that licence coming into force; or

(b) if more than one relevant spectrum licence is issued—the day which is the first anniversary of the first of those licences coming into force.

Spectrum access charge—outer-metropolitan areas

(4) The amount of spectrum access charges payable by NBN Co for issuing one or more relevant spectrum licences that authorise the operation of radiocommunications devices within a designated area that is an outer-metropolitan area (**outer-metropolitan charges**) must be, in the aggregate, $57,146,840.

(5) NBN Co is to be permitted to elect to pay the outer-metropolitan charges in instalments, subject to the terms set out in subsection (6).

(6) If NBN Co elects to pay the outer-metropolitan charges in instalments:
   (a) the aggregate amount of the charges must be payable in 10 equal instalments;
   (b) the first instalment must be payable prior to:
       (i) if only one relevant spectrum licence is issued—that licence coming into force; or
       (ii) if more than one relevant spectrum licence is issued—the first of those licences coming into force;
   (c) each further instalment must, until the full amount of the charges are paid, be payable in annual instalments on:
       (i) if only one relevant spectrum licence is issued—each anniversary of that licence coming into force; or
       (ii) if more than one relevant spectrum licence is issued—each anniversary of the first of those licences coming into force.

Schedule 1—Designated Areas

1 Inner-metropolitan areas

In this instrument, *inner-metropolitan area* means an area referred to in column 1 in the following table, to be ascertained as the composite of the areas, described using identifiers from the HCIS, set out in column 2.

Description of inner-metropolitan areas

Item	Column 1 Inner-metropolitan area	Column 2 Areas forming the inner-metropolitan area (HCIS Identifiers)
1	Inner Adelaide	IW3N, IW3O4, IW3O5, IW3O7, IW3O8, IW6B1, IW6B2, IW6B3, IW6B5, IW6B6
2	Inner Brisbane	NT9B, NT9C, NT9D, NT9E, NT9F, NT9G, NT9H, NT9K, NT9L, NT8H3, NT8L2, NT8L3, NT8L5, NT8L6, NT8L8, NT8L9, NT9A6, NT9A7, NT9A8, NT9A9, NT9I1, NT9I2, NT9I3, NT9I4, NT9I5, NT9I6, NT9J1, NT9J2, NT9J3, NT9J4, NT9J5, NT9J6, NT9J9, NT9N5, NT9N6, NT9N8, NT9N9, NT9O4, NT9O7, NU3B2, NU3B3, NU3C1, NU3C4
3	Inner Canberra	MW4D, MW4H, MW5A, MW5B, MW5E, MW5F, MW2M5, MW2M6, MW2M7, MW2M8, MW2M9, MW2N4, MW2N5, MW2N7, MW2N8, MW2N9, MW4L1, MW4L2, MW4L3, MW4L5, MW4L6, MW5I1, MW5I2, MW5I3, MW5I4, MW5I5, MW5I6, MW5J1, MW5J2, MW5J4, MW5J5
4	Inner Melbourne	KX3P, KX3L6, KX3L7, KX3L8, KX3L9, KX6D1, KX6D2, KX6D3, KX6D5, KX6D6, LX1M, LX1I7, LX1N4, LX4A1, LX4A2, LX4A3, LX4A4, LX4A5, LX4B1
5	Inner Perth	BV1M, BV1N, BV1O, BV4A, BV4B, BV4C, BV1L5, BV1L8, BV1P1, BV1P2, BV1P4, BV1P5, BV1P7, BV1P8, BV4D1, BV4D2, BV4E1, BV4E2, BV4E3, BV4F1, BV4F2, BV4F3, BV4G1, BV4G2, BV1P9, BV4D3, BV4D4, BV4G3
6	Inner Sydney	NV7G, NV7H, NV7J, NV7K, NV7L, NV7M, NV7N, NV7O, NV7P, NW1A, NW1B, NW1C, NW1D, NW1E, NW1F, NW1G, NW1H, MV9P2, MV9P3, MV9P5, MV9P6, MV9P7, MV9P8, MV9P9, MW3D1, MW3D2, MW3D3, MW3D5, MW3D6, MW3D8, MW3D9, MW3H2, MW3H3, MW3H5, MW3H6, MW3H9, MW3L2, MW3L3, NV4O7, NV4O8, NV4O9, NV4P7, NV7F6, NV7F8, NV7F9, NV7I6, NV7I8, NV7I9, NW1I1, NW1I2, NW1I3, NW1J1, NW1J2, NW1J3, NW1K1, NW1K2, NW1K3, NW1L1, NW1L2, NW1L3

2 Outer-metropolitan areas

In this instrument, *outer-metropolitan area* means an area referred to in column 1 in the following table, to be ascertained as the composite of the areas, described using identifiers from the HCIS, set out in column 2.

	Description of outer-metropolitan areas	
Item	**Column 1** **Outer-metropolitan area**	**Column 2** **Areas forming the outer-metropolitan area (HCIS Identifiers)**
1	Outer Adelaide	IW2, IW5, IW7, IW8, IW9, JW1, JW4, IV8K, IV8L, IV8N, IV8O, IV8P, IV9F, IV9I, IV9J, IV9K, IV9L, IV9M, IV9N, IV9O, IV9P, IW1P, IW3A, IW3B, IW3C, IW3D, IW3E, IW3F, IW3G, IW3H, IW3I, IW3J, IW3K, IW3L, IW3M, IW3P, IW4D, IW4G, IW4H, IW4K, IW4L, IW4N, IW4O, IW4P, IW6A, IW6C, IW6D, IW6E, IW6F, IW6G, IW6H, IW6I, IW6J, IW6K, IW6L, IW6M, IW6N, IW6O, IW6P, JV7M, JV7N, JV7O, JV7P, JV8M, JW2A, JW2B, JW2C, JW2E, JW2F, JW2G, JW2H, JW2I, JW2J, JW2K, JW2M, JW2N, JW2O, JW5A, JW5B, JW5C, JW5E, JW5F, JW5I, JW5J, JW5M, JW7A, JW7B, JW7C, JW7D, JW7E, JW7F, JW7G, JW7I, JW8A, IV8H9, IV8J8, IV8J9, IV9E3, IV9E4, IV9E5, IV9E6, IV9E7, IV9E8, IV9E9, IV9G1, IV9G2, IV9G4, IV9G5, IV9G6, IV9G7, IV9G8, IV9G9, IW1L6, IW1L9, IW3O1, IW3O2, IW3O3, IW3O6, IW3O9, IW6B4, IW6B7, IW6B8, IW6B9, JV7I7, JV7I8, JV7I9, JV7J7, JV7J8, JV7J9, JV7K7, JV7K8, JV7K9, JV7L7, JV7L8, JV7L9, JV8I7, JV8I8, JV8I9, JV8N1, JV8N4, JV8N5, JV8N6, JV8N7, JV8N8, JV8N9, JV8O7, JW2D1, JW2D2, JW2D4, JW2D5, JW2D6, JW2D7, JW2D8, JW2D9, JW2L1, JW2L2, JW2L3, JW2L4, JW2L5, JW2L6, JW3A7, JW3E1, JW5N1, JW5N2, JW5N4, JW5N5, JW5N7, JW5N8, JW8B1, JW8B2, JW8B4
2	Outer Brisbane	NT6, NT2P, NT3M, NT3N, NT3O, NT3P, NT4G, NT4H, NT4K, NT4L, NT4O, NT4P, NT5D, NT5E, NT5F, NT5G, NT5H, NT5I, NT5J, NT5K, NT5L, NT5M, NT5N, NT5O, NT5P, NT7C, NT7D, NT7F, NT7G, NT7H, NT7I, NT7J, NT7K, NT7L, NT7N, NT7O, NT7P, NT8A, NT8B, NT8C, NT8D, NT8E, NT8F, NT8G, NT8I, NT8J, NT8K, NT8M, NT8N, NT8O, NT8P, NT9M, NT9P, NU2A, NU2B, NU2C, NU2D, NU2E, NU2F, NU2G, NU2H, NU2L, NU2P, NU3A, NU3D, NU3E, NU3F, NU3G, NU3H, NU3I, NU3J, NU3K, NU3L, NU3M, NU3N, NU3O, NU3P, NU6A, NU6B, NU6C, NU6D, NT2O3, NT2O5, NT2O6, NT2O8, NT2O9, NT4C6, NT4C9, NT4D4, NT4D5, NT4D6, NT4D7, NT4D8, NT4D9, NT5A4, NT5A5, NT5A6, NT5A7, NT5A8, NT5A9, NT5B4, NT5B5, NT5B6, NT5B7, NT5B8, NT5B9, NT5C2, NT5C3, NT5C4, NT5C5, NT5C6, NT5C7, NT5C8, NT5C9, NT7A6, NT7A8, NT7A9, NT7B2, NT7B3, NT7B4, NT7B5, NT7B6, NT7B7, NT7B8, NT7B9,

Description of outer-metropolitan areas		
Item	**Column 1**	**Column 2**
	Outer-metropolitan area	**Areas forming the outer-metropolitan area (HCIS Identifiers)**
		NT7E2, NT7E3, NT7E4, NT7E5, NT7E6, NT7E7, NT7E8, NT7E9, NT7M1, NT7M2, NT7M3, NT7M5, NT7M6, NT7M9, NT8H1, NT8H2, NT8H4, NT8H5, NT8H6, NT8H7, NT8H8, NT8H9, NT8L1, NT8L4, NT8L7, NT9A1, NT9A2, NT9A3, NT9A4, NT9A5, NT9I7, NT9I8, NT9I9, NT9J7, NT9J8, NT9N1, NT9N2, NT9N3, NT9N4, NT9N7, NT9O1, NT9O2, NT9O3, NT9O5, NT9O6, NT9O8, NT9O9, NU1B2, NU1B3, NU1B5, NU1B6, NU1C1, NU1C2, NU1C3, NU1C4, NU1C5, NU1C6, NU1D1, NU1D2, NU1D3, NU1D4, NU1D5, NU1D6, NU1D9, NU1H3, NU2J3, NU2K1, NU2K2, NU2K3, NU3B1, NU3B4, NU3B5, NU3B6, NU3B7, NU3B8, NU3B9, NU3C2, NU3C3, NU3C5, NU3C6, NU3C7, NU3C8, NU3C9, NU5D1, NU5D2, NU5D3, NU6E1, NU6E2, NU6E3, NU6E4, NU6E5, NU6E6, NU6F1, NU6F2, NU6F3, NU6F4, NU6F5, NU6F6, NU6G1, NU6G2, NU6G3, NU6G4, NU6G5, NU6G6, NU6H1, NU6H2, NU6H3, NU6H4, NU6H5, NU6H6
3	Outer Canberra/Sydney	MV6, MW1, MW6, MW7, MW8, MW9, NV5, MV2P, MV3D, MV3H, MV3L, MV3M, MV3N, MV3O, MV3P, MV5D, MV5H, MV5L, MV5P, MV7L, MV7O, MV7P, MV8D, MV8H, MV8I, MV8J, MV8K, MV8L, MV8M, MV8N, MV8O, MV8P, MV9A, MV9B, MV9C, MV9D, MV9E, MV9F, MV9G, MV9H, MV9I, MV9J, MV9K, MV9L, MV9M, MV9N, MV9O, MW2A, MW2B, MW2C, MW2D, MW2E, MW2F, MW2G, MW2H, MW2I, MW2J, MW2K, MW2L, MW2O, MW2P, MW3A, MW3B, MW3C, MW3E, MW3F, MW3G, MW3I, MW3J, MW3K, MW3M, MW3N, MW3O, MW3P, MW4A, MW4B, MW4C, MW4E, MW4F, MW4G, MW4I, MW4J, MW4K, MW4M, MW4N, MW4O, MW4P, MW5C, MW5D, MW5G, MW5H, MW5K, MW5L, MW5M, MW5N, MW5O, MW5P, MX1C, MX1D, MX1H, MX2A, MX2B, MX2C, MX2D, MX2E, MX2F, MX2G, MX2H, MX3A, MX3B, MX3C, MX3D, MX3E, MX3F, MX3G, MX3H, NV1I, NV1J, NV1K, NV1L, NV1M, NV1N, NV1O, NV1P, NV2H, NV2I, NV2J, NV2K, NV2L, NV2M, NV2N, NV2O, NV2P, NV3E, NV3F, NV3G, NV3H, NV3I, NV3J, NV3K, NV3L, NV3M, NV3N, NV3O, NV3P, NV4A, NV4B, NV4C, NV4D, NV4E, NV4F, NV4G, NV4H, NV4I, NV4J, NV4K, NV4L, NV4M, NV4N, NV7A, NV7B, NV7C, NV7D, NV7E, NW1M, NW1N, NW1O, NW1P, LW3L3, LW3L5, LW3L6, LW3L8, LW3L9, LW3P3, LW3P6, LW3P9, LW6D3, LW6D6, LW6D9, LW6H3, LW6H6, LW6H9, LW6L3, LW6L6, LW6L9, LW6P3, LW6P6, LW6P9, LW9D3, LW9D6, LW9D9, MV3G9, MV3K3, MV3K6, MV3K9, MV5G5, MV5G6, MV5G8, MV5G9, MV5K2, MV5K3,

Description of outer-metropolitan areas		
Item	**Column 1** **Outer-metropolitan area**	**Column 2** **Areas forming the outer-metropolitan area (HCIS Identifiers)**
		MV7K6, MV7K8, MV7K9, MV7N9, MV8E6, MV8E9, MV8F4, MV8F5, MV8F6, MV8F7, MV8F8, MV8F9, MV8G4, MV8G5, MV8G6, MV8G7, MV8G8, MV8G9, MV9P1, MV9P4, MW2M1, MW2M2, MW2M3, MW2M4, MW2N1, MW2N2, MW2N3, MW2N6, MW3D4, MW3D7, MW3H1, MW3H4, MW3H7, MW3H8, MW3L1, MW3L4, MW3L5, MW3L6, MW3L7, MW3L8, MW3L9, MW4L4, MW4L7, MW4L8, MW4L9, MW5I7, MW5I8, MW5I9, MW5J3, MW5J6, MW5J7, MW5J8, MW5J9, NV2D7, NV2D8, NV2D9, NV4O1, NV4O2, NV4O3, NV4O4, NV4O5, NV4O6, NV4P1, NV4P2, NV4P3, NV4P4, NV4P5, NV4P6, NV4P8, NV4P9, NV7F1, NV7F2, NV7F3, NV7F4, NV7F5, NV7F7, NV7I1, NV7I2, NV7I3, NV7I4, NV7I5, NV7I7, NW1I4, NW1I5, NW1I6, NW1I7, NW1I8, NW1I9, NW1J4, NW1J5, NW1J6, NW1J7, NW1J8, NW1J9, NW1K4, NW1K5, NW1K6, NW1K7, NW1K8, NW1K9, NW1L4, NW1L5, NW1L6, NW1L7, NW1L8, NW1L9
4	Outer Melbourne	KW9, KX2, KX5, KX8, KX9, LX5, LX7, LX8, KW7L, KW7O, KW7P, KW8B, KW8C, KW8D, KW8E, KW8F, KW8G, KW8H, KW8I, KW8J, KW8K, KW8L, KW8M, KW8N, KW8O, KW8P, KX1C, KX1D, KX1G, KX1H, KX1K, KX1L, KX1O, KX1P, KX3A, KX3B, KX3C, KX3D, KX3E, KX3F, KX3G, KX3H, KX3I, KX3J, KX3K, KX3M, KX3N, KX3O, KX4C, KX4D, KX4G, KX4H, KX4J, KX4K, KX4L, KX4N, KX4O, KX4P, KX6A, KX6B, KX6C, KX6E, KX6F, KX6G, KX6H, KX6I, KX6J, KX6K, KX6L, KX6M, KX6N, KX6O, KX6P, LW7A, LW7E, LW7F, LW7I, LW7J, LW7K, LW7M, LW7N, LW7O, LW7P, LX1A, LX1B, LX1C, LX1D, LX1E, LX1F, LX1G, LX1H, LX1J, LX1K, LX1L, LX1O, LX1P, LX2A, LX2E, LX2I, LX2M, LX2N, LX2O, LX4C, LX4D, LX4E, LX4F, LX4G, LX4H, LX4I, LX4J, LX4K, LX4L, LX4M, LX4N, LX4O, LX4P, LX6A, LX6E, LX6I, LX6M, KW5P8, KW5P9, KW6M7, KW6M8, KW6M9, KW6N7, KW6N8, KW6N9, KW6O7, KW6O8, KW6O9, KW6P7, KW6P8, KW6P9, KW7D9, KW7H3, KW7H5, KW7H6, KW7H8, KW7H9, KW7K5, KW7K6, KW7K8, KW7K9, KW8A2, KW8A3, KW8A4, KW8A5, KW8A6, KW8A7, KW8A8, KW8A9, KX1J9, KX1N3, KX1N6, KX1N9, KX3L1, KX3L2, KX3L3, KX3L4, KX3L5, KX4B3, KX4B6, KX4B9, KX4F3, KX4F5, KX4F6, KX4F7, KX4F8, KX4F9, KX6D4, KX6D7, KX6D8, KX6D9, LW4M7, LW4M8, LW4M9, LW7B1, LW7B4, LW7B5, LW7B7, LW7B8, LW7B9, LW7C7, LW7C8, LW7G1, LW7G2, LW7G4, LW7G5, LW7G6, LW7G7, LW7G8, LW7G9, LW7H7, LW7L1, LW7L2, LW7L4, LW7L5,

Description of outer-metropolitan areas		
Item	**Column 1** **Outer-metropolitan area**	**Column 2** **Areas forming the outer-metropolitan area (HCIS Identifiers)**
		LW7L7, LW7L8, LW8M4, LW8M5, LW8M7, LW8M8, LW8M9, LX1I1, LX1I2, LX1I3, LX1I4, LX1I5, LX1I6, LX1I8, LX1I9, LX1N1, LX1N2, LX1N3, LX1N5, LX1N6, LX1N7, LX1N8, LX1N9, LX2P4, LX2P5, LX2P6, LX2P7, LX2P8, LX2P9, LX3M7, LX3M8, LX3M9, LX4A6, LX4A7, LX4A8, LX4A9, LX4B2, LX4B3, LX4B4, LX4B5, LX4B6, LX4B7, LX4B8, LX4B9, LX6B4, LX6B7, LX6F1, LX6F4, LX6F7, LX6J1, LX6J4, LX6J7, LX6N1, LX6N4
5	Outer Perth	AU6I, AU6J, AU6K, AU6L, AU6M, AU6N, AU6O, AU6P, AU9, AV9, AW3, BU7, BU8, BU4H, BU4I, BU4J, BU4K, BU4L, BU4M, BU4N, BU4O, BU4P, BU5E, BU5F, BU5G, BU5H, BU5I, BU5J, BU5K, BU5L, BU5M, BU5N, BU5O, BU5P, BU9A, BU9B, BU9E, BU9F, BU9I, BU9J, BU9M, BU9N, BV2, BV5, BV7, BV8, BW1, BW2, BW5, BV1A, BV1B, BV1C, BV1D, BV1E, BV1F, BV1G, BV1H, BV1I, BV1J, BV1K, BV3A, BV3B, BV3E, BV3F, BV3I, BV3J, BV3M, BV3N, BV4H, BV4I, BV4J, BV4K, BV4L, BV4M, BV4N, BV4O, BV4P, BV6A, BV6B, BV6E, BV6F, BV6I, BV6J, BV6M, BV6N, BV9A, BV9B, BV9E, BV9F, BV9I, BV9J, BV9M, BV9N, BW3A, BW6A, BW6E, BW6I, BW6M, BV1L1, BV1L2, BV1L3, BV1L4, BV1L6, BV1L7, BV1L9, BV1P3, BV1P6, BV3C1, BV3C2, BV3C4, BV3C5, BV3C7, BV3C8, BV3G1, BV3G2, BV3G4, BV3G5, BV4D5, BV4D6, BV4D7, BV4D8, BV4D9, BV4E4, BV4E5, BV4E6, BV4E7, BV4E8, BV4E9, BV4F4, BV4F5, BV4F6, BV4F7, BV4F8, BV4F9, BV4G4, BV4G5, BV4G6, BV4G7, BV4G8, BV4G9, BV9C1, BV9C2, BV9C4, BV9C5, BV9C7, BV9C8, BV9G1, BV9G2, BV9G4, BV9G5, BV9G7, BV9G8, BW3M4, BW3M7, BW3M8