



# **Radiocommunications (Trading Rules for Spectrum Licences) Determination 1998**

**as amended**

made under paragraph 88 (1) (a) of the

*Radiocommunications Act 1992*

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This compilation was prepared on 7 February 2009  
taking into account amendments up to *Radiocommunications (Trading Rules for  
Spectrum Licences) Amendment Determination 2009 (No. 1)*

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**1 Title** [see Note 1]

This determination is called the *Radiocommunications (Trading Rules for Spectrum Licences) Determination 1998*.

**2 Commencement**

This determination commences on 1 June 1998.

**3 Purpose**

This determination sets out the rules for trading in spectrum licences.

*Note* Under s 88 of the *Radiocommunications Act 1992*, ACMA may determine rules for the assignment of spectrum licences and the circumstances in which licences can be varied, issued or cancelled as a result of assignments.

**4 Interpretation**

In this determination, unless the contrary appears:

*ACMA* means the Australian Communications and Media Authority.

*Act* means the *Radiocommunications Act 1992*.

*geographic area*, in relation to a licence, means the area within which operation of a radiocommunications device is authorised under the licence.

*licence* means a spectrum licence.

*licensee* means the holder of a licence.

*Register* means the Register of Radiocommunications Licences established under section 143 of the Act.

*spectrum map grid* means the map grid developed by ACMA for Australia, showing cells the sides of which measure 3 degrees of arc, 1 degree of arc or 5 minutes of arc, published by ACMA, copies of which are available from ACMA.

*standard trading unit (STU)* in relation to a licence, has the meaning it has in a marketing plan made under section 39 or section 39A of the Act that is made for the issue of the licence.

*trade*, in relation to a licence, means assign or otherwise deal with the whole or a part of the licence.

*Trading Form* means the form approved by ACMA under clause 5.

*Note* The following terms, used in this determination, are defined in the *Radiocommunications Act 1992* and have the meanings given to them by that Act: frequency band, spectrum licence.

**5 Approval of form**

ACMA must approve, in writing, a Trading Form.

## 6 What may be traded

A licensee may:

- (a) trade all or part of his or her licence to an existing licensee or to another person; and
- (b) trade parts of the licence to different people.

*Note* Trading in a licence will not take effect before the trading is registered — see s 86 of the Act.

## 7 Restrictions on trading

- (1) A licensee may not trade a part of his or her licence that is less than a whole STU or a multiple of whole STUs.
- (2) A licensee must not trade a part of the licence if any of the resulting licences would contain a minimum contiguous bandwidth that is less than the bandwidth for the band set out in Schedule 1.
- (3) A licensee may not transfer his or her licence for the purpose of providing security for a loan.

*Note* S 68 of the Act permits a licensee to authorise other persons to operate devices under the licence.

## 8 Information to be given to ACMA

- (1) The information to be given to ACMA under section 86 of the Act must include:
  - (a) whether the whole or a part of the licence is traded; and
  - (b) the name and postal address of the person to whom the licence or part is traded; and
  - (c) if only part of the licence is traded:
    - (i) a description of that part, by reference to the latitude and longitude of its geographic areas, and the upper and lower frequencies of its frequency bands; and
    - (ii) a description of the remainder of the licence, by reference to the latitude and longitude of its geographic areas, and the upper and lower frequencies of its frequency bands;
  - (d) the certificate issued under subsection 145 (3) of the Act for each device to be operated:
    - (i) under the licence or part traded; and
    - (ii) if only part of the licence is traded — under the remaining part of the licence;

if a new certificate is required as a result of the trading.

*Note 1* S 86 of the Act requires parties to trading to give ACMA such information about the assignment as ACMA requires to amend the Register.

*Note 2* To give effect to a trade ACMA may vary a licence or the conditions of a licence, or issue or cancel licences — see s 87 of the Act.

*Note 3* ACMA must make the changes to the Register that are necessary as a result of trading — see s 146 of the Act.

- (2) The information must be given to ACMA on the Trading Form.

**9 Revocation**

The *Radiocommunications (Trading Rules for Spectrum Licences) Determination 1996* is revoked.

**10 Transitional**

A form approved by the ACA under clause 5 of the *Radiocommunications (Trading Rules for Spectrum Licences) Determination 1997* is taken to be a form approved under clause 5 of this Determination.

**Schedule 1**      **Minimum contiguous bandwidths**

(subsection 7 (2))

<b>Item</b>	<b>Band (MHz)</b>	<b>Minimum contiguous bandwidth (MHz)</b>
1	825–845	1
2	870–890	1
3	1900–1980	5
4	2110–2170	5
5	2302–2400	3.5
6	3425–3492.5	2.5
7	3542.5–3575	2.5

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## Notes to the *Radiocommunications (Trading Rules for Spectrum Licences) Determination 1998*

### Note 1

The *Radiocommunications (Trading Rules for Spectrum Licences) Determination 1998* (in force under paragraph 88 (1) (a) of the *Radiocommunications Act 1992*) as shown in this compilation is amended as indicated in the Tables below.

### Table of Instruments

Title	Date of notification in Gazette or FRLI registration	Date of commencement	Application, saving or transitional provisions
<i>Radiocommunications (Trading Rules for Spectrum Licences) Determination 1998</i>	1 June 1998 (see Gazette 1998, No. S251)	1 June 1998	
<i>Radiocommunications (Trading Rules for Spectrum Licences) Amendment Determination 2000</i>	26 July 2000 (see Gazette No. GN29)	26 July 2000	—
<i>Radiocommunications (Trading Rules for Spectrum Licences) Amendment Determination (No. 2) 2000</i>	6 Dec 2000 (see Gazette 2000, No. S617)	6 Dec 2000	—
<i>Radiocommunications (Trading Rules for Spectrum Licences) Amendment Determination 2009 (No. 1)</i>	6 Feb 2009 (see F2009L00280)	7 Feb 2009	—

**Table of Amendments**

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**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
Note to s. 3.....	am. 2000 No. 1
S. 4.....	am. 2009 No. 1
S. 5.....	am. 2009 No. 1
S. 7.....	am. 2000 No. 1
Heading to s. 8.....	am. 2009 No. 1
S. 8.....	am. 2000 No. 1 am. 2009 No. 1
Note 1 to s. 8.....	am. 2009 No. 1
Note 2 to s. 8.....	am. 2009 No. 1
Note 3 to s. 8.....	am. 2009 No. 1
Schedule .....	ad. 2000 No. 1 am. 2000 No. 2 rep. 2009 No. 1
<b>Schedule 1</b>	
Schedule 1 .....	ad. 2009 No. 1

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