

Radiocommunications (Spectrum Access Charges – 20 GHz and 30 GHz Bands) Determination 2021

The Australian Communications and Media Authority makes the following determination under subsection 294 (1) of the *Radiocommunications Act 1992*.

Dated: 11 March 2021

Fiona Cameron

[signed]

Member

Creina Chapman

[signed]

Member/~~General Manager~~

Australian Communications and Media Authority

1 Name

This is the *Radiocommunications (Spectrum Access Charges – 20 GHz and 30 GHz Bands) Determination 2021*.

2 Commencement

This instrument commences on the day after the day it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation may be accessed free of charge at [www.legislation.gov.au](http://www.legislation.gov.au).

3 Authority

This instrument is made under subsection 294 (1) of the *Radiocommunications Act 1992*.

4 Repeal of this instrument

This instrument is repealed at the end of 26 April 2036.

5 Definitions

In this instrument:

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

***licensee*** has the same meaning as in paragraph (a) of that definition in the Act.

***re-issue*** for a spectrum licence means the re-issue of a spectrum licence in accordance with subsection 82 (1) of the Act.

***20 GHz Defence band*** means the range of frequencies between 20.2–21.2 GHz.

***30 GHz Defence band*** means the range of frequencies between 30–31 GHz.

Note: In accordance with paragraph 13 (1) (b) of the *Legislation Act 2003*, other expressions in this Determination have the same meaning as in the Act, including:

* ACMA
* spectrum access charge
* spectrum licence.

6 Spectrum access charge for the 20 GHz Defence band spectrum licence

(1) The spectrum access charge for the re-issue of the 20 GHz Defence band spectrum licence is $16,191,243, if paid as a lump sum in accordance with subsection (2).

(2) If the licensee does not elect for subsection (3) to apply, the spectrum access charge for the re-issue of the 20 GHz Defence band spectrum licence is payable on or before 6 April 2021.

(3) If the licensee elects, in accordance with section 8, for this subsection to apply, the spectrum access charge for the re-issue of the 20 GHz Defence band spectrum licence is payable by instalments in the amount specified and at the following times:

(a) an amount of $3,306,896 is payable on or before 6 April 2021;

(b) an amount of $3,306,896 is payable on each anniversary of the day the licence came into force;

until a total of $16,534,480 has been paid under paragraphs (a) and (b).

7 Spectrum access charge for the 30 GHz Defence band spectrum licence

(1) The spectrum access charge for the re-issue of the 30 GHz Defence band spectrum licence is $16,191,243, if paid as a lump sum in accordance with subsection (2).

(2) If the licensee does not elect for subsection (3) to apply, the spectrum access charge for the re-issue of the 30 GHz Defence band spectrum licence is payable on or before 6 April 2021.

(3) If the licensee elects, in accordance with section 8, for this subsection to apply, the spectrum access charge for the re-issue of the 30 GHz Defence band spectrum licence is payable by instalments in the amount specified and at the following times:

(a) an amount of $3,306,896 is payable on or before 6 April 2021;

(b) an amount of $3,306,896 is payable on each anniversary of the day the licence came into force;

until a total of $16,534,480 has been paid under paragraphs (a) and (b).

8 Election – 20 GHz and 30 GHz Defence band spectrum licences

The licensee may elect for subsection 6 (3) or 7 (3) (or both) to apply to the spectrum access charge for the relevant spectrum licence mentioned in subsections 6 (3) or 7 (3), by:

(a) providing a written notice to the ACMA to that effect, for the licence; and

(b) giving that written notice to the ACMA at any time before 5 April 2021.