



# **Radiocommunications (Ministerial Policy Statement – Expiring Spectrum Licences) Instrument 2024**

---

I, Michelle Rowland, Minister for Communications, make the following notifiable instrument.

Dated            23 April 2024

Michelle Rowland  
Minister for Communications

---

  

---

---

# Contents

<b>Part 1 – Preliminary</b>	<b>3</b>
1 Name .....	3
2 Commencement.....	3
3 Authority .....	3
4 Definitions .....	3
<b>Part 2 - Ministerial Policy Statement – Expiring Spectrum Licences</b>	<b>4</b>
5 Introduction .....	4
6 Supporting service continuity for end users, particularly where no alternative service is available.....	6
7 Facilitating opportunities for new entrants and use cases, including for low earth orbit satellites .....	6
8 Connectivity and investment in regional and remote areas to deliver improved services to end users .....	6
9 Promote competition .....	7
10 Capacity for sustained investment and innovation.....	7

---

## Part 1 – Preliminary

### 1 Name

This notifiable instrument is the *Radiocommunications (Ministerial Policy Statement – Expiring Spectrum Licences) Instrument 2024*.

### 2 Commencement

This notifiable instrument commences on the day after this instrument is registered.

### 3 Authority

This notifiable instrument is made under subsection 28B(1) of the *Radiocommunications Act 1992*.

### 4 Definitions

In this notifiable instrument, unless the contrary intention appears:

*ACCC* means the Australian Competition and Consumer Commission.

*ACMA* means the Australian Communications and Media Authority.

*Ministerial policy statement* has the meaning given by section 28B of the *Radiocommunications Act 1992*.

*spectrum licence* means a spectrum licence issued under Part 3.2 of the *Radiocommunications Act 1992*.

---

## Part 2 - Ministerial Policy Statement – Expiring Spectrum Licences

### 5 Introduction

The object of the *Radiocommunications Act 1992* (the Act) is “to promote the long-term public interest derived from the use of the spectrum by providing for the management of the spectrum in a manner that:

- a) facilitates the efficient planning, allocation and use of the spectrum; and
- b) facilitates the use of the spectrum for:
  - i. commercial purposes; and
  - ii. defence purposes, national security purposes and other non-commercial purposes (including public safety and community purposes); and
- c) supports the communications policy objectives of the Commonwealth Government.”

#### *Scope of this Ministerial policy statement*

This Ministerial policy statement specifies Commonwealth Government communications policy objectives to which the ACMA must have regard in designing and enacting its process to manage the future use of spectrum associated with the expiry of spectrum licences set out in Table 1 below (the expiring spectrum licences process). The Commonwealth Government communications policy objectives covered by this Ministerial policy statement are set out at sections 6 to 10 below.

This Ministerial policy statement is not intended to apply in relation to the expiring spectrum licences currently being used for broadcast services (primarily electronic news gathering) in the 2570-2620 MHz (2.5 GHz mid-band gap) band, or to support metropolitan rail safety and communications services in the 1800 MHz band. The rationale for this decision is that these licences clearly serve distinctly different use cases compared with the remainder of the expiring spectrum licences and so will have separate considerations which might apply. However, these licences will still be considered as part of the ACMA’s comprehensive expiring spectrum licences process.

**Table 1: Expiring spectrum licences covered by this Ministerial policy statement**

	<b>Band</b>	<b>Frequency range</b>	<b>Expiry date</b>
1	700 MHz	703–748 MHz / 758–803 MHz	31 December 2029
2	850 MHz	824–845 MHz / 869–890 MHz	17 June 2028
3	1800 MHz	1710–1785 MHz / 1805–1880 MHz*	17 June 2028
4	2 GHz	1920–1980 MHz / 2110–2170 MHz	11 October 2032
6	2.3 GHz	2302–2400 MHz	24 July 2030
7	2.5 GHz	2500–2570 MHz / 2620–2690 MHz	30 September 2029
8	3.4 GHz	3400–3700 MHz	13 December 2030

\* This table is intended to cover all licences in the frequency ranges set out above which expire on the relevant expiry date, with the exception of licences in the 1800 MHz band held by metropolitan rail operators, typically in the 1770-1785 MHz / 1865-1880 MHz range.

---

### *Policy context*

The expiring spectrum licences process is principally concerned with promoting the long-term public interest derived from use of spectrum, and how that interest can be realised through decisions made in relation to the licenses specified in Table 1 above, and the spectrum to which they relate.

The Government recognises the importance of the spectrum covered by the expiring spectrum licences held in Table 1, as well as the long timeframes required for licensees, or prospective licensees, to plan and deploy services in these frequencies. The ACMA should, where practical, continue to provide timely and transparent information to stakeholders about its views on the expiring spectrum licences and associated spectrum, to support those stakeholders to make informed planning decisions.

The Government recognises that the ACMA will need to carefully consider how to balance the policy objectives in this Ministerial policy statement. The order that the policy objectives are listed in this Ministerial policy statement do not denote an order of precedence. However, in delivering its decisions, views or positions, the ACMA should endeavour to explain how it took into consideration the different policy objectives as well as any other relevant considerations. In some circumstances certain objectives may have greater relevance to particular expiring licences, use of the spectrum, or a specific use case, than other objectives. The ACMA should consider how the objectives can apply to different options for the expiring spectrum licences themselves, and for the underlying spectrum, and how to manage any competing policy priorities.

Where appropriate, in undertaking the expiring spectrum licence process and forming its views on the future use of the spectrum covered by the licences specified in Table 1, the ACMA will need to consider the broader communications environment within which these licences exist. This could include consideration of existing spectrum holdings which are otherwise outside the scope of the expiring spectrum licences process.

The Government recognises the expiring spectrum licences process is one of a number of mechanisms that could be used to advance one or more of the objectives identified in this Ministerial policy statement. In this context, the Government welcomes appropriate complementary activities available to the ACMA within the current radiocommunications regulatory framework to support these outcomes, which may be a more appropriate means for their advancement.

This Ministerial policy statement is made within the context of the Government's broader communications policy agenda, which includes, but is not limited to, Telecommunications Universal Service Obligation Reform, initiatives to improve digital connectivity for First Nations Australians and communities, the 2024 Regional Telecommunications Review, and activities to support the resilience of communications networks and temporary disaster responses.

Given the complex policy environment in which the expiring spectrum licences operate and the rapid pace of technological developments, I may choose to provide additional or more targeted guidance to the ACMA in the future in relation to these licences or others that are due to expire between 2028 and 2032. Additional or more targeted guidance could be in response to policy change or technological developments, or additional information that arises through the expiring spectrum licenses process. Any additional or more targeted guidance may be in the form of additional Ministerial policy statements or the use of my other powers to direct the ACMA.

---

## **6 Supporting service continuity for end users, particularly where no alternative service is available**

The Government recognises the important role that spectrum in the 700 MHz, 850 MHz, 1800 MHz, 2 GHz, 2.3 GHz, 2.5 GHz, and 3.4 GHz bands has in mobile network operators and fixed wireless broadband service providers' existing network coverage, and the importance of these services in the provision of communications services to end users.

The ACMA should consider the potential impact that certain decisions made in relation to applications for renewal of spectrum licences may have on end users, particularly where no, or limited, alternative communications services would be available. Such decisions could include refusal to renew one or more spectrum licences, renewal of one or more spectrum licences with changed conditions (including core conditions), re-allocation of spectrum licences, and re-allocation of spectrum covered by one or more expiring spectrum licence.

## **7 Facilitating opportunities for new entrants and use cases, including for low earth orbit satellites**

The Government supports the position expressed in the ACCC's submission in response to the ACMA's May 2023 Approach to expiring spectrum licences consultation, namely, that the ACMA should explore future arrangements that reduce the barriers to entry for new users of spectrum for either new use cases or existing uses, as a dynamic and competitive communications market is most likely to promote the public interest.

The expiring spectrum licence process represents a unique opportunity to re-examine current arrangements to ensure they promote the long-term public interest, and to create entry points for new or emerging users or use cases where appropriate. For example, the ACMA is already actively monitoring and engaging with spectrum matters related to low earth orbit satellites, and it should consider whether these technologies may contribute to maximising the long-term public interest, including how spectrum can improve connectivity in regional areas and support inter-operability between terrestrial services and satellite services.

Recognising the importance of the spectrum covered by the expiring spectrum licences to continuity of existing service coverage, the ACMA should consider where there may be scope to strengthen service offerings by enabling access for new entrants, smaller providers or innovative applications.

## **8 Connectivity and investment in regional and remote areas to deliver improved services to end users**

The Government recognises that mobile and fixed wireless broadband services provide essential connectivity to end users. The ACMA should consider ways to support existing and new investment in regional and remote areas to deliver improved communications services, including but not limited to:

- a) an increased availability and choice of services for end users, in particular for end users with limited options under existing arrangements;
- b) voice and data mobile network coverage; and
- c) access to high-speed data services.

---

When designing the process to manage expiring spectrum licences, and subsequently setting new licence conditions, the ACMA should have particular regard to identifying potential impacts to regional Australia.

In considering this objective, the ACMA should have regard to wider Government policy priorities, including the National Agreement on Closing the Gap, particularly the Access to Information outcome (Outcome 17).

## **9 Promote competition**

The Government recognises the importance of strong and competitive communications markets for delivering positive outcomes for Australian consumers.

Competitive markets can facilitate more efficient use of spectrum, by creating incentives for licensees to improve their service quality and range of services, set competitive prices, invest in new technologies and innovations, and to differentiate themselves from competitors. Each of these outcomes contribute to promoting the long-term public interest derived from the use of the spectrum. The ACMA has the option to provide spectrum licences for up to 20 years, and is required to be satisfied that a licence renewed for 10 years or longer is in the public interest. Given this, it will be important for the ACMA to consider the long-term impacts on competition in the Australian communications market, including the impact of the licence term alongside other licensing factors.

## **10 Capacity for sustained investment and innovation**

The Government recognises that spectrum is one component of reliable communications networks and that significant infrastructure investment is required to deploy and maintain services. The Government also acknowledges the significant investment incumbent licence holders have made to deploy services in the frequencies in Table 1.

The ACMA should consider existing investment by licensees, as well as known market demand for spectrum and the capacity for other prospective licence holders to make the investment required to deploy and maintain an effective service with the spectrum.

As part of the expiring spectrum licence process, the ACMA should consider opportunities to support innovation in the Australian communications market. As new spectrum licences can be issued for a period up to 20 years, licence conditions should enable licence holders to be responsive to new demands, opportunities and technological advancements.