Radiocommunications (Spectrum Access Charges — 1800 MHz Band) Determination 2012 (No. 2)

*Radiocommunications Act 1992*

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Determination under subsection 294 (1) of the *Radiocommunications Act 1992*.

Dated *21 December* 2012

 *Richard Bean*
[signed]
Member

*Giles* T*anner*[signed]
~~Member~~/General Manager

Australian Communications and Media Authority

1 Name of Determination

 This Determination is the *Radiocommunications (Spectrum Access Charges — 1800 MHz Band) Determination 2012 (No. 2)*.

2 Commencement

 This Determination 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.

3 Definitions

 In this Determination:

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

***licence area*** means the area or aggregate of areas within which operation of a radiocommunications device is authorised by a spectrum licence.

***Ministerial Direction*** means the *Radiocommunications (Spectrum Access Charges) Direction 2012* made under subsection 294 (2) of the Act by the Minister for Broadband, Communications and the Digital Economy dated 9 February 2012.

***re-issue of a spectrum licence*** means the re-issue of a spectrum licence in accordance with subsection 82 (1) of the Act to the person to whom it was previously issued, authorising the operation of a radiocommunications device in the 1800 MHz band.

***1800 MHz band*** means the following frequency ranges:

(a) 1710 MHz to 1785 MHz; and

(b) 1805 MHz to 1880 MHz.

4 Population of a licence area for a spectrum licence

The population of a licence area for a spectrum licence mentioned in column 1 in the table in section 6, 7 or 8 is the corresponding number mentioned in column 2.

*Note* The population of a licence area, for a spectrum licence, is the estimated number of people residing in the area to which the spectrum licence relates. In compliance with the Ministerial Direction, the population of the licence area is, by this instrument, determined at the time the spectrum access charge for the re-issue of the spectrum licence is determined, having regard to available population data at the time this instrument is made.

5 Unit amount applied

The unit amount applied by the ACMA in calculating the spectrum access charges payable by a licensee mentioned in sections 6, 7 and 8 is $0.2106/MHz/Pop, where:

1. $0.2106 is the charge for the spectrum, in Australian dollars, in relation to the 1800 MHz band for re-issue of a spectrum licence for a period of 13 years and 45 days;
2. MHz is the bandwidth of spectrum authorised for use in the licence area for a spectrum licence; and
3. Pop is the population of a licence area for a spectrum licence.

*Note* The unit amount of $0.23/MHz/Pop specified in the Ministerial Direction in relation to the 1800 MHz band is based on re-issue of a spectrum licence for a period of 15 years. The spectrum licences mentioned in column 1 in the table in sections 6, 7 and 8 will be re-issued for a period of 13 years and 45 days (that is, less than 15 years). Accordingly, the unit amount has been reduced from $0.23/MHz/Pop to $0.2106/MHz/Pop to reflect the value associated with the shorter duration of the re-issued spectrum licences.

**6 Spectrum access charges payable by Telstra Corporation Limited**

 The amount of spectrum access charge payable by Telstra Corporation Limited (ACN 051 775 556) for the re-issue of a spectrum licence mentioned in column 1 in the following table is the corresponding amount mentioned in column 4.

| Column 1Licence number | Column 2Population of licence area | Column 3Bandwidth (MH) | Column 4Amount ($) |
| --- | --- | --- | --- |
| 1137316 | 2,816,867 | 5 | $2,966,160.95 |
| 1137317 | 2,816,867 | 5 | $2,966,160.95 |
| 1137318 | 5,564,699 | 2.5 | $2,929,814.02 |
| 1137319 | 5,564,699 | 2.5 | $2,929,814.02 |
| 1137320 | 1,348,457 | 5 | $1,419,925.22 |
| 1137321 | 1,348,457 | 5 | $1,419,925.22 |
| 8100437 | 1,843,366 | 5 | $1,941,064.39 |
| 8100438 | 1,843,366 | 5 | $1,941,064.39 |

*Note* In compliance with the Ministerial Direction, the amount of spectrum access charge payable for the re-issue of a spectrum licence mentioned in the above table, or in the tables in sections 7 and 8, is calculated by multiplying the adjusted charge for the spectrum in relation to the 1800 MHz band for re-issue of licences for 13 years and 45 days (being $0.2106/MHz/Pop as specified in section 5) by the population of the licence area for the spectrum licence (as determined in accordance with section 4) by the bandwidth for the spectrum licence (as mentioned in column 3). For example, in relation to licence number 1137316 the amount of spectrum access charge is calculated as follows:

$0.2106 x 2,816,867 x 5 = $2,966,160.95.

7 Spectrum access charges payable by Vodafone Australia Pty Limited

 The amount of spectrum access charge payable by Vodafone Australia Pty Limited (ACN 056 161 043) for the re-issue of a spectrum licence mentioned in column 1 in the following table is the corresponding amount mentioned in column 4.

| Column 1Licence number | Column 2Population of licence area | Column 3Bandwidth (MHz) | Column 4Amount ($) |
| --- | --- | --- | --- |
| 1137324 | 2,816,867 | 5 | $2,966,160.95 |
| 1137325 | 2,816,867 | 5 | $2,966,160.95 |
| 1137330 | 1,843,366 | 5 | $1,941,064.39 |
| 1137331 | 1,843,366 | 5 | $1,941,064.39 |
| 8100401 | 4,485,140 | 2.5 | $2,361,426.21 |
| 8100413 | 4,485,140 | 2.5 | $2,361,426.21 |
| 8100427 | 1,348,457 | 5 | $1,419,925.22 |
| 8100428 | 1,348,457 | 5 | $1,419,925.22 |

8 Spectrum access charges payable by Vodafone Hutchison Australia Pty Limited

 The amount of spectrum access charge payable by Vodafone Hutchison Australia Pty Limited (ACN 096 304 620) for the re-issue of a spectrum licence mentioned in column 1 in the following table is the corresponding amount mentioned in column 4.

| Column 1Licence number | Column 2Population of licence area | Column 3Bandwidth (MHz) | Column 4Amount ($) |
| --- | --- | --- | --- |
| 8100406 | 5,564,699 | 10 | $11,719,256.09 |
| 8100418 | 5,564,699 | 10 | $11,719,256.09 |

9 When spectrum access charge is payable

 A spectrum access charge fixed by this Determination for the re-issue of a spectrum licence is payable on or before 8 November 2013.

10 Expiry

This Determination ceases to have effect at the end of 3 May 2015.