



Radiocommunications Spectrum Marketing Plan (700 MHz Band) 2012

Radiocommunications Act 1992

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Marketing Plan under section 39A of the *Radiocommunications Act 1992*.

Dated 19th December 2012

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[signed]
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Australian Communications and Media Authority

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Section 1.1

Part 1 Introduction

1.1 Name of Plan

This Plan is the *Radiocommunications Spectrum Marketing Plan (700 MHz Band) 2012*.

1.2 Commencement

This Plan commences on the day after it is registered.

Note All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.

1.3 Purpose of this Plan

This Plan describes:

- (a) the procedures and timetable for issuing spectrum licences in the 700 MHz band;
- (b) the spectrum licences that will be allocated by the ACMA in accordance with this Plan;
- (c) some of the matters a licensee must take into account when operating devices under a spectrum licence allocated in accordance with this Plan; and
- (d) other matters which a person should take into account when deciding whether to apply for a spectrum licence under the allocation determination.

1.4 Definitions

- (1) In this Plan:

700 MHz band means the following spectrum, in the geographic areas specified in the re-allocation declaration:

- (a) 703 MHz to 748 MHz (the **700 MHz lower band**); and
- (b) 758 MHz to 803 MHz (the **700 MHz upper band**).

Act means the *Radiocommunications Act 1992*.

advisory guidelines means the following documents made by ACMA under section 262 of the Act, as in force from time to time:

- (a) *Radiocommunications Advisory Guidelines (Managing Interference to Receivers - 700 MHz Band) 2012*;
- (b) *Radiocommunications Advisory Guidelines (Managing Interference from Transmitters - 700 MHz Band) 2012*.

affected areas has the meaning given by paragraph 6(b) of Schedule 5.

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allocation determination means the *Radiocommunications (Spectrum Licence Allocation — Combinatorial Clock Auction) Determination 2012*.

allocation stage has the meaning given by paragraph 2.4(7)(a).

applicant has the meaning given by subsection 1.4(1) of the allocation determination.

applicant information package has the meaning given by subsection 1.4(1) of the allocation determination.

assignment stage has the meaning given by paragraph 2.4(7)(b).

auction has the meaning given by subsection 2.3(1).

Australian spectrum map grid (ASMG) means the *Australian Spectrum Map Grid 2012*.

broadcasting service has the meaning given by subsection 6(1) of the *Broadcasting Services Act 1992*.

category has the meaning given by subsection 2.4(1).

exclusion zone means the area identified by a map prepared under subsection 4.2(2) of the *Radiocommunications Advisory Guidelines (Managing Interference from Transmitters – 700 MHz Band) 2012*.

harmful interference means interference that:

- (a) endangers the functioning of a radio-navigation service or other safety services; or
- (b) seriously degrades, obstructs, or repeatedly interrupts a radiocommunications service.

HCIS identifier means an identifier used to describe a geographic area in the HCIS.

hierarchical cell identifier scheme (HCIS) means the cell grouping hierarchy scheme used to describe geographic areas in the Australian spectrum map grid (ASMG).

horizontally radiated power, for a radiocommunications device, means the sum of:

- (a) the maximum true mean power, in dBm per specified rectangular bandwidth at the antenna connector that is located within the frequency band of the licence authorising the operation of the radiocommunications device; and
- (b) the antenna gain relative to an isotropic antenna in a specified direction in the horizontal plane containing the phase centre of the antenna used with the device, in dBi.

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in-band means:

- (a) for a radiocommunications transmitter or radiocommunications receiver operated under a spectrum licence, the frequencies within the frequency band to which the licence relates; and
- (b) for a radiocommunications transmitter or radiocommunications receiver operating under an apparatus licence, the frequencies within the lower frequency limit and the upper frequency limit of that licence.

licence area has the meaning given by subsection 6(1) of the *Broadcasting Services Act 1992*.

licence schedule means a schedule to the sample spectrum licence.

lot has the meaning given by subsection 2.4(3).

lot rating, for a lot, has the meaning given by subsection 1.4(1) of the allocation determination.

maximum true mean power means the true mean power measured in a specified rectangular bandwidth that is located within a specified frequency band such that the true mean power is the maximum of true mean powers produced.

Note The power within the specified rectangular bandwidth is normally established by taking measurements using either an adjacent channel power meter or a spectrum analyser. Estimation of the accuracy of the measuring equipment, measurement procedure and any adjustments made to measurements to take account of practical filter shape factors should be in accordance with good engineering practice.

mean power means the average power measured during an interval of time that is at least 10 times the period of the lowest modulation frequency.

peak power means the average power measured within a specified bandwidth during 1 radio frequency cycle at the crest of the signal envelope.

product has the meaning given by subsection 2.4(2).

re-allocation means the re-allocation of spectrum by the issue of spectrum licences in accordance with the re-allocation declaration.

re-allocation declaration means *the Radiocommunications (Spectrum Re-allocation) Declaration No. 1 of 2011* made by the Minister under section 153B of the Act in relation to the spectrum in the 700 MHz band on 1 November 2011.

region has the meaning given by Schedule 3.

retransmission service means a service that is referred to subsection 212(1) of the *Broadcasting Services Act 1992*.

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sample spectrum licence has the meaning given by section 3.9.

spurious emission means emissions that are not:

- (a) modulation products; or
- (b) wide band noise; or
- (c) emissions caused by switching transients.

television licence area plan has the meaning given by subsection 6(1) of the *Broadcasting Services Act 1992*.

transmitter site means the site from which a transmitter is authorised to operate under the relevant apparatus licence.

true mean power means:

- (a) if an unmodulated carrier is present — the mean power measured while the unmodulated carrier is present; and
- (b) if an unmodulated carrier is not present — the mean power measured while transmitted information is present.

Note Terms and expressions used in this Plan have the meanings given by section 5 of the Act. For example:

- core condition
 - frequency band
 - Register
 - spectrum licence.
- (2) In this Plan, the range of numbers that identifies a frequency band or frequency range includes the higher, but not the lower, number.

Part 2 Allocation of spectrum licences

2.1 Purpose of this Part

This Part describes the procedures and timetable for allocating spectrum licences that authorise the operation of radiocommunications devices in the 700 MHz band.

2.2 Parts of the spectrum

- (1) The ACMA will allocate and issue spectrum licences for spectrum in the 700 MHz band in the manner described in this Plan and the allocation determination.
- (2) This Plan will have no effect if the re-allocation declaration is revoked in accordance with the Act.
- (3) No part of the spectrum in the 700 MHz band is reserved for public or community services.

Section 2.3**2.3 How licences will be allocated**

- (1) Initially, spectrum licences for spectrum in the 700 MHz band will be allocated by combinatorial clock auction in accordance with the procedures set out in the allocation determination (*auction*).

Note Neither the ACMA nor the Commonwealth accepts any liability for any loss or damage suffered by any person participating in the auction. Any person intending to participate in the auction should obtain their own legal, technical and financial advice before applying.

- (2) The ACMA may make further allocations of spectrum in the 700 MHz band by any means, and in any configuration, in accordance with section 7.1 of the allocation determination.

Note Section 7.1 of the allocation determination states that the ACMA may later allocate spectrum licences by a procedure to be determined by the ACMA. This may apply if any spectrum is not part of a spectrum licence allocated by the auction.

2.4 The auction

- (1) There is one *category* for the 700 MHz band. The category is characterised by:
 - (a) the frequencies set out in columns 3 and 4 of Schedule 1; and
 - (b) the bandwidth described in column 5 of Schedule 1.
- (2) The ACMA has divided up the 700 MHz band into the *products* described in Schedule 2. Each product is characterised by:
 - (a) the region for the product, specified in column 3 of Schedule 2; and
 - (b) the category to which the product belongs, set out in column 2 of Schedule 2.
- (3) The number of units of each product that will be available at the auction is set out in column 4 of Schedule 2. A unit of a product is referred to in this Plan as a '*lot*'. The size of each lot in each product is 2 x 5 MHz, being 5 MHz in the 700 MHz lower band paired with 5 MHz in the 700 MHz upper band.
- (4) The ACMA will notify applicants of the lot rating for each lot set under subsection 4.6(4) of the allocation determination. All lots of the same product must have the same lot rating.
- (5) The lot rating will be used as the basis for calculating the amount of an applicant's eligibility payment or deed of financial security. Details of this are in section 4.14(2) of the allocation determination.
- (6) The auction will be held in accordance with the procedures set out in the allocation determination. All lots of each product will be available for allocation at the auction.

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Note The allocation determination sets out the procedures for allocating spectrum licences by a combinatorial clock auction.

- (7) The auction will be carried out in two stages:
- (a) the **allocation stage**, which determines the number and type of lots allocated to, and the allocation price to be paid by, each winning bidder in accordance with the allocation determination; and
 - (b) the **assignment stage**, which determines the frequencies that will apply to each lot of each product allocated to each winning bidder and any additional price that must be paid in accordance with the allocation determination.

Note The allocation determination sets out the detailed rules and procedures for each stage of the auction.

- (8) Subject to the requirements of the Act, any other relevant laws and the allocation determination, the ACMA will issue a spectrum licence to each person allocated a product in the auction. The spectrum licence will be for the number of lots allocated to that person during the allocation stage, at the frequencies assigned to that person for those lots during the assignment stage of the auction.

2.5 Advertising the auction

- (1) The ACMA will publish details of the auction and invite persons to apply to take part in the auction, in accordance with the allocation determination.

2.6 Taking part in the auction

- (1) The ACMA will make available an applicant information package that contains more detail about application requirements and the auction process in accordance with the allocation determination. Details of what must be in the applicant information package are in subsection 4.5(1) of the allocation determination.
- (2) Details of how to apply to take part in the auction are set out in Part 4 of the allocation determination.

Part 3 Spectrum licences to be issued

3.1 Purpose of this Part

This Part describes:

- (a) the spectrum licences that will be issued in accordance with this Plan;
- (b) some of the matters a licensee must take into account when operating devices under a spectrum licence issued in accordance with this Plan;
- (c) conditions to be included in spectrum licences issued in accordance with this Plan; and
- (d) other matters which a person should take into account when deciding whether to apply for a spectrum licence under this Plan.

3.2 Issue of licences

Subject to the Act, the allocation determination and other relevant law, the ACMA will issue a spectrum licence to the person to which it is allocated as soon as practicable after the person pays to the ACMA the balance of the winning price in accordance with Division 2 of Part 6 of the allocation determination.

3.3 Duration of licences

- (1) Licences issued to a person who has been allocated a product as a result of the auction will be for a period of 15 years starting on the date set out in section 3.4.
- (2) Where allocation occurs otherwise than as a result of the auction (because of unallocated lots at the auction), the licence will have a commencement date and a duration that will result in it expiring at the same time as licences issued to a person who has been allocated a product as a result of the auction. Accordingly, licences issued to a person who has been allocated a product otherwise than as a result of the auction will be for a period of less than 15 years, starting on a date to be specified by the ACMA.

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3.4 Commencement of licences

A licence issued to a person who has been allocated a product as a result of the auction will come into force on 1 January 2015.

3.5 Core licence conditions

- (1) Section 66 of the Act requires spectrum licences to include the following core conditions:
 - (a) a condition specifying the part or parts of the spectrum in which operation of radiocommunications devices is authorised under the licence;
 - (b) a condition specifying the maximum permitted level of radio emission, in parts of the spectrum outside such a part, that may be caused by operation of radiocommunications devices under the licence;
 - (c) a condition specifying the area within which operation of radiocommunications devices is authorised under the licence; and
 - (d) a condition specifying the maximum permitted level of radio emission, outside that area, that may be caused by operation of radiocommunications devices under the licence.
- (2) These conditions will be included in the spectrum licences issued in accordance with this Plan.

Note These core conditions may be varied by the ACMA, with the licensee's agreement, under section 72 of the Act.

3.6 Determining core licence conditions

- (1) For each spectrum licence issued to a person as a result of the auction:
 - (a) the licence will be for the frequencies, or the aggregation of the frequencies, assigned to the lots allocated to the person in accordance with the allocation determination; and
 - (b) the geographic area of a licence will be the region described in Schedule 3 that is for the lots allocated to the person in accordance with the allocation determination.
- (2) For spectrum licences mentioned in subsection 2.3(2) of this Plan, the frequency band and geographic area of the licence will be determined by the ACMA in accordance with the instrument that deals with the allocation of those licences.

Note The ACMA may make a separate instrument for the allocation of those licences. They may otherwise be allocated by a second auction held under the allocation determination.

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- (3) The emission limits outside the area for all licences issued in accordance with this Plan will be calculated in accordance with Schedule 4.
- (4) The emission limits outside the band for all licences issued in accordance with this Plan will be calculated in accordance with Schedule 5.

3.7 Other licence conditions

- (1) Each spectrum licence will also include conditions about:
 - (a) payment of charges (section 67 of the Act);
 - (b) use by third parties (section 68 of the Act);
 - (c) registration of transmitters (section 69 of the Act); and
 - (d) residency (section 69A of the Act).
- (2) Each spectrum licence issued as a result of the auction will include a condition which will provide that where:
 - (a) a transmitter is used to provide:
 - (i) a broadcasting service in accordance with a television licence area plan; or
 - (ii) a retransmission service; and
 - (b) the service mentioned in paragraph (a) is provided on a channel between 694 MHz and 820 MHz; and
 - (c) the transmitter is operated under an apparatus licence;

the licensee must comply with Part 4 of the *Radiocommunications Advisory Guidelines (Managing Interference from Transmitters – 700 MHz Band) 2012*. Part 4 prevents the operation of a radiocommunications device in an exclusion zone that includes the transmitter site.

Note 1 The sample spectrum licence includes a version of this condition.

Note 2 Under Part 4 of the *Radiocommunications Advisory Guidelines (Managing Interference from Transmitters – 700 MHz Band) 2012*, the ACMA will, from time to time, publish maps showing exclusion zones in which a spectrum licensee is not authorised to operate a radiocommunications device, in order to prevent interference with broadcasting services provided in or adjacent to the 700 MHz band. Check the ACMA's website for details.

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- (3) For the purpose of subsection (2), the date upon which a broadcasting service is no longer authorised to be provided on a channel between 694 MHz and 820 MHz must be determined in accordance with the relevant television licence area plan. A broadcasting service may, however, cease to be provided in a licence area, or in part of a licence area, before the date upon which that broadcasting service is no longer authorised in accordance with the relevant television licence area plan. The date upon which a retransmission service is no longer authorised to be provided will depend on the apparatus licence used to provide the service. A retransmission service may, however, cease to be provided in a licence area, or in part of a licence area, before the date upon which that retransmission service is no longer authorised in accordance with the relevant apparatus licence.

Note 1 Until the television broadcasting services have vacated the relevant channels in each part of each licence area, the spectrum in the 700 MHz band will not be fully available for use by licensees allocated a product as a result of the auction.

Note 2 Television licence area plans are made by the ACMA under subsection 26(1B) of the *Broadcasting Services Act 1992* and (among other things) specify and allot the channels that are to be available in a particular licence area for broadcasting services. The ACMA is using the television licence area plans to set the dates by which television broadcasting services must vacate the channels between 694 MHz and 820 MHz. These ‘vacation dates’ are subject to change and the ACMA may vary the television licence area plans to give effect to these changes, from time to time. A broadcast service may, however, vacate the channels between 694 MHz and 820 MHz in a licence area, or part of a licence area, before the date in which that broadcasting service is no longer authorised in accordance with the relevant television licence area plan.

Note 3 The ACMA authorises the provision of retransmission services in the channels between 694 MHz and 820 MHz by:

- (a) making a determination under subsection 34(1) of the *Broadcasting Services Act 1992* providing that a channel is available for the temporary re-transmission of programs; and
- (b) by issuing a transmitter licence to the provider under subsection 100(1) of the Act (but see Note 4).

Note 4 In accordance with section 153P of the Act, and the *Radiocommunications (Spectrum Re-allocation) Declaration No. 1 of 2011*, the ACMA must not issue an apparatus licence (including a transmitter licence) that authorises the operation of radiocommunications devices in the 700 MHz band except in certain circumstances, including:

- (a) the licence is issued to a body covered by any of paragraphs 27(1)(b) to (be) of the Act for the purpose of investigations or operations conducted by the body; or
- (b) the ACMA is satisfied that the special circumstances of the particular case justify the issuing of the licence.

The ACMA may only issue a transmitter licence to the provider of a retransmission service for use of a channel in the 700 MHz band in accordance with section 153P of the Act. Section 153P does not apply to those frequencies in the range 694 MHz to 820 MHz that do not fall within the definition of “700 MHz Band”.

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- (4) Under section 71 of the Act, the ACMA may also include conditions about other matters as it thinks fit.
- (5) Other conditions likely to be imposed are included in the sample spectrum licence at Schedule 6.

Note The ACMA may include conditions in a spectrum licence that are not included in the sample spectrum licence.

3.8 Registration of transmitters

- (1) Each spectrum licence will include a condition that prohibits operation of a radiocommunications transmitter unless the requirements under Part 3.5 of the Act to have the transmitter registered have been met.

Note 1 Under subsection 145(1) of the Act, the ACMA may refuse to include in the Register details of a radiocommunications transmitter that is proposed to be operated under a spectrum licence if the ACMA is satisfied that operation of the transmitter could cause an unacceptable level of interference to the operation of other radiocommunications devices under that or any other licence.

Note 2 Subsection 145(4) of the Act states that the ACMA may determine, by written instrument, what are unacceptable levels of interference for the purposes of section 145 of the Act.

Note 3 The *Radiocommunications (Unacceptable Levels of Interference — 700 MHz Band) Determination 2012* sets out what are the unacceptable levels of interference for the purpose of registering devices to be operated under a licence issued in accordance with this Plan, and is to be used for the issue of certificates by accredited persons under subsection 145(3) of the Act.

- (2) Transmitters that are part of a group of transmitters may be registered individually or as a group.
- (3) The ACMA does not propose to register a transmitter that operates in the 700 MHz lower band with a maximum radiated true mean power of 23 dBm or less per occupied bandwidth, or in the 700 MHz upper band with a maximum radiated true mean power of 30 dBm or less per occupied bandwidth.

3.9 Draft sample licence

Schedule 6 sets out:

- (a) a sample spectrum licence (*sample spectrum licence*); and
- (b) the conditions that may be included in each spectrum licence that is issued in a part of the spectrum referred to in the re-allocation declaration.

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Note The sample spectrum licence may not reflect the conditions included in a spectrum licence issued to a winning bidder.

3.10 Compatibility requirements

The advisory guidelines provide a means of coordinating services operating under spectrum licences with other services.

Part 4 After allocation

4.1 Purpose of this Part

This Part describes various matters that apply after licences are issued in accordance with this Plan.

4.2 Registration of licences

The ACMA will register all spectrum licences in accordance with Part 3.5 of the Act.

Note Details about registration are in the *Radiocommunications (Register of Radiocommunications Licences) Determination 1997*.

4.3 Third party use

A licensee may authorise other persons to operate radiocommunications devices under any licence issued to it, provided it does this in accordance with Division 1 of Part 3.2 of the Act.

4.4 Trading in licences

A licensee may assign, or otherwise deal with, the whole or any part of a licence provided it does this in accordance with Division 5 of Part 3.2 of the Act.

4.5 Trading rules

The ACMA has made rules under section 88 of the Act to regulate trading in spectrum licences. Section 85 of the Act requires assignments of the whole or part of any licence to comply with these rules.

Note The rules are described in the *Radiocommunications (Trading Rules for Spectrum Licences) Determination 2012*.

4.6 Agreements about emission limits

- (1) A licensee may enter into an agreement for the purpose of one or more of the following:
 - (a) paragraph 3 of Part 2 of Schedule 4 (about emission limits outside the geographic area of the licence); or
 - (b) paragraph 3 of Part 2 of Schedule 5 (about emission limits outside the band of the licence).

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4.7 Spectrum licences that are about to expire

- (1) As required by section 78 of the Act, the ACMA must, from time to time, cause to be published in the *Gazette* notices that:
 - (a) state where information may be obtained about the spectrum licences that will expire during the period specified in the notice and the parts of the spectrum to which they relate (*expiring spectrum licences*); and
 - (b) invite expressions of interest from persons who wish to have spectrum licences issued to them for those same parts of the spectrum.
- (2) The information will also be available from the ACMA's website.

4.8 Re-issue of licences

- (1) The ACMA must re-issue licences in accordance with Division 4 of Part 3.2 of the Act.
- (2) Spectrum licences that are re-issued are unlikely to take the same form as originally issued as the spectrum lots may be divided and distributed differently. Conditions on the spectrum licences may also change. Licensees should not assume that they will be re-issued with their existing licence.

Schedule 1 Category

(subsection 2.4(1))

Column 1 Category No.	Column 2 Category name	Column 3 Lower frequency range	Column 4 Upper frequency range	Column 5 Bandwidth
1	700 MHz band	703 – 748 MHz	758 – 803 MHz	2 x 5 MHz

Note The bandwidth in column 5 refers to a 5 MHz pair, that is, 5 MHz in the lower frequency range set out in column 3 and 5 MHz in the upper frequency range set out in column 4, with a duplex separation of 55 MHz.

Schedule 2 Products

(subsection 2.4(2))

Column 1 Product	Column 2 Category No.	Column 3 Region	Column 4 No. of lots
700 NAT	1	National	9

Note 1 The category no. in column 2 indicates the category to which a product belongs.

Note 2 The region in column 3 indicates the geographical area in which radiocommunications devices may be operated using the product. Each region is defined by reference to its HCIS identifiers in Schedule 3.

Note 3 The no. of lots in column 4 indicates the number of lots of the product available at the auction.

Note 4 The size of each lot in column 4 is 2 x 5 MHz, being 5 MHz in the 700 MHz lower band and 5 MHz in the 700 MHz upper band.

Schedule 3 Regions

(subsection 1.4(1))

There is one region. This region is known as the National region and is the area described by the HCIS identifiers specified in item 1.2.

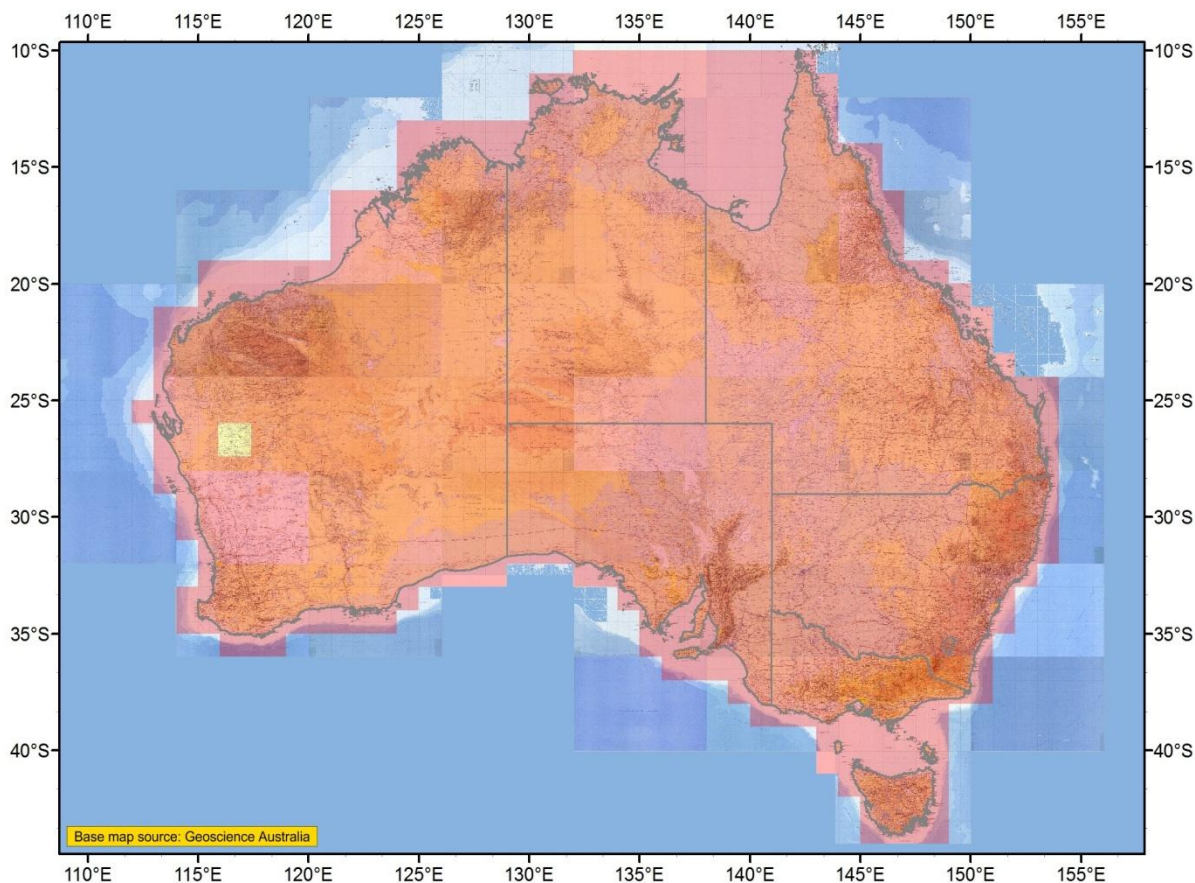
Description: The geographic area of a region is the area described in this Schedule. Each region is described using the hierarchical cell identifier scheme (HCIS) in the *Australian Spectrum Map Grid 2012 (ASMG)*. There are four levels to the HCIS corresponding to 3 degree, 1 degree, 15 minute and 5 minute cells of the ASMG.

The geographic area of a region can be determined by the aggregation of block areas referenced by HCIS identifiers used to describe it. Refer to the ASMG for a complete description of the naming convention referred to as the HCIS as published by the ACMA.

Note: The map of the region is included for information only. The ACMA does not accept responsibility for the accuracy of that information. Potential participants in the allocation should obtain their own advice and make their own inquiries into the pictorial representation of the region.

1. National

1.1 Indicative Pictorial Representation



The area shaded in red is only an indicative pictorial representation of the region. Refer to the HCIS identifiers specified in item 1.2 for a description of the National region.

1.2 HCIS identifiers for the National region

BR, BS, BU, BV, CR, CS, CT, CU, CV, DQ, DR, DS, DT, DU, DV, EP, EQ, ER, ES, ET, EU, FP, FQ, FR, FS, FT, FU, GP, GQ, GR, GS, GT, GU, HO, HP, HQ, HR, HS, HT, HU, IO, IP, IQ, IR, IS, IT, IU, IV, IW, JO, JP, JQ, JR, JS, JT, JU, JV, JW, KQ, KR, KS, KT, KU, KV, KW, LR, LS, LT, LU, LV, LW, LX, LY, MS, MT, MU, MV, MW, NT, NU, AR8, AR9, AS2, AS3, AS5, AS6, AS8, AS9, AT1, AT2, AT3, AT5, AT6, AT8, AT9, AU2, AU3, AU6, AU9, AV9, AW3, BT1, BT2, BT3, BW1, BW2, BW3, BW5, BW6, CW1, CW2, CW3, CW4, DW1, DW2, DW3, EV1, EV2, EV3, EV4, EV5, EV6, EV7, FV1, FV2, FV3, FV4, FV5, GO3, GO4, GO5, GO6, GO7, GO8, GO9, GV1, GV2, GV3, GV6, HV1, HV2, HV3, HV4, HV5, HV6, HV8, HV9, HW3, HW6, JX1, JX2, JX3, JX5, JX6, KO1, KO4, KO5, KO7, KO8, KP1, KP2, KP4, KP5, KP6, KP7, KP8, KP9, KX1, KX2, KX3, KX4, KX5, KX6, KX8, KX9, KY2, KY3, KY6, LP4, LP7, LQ1, LQ2, LQ4, LQ5, LQ7, LQ8, LZ1, LZ2, LZ3, MR1, MR4, MR5, MR7, MR8, MR9, MX1, MX2, MX3, MX4, MX7, MY1, MY4, MY7, MZ1, NS4, NS7, NS8, NS9, NV1, NV2, NV3, NV4, NV5, NV7, NW1, BT4A, BT4B, BT4C, BT4E, BT4F, BT4G, BT4I, BT4J, BT4K, BT4M, BT4N, BT4O, BT6C, BT6D, BT6G, BT6H, BT6K, BT6L, BT6O, BT6P, BT7A, BT7B, BT7C, BT7E, BT7F, BT7G, BT7I, BT7J, BT7K, BT7L, BT7M, BT7N, BT7O, BT7P, BT8I, BT8J, BT8K, BT8L, BT8M, BT8N, BT8O, BT8P, BT9C, BT9D, BT9G, BT9H, BT9I, BT9J, BT9K, BT9L, BT9M, BT9N, BT9O, BT9P, BT4D1, BT4D2, BT4D4, BT4D5, BT4D7, BT4D8, BT4H1, BT4H2, BT4H4, BT4H5, BT4H7, BT4H8, BT4L1, BT4L2, BT4L4, BT4L5, BT4L7, BT4L8, BT4P1, BT4P2, BT4P4, BT4P5, BT4P7, BT4P8, BT6B3, BT6B6, BT6B9, BT6F3, BT6F6, BT6F9, BT6J3, BT6J6, BT6J9, BT6N3, BT6N6, BT6N9, BT7D1, BT7D2, BT7D4, BT7D5, BT7D7, BT7D8, BT7H1, BT7H2, BT7H4, BT7H5, BT7H7, BT7H8, BT7H9, BT8E7, BT8E8, BT8E9, BT8F7, BT8F8, BT8F9, BT8G7, BT8G8, BT8G9, BT8H7, BT8H8, BT8H9, BT9B3, BT9B6, BT9B9, BT9E7, BT9E8, BT9E9, BT9F3, BT9F6, BT9F7, BT9F8, BT9F9.

Schedule 4 Emission limits outside the area

(subsection 3.6 (3))

Part 1 Base emission limits

1. This Part applies in those parts of the spectrum for which there is no agreement for the purposes paragraph 3 of Part 2 of this Schedule in force.
2. The maximum permitted level of radio emission for an area, caused by the operation of radiocommunications devices under the licence, must not exceed a horizontally radiated power of:

47 dBm EIRP per 30 kHz.
3. For this Part, the maximum permitted level of radio emission is to be determined with a level of confidence not less than 95 percent that the true level of emission will always remain below the requirement specified.
4. The licensee complies with paragraph 2 by ensuring that no radiocommunications device is operated under this licence in excess of a horizontally radiated power of:

47 dBm EIRP per 30 kHz.
5. For the purposes of paragraphs 2 and 4, the level of emission is to be estimated after taking into account:
 - (a) the kind of antenna; and
 - (b) the kind of equipment used with the antenna; and
 - (c) the location and immediate physical environment in which the antenna operates.

Part 2 Other emission limits

1. This Part applies in the parts of the spectrum for which there is an agreement in force for the purposes of paragraph 3.
 2. For this Part, the maximum permitted level of radio emission is to be determined with a level of confidence not less than 95 percent that the true level of emission will always remain below the requirement specified.
 3. Where a written agreement exists between:
 - (a) the licensee; and
 - (b) all the affected licensees of frequency-adjacent and area-adjacent spectrum licences;specifying the maximum permitted level of radio emission, the licensee must comply with that specified maximum permitted level of radio emission.
 4. For the purposes of paragraph 3, the specified maximum permitted level of radio emission cannot exceed the base emission limits of Part 1 of this Schedule.
-

Schedule 5 Emission limits outside the band

(subsection 3.6 (4))

Part 1 Base emission limits

1. This Part applies in those parts of the spectrum for which there is no agreement in force for the purposes of paragraph 3 of Part 2 of this Schedule.

Note Emission limits outside the band manage levels of:

- (a) modulation and intermodulation products outside the frequency band of the licence associated with:
 - (i) the transmitted information; and
 - (ii) switching transient emissions (carrier rise times); and
 - (iii) where applicable, multicarrier transmitters; and
 - (b) transmitter wide band noise;
 - (c) transmitter spurious signals from frequency combining processes, including multicoupling of transmitters into an antenna; and
 - (d) receiver emissions.
2. For this Schedule, the maximum permitted level of radio emission is to be determined with a level of confidence not less than 95 percent that the true level of emission will always remain below the requirement specified.

Non-spurious emission

3. The non spurious emission limits in Table 1 apply:
 - (a) to a radiocommunications transmitter operating in the band 703 MHz to 748 MHz; and
 - (b) at frequencies outside of the licence frequency band; and
 - (c) at frequencies above 694 MHz; and
 - (d) offset from the upper and lower limits of the licence frequency band.

where:

f_{offset} : is the frequency offset from the upper or lower frequency limits set out in Part 2 of Licence Schedule 1 of a spectrum licence allocated in accordance with this Plan.

Table 1 Non spurious emission limits at frequencies outside the band

Frequency offset (f_{offset})	Radiated maximum true mean power (dBm EIRP)	Bandwidth
$0 \text{ Hz} \leq f_{\text{offset}} < 1 \text{ MHz}$	-15	30 kHz
$1 \text{ MHz} \leq f_{\text{offset}} < 5 \text{ MHz}$	-10	1 MHz
$5 \text{ MHz} \leq f_{\text{offset}} < 20 \text{ MHz}$	-13	1 MHz
$f_{\text{offset}} \geq 20 \text{ MHz}$	-25	1 MHz

4. The non spurious emission limits in Table 2 apply:
- (a) to a radiocommunications transmitter operating in the band 758 MHz to 803 MHz;
 - (b) at frequencies outside the licence frequency band;
 - (c) within the band 748 MHz to 806 MHz; and
 - (d) offset from the upper and lower limits of the licence frequency band.

where:

f_{offset} : is the frequency offset from the upper or lower frequency limits set out in Part 2 of Licence Schedule 1 of a spectrum licence allocated in accordance with this Plan.

Table 2 Non spurious emission limits at frequencies outside the band

Frequency offset, f_{offset}	Radiated maximum true mean power (dBm EIRP)	Bandwidth
$0 \text{ Hz} \leq f_{\text{offset}} < 5 \text{ MHz}$	15	1 MHz
$5 \text{ MHz} \leq f_{\text{offset}} < 10 \text{ MHz}$	11	1 MHz
$f_{\text{offset}} \geq 10 \text{ MHz}$	9	1 MHz

5. The non spurious emission limits in Table 3 apply to a radiocommunications transmitter operating in the band 758 MHz to 803 MHz;
 where:
 f: is the range of frequencies at which the limit applies.

Table 3 Non spurious emission limits at frequencies outside the band

Frequency range, f	Radiated maximum true mean power (dBm EIRP)	Bandwidth
$f < 748 \text{ MHz}$	-15	1 MHz
$806 \text{ MHz} \leq f < 813 \text{ MHz}$	-6	1 MHz
$813 \text{ MHz} \leq f$	-15	1 MHz

6. The non spurious emission limits in Table 4 apply:
 (a) to a radiocommunications transmitter operating in the band 703 MHz to 748 MHz;
 (b) within an area referred to in paragraphs 3.2(1)(a) of Part 3 of the *Radiocommunications Advisory Guidelines (Managing Interference from Transmitters — 700 MHz Band) 2012 (affected areas)*;
 where:
 f: is the range of frequencies at which the limit applies.

Table 4 Non spurious emission limits at frequencies outside the band

Frequency range, f	Radiated maximum true mean power (averaged over a 7 MHz television channel bandwidth) (dBm EIRP)	Bandwidth
$f < 694 \text{ MHz}$	-40	1 MHz

7. The non spurious emission limits in Table 5 apply:
- (a) to a radiocommunications transmitter operating in the band 703 MHz to 748 MHz;
 - (b) outside of the affected areas;
- where:
- f: is the range of frequencies at which the limit applies.

Table 5 Non spurious emission limits at frequencies outside the band

Frequency range, f	Radiated maximum true mean power (averaged over a 7 MHz television channel bandwidth) (dBm EIRP)	Bandwidth
$f < 673 \text{ MHz}$	-40	1 MHz
$673 \text{ MHz} \leq f < 694 \text{ MHz}$	-34	1 MHz

Spurious emission limits

- 8. The licensee must ensure that radiocommunications devices operated under the licence do not exceed the spurious emission limits in paragraphs 9 and 10.
- 9. The spurious emission limits in Table 6 apply to radiocommunications transmitters operated under the licence at frequencies outside the 703-748 MHz and 758-803 MHz frequency bands.

Table 6 Radiocommunications transmitter spurious emission limits

Frequency (f)	Radiated mean power (dBm EIRP)	Bandwidth
$9 \text{ kHz} \leq f < 150 \text{ kHz}$	-36	1 kHz
$150 \text{ kHz} \leq f < 30 \text{ MHz}$	-36	10 kHz
$30 \text{ MHz} \leq f < 1 \text{ GHz}$	-36	100 kHz
$1 \text{ GHz} \leq f < 12.75 \text{ GHz}$	-30	1 MHz

10. The spurious emission limits in Table 7 apply to radiocommunications receivers operated under the licence at frequencies outside the 703-748 MHz and 758-803 MHz frequency bands.

Table 7 Radiocommunications receiver spurious emission limits

Frequency (f)	Radiated mean power (dBm EIRP)	Bandwidth
$30 \text{ MHz} \leq f < 1 \text{ GHz}$	-57	100 kHz
$1 \text{ GHz} \leq f < 12.75 \text{ GHz}$	-47	1 MHz

Part 2 Other emission limits

1. This Part applies in that part of the spectrum for which there is an agreement in force for the purposes of paragraph 3.
2. For this Schedule, the maximum permitted level of radio emission is to be determined with a level of confidence not less than 95 percent that the true level of emission will always remain below the requirement specified.
3. Where a written agreement exists between:
 - (a) the licensee; and
 - (b) all the affected licensees of frequency-adjacent and area-adjacent spectrum licences;

specifying the maximum permitted level of radio emission, the licensee must comply with that specified maximum permitted level of radio emission.

4. For the purposes of paragraph 3, the specified maximum permitted level of radio emission cannot exceed the base emission limits of Part 1 of this Schedule.
-

Schedule 6 Sample spectrum licence

(section 3.9)

This Schedule sets out a sample spectrum licence, and the conditions that may be included in a spectrum licence, issued in the 700 MHz band, in accordance with this Plan.



COMMONWEALTH OF AUSTRALIA

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

Radiocommunications Act 1992

Sample Spectrum Licence for the 700 MHz Band

Prepared under section 61 of the Radiocommunications Act 1992 ('the Act') in
accordance with the

Radiocommunications Spectrum Marketing Plan (700 MHz Band) 2012

This licence is issued under section 62 of the Act to the person named at Item 1 of
Licence Schedule 1 of this licence.

1. The person named at Item 1 of Licence Schedule 1 of this licence (the licensee),
or a person authorised under subsection 68 (1) of the Act, is authorised to operate
radiocommunications devices in accordance with:
 - (a) the Act;
 - (b) the core conditions set out in Licence Schedule 2;
 - (c) the statutory conditions set out in Licence Schedule 3; and
 - (d) the other conditions set out in Licence Schedule 4.

2. For the purposes of clause (1)(d), the licence condition set out at clause 8 of Licence Schedule 4 to this licence will provide that where:
- (a) a transmitter is used to provide:
 - (i) a broadcasting service in accordance with a television licence area plan; or
 - (ii) a retransmission service; and
 - (b) the service mentioned in paragraph (a) is provided on a channel between 694 MHz and 820 MHz; and
 - (c) the transmitter is operated under an apparatus licence;
- the licensee must comply with Part 4 of the *Radiocommunications Advisory Guidelines (Managing Interference from Transmitters – 700 MHz Band) 2012*.
3. This licence comes into force on the date shown at Item 5 of Licence Schedule 1 and remains in force until the end of the date shown at Item 6 of Licence Schedule 1.
4. Unless the contrary intention appears, terms and expressions used in this licence have the meaning given to them by the *Radiocommunications Spectrum Marketing Plan (700 MHz Band) 2012*.
5. Unless the contrary intention appears, in this licence:
- (a) the value of a parameter in Licence Schedules 2 and 3, must be estimated with a level of confidence not less than 95% that the true value of the parameter will always remain below the requirement specified; and
 - (b) the range of numbers that identify a frequency band includes the higher, but not the lower, number.

Licence Schedule 1 Licence details, bands and areas

Part 1 Licence Details

Item	Details	
Licensee Details		
1	<i>Name of licensee</i>	TBD
2	<i>Address of licensee</i>	TBD
3	<i>Client number</i>	TBD
Licence Details		
4	<i>Band release</i>	700 MHz band
5	<i>Date of licence effect</i>	TBD
6	<i>Date of licence expiry</i>	TBD
7	<i>Licence number</i>	TBD
8	<i>Date of licence issue</i>	dd/mm/yyyy

Part 2 Frequency bands and geographic areas

For core condition 1, this licence authorises the operation of radiocommunications devices in the frequency bands specified in column 3 and within the corresponding geographic areas specified in column 2 of Table 1.

The frequency band consists of the lower and upper frequencies, where the lower frequency limit is exclusive and upper frequency limit is inclusive. The geographic areas in column 2 of Table 1 are described by the sequence of HCIS identifiers in Table 2.

Table 1: Frequency bands and geographic areas of this licence

Identifier (column 1)	Geographic areas (column 2)	Frequency bands (column 3)			
		Lower band (MHz)		Upper band (MHz)	
		Lower limit	Upper limit	Lower limit	Upper limit
A	1	703	708	758	763

Licence Schedule 1 Licence details, bands and areas

Table 2: Description of the geographic areas of this licence

Geographic areas (column 1)	HCIS identifiers (column 2)
1	BR, BS, BU, BV, CR, CS, CT, CU, CV, DQ, DR, DS, DT, DU, DV, EP, EQ, ER, ES, ET, EU, FP, FQ, FR, FS, FT, FU, GP, GQ, GR, GS, GT, GU, HO, HP, HQ, HR, HS, HT, HU, IO, IP, IQ, IR, IS, IT, IU, IV, IW, JO, JP, JQ, JR, JS, JT, JU, JV, JW, KQ, KR, KS, KT, KU, KV, KW, LR, LS, LT, LU, LV, LW, LX, LY, MS, MT, MU, MV, MW, NT, NU, AR8, AR9, AS2, AS3, AS5, AS6, AS8, AS9, AT1, AT2, AT3, AT5, AT6, AT8, AT9, AU2, AU3, AU6, AU9, AV9, AW3, BT1, BT2, BT3, BW1, BW2, BW3, BW5, BW6, CW1, CW2, CW3, CW4, DW1, DW2, DW3, EV1, EV2, EV3, EV4, EV5, EV6, EV7, FV1, FV2, FV3, FV4, FV5, GO3, GO4, GO5, GO6, GO7, GO8, GO9, GV1, GV2, GV3, GV6, HV1, HV2, HV3, HV4, HV5, HV6, HV8, HV9, HW3, HW6, JX1, JX2, JX3, JX5, JX6, KO1, KO4, KO5, KO7, KO8, KP1, KP2, KP4, KP5, KP6, KP7, KP8, KP9, KX1, KX2, KX3, KX4, KX5, KX6, KX8, KX9, KY2, KY3, KY6, LP4, LP7, LQ1, LQ2, LQ4, LQ5, LQ7, LQ8, LZ1, LZ2, LZ3, MR1, MR4, MR5, MR7, MR8, MR9, MX1, MX2, MX3, MX4, MX7, MY1, MY4, MY7, MZ1, NS4, NS7, NS8, NS9, NV1, NV2, NV3, NV4, NV5, NV7, NW1, BT4A, BT4B, BT4C, BT4E, BT4F, BT4G, BT4I, BT4J, BT4K, BT4M, BT4N, BT4O, BT6C, BT6D, BT6G, BT6H, BT6K, BT6L, BT6O, BT6P, BT7A, BT7B, BT7C, BT7E, BT7F, BT7G, BT7I, BT7J, BT7K, BT7L, BT7M, BT7N, BT7O, BT7P, BT8I, BT8J, BT8K, BT8L, BT8M, BT8N, BT8O, BT8P, BT9C, BT9D, BT9G, BT9H, BT9I, BT9J, BT9K, BT9L, BT9M, BT9N, BT9O, BT9P, BT4D1, BT4D2, BT4D4, BT4D5, BT4D7, BT4D8, BT4H1, BT4H2, BT4H4, BT4H5, BT4H7, BT4H8, BT4L1, BT4L2, BT4L4, BT4L5, BT4L7, BT4L8, BT4P1, BT4P2, BT4P4, BT4P5, BT4P7, BT4P8, BT6B3, BT6B6, BT6B9, BT6F3, BT6F6, BT6F9, BT6J3, BT6J6, BT6J9, BT6N3, BT6N6, BT6N9, BT7D1, BT7D2, BT7D4, BT7D5, BT7D7, BT7D8, BT7H1, BT7H2, BT7H4, BT7H5, BT7H7, BT7H8, BT7H9, BT8E7, BT8E8, BT8E9, BT8F7, BT8F8, BT8F9, BT8G7, BT8G8, BT8G9, BT8H7, BT8H8, BT8H9, BT9B3, BT9B6, BT9B9, BT9E7, BT9E8, BT9E9, BT9F3, BT9F6, BT9F7, BT9F8, BT9F9.

Note: The HCIS is described in the *Australian Spectrum Map Grid 2012* and referenced to the Geocentric Datum of Australian 1994 (GDA94). The *Australian Spectrum Map Grid 2012* is available on the ACMA website at: www.acma.gov.au. Copies are also available from the ACMA.

Licence Schedule 2 Core Conditions

Frequency band and geographic areas

1. This licence authorises the operation of radiocommunications devices in the frequency bands and within the geographic areas set out at Part 2 of Licence Schedule 1.

Emission limits outside the band

2. Core conditions 3 to 13 apply in relation to those frequencies that are outside the frequency bands set out in Part 2 of Licence Schedule 1.
3. Where a written agreement specifying the maximum permitted level of radio emission for frequencies described in core condition 2 exists between:
 - (a) the licensee; and
 - (b) all the affected licensees of frequency-adjacent and area-adjacent spectrum licences;the licensee must comply with that specified maximum permitted level of radio emission.
4. Where there is no written agreement for the purposes of core condition 3 in force, the licensee must comply with core conditions 5 to 13.

Non spurious emission limits

5. The licensee must ensure that radiocommunications devices operated under the licence do not exceed the non spurious emission limits in core conditions 6 to 10.

Licence Schedule 2 Core Conditions (cont)

6. The non spurious emission limits in Table 3 apply:
- (a) to a radiocommunications transmitter operating in the band 703 to 748 MHz; and
 - (b) at frequencies outside the upper or lower frequency limits set out in Part 2 of Licence Schedule 1; and
 - (c) at frequencies above 694 MHz; and
 - (d) offset from the upper and lower limits set out in Part 2 of Licence Schedule 1.

where:

f_{offset} : is the frequency offset from the upper or lower frequency limits set out in Part 2 of Licence Schedule 1.

Table 3 Non spurious emission limits at frequencies outside the band

Frequency offset (f_{offset})	Radiated maximum true mean power (dBm EIRP)	Bandwidth
$0 \text{ Hz} \leq f_{\text{offset}} < 1 \text{ MHz}$	-15	30 kHz
$1 \text{ MHz} \leq f_{\text{offset}} < 5 \text{ MHz}$	-10	1 MHz
$5 \text{ MHz} \leq f_{\text{offset}} < 20 \text{ MHz}$	-13	1 MHz
$f_{\text{offset}} \geq 20 \text{ MHz}$	-25	1 MHz

7. The non spurious emission limits in Table 4 apply:
- (a) to a radiocommunications transmitter operating in the band 758 MHz to 803 MHz;
 - (c) at frequencies outside the upper or lower frequency limits set out in Part 2 of Licence Schedule 1;
 - (d) within the band 748 to 806 MHz; and
 - (e) offset from the upper and lower limits set out in Part 2 of Licence Schedule 1.

where:

f_{offset} : is the frequency offset from the upper or lower frequency limits set out in Part 2 of Licence Schedule 1.

Licence Schedule 2 Core Conditions (cont)

Table 4 Non spurious emission limits at frequencies outside the band

Frequency offset, f_{offset}	Radiated maximum true mean power (dBm EIRP)	Bandwidth
$0 \text{ Hz} \leq f_{\text{offset}} < 5 \text{ MHz}$	15	1 MHz
$5 \text{ MHz} \leq f_{\text{offset}} < 10 \text{ MHz}$	11	1 MHz
$f_{\text{offset}} \geq 10 \text{ MHz}$	9	1 MHz

8. The non spurious emission limits in Table 5 apply to a radiocommunications transmitter operating in the band 758 MHz to 803 MHz where:

f : is the range of frequencies at which the limit applies.

Table 5 Non spurious emission limits at frequencies outside the band

Frequency range, f	Radiated maximum true mean power (dBm EIRP)	Bandwidth
$f < 748 \text{ MHz}$	-15	1 MHz
$806 \text{ MHz} \leq f < 813 \text{ MHz}$	-6	1 MHz
$813 \text{ MHz} \leq f$	-15	1 MHz

9. The non spurious emission limits in Table 6 apply:
- to a radiocommunications transmitter operating in the band 703 MHz to 748 MHz;
 - within an area referred to in paragraph 3.2(1)(a) of Part 3 of the *Radiocommunications Advisory Guidelines (Managing Interference from Transmitters — 700 MHz Band) 2012 (affected areas)*;

where:

f : is the range of frequencies at which the limit applies.

Licence Schedule 2 Core Conditions (cont)

Table 6 Non spurious emission limits at frequencies outside the band

Frequency range, f	Radiated maximum true mean power (averaged over a 7 MHz television channel bandwidth) (dBm EIRP)	Bandwidth
f < 694 MHz	-40	1 MHz

10. The non spurious emission limits in Table 7 apply:
- to a radiocommunications transmitter operating in the band 703 MHz to 748 MHz;
 - outside of the affected areas;
- where:
- f: is the range of frequencies at which the limits applies.

Table 7 Non spurious emission limits at frequencies outside the band

Frequency range, f	Radiated maximum true mean power (averaged over a 7 MHz television channel bandwidth) (dBm EIRP)	Bandwidth
f < 673 MHz	-40	1 MHz
673 MHz ≤ f < 694 MHz	-34	1 MHz

Spurious emission limits

- The licensee must ensure that radiocommunications devices operated under the licence do not exceed the spurious emission limits in core conditions 12 and 13.
- For radiocommunications transmitters operated under the licence, the spurious emission limits in Table 8 apply at frequencies outside the 703-748 MHz and 758-803 MHz frequency bands.

Licence Schedule 2 Core Conditions (cont)

Table 8 Radiocommunications transmitter spurious emission limits

Frequency (f)	Radiated mean power (dBm EIRP)	Bandwidth
$9 \text{ kHz} \leq f < 150 \text{ kHz}$	-36	1 kHz
$150 \text{ kHz} \leq f < 30 \text{ MHz}$	-36	10 kHz
$30 \text{ MHz} \leq f < 1 \text{ GHz}$	-36	100 kHz
$1 \text{ GHz} \leq f < 12.75 \text{ GHz}$	-30	1 MHz

13. For radiocommunications receivers operated under the licence, the spurious emission limits in Table 9 apply at frequencies outside the 703-748 MHz and 758-803 MHz frequency bands.

Table 9 Radiocommunications receiver spurious emission limits

Frequency (f)	Radiated mean power (dBm EIRP)	Bandwidth
$30 \text{ MHz} \leq f < 1 \text{ GHz}$	-57	100 kHz
$1 \text{ GHz} \leq f < 12.75 \text{ GHz}$	-47	1 MHz

Emission limits outside the geographic area

14. Core conditions 15 to 17 apply in relation to those areas that are outside the geographic areas set out at Part 2 of Licence Schedule 1.

Licence Schedule 2 Core Conditions (cont)

15. Where a written agreement specifying the maximum permitted level of radio emission for areas described in core condition 14 exists between:
- (a) the licensee; and
 - (b) all the affected licensees of frequency-adjacent and area-adjacent spectrum licences;
- the licensee must comply with that specified maximum permitted level of radio emission.
16. Where there is no written agreement for the purposes of core condition 15 in force, core condition 17 applies.
17. (a) The maximum permitted level of radio emission for an area described in core condition 14 caused by operation of radiocommunications devices under the licence must not exceed a horizontally radiated power of 47 dBm EIRP per 30 kHz.
- (b) The licensee complies with sub-condition 17(a) by ensuring that no radiocommunications device is operated under the licence in excess of a horizontally radiated power of 47 dBm EIRP per 30 kHz.
-

Licence Schedule 3 Statutory Conditions

Liability to pay charges

1. The licensee must comply with all its obligations to pay:
 - (a) charges fixed by determinations made under section 60 of the *Australian Communications and Media Authority Act 2005*;
 - (b) the spectrum access charges fixed by determinations made under section 294 of the Act; and
 - (c) amounts of spectrum licence tax.

Third party use

2.
 - (a) The licensee must notify any person authorised to operate radiocommunications devices under the licence of that person's obligations under the Act, in particular of any registration requirements under Part 3.5 of the Act for operation of radiocommunications devices under the licence, and any rules made under subsection 68(3) of the Act.
 - (b) Any person other than the licensee who operates a radiocommunications device under the licence must comply with rules made by the ACMA under subsection 68(3) of the Act.

Radiocommunications transmitter registration requirements

3. The licensee must not operate a radiocommunications transmitter under this licence unless:
 - (a) the radiocommunications transmitter has been exempted from the registration requirements under statutory condition 4 below, or (b) both:
 - (i) the requirements of the ACMA under Part 3.5 of the Act relating to registration of the radiocommunications transmitter have been met; and
 - (ii) the radiocommunications transmitter complies with the details about it that have been entered in the Register.

Licence Schedule 3 Statutory Conditions (cont)

Exemption from registration requirements

4. The following kinds of radiocommunications transmitters are exempt from the registration requirement in statutory condition 3:
 - (a) a radiocommunications transmitter that operates within the band 703 MHz to 748 MHz band with a radiated maximum true mean power of less than or equal to 23 dBm EIRP per occupied bandwidth; or
 - (b) a radiocommunications transmitter that operates within the band 758 MHz to 803 MHz band with a radiated maximum true mean power of less than or equal to 30 dBm EIRP per occupied bandwidth.

Determination of Unacceptable Interference

5. The ACMA has made the *Radiocommunications (Unacceptable Levels of Interference – 700 MHz Band) Determination 2012* which sets out the unacceptable levels of interference for the purpose of registering radiocommunications transmitters to be operated under this licence, and which is to be used for the issuing of certificates by accredited persons under subsection 145(3) of the Act.

Note: Although not mandatory, the registration of receivers is advised because one of the matters ACMA will take into account in settling interference is the time of registration of the receiver involved in the interference.

Residency etc

6. (a) A licensee must not derive any income, profits or gains from operating radiocommunications devices under this licence or authorise any authorised person to do so unless:
 - (i) the licensee is an Australian resident; or
 - (ii) the income, profits or gains are attributable to a permanent establishment in Australia through which the licensee carries on business.
- (b) An authorised person must not derive income, profits or gains from allowing third parties to operate radiocommunications devices under the licence, unless:
 - (i) the authorised person is an Australian resident; or
 - (ii) the income, profits or gains are attributable to a permanent establishment in Australia through which the authorised person carries on business.

(c) In this condition:

Australian resident has the same meaning as in the *Income Tax Assessment Act 1997*.

authorised person means a person authorised under section 68 of the Act by the licensee to operate radiocommunications devices under this licence.

permanent establishment has the same meaning as in:

- (i) if the licensee or authorised person (as appropriate) is a resident of a country or other jurisdiction with which Australia has an agreement, within the meaning of the *International Tax Agreements Act 1953*—that agreement; or
- (ii) in any other case—the *Income Tax Assessment Act 1997*.

Licence Schedule 4 Other Conditions

Interference management

1. In this licence:
manage interference includes but is not limited to:
 - (a) investigating the possible causes of the interference;
 - (b) taking all steps reasonably necessary to resolve disputes about interference;
 - (c) taking steps (or requiring persons authorised to operate devices under this licence to take steps) reasonably likely to reduce interference to acceptable levels; and
 - (d) negotiating with other persons to reduce interference to acceptable levels.

Responsibility to manage interference

2. The licensee must manage:
 - (a) interference between radiocommunications devices operated under this licence; and
 - (b) interference between radiocommunications devices operated under this licence and under each other spectrum licence held by the licensee.

Co-sited devices

3. If:
 - (a) interference occurs between a radiocommunications device:
 - (i) operated under this spectrum licence; and
 - (ii) operated under another licencewhen the measured separation between the phase centre of the antenna used with each device is less than 200 metres; and
 - (b) that interference is not the result of operation of a radiocommunications device in a manner that does not comply with the conditions of the relevant licence; and
 - (c) either the licensee or the holder (or authorised third party) of the other licence wishes to resolve the interference;the licensee must manage interference with:
 - (d) the holder of the other licence; or
 - (e) if a site manager is responsible for managing interference at that location, that site manager.

Licence Schedule 4 Other Conditions (cont)

Information for register

4. The licensee must give the ACMA all information as required by the ACMA from time to time for inclusion in the Register.

International coordination

5. A licensee must ensure that operation of a radiocommunications transmitter under this licence does not cause harmful interference to a receiver that operates in accordance with International Telecommunication Union Radio Regulations and is located in a country other than Australia.

Electromagnetic Energy Requirements (EME)

6. The licensee must comply with Parts 2, 3 and 4 of the *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003*, as in force from time to time. For the purpose of compliance with this condition, the definition of licence in subsection 4(1) of the *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003* should be read as if it means a spectrum licence.

Coordination with the Mid-West Radio Quiet Zone

7. Before seeking to register a radiocommunications transmitter for use in or around the RQZ and supplementary RQZ as defined by the *Radiocommunications (Mid-West Radio Quiet Zone) Frequency Band Plan 2011*, the licensee must follow the procedures set out in *Radiocommunications Assignment and Licensing Instruction (RALI) MS 32* as in force from time to time.

Note RALI MS 32 is available on the ACMA website.

Management of potential interference to the reception of broadcasting services

8. If:
 - (a) a transmitter is used to provide:
 - (i) a broadcasting service in accordance with a television licence area plan; or
 - (ii) a retransmission service; and
 - (b) the service mentioned in paragraph (a) is provided on a channel between 694 MHz and 820 MHz; and
 - (c) the transmitter is operated under an apparatus licence;

the licensee must comply with Part 4 of the *Radiocommunications Advisory Guidelines (Managing Interference from Transmitters – 700 MHz Band) 2012*.

Note Under Part 4 of the *Radiocommunications Advisory Guidelines (Managing Interference from Transmitters – 700 MHz Band) 2012*, the ACMA will, from time to time, publish maps showing exclusion zones that protect the television broadcasting services and retransmission services provided in the 700 MHz band. Check the ACMA's website for details.

9. For the purpose of the licence condition set out above in clause 8, the date upon which a broadcasting service is no longer authorised to be provided on a channel between 694 MHz and 820 MHz must be determined in accordance with the relevant television licence area plan. A broadcasting service may, however, cease to be provided in a licence area, or in part of a licence area, before the date upon which that broadcasting service is no longer authorised in accordance with the relevant television licence area plan. The date upon which a retransmission service is no longer authorised to be provided will depend on the apparatus licence used to provide the service. A retransmission service may, however, cease to be provided in a licence area, or in part of a licence area, before the date upon which that retransmission service is no longer authorised in accordance with the relevant apparatus licence.

Note 1 Until the television broadcasting services have vacated the relevant channels in each part of each licence area, the spectrum in the 700 MHz band will not be fully available for use by licensees allocated a product as a result of the auction.

Note 2 Television licence area plans are legislative instruments and are made available on the Federal Register of Legislative Instruments: <http://www.comlaw.gov.au>. Licensees, or those considering applying for licences, should refer to the Register and the ACMA's websites for television licence area plans made and proposed, and for variations made or proposed for those plans.

Note 3 Television licence area plans are made by the ACMA under subsection 26(1B) of the *Broadcasting Services Act 1992* and (among other things) specify and allot the channels that are to be available in a particular licence area for broadcasting services. The ACMA is using the television licence area plans to set the dates by which television broadcasting services must vacate the channels between 694 MHz and 820 MHz. These 'vacation dates' are subject to change and the ACMA may vary the television licence area plans to give effect to these changes from time to time. A broadcast service may, however, vacate the channels between 694 MHz and 820 MHz in a licence area, or part of a licence area, before the date in which that broadcasting service is no longer authorised in accordance with the relevant television licence area plan.

Note 4 The ACMA authorises the provision of retransmission services in the channels between 694 MHz and 820 MHz by:

- (a) making a determination under subsection 34(1) of the *Broadcasting Services Act 1992* providing that a channel is available for the temporary re-transmission of programs; and
- (b) by issuing a transmitter licence to the provider under subsection 100(1) of the Act (but see Note 5).

Note 5 In accordance with section 153P of the Act, and the *Radiocommunications (Spectrum Re-allocation) Declaration No. 1 of 2011*, the ACMA must not issue an apparatus licence (including a transmitter licence) that authorises the operation of radiocommunications devices in the 700 MHz band except in certain circumstances, including:

- (c) the licence is issued to a body covered by any of paragraphs 27(1)(b) to (be) of the Act for the purpose of investigations or operations conducted by the body; or

- (d) the ACMA is satisfied that the special circumstances of the particular case justify the issuing of the licence.

The ACMA may only issue a transmitter licence to the provider of a retransmission service for use of a channel in the 700 MHz band in accordance with section 153P of the Act. Section 153P does not apply to those frequencies in the range 694 MHz to 820 MHz that do not fall within the definition of “700 MHz Band”.

Licence Schedule 5 Licence Notes

Variation to licence conditions

1. The ACMA may, with the written agreement of the licensee, vary a licence by including one or more further conditions, or revoking or varying any conditions of the licence, provided that the conditions, as varied, still comply with the requirements of Subdivision C of Division 1 of Part 3.2 of the Act.
2. The ACMA may, by written notice given to the licensee, vary a licence by including one or more further conditions or revoking or varying any non core conditions of the licence provided, that the licence as varied complies with the requirements of Subdivision C of Division 1 of Part 3.2 of the Act.

Guidelines

3. The ACMA has issued written Radiocommunications Advisory Guidelines under section 262 of the Act about:
 - (a) co-ordinating the operation of transmitters under this licence with radiocommunications receivers of other services:
 - *Radiocommunications Advisory Guidelines (Managing Interference from Transmitters — 700 MHz Band) 2012*;
 - (b) co-ordinating the operation of receivers operated under this licence with other transmitters:
 - *Radiocommunications Advisory Guidelines (Managing Interference to Receivers - 700 MHz Band) 2012*.
4. The guidelines should be read in conjunction with the *Radiocommunications (Unacceptable Levels of Interference – 700 MHz Band) Determination 2012* made under subsection 145(4) of the Act. This determination sets out the unacceptable levels of interference for the purpose of the registration of transmitters to be operated under this licence. The guidelines should be followed by licensees (and accredited persons) in the planning of services and in the resolution of interference cases. The Advisory Guidelines do not prevent a licensee negotiating other protection requirements with another licensee. The ACMA will consider these guidelines during the settlement of interference disputes. Each case will be assessed on its merits. Copies of the guidelines are available from the ACMA.

The suspension and cancellation of spectrum licences

5. The ACMA may by written notice given to a licensee, suspend or cancel a spectrum licence in accordance with Division 3 of Part 3.2 of the Act.

Licence Schedule 5 Licence Notes (cont)

Reissue

6. A spectrum licence will not be reissued to the same licensee without a price based allocation procedure unless:
 - (a) the ACMA is satisfied under subsection 82(1) of the Act that special circumstances exist as a result of which it would be in the public interest for that licensee to continue to hold that licence; or
 - (b) the licence was used to provide a service of a kind determined by the Minister under subsection 82(3) of the Act for which reissuing licences to the same licensees would be in the public interest.

Trading

7.
 - (a) A licensee may assign or otherwise deal with the whole or any part of a spectrum licence provided that this is done in accordance with any rules determined by the ACMA under section 88 of the Act and Division 5 of Part 3.2 of the Act.
 - (b) An assignment under section 85 of the Act of the whole or any part of a licence that involves any change to a licence does not take effect until the Register has been amended to take it into account.

Appeals

8. An application may be made to the ACMA for re-consideration of the ACMA's decisions listed under section 285 of the Act. A person affected by and dissatisfied with an ACMA decision may seek a re-consideration of the decision by the ACMA under subsection 288(1) of the Act. This decision can be subject to further re-consideration by the Administrative Appeals Tribunal, subject to the provisions of the *Administrative Appeals Tribunal Act 1975*.

Labelling of transmitters

9. Transmitters operated under this licence must be labelled in accordance with the *Radiocommunications (Labelling) Determination 1997*.
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