



Radiocommunications (Third Party Use—Spectrum Licence) Rules 2000 (No. 2)

The AUSTRALIAN COMMUNICATIONS AUTHORITY makes this Determination under section 68 (3) of the *Radiocommunications Act 1992*.

Dated 4 December 2000

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1 Name of Rules

These Rules are the *Radiocommunications (Third Party Use—Spectrum Licence) Rules 2000 (No. 2)*.

2 Commencement

These Rules commence on gazettal.

3 Definitions

In these Rules, unless the contrary intention appears:

the Act means the *Radiocommunications Act 1992*.

Note The following terms, used in this determination, are defined in the Act and have the meanings given to them by that Act:

device

spectrum licence.

4 Authorisation to be revocable and final

The licensee of a spectrum licence must authorise the operation of a device under section 68 of the Act in such a way that:

- (a) the authorisation may be revoked by the licensee at will; and
- (b) its revocation will be final and conclusive as against the person authorised.

5 Revocation of authorisation not to be subject to contractual or other limitations

The licensee of a spectrum licence must authorise the operation of a device under section 68 of the Act in such a way that the revocation of the authorisation by the licensee:

- (i) will not be capable of being challenged, appealed against, reviewed, quashed or called into question in any court; and
- (ii) will not be subject to prohibition, mandamus, injunction or order for specific performance in any court;

at the suit of the person authorised to operate the device, on account of any contract, agreement, arrangement or other understanding entered into between that person and the licensee, whether or not incorporating the authorisation.

6 Rights of authorisees to damages unaffected

For the avoidance of doubt, nothing in these Rules has the effect of preventing a licensee from entering into a contract, agreement, arrangement or other understanding, that would give rise to an action for damages against the licensee if the licensee were to revoke an authorisation to operate devices under a spectrum licence.

7 Revocation

Radiocommunications (Third Party Use—Spectrum Licence) Rules 2000 made by the ACA on 17 July 2000 and notified in the *Gazette* on 26 July 2000 are revoked.
