

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Note: This table relates only to the provisions of this instrument as originally made.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.

Note 1: The HCIS is a naming convention for areas on the Australian Spectrum Map Grid 2012 (ASMG), which is a system used by the ACMA to define geographic areas for radiocommunications licensing. A document describing the ASMG and HCIS, as well as spatial datasets describing each HCIS area could, at the time this instrument was made, be found on the ACMA’s website (<http://www.acma.gov.au>).

Note 2: A tool to convert lists of HCIS area descriptions into Placemark files to allow these areas to be visualised using computer mapping software could, at the time this instrument was made, be found on the ACMA’s website (<http://www.acma.gov.au>).

***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 1Inner-metropolitan area | Column 2Areas 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 1Outer-metropolitan area | Column 2Areas 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, 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, 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, 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 |