Radiocommunications Spectrum Marketing Plan (26 GHz Band) 2020

The Australian Communications and Media Authority makes the following plan under section 39A of the *Radiocommunications Act 1992*.

Dated: 20 November 2020

Chris Jose
[signed]
Member

Linda Caruso
[signed]
~~Member~~/General Manager

Australian Communications and Media Authority

Table of Contents

Part 1—Preliminary

1 Name

This is the *Radiocommunications Spectrum Marketing Plan (26 GHz Band) 2020*.

2 Commencement

This instrument commences on the day after the day it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation may be accessed free of charge at www.legislation.gov.au.

3 Authority

This instrument is made under section 39A of the Act.

4 Purpose of the instrument

This instrument describes:

(a) the procedures for issuing spectrum licences in the 26 GHz band;

(b) the spectrum licences that will be allocated by the ACMA in accordance with this instrument;

(c) some of the matters a licensee must take into account when operating radiocommunications devices under a spectrum licence allocated in accordance with this instrument; and

(d) some of the other matters which a person should take into account when deciding whether to participate in an auction for a spectrum licence to be issued in accordance with this instrument.

Note: On the day this instrument was made, the Radiocommunications Legislation Amendment (Reform and Modernisation) Bill 2020 (***Bill***) had been introduced to, but not passed by, Parliament. If the Bill is passed by Parliament, its provisions may affect the matters described by this instrument.

5 Definitions

In this instrument:

26 GHz band means the part of the spectrum from 25.1 GHz to 27.5 GHz.

Act means the *Radiocommunications Act 1992*.

advisory guidelines means one or both of the following:

(a) *Radiocommunications Advisory Guidelines (Managing Interference from Spectrum Licensed Transmitters — 26 GHz Band) 2020*;

(b) *Radiocommunications Advisory Guidelines (Managing Interference to Spectrum Licensed Receivers — 26 GHz Band) 2020*.

Note: The advisory guidelines are registered on the Federal Register of Legislation and are accessible free of charge at www.legislation.gov.au.

allocation determination means the *Radiocommunications (Spectrum Licence Allocation – 26 GHz Band) Determination 2020*.

Note: The allocation determination is registered on the Federal Register of Legislation and is accessible free of charge at www.legislation.gov.au.

applicant information package has the meaning given by subsection 4(1) of the allocation determination.

area-wide licence has the meaning given by Schedule 1 to the *Radiocommunications (Interpretation) Determination 2015*.

Note: The *Radiocommunications (Interpretation) Determination 2015* is registered on the Federal Register of Legislation and is accessible free of charge at www.legislation.gov.au.

assignment price has the meaning given by subsection 4(1) of the allocation determination.

assignment stage has the meaning given by subsection 4(1) of the allocation determination.

auction has the meaning given by subsection 4(1) of the allocation determination.

auction manager has the meaning given by subsection 4(1) of the allocation determination.

Australian spectrum map grid or ***ASMG*** means the *Australian Spectrum Map Grid 2012* published by the ACMA on its website at www.acma.gov.au.

Note: The Australian spectrum map grid can be accessed, free of charge, on the ACMA's website: www.acma.gov.au.

balance of the winning price has the meaning given by subsection 4(1) of the allocation determination.

category: see subsection 11(3).

category 1: see item 1 of the table in Schedule 1.

category 2: see item 2 of the table in Schedule 1.

category 3: see item 3 of the table in Schedule 1.

earth receive station has the meaning given in Schedule 1 to the *Radiocommunications (Interpretation) Determination 2015*.

fixed transmitter means a radiocommunications transmitter located at a fixed point on land or sea and not designed or intended for use while in motion.

geographic area, for a spectrum licence, means the area within which operation of a radiocommunications device is authorised under the licence.

harmful interference has the meaning given by the spectrum plan.

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

hierarchical cell identification scheme or ***HCIS*** means the cell grouping hierarchy scheme used to describe areas in the ASMG.

indoor transmitter means a radiocommunications transmitter that:

(a) is in an enclosed space; and

(b) has, at every point that is 2 metres from the outside surface of the enclosed space, a power flux density that:

(i) if the transmitter transmits in the frequency range 27.0 GHz–27.5 GHz and is located inside an inner-footprint area – is less than or equal to -9 dBW/m² per occupied bandwidth;

(ii) in any other case – is less than or equal to -7 dBW/m² per occupied bandwidth.

Note: A spectrum licence allocated in accordance with this instrument will only authorise the operation of radiocommunications devices on a frequency range in the 26 GHz band.

inner-footprint area means an area specified in Schedule 1 to the *Radiocommunications Advisory Guidelines (Managing Interference from Spectrum Licensed Transmitters – 26 GHz Band) 2020*.

instalment period: see subsection 15(8).

Licence Schedule means a schedule to the sample spectrum licence.

lot: see subsection 11(2).

lot bandwidth: see subsection 11(4) and Schedule 1.

lot rating has the meaning given by subsection 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.

occupied bandwidth, in relation to a radiocommunications transmitter, means the bandwidth of a frequency band, having fixed upper and lower frequency limits, that is necessary to contain not less than 99% of the true mean power of the transmitter's radio emissions at any time.

outer-footprint area means an area specified in Schedule 2 to the *Radiocommunications Advisory Guidelines (Managing Interference from Spectrum Licensed Transmitters – 26 GHz Band) 2020*.

primary price has the meaning given by subsection 4(1) of the allocation determination.

primary stage has the meaning given by subsection 4(1) of the allocation determination.

product: see subsection 11(1).

RALI MS 46 means the Radiocommunications Assignment and Licensing Instruction No. MS 46, as in existence from time to time and published by the ACMA.

Note: All RALIs made by the ACMA can be accessed, free of charge, on the ACMA's website: www.acma.gov.au.

re-allocation area means an area specified at section 5 of the re-allocation declaration.

re-allocation declaration means the *Radiocommunications (Spectrum Re-allocation – 26 GHz Band) Declaration 2019*.

Note: The re-allocation declaration is registered on the Federal Register of Legislation and is accessible, free of charge, at www.legislation.gov.au.

re-allocation period means the re-allocation period determined in the re-allocation declaration.

region: see clause 1 of Schedule 3.

residual lot has the meaning given by subsection 4(1) of the allocation determination.

sample spectrum licence: see section 22.

secondary price has the meaning given by subsection 4(1) of the allocation determination.

secondary stage has the meaning given by subsection 4(1) of the allocation determination.

space receive station has the meaning given in Schedule 1 to the *Radiocommunications (Interpretation) Determination 2015*.

total radiated power or ***TRP*** is the integral of the power transmitted in different directions over the entire radiation sphere. It is measured considering the combination of all radiating elements on an antenna panel or individual device.

true mean power means:

(a) if an unmodulated carrier is present – the mean power measured while the unmodulated carrier is present;

(b) if an unmodulated carrier is not present – the mean power measured while transmitter information is present.

unwanted emission, in relation to the operation of a radiocommunications transmitter authorised by a spectrum licence, means an emission outside the upper or lower frequency limits for the licence.

winning bidder has the meaning given by subsection 4(1) of the allocation determination.

Note: A number of other expressions used in this instrument are defined in the Act, including the following:

- ACMA;
- apparatus licence;
- core conditions;
- frequency band;
- interference;
- licensee;
- radio emission;
- radiocommunications device;
- Register;
- spectrum licence; and
- transmitter licence.

6 References to other instruments

In this instrument, unless the contrary intention appears:

(a) a reference to another legislative instrument is a reference to that other legislative instrument as in force from time to time; and

(b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force or existing from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation and are accessible free of charge.

Note 3: See section 314A of the Act.

7 References to frequency ranges

In this instrument, unless otherwise specified, a reference to a part of the spectrum, a frequency band or a frequency range includes all frequencies that are greater than but not including the lower frequency, up to and including the higher frequency.

Part 2—Allocation of spectrum licences

8 Simplified outline of this Part

This Part describes the procedures for allocating spectrum licences that authorise the operation of radiocommunications devices in the 26 GHz band.

9 Parts of the spectrum

The ACMA will allocate and issue spectrum licences for spectrum in the 26 GHz band in the manner described in this instrument and the allocation determination.

10 How licences will be allocated

Spectrum licences for spectrum in the 26 GHz band will be allocated by auction in accordance with the procedures set out in the allocation determination.

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 independent legal, technical and financial advice before applying.

11 The auction

(1) The ACMA has divided up the 26 GHz band into ***products*** described in Schedule 2. Each product is characterised by:
  (a) the region for the product, specified in an item of column 4 of Table 1 in Schedule 2;
  (b) the frequency range for the product, worked out by reference to the category of the product, specified in an item of column 3 of Table 1 in Schedule 2.

(2) The number of units of each product that will be available at the auction is set out in column 5 of Table 1 in Schedule 2. A unit of a product is referred to in this instrument as a ***lot***.

(3) The ACMA has included each product into one of three ***categories***, described in Schedule 1. The category for a product is specified in an item of column 3 of Table 1 in Schedule 2.

(4) The ***lot bandwidth*** for a lot of a product is:
  (a) for a product included in category 1 – 200 MHz unpaired;
  (b) for a product included in category 2 or category 3 – 100 MHz unpaired.

Note: See also column 5 of Table 1 in Schedule 1.

(5) The ACMA will set a lot rating for the lots of each product under paragraph 27(1)(b) 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 in accordance with the allocation determination.

(7) The auction will be carried out in three stages:
  (a) the primary stage, at which all lots are offered and which determines the number of lots of each product allocated to, and the primary price to be paid by, each winning bidder in accordance with the allocation determination; and

(b) the secondary stage, at which residual lots are offered and which determines the number of such lots allocated to, and the secondary price to be paid by, each winning bidder in accordance with the allocation determination; and

(c) the assignment stage, which determines frequency ranges assigned to the lots of each product allocated to each winning bidder and the assignment price to 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. There will only be a secondary stage if there is at least one product for which there is exactly one lot remaining unallocated after the end of the primary stage (a residual lot) and there is at least one bidder eligible to bid on that lot.

(8) The primary stage includes a pre-bidding phase that allows bidders to change or confirm their start demands and minimum spectrum requirements, subject to the requirements of the allocation determination.

(9) Subject to the requirements of the Act, any other relevant laws, this instrument and the allocation determination, the ACMA will issue a spectrum licence to each winning bidder allocated one or more lots in the auction. The spectrum licence will be for the number of lots of each product allocated to that winning bidder during the primary stage or the secondary stage, at the frequency ranges assigned to that person for those lots during the assignment stage of the auction.

12 Advertising the auction

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.

13 Taking part in the auction

(1) The ACMA will make available an applicant information package that contains details 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 26(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

14 Simplified outline of this Part

This Part describes:

(a) the spectrum licences that will be issued in accordance with this instrument;

(b) some of the matters a licensee must take into account when operating radiocommunications devices under a spectrum licence to be issued in accordance with this instrument;

(c) conditions to be included in spectrum licences to be issued in accordance with this instrument; and

(d) some of the other matters which a person should take into account when deciding whether to participate in an auction for a spectrum licence to be issued in accordance with this instrument.

Note: On the day this instrument was made, the Radiocommunications Legislation Amendment (Reform and Modernisation) Bill 2020 (***Bill***) had been introduced to, but not passed by, Parliament. If the Bill is passed by Parliament, its provisions may affect the matters described by this Part.

15 Issue of licences and payment of spectrum access charge

(1) If, under subclause 3(2) of Schedule 4 to the allocation determination, a winning bidder gives the ACMA written notice that it elects to pay the winning price in full, the ACMA will issue a spectrum licence to the winning bidder as soon as practicable after the winning bidder pays to the ACMA, on behalf of the Commonwealth, the balance of the winning price in accordance with the allocation determination.

Note: If no election is made by the required date, see subclause 3(6) of Schedule 4 to the allocation determination.

(2) If, under subclause 3(3) of Schedule 4 to the allocation determination, a winning bidder gives the ACMA written notice that it elects to pay the winning price in instalments (***the instalment election notice***), the ACMA will issue a spectrum licence to the winning bidder as soon as practicable after all of the following have occurred:

(a) the ACMA has notified the winning bidder that it has received the instalment election notice; and

(b) the winning bidder provides the ACMA with a bank guarantee in a manner, and of a kind, that complies with this section; and

(c) the ACMA has reached an agreement with the winning bidder for the payment of the winning price under paragraph 62(2)(b) of the Act (***instalment agreement***); and

(d) the winning bidder has paid the first instalment minus any eligibility payment already made, in accordance with subclause 4(2) of Schedule 4 to the allocation determination and the instalment agreement.

Note: In accordance with subsection 6(2) of the *Radiocommunications (Spectrum Access Charges – 26 GHz Band) Direction 2020*, the ACMA must not reach an agreement for the payment of the winning price in instalments unless it has been provided with a bank guarantee that meets certain requirements.

(3) For the purposes of paragraph (2)(b), the bank guarantee must be given to the ACMA no later than 10 days after the ACMA has notified the winning bidder that it has received the winning bidder's instalment election notice, in accordance with paragraph (2)(a) (or, if the ACMA agrees to a later time, the agreed time).

(4) For the purposes of paragraph (2)(b), a bank guarantee may be provided to the ACMA only by:

(a) delivering it to the physical address specified in the applicant information package; or

(b) subject to subsections (5) and (6), emailing it to the email address specified in the applicant information package.

(5) If a bank guarantee is provided to the ACMA by email, the bank guarantee must be:

(a) included as an attachment; and

(b) in PDF format or another format approved by the auction manager.

(6) If a bank guarantee is provided to the ACMA by email before the date worked out in accordance with subsection (3), the original guarantee must be received by the ACMA no later than 3 working days after that date (or, if the ACMA agrees to a later time, the agreed time) for the guarantee to be taken to have been provided to the ACMA.

(7) For the purposes of paragraph (2)(b), a bank guarantee must be in a form approved by the ACMA.

(8) For the purposes of paragraph (2)(b), a bank guarantee must be for the period during which the whole or part of a winning price remains owing by the person liable to pay the winning price (***instalment period***).

(9) For the purposes of paragraph (2)(b), a bank guarantee must provide security to the Commonwealth for an amount equal to 5% of the amount of the winning price still owing to the Commonwealth at any point in time.

(10) This section is subject to the Act, the allocation determination and other relevant laws.

(11) In this section:

bank guarantee has the meaning given by subsection 6(5) of the *Radiocommunications (Spectrum Access Charges – 26 GHz Band) Direction 2020*.

eligibility payment has the meaning given by subsection 4(1) of the allocation determination.

winning price has the meaning given by subsection 4(1) of the allocation determination.

working day has the same meaning given by subsection 4(1) of the allocation determination.

16 Commencement of licences

A spectrum licence issued to a person as a result of the auction will come into force on the later of:

(a) the day occurring 12 weeks after the auction manager complies with subsection 66(2) of the allocation determination; or

(b) the day the licence is issued.

Note: In accordance with section 65 of the Act, a spectrum licence may not come into force before the day it is issued.

17 Duration of licences

(1) A spectrum licence issued to a person as a result of the auction will remain in force for a period starting on the day the licence comes into force and ending on the final day.

Note: In accordance with the Act, a spectrum licence may be resumed or cancelled before the expiry date.

(2) For subsection (1), the ***final day*** is the day occurring 15 years and 12 weeks after the auction manager complies with subsection 66(2) of the allocation determination.

Note: In accordance with this section, the maximum possible period for which a spectrum licence will remain in force is 15 years. All spectrum licences issued in accordance with this instrument will cease to be in force immediately after the final day.

18 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;
   (d) a condition specifying the maximum permitted levels of radio emission, outside that area, that may be caused by operation of radiocommunications devices under the licence.

(2) These core conditions will be included in the spectrum licences to be issued in accordance with this instrument.

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

19 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 frequency ranges, or the aggregation of the frequency ranges, assigned to the lots of each product allocated to the person in accordance with the allocation determination; and
   (b) the geographic areas for a licence will be, for each of the frequency ranges assigned to the lots of a product allocated to the person in accordance with the allocation determination, the region described in Schedule 3 that is the region for lots of that product.

(2) The emission limits outside the geographic area for each spectrum licence to be issued in accordance with this instrument will be calculated in accordance with Schedule 4.

(3) The emission limits outside the part or parts of the spectrum for each spectrum licence to be issued in accordance with this instrument will be calculated in accordance with Schedule 5.

20 Other licence conditions

(1) Each spectrum licence will also include conditions about:
   (a) the payment of charges (section 67 of the Act);
   (b) use by third parties (section 68 of the Act);

(c) registration of radiocommunications transmitters (section 69 of the Act); and

(d) residency (section 69A of the Act).

(2) Each spectrum licence will include a condition requiring the licensee to provide protection to any radiocommunications devices authorised under an apparatus licence to operate in the 26 GHz band in a re-allocation area, until the end of the re-allocation period.

Note: Apparatus licences may be issued in spectrum covered by a re-allocation declaration in the circumstances set out in section 153P of the Act.

(3) Each spectrum licence will include a condition requiring licensees to synchronise operation of devices operated under their licence with other radiocommunications devices operating under:

(a) another spectrum licence in the 26 GHz band; or

(b) an area-wide licence that authorises the operation of radiocommunications devices in the frequency range 24.7 GHz–29.5 GHz;

in certain circumstances. The condition will be in the terms set out at clause 12 of Licence Schedule 4 of the sample spectrum licence.

Note: For equivalent conditions included on area-wide licences in the frequency range 24.7 GHz–29.5 GHz, see the *Radiocommunications Licence Conditions (Area-Wide Licence) Determination 2020*.

(4) Each spectrum licence will include a condition requiring licensees to keep records of particular radiocommunications transmitters operated under the licence.

(5) Each spectrum licence will include a condition that protects radiocommunications involving space receive stations and earth receive stations.

(6) If a winning bidder elects, in accordance with the allocation determination, to pay the winning price in instalments and a spectrum licence is issued to that winning bidder, the spectrum licence will include a condition that requires the licensee to ensure that a bank guarantee, of a kind that complies with section 15, is in force at all times during the instalment period.

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

(7) Under section 71 of the Act, the ACMA may also include conditions about other matters as it thinks fit.

(8) Other conditions likely to be included in a licence are included in the sample spectrum licence. The ACMA may include conditions in a spectrum licence that are not included in the sample spectrum licence.

21 Registration of radiocommunications 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 — 26 GHz Band) Determination 2020* sets out what are the unacceptable levels of interference for the purpose of registering radiocommunications devices to be operated under a spectrum licence to be issued in accordance with this instrument, and is to be used for the issue of certificates by accredited persons under subsection 145(3) of the Act.

(2) Each spectrum licence will include a condition that states that the following radiocommunications transmitters are exempt from registration:

(a) a radiocommunications transmitter with a maximum total radiated power that is less than or equal to 23 dBm per occupied bandwidth;

(b) an indoor transmitter;

(c) a fixed transmitter which:

(i) is not a base station; and

(ii) operates with a maximum total radiated power that is:

(A) greater than 23 dBm per occupied bandwidth; and

(B) less than or equal to 35 dBm per occupied bandwidth.

(3) Each spectrum licence will include a condition that states that the licensee must ensure that operation of a radiocommunications transmitter that is exempt from registration under subsection (2) does not cause harmful interference to other radiocommunications devices operated in the 26 GHz band under a different spectrum licence or an apparatus licence.

22 Draft sample licence

Schedule 6 sets out a sample spectrum licence (***sample spectrum licence***) including conditions that may be included in each spectrum licence that is issued in the 26 GHz band.

Note: The ACMA may include conditions in a spectrum licence that are not included in the sample spectrum licence and not set out above.

23 Advisory guidelines

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

Part 4—After allocation

24 Simplified outline of this Part

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

Note: On the day this instrument was made, the Radiocommunications Legislation Amendment (Reform and Modernisation) Bill 2020 (***Bill***) had been introduced to, but not passed by, Parliament. If the Bill is passed by Parliament, its provisions may affect the matters described by this Part.

25 Registration of spectrum 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 2017*.

26 Third party use

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

27 Trading in spectrum licences

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

(2) 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 spectrum licence to comply with these rules.

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

28 Agreements about emission limits

A licensee may enter into an agreement for the purpose of clause 1 of Schedule 5 (about emission limits outside the frequency band of the licence).

29 Spectrum licences that are about to expire

As required by section 78 of the Act, the ACMA must, from time to time, publish on its website a notice that:

(a) states where information may be obtained about:
  (i) the spectrum licences that will expire during a period specified in the notice; and
  (ii) the parts of the spectrum to which they relate; and
(b) invites expressions of interest from persons who wish to have issued to them spectrum licences relating to those parts of the spectrum.

30 Re-issue of spectrum licence

(1) The ACMA re-issues spectrum licences in accordance with Division 4 of Part 3.2 of the Act.

(2) Spectrum licences that are re-issued may not take the same form as originally issued, as the core conditions may be different. Other conditions on the spectrum licences may also change upon re-issue. A person considering applying to participate in the allocation process should not assume that, if the person is issued with a spectrum licence in accordance with this instrument:

(a) the licence will be re-issued to the person; or

(b) if the licence is re-issued to the person – the re-issued licence will have the same core conditions, or other conditions, as the licence originally issued to the person.

Schedule 1—Categories

(subsections 11(3) and 11 (4))

1 Categories

For each category listed in an item of column 1 of Table 1:

(a) the category has the name in column 2;

(b) the products included in the category have a frequency range from:

(i) the lower frequency specified in column 3; to

(ii) the upper frequency specified in column 4.

Note 1: Schedule 2 sets out which products fall within which category.

Note 2: For column 5, see subsection 11(4).

Table 1 Categories

	Column 1	Column 2	Column 3	Column 4	Column 5
	Category No.	**Category name**	**Lower frequency**	**Upper frequency**	**Lot bandwidth**
1	Category 1	26 GHz (excluding Greater Perth, Hobart, Margaret River)	25.1 GHz	27.5 GHz	200 MHz
2	Category 2	26 GHz Greater Perth Lower, Hobart Lower, Margaret River Lower	25.1 GHz	27.0 GHz	100 MHz
3	Category 3	26 GHz Greater Perth Upper, Hobart Upper, Margaret River Upper	27.0 GHz	27.5 GHz	100 MHz

Schedule 2—Products

(subsections 11(1), (2) and (3))

Table 1 Products

	Column 1	Column 2	Column 3	Column 4	Column 5
	Product	**Product name**	**Category No.**	**Region**	**No. of lots**
1	ADEL01	Adelaide	Category 1	Adelaide	12
2	CANB01	Canberra	Category 1	Canberra	12
3	DARW01	Darwin	Category 1	Darwin	12
4	GBRL01	Greater Brisbane/Lismore	Category 1	Greater Brisbane/Lismore	12
5	MELB01	Melbourne/Ballarat	Category 1	Melbourne/Ballarat	12
6	SYBA01	Sydney/Bathurst	Category 1	Sydney/Bathurst	12
7	ALAN01	Albany	Category 1	Albany	12
8	ALUR01	Albury	Category 1	Albury	12
9	ARMI01	Armidale	Category 1	Armidale	12
10	BEND01	Bendigo	Category 1	Bendigo	12
11	BNHB01	Bundaberg/Hervey Bay	Category 1	Bundaberg/Hervey Bay	12
12	CAIR01	Cairns	Category 1	Cairns	12
13	COFF01	Coffs Harbour	Category 1	Coffs Harbour	12
14	FRTC01	Forster/Tuncurry	Category 1	Forster/Tuncurry	12
15	LAUN01	Launceston	Category 1	Launceston	12
16	MACK01	Mackay	Category 1	Mackay	12
17	MILD01	Mildura	Category 1	Mildura	12
18	PTMC01	Port Macquarie	Category 1	Port Macquarie	12
19	ROCK01	Rockhampton	Category 1	Rockhampton	12
20	SHMO01	Shepparton/Mooroopna	Category 1	Shepparton/Mooroopna	12
21	TOWN01	Townsville	Category 1	Townsville	12
22	TRMO01	Traralgon/Morwell	Category 1	Traralgon/Morwell	12
23	WAGA01	Wagga Wagga	Category 1	Wagga Wagga	12
24	WARR01	Warrnambool	Category 1	Warrnambool	12
25	GPER01	Greater Perth Lower	Category 2	Greater Perth Lower	19
26	GPER02	Greater Perth Upper	Category 3	Greater Perth Upper	5
27	HOBA01	Hobart Lower	Category 2	Hobart	19
28	HOBA02	Hobart Upper	Category 3	Hobart	5

29	MARG01	Margaret River Lower	Category 2	Margaret River	19
30	MARG02	Margaret River Upper	Category 3	Margaret River	5

Note: Column 2 is included for information only.

Schedule 3—Regions

(section 5 and paragraph 19(1)(b))

1 The regions

(1) Each of the areas named in column 1 of Table 1 in this Schedule is a ***region***.

(2) The regions are described using the hierarchical cell identification scheme in the ASMG. The regions are described by the HCIS identifiers specified in column 2 of Table 1 for each region. There are four levels to the HCIS, corresponding to 3 degree cells, 1 degree cells, 15 minute cells and 5 minute cells of the ASMG.

(3) The geographic area of each region can be determined by the aggregation of block areas represented by the HCIS identifiers used to describe the region. Refer to the ASMG for a complete description of the HCIS naming convention.

Note 1: The maps included in this Schedule are included for information only. The ACMA does not accept responsibility for the accuracy of that information. Potential participants in the allocation process should obtain their own advice and make their own inquiries into the pictorial representation of the region.

Note 2: The geographic area of the Greater Perth Lower region is the 'Perth/Bunbury' named area in item 27 of the table in section 5 of the re-allocation declaration. The geographic area of the Greater Perth Upper region consists of the 'Bunbury' named area and the 'Perth' named area in items 28 and 29, respectively, of that table. The 'Perth/Bunbury' named area is larger than the combined 'Bunbury' and 'Perth' named areas.

Note 3: For the purposes of this instrument and the allocation determination, a reference in a note to 'Greater Perth' is a reference to both the Greater Perth Lower region and the Greater Perth Upper region, or both the products GPER01 and GPER02, as the context requires.

Table 1 HCIS identifiers for spectrum licences in the 26 GHz band

	Column 1	Column 2
	Named area	**HCIS identifiers**
1	Adelaide	IW3J, IW3K, IW3L, IW3N, IW3O, IW3P, IW6B, IW6C, IW6D, IW6F, IW6G, IW6H, IW3E5, IW3E6, IW3E8, IW3E9, IW3F4, IW3F5, IW3F6, IW3F7, IW3F8, IW3F9, IW3G4, IW3G5, IW3G6, IW3G7, IW3G8, IW3G9, IW3H4, IW3H5, IW3H6, IW3H7, IW3H8, IW3H9, IW3I2, IW3I3, IW3I5, IW3I6, IW3I8, IW3I9, IW3M2, IW3M3, IW3M5, IW3M6, IW3M8, IW3M9, IW6A2, IW6A3, IW6A5, IW6A6, IW6A8, IW6A9, IW6E2, IW6E3, IW6E5, IW6E6, IW6E8, IW6E9, IW6K1, IW6K2, IW6K3, IW6K4, IW6K5, IW6K6, IW6L1, JW1E4, JW1E7, JW1I1, JW1I4, JW1I7, JW1M1, JW1M4
2	Canberra	MW5E, MW4D6, MW4D9, MW4H3, MW4H9, MW4L3, MW5A4, MW5A5, MW5A6, MW5A7, MW5A8, MW5A9, MW5B4, MW5B7, MW5F1, MW5F4, MW5F7, MW5I1, MW5I2, MW5I3, MW5J1
3	Darwin	GO7C, GO7D, GO7G, GO7H, GO7K, GO7L, GO8A, GO8E, GO8I
4	Greater Brisbane/Lismore	NT9, NT5G, NT5H, NT5K, NT5L, NT5O, NT5P, NT6E,

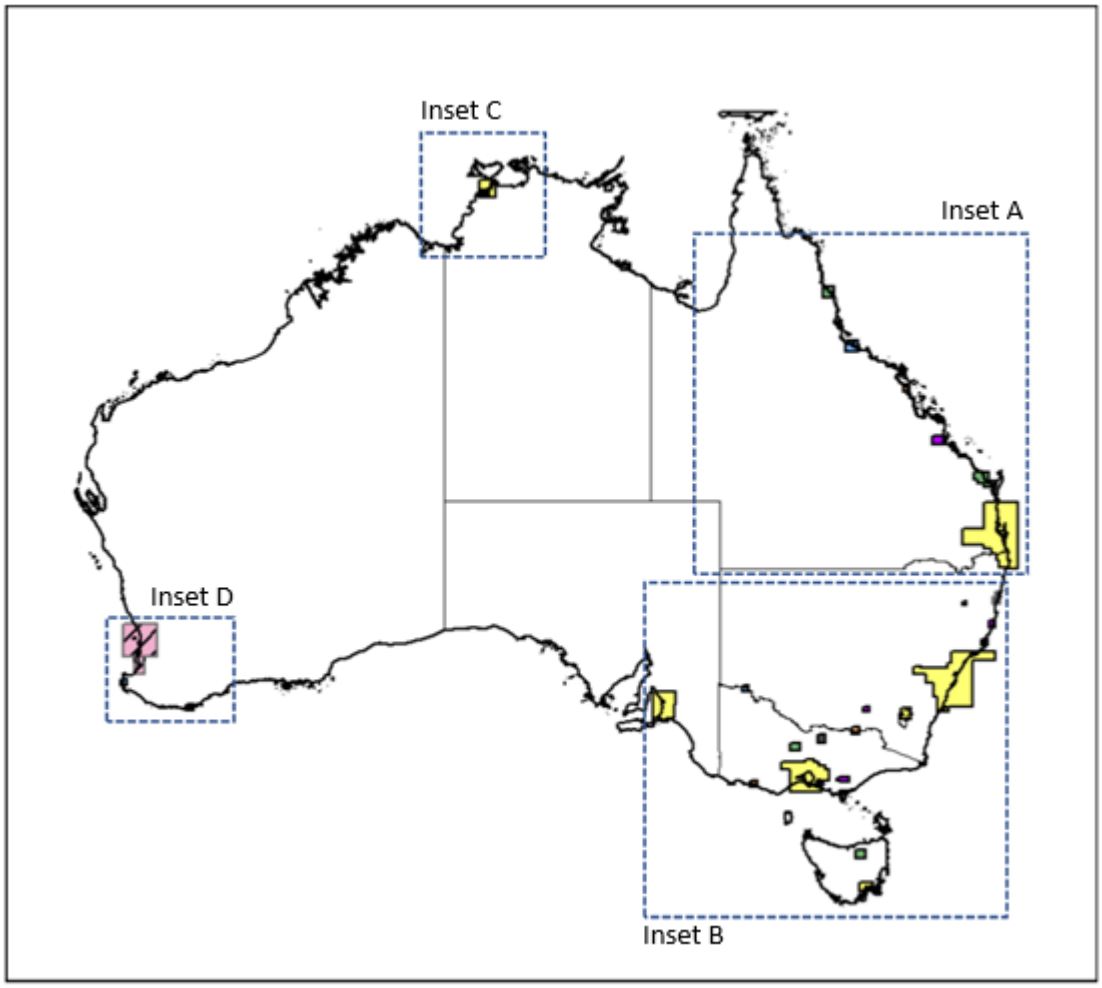
		NT6F, NT6G, NT6H, NT6I, NT6J, NT6K, NT6L, NT6M, NT6N, NT6O, NT6P, NT7H, NT7L, NT8C, NT8D, NT8E, NT8F, NT8G, NT8H, NT8I, NT8J, NT8K, NT8L, NT8O, NT8P, NU3A, NU3B, NU3C, NU3D, NU3F, NU3G, NU3H, NU3J, NU3K, NU3L, NU3O, NU3P, NT5C4, NT5C5, NT5C6, NT5C7, NT5C8, NT5C9, NT5D4, NT5D5, NT5D6, NT5D7, NT5D8, NT5D9, NT6A4, NT6A5, NT6A6, NT6A7, NT6A8, NT6A9, NT6B4, NT6B5, NT6B6, NT6B7, NT6B8, NT6B9, NT6C4, NT6C5, NT6C6, NT6C7, NT6C8, NT6C9, NT6D4, NT6D5, NT6D6, NT6D7, NT6D8, NT6D9, NT7G2, NT7G3, NT7G5, NT7G6, NT7G8, NT7G9, NT7K2, NT7K3, NT7K5, NT7K6, NT7K8, NT7K9, NT7O2, NT7O3, NT7O5, NT7O6, NT7P1, NT7P2, NT7P3, NT7P4, NT7P5, NT7P6, NT8M1, NT8M2, NT8M3, NT8M4, NT8M5, NT8M6, NT8N1, NT8N2, NT8N3, NT8N4, NT8N5, NT8N6, NU2C1, NU2C2, NU2C3, NU2D1, NU2D2, NU2D3, NU2D5, NU2D6, NU2D8, NU2D9, NU2H2, NU2H3, NU3E1, NU3E2, NU3E3, NU3E5, NU3E6, NU3E8, NU3E9, NU3I2, NU3I3, NU3I6, NU3I9, NU3M3, NU3M6, NU3N1, NU3N2, NU3N3, NU3N4, NU3N5, NU3N6
5	Melbourne/Ballarat	KX2L, KX3I, KX3J, KX3K, KX3L, KX3N, KX3O, KX3P, KX6B, KX6C, KX6D, KX6F, KX6G, KX6H, KX6J, KX6K, KX6L, LX1I, LX1M, LX1N, LX1O, LX4A, LX4B, LX4C, LX4E, LX4I, KX2G9, KX2H7, KX2H8, KX2H9, KX2K3, KX2K6, KX2K9, KX3E7, KX3E8, KX3E9, KX3F7, KX3F8, KX3F9, KX3G7, KX3G8, KX3G9, KX3H4, KX3H5, KX3H6, KX3H7, KX3H8, KX3H9, KX3M2, KX3M3, KX3M5, KX3M6, KX3M8, KX3M9, KX6A2, KX6A3, KX6A5, KX6A6, KX6A8, KX6A9, KX6E2, KX6E3, KX6E5, KX6E6, KX6E8, KX6E9, KX6I2, KX6I3, KX6I5, KX6I6, KX6I8, KX6I9, LX1E4, LX1E7, LX1E8, LX1E9, LX1J1, LX1J4, LX1J5, LX1J6, LX1J7, LX1J8, LX1J9, LX1K4, LX1K7, LX4F1, LX4F2, LX4F4, LX4F5, LX4F7, LX4F8, LX4J1, LX4J2, LX4J4, LX4J5, LX4J7, LX4J8
6	Sydney/Bathurst	NW1, MV8G, MV9I, MV9J, MV9K, MV9L, MV9M, MV9N, MV9O, MV9P, MW3C, MW3D, MW3G, MW3H, MW3K, MW3L, MW3O, MW3P, MW6C, MW6D, NV4N, NV4O, NV4P, NV5M, NV5N, NV5O, NV5P, NV7B, NV7C, NV7D, NV7E, NV7F, NV7G, NV7H, NV7I, NV7J, NV7K, NV7L, NV7M, NV7N, NV7O, NV7P, MV8F3, MV8F6, MV8F9, MV8H4, MV8H5, MV8H6, MV8H7, MV8H8, MV8H9, MV8J3, MV8K1, MV8K2, MV8K3, MV8L1, MV8L2, MV8L3, MV9D6, MV9D9, MV9E4, MV9E5, MV9E6, MV9E7, MV9E8, MV9E9, MV9F4, MV9F5, MV9F6, MV9F7, MV9F8, MV9F9, MV9G4, MV9G5, MV9G6, MV9G7, MV9G8, MV9G9, MV9H3, MV9H4, MV9H5, MV9H6, MV9H7, MV9H8, MV9H9, MW3B2, MW3B3, MW3B5, MW3B6, MW3B8, MW3B9, MW3F2, MW3F3, MW3F5, MW3F6, MW3F8, MW3F9, MW3J2, MW3J3,

		NV4I5, NV4I6, NV4I8, NV4I9, NV4J4, NV4J5, NV4J6, NV4J7, NV4J8, NV4J9, NV4K4, NV4K5, NV4K6, NV4K7, NV4K8, NV4K9, NV4L4, NV4L5, NV4L6, NV4L7, NV4L8, NV4L9, NV4M2, NV4M3, NV4M5, NV4M6, NV4M8, NV4M9, NV5I4, NV5I5, NV5I6, NV5I7, NV5I8, NV5I9, NV5J4, NV5J5, NV5J6, NV5J7, NV5J8, NV5J9, NV5K4, NV5K5, NV5K6, NV5K7, NV5K8, NV5K9, NV5L4, NV5L5, NV5L6, NV5L7, NV5L8, NV5L9, NV7A2, NV7A3, NV7A4, NV7A5, NV7A6, NV7A7, NV7A8, NV7A9
7	Albany	BW3P7, BW3P8, BW3P9, BW6D1, BW6D2, BW6D3, BW6D4, BW6D5, BW6D6, CW1M7, CW4A1, CW4A4
8	Albury	LW8D, LW5P7, LW5P8, LW5P9, LW6M7, LW9A1, LW9A4, LW9A7
9	Armidale	NU7G8, NU7G9, NU7K2, NU7K3
10	Bendigo	KW9I5, KW9I6, KW9I8, KW9I9, KW9J4, KW9J5, KW9J6, KW9J7, KW9J8, KW9J9, KW9M2, KW9M3, KW9M5, KW9M6, KW9N1, KW9N2, KW9N3, KW9N4, KW9N5, KW9N6
11	Bundaberg/Hervey Bay	NS8N, NS8O, NT2B, NT2C, NS8M2, NS8M3, NS8M5, NS8M6, NS8M8, NS8M9, NT2A2, NT2A3, NT2D7, NT2D8, NT2D9, NT2G1, NT2G2, NT2G3, NT2G4, NT2G5, NT2G6, NT2H1, NT2H2, NT2H3, NT2H4, NT2H5, NT2H6
12	Cairns	LQ1O, LQ1P, LQ1K7, LQ1K8, LQ1K9, LQ1L7, LQ1L8, LQ1L9, LQ4C1, LQ4C2, LQ4C3, LQ4C4, LQ4C5, LQ4C6, LQ4D1, LQ4D2, LQ4D3, LQ4D4, LQ4D5, LQ4D6
13	Coffs Harbour	NU9A, NU9E, NU8D9, NU8H3, NU8H6, NU8H9
14	Forster/Tuncurry	NV5B6, NV5B9, NV5C4, NV5C5, NV5C7, NV5C8, NV5F3, NV5G1, NV5G2
15	Launceston	LY6E, LY5H3, LY5H6, LY5H9, LY5L3, LY5L6, LY6F1, LY6F4, LY6F7, LY6I1, LY6I2, LY6I3, LY6I4, LY6I5, LY6I6, LY6J1, LY6J4
16	Mackay	MR8A, MR5M7, MR5M8, MR5M9
17	Mildura	KW1A4, KW1A5, KW1A6, KW1A7, KW1A8, KW1A9, KW1E1, KW1E2, KW1E3
18	Port Macquarie	NV2H, NV2L1, NV2L2, NV2L3
19	Rockhampton	MS6F, MS6G, MS6B7, MS6B8, MS6B9, MS6C7, MS6C8, MS6C9, MS6J1, MS6J2, MS6J3, MS6K1, MS6K2, MS6K3
20	Shepparton/Mooroopna	LW7F, LW7G1, LW7G4, LW7G7, LW7J1, LW7J2, LW7J3, LW7K1

21	Townsville	LR2C, LR2D, LR2G, LR2H
22	Traralgon/Morwell	LX5A6, LX5A8, LX5A9, LX5B4, LX5B5, LX5B6, LX5B7, LX5B8, LX5B9, LX5C4, LX5C5, LX5C7, LX5C8, LX5F1, LX5F2, LX5F3, LX5G1, LX5G2
23	Wagga Wagga	LW6B
24	Warrnambool	KX4F2, KX4F3, KX4F5, KX4F6, KX4F8, KX4F9, KX4G1, KX4G2, KX4G4, KX4G5, KX4G7, KX4G8
25	Greater Perth Lower	BV1I, BV1J, BV1K, BV1L, BV1M, BV1N, BV1O, BV1P, BV2I, BV2J, BV2M, BV2N, BV4A, BV4B, BV4C, BV4D, BV4E, BV4F, BV4G, BV4H, BV4I, BV4J, BV4K, BV4L, BV4O, BV5A, BV5B, BV5E, BV5F, BV5I, BV5J, BV7C, BV7G, BV1E7, BV1E8, BV1E9, BV1F7, BV1F8, BV1F9, BV1G7, BV1G8, BV1G9, BV1H7, BV1H8, BV1H9, BV2E7, BV2E8, BV2E9, BV2F7, BV2F8, BV2F9, BV4M1, BV4M2, BV4M3, BV4N1, BV4N2, BV4N3, BV4P1, BV4P2, BV4P3, BV4P4, BV4P5, BV4P7, BV4P8, BV5M1, BV5M2, BV5M3, BV5N1, BV5N2, BV5N3, BV7D1, BV7D2, BV7D4, BV7D5, BV7D7, BV7D8, BV7H1, BV7H2, BV7H4, BV7H5, BV7H7, BV7H8, BV7K1, BV7K2, BV7K3, BV7L1, BV7L2
26	Greater Perth Upper	BV7G, BV7C4, BV7C5, BV7C6, BV7C7, BV7C8, BV7C9, BV7D4, BV7D5, BV7D7, BV7D8, BV7H1, BV7H2, BV7H4, BV7H5, BV7H7, BV7H8, BV7K1, BV7K2, BV7K3, BV7L1, BV7L2 BV1I, BV1J, BV1K, BV1L, BV1M, BV1N, BV1O, BV1P, BV2I, BV2J, BV2M, BV2N, BV4A, BV4B, BV4C, BV4D, BV4E, BV4F, BV4G, BV4H, BV4I, BV4J, BV4K, BV4L, BV5A, BV5B, BV5E, BV5F, BV5I, BV5J, BV1E7, BV1E8, BV1E9, BV1F7, BV1F8, BV1F9, BV1G7, BV1G8, BV1G9, BV1H7, BV1H8, BV1H9, BV2E7, BV2E8, BV2E9, BV2F7, BV2F8, BV2F9, BV4M1, BV4M2, BV4M3, BV4N1, BV4N2, BV4N3, BV4O1, BV4O2, BV4O3, BV4P1, BV4P2, BV4P3, BV5M1, BV5M2, BV5M3, BV5N1, BV5N2, BV5N3
27	Hobart	LY9N, LY9I8, LY9I9, LY9J7, LY9J8, LY9J9, LY9K7, LY9K8, LY9M2, LY9M3, LY9M5, LY9M6, LY9M8, LY9M9, LY9O1, LY9O2, LY9O4, LY9O5, LY9O7, LY9O8, LZ3A2, LZ3A3, LZ3B1, LZ3B2, LZ3B3, LZ3C1, LZ3C2
28	Margaret River	AV9P6, AV9P9, AW3D3, BV7M4, BV7M5, BV7M7, BV7M8, BW1A1, BW1A2

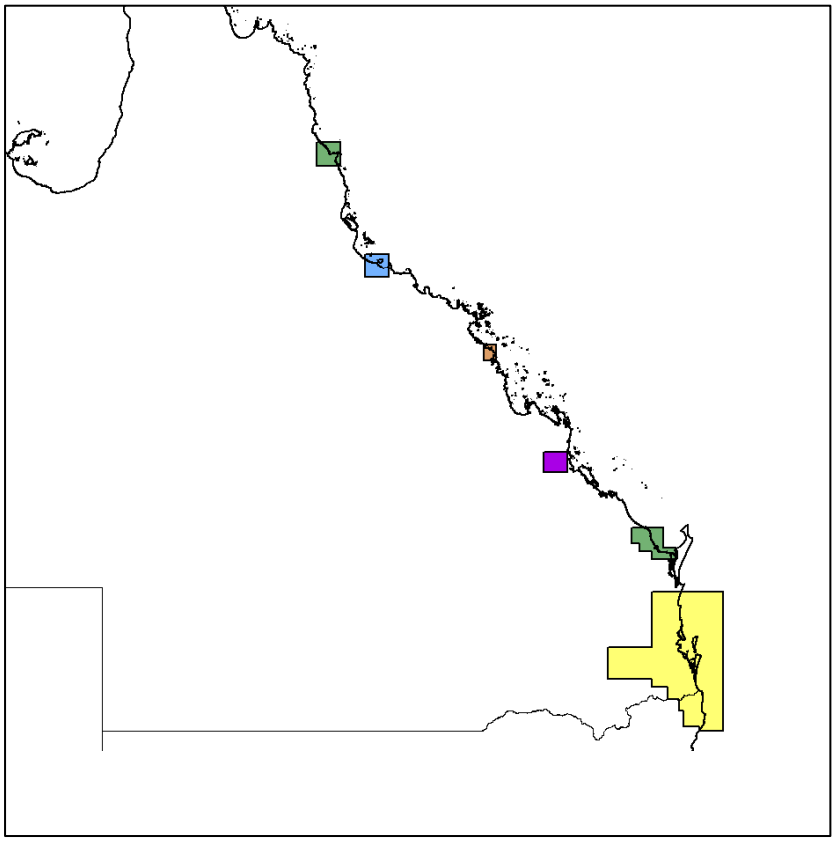
2 Indicative pictorial representation

The areas shaded in the maps are only an indicative pictorial representation of each region. The ACMA does not accept responsibility for the accuracy of the information in the maps.



KEY:		
Colour	**General area**	**Region**
Yellow	Metro areas (excluding Greater Perth)	Adelaide
		Greater Brisbane/Lismore
		Canberra
		Darwin
		Hobart
		Melbourne/Ballarat
		Sydney/Bathurst
Pink	Metro areas (Greater Perth)	Greater Perth Lower (Note: For the frequency range 25.1 GHz–27 GHz)
Pink/Yellow hatched		Greater Perth Upper (Note: For the frequency range 27 GHz–27.5 GHz)
Grey	Regional areas	Albany, Coffs Harbour, Shepparton/Mooroopna
Violet		Port Macquarie, Rockhampton, Traralgon/Morwell, Wagga Wagga
Blue		Margaret River, Mildura, Townsville
Green		Bendigo, Bundaberg/Hervey Bay, Cairns, Forster/Tuncurry, Launceston
Orange		Albury, Armidale, Mackay, Warrnambool

Inset A



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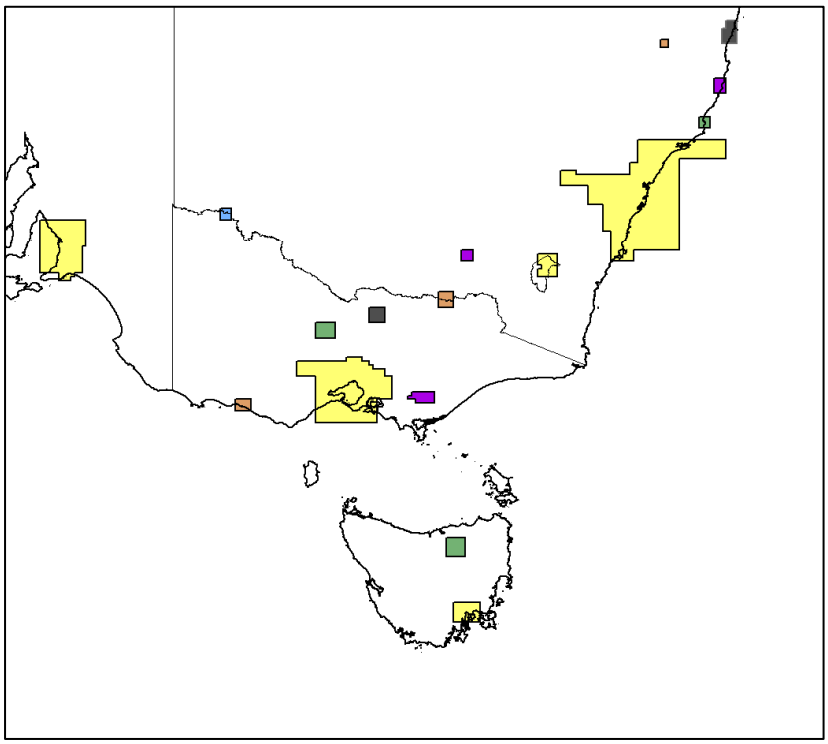

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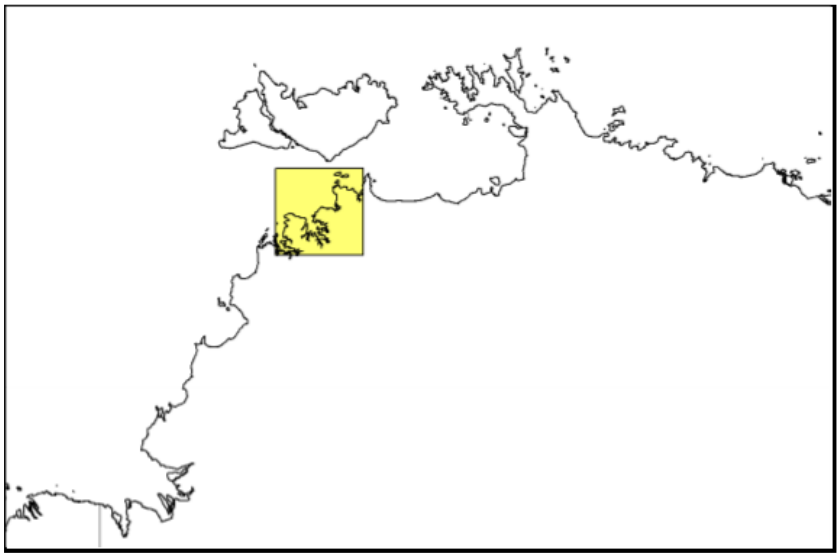

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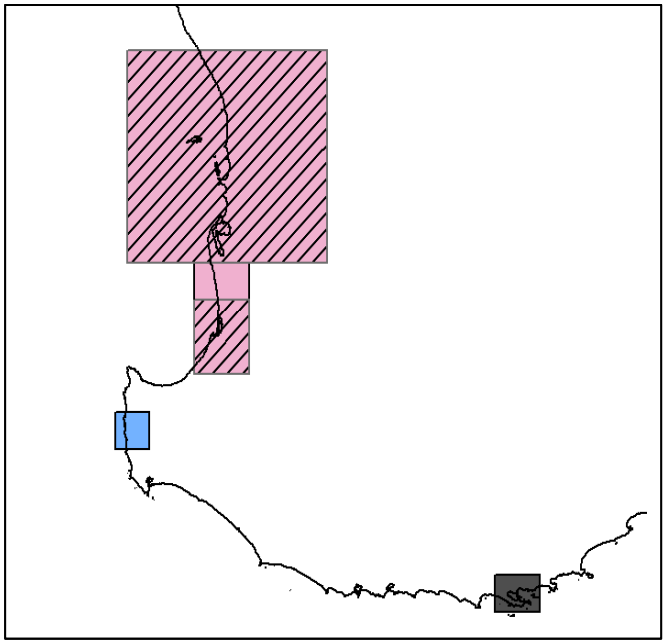

Note: The geographic area of the Greater Perth Lower region is denoted by the entire pink shaded area. The geographic area of the Greater Perth Upper region is denoted by the pink shaded area featuring diagonal lines.

Schedule 4—Emission limits outside the area

(subsection 19(2))

1 Emission limits outside the area

The licensee must ensure that the maximum permitted level of radio emissions for an area outside of the geographic area for which the licence authorises the operation of radiocommunications devices caused by operation of radiocommunications transmitters under the licence does not exceed a total radiated power of:

(a) 45 dBm/200 MHz for radiocommunications transmitters:
  (i) operating in the frequency range 25.1 GHz–27.0 GHz; or
  (ii) operating in the frequency range 27.0 GHz – 27.5 GHz and not located inside an inner-footprint area or an outer-footprint area;
(b) 42 dBm/200 MHz for radiocommunications transmitters operating in the frequency range 27.0 GHz–27.5 GHz and located inside an outer-footprint area; or
(c) 30 dBm/200 MHz for radiocommunications transmitters operating in the frequency range 27.0 GHz–27.5 GHz and located inside an inner-footprint area.

Schedule 5—Emission limits outside the band

(subsection 19(3))

1 Emission limits outside the band specified by written agreement

(1) Where a written agreement specifying the maximum permitted level of radio emission exists between:

(a) the licensee; and
(b) all the affected licensees of frequency-adjacent spectrum licences, area-adjacent spectrum licences, and frequency-adjacent and area-adjacent apparatus licences in the frequency range 24.7 GHz–30.0 GHz;

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

(2) Where there is no written agreement for the purposes of this clause in force, or where this clause does not apply, the licensee must comply with clause 2.

2 Unwanted emission limits

(1) The licensee must ensure that a radiocommunications transmitter that is, or is part of, a base station and that is operated under the licence does not exceed the unwanted emission limits in subclauses (4), (5), (6) and (7).

(2) The licensee must ensure that a radiocommunications transmitter that is not, and is not part of, a base station and that is operated under the licence does not exceed the unwanted emission limits described in subclauses (8), (9) and (10) and (11).

(3) The licensee must ensure that a radiocommunications receiver that is operated under the licence does not exceed the unwanted emission limits in subclause (12).

Radiocommunications transmitters that are base stations

(4) The unwanted emission limit in Table 1, measured over the specified bandwidth, applies at frequencies:

(a) outside the upper or lower frequency limits for the spectrum licence;
(b) offset from the upper or lower frequency limits for the spectrum licence; and
(c) outside the frequency range 23.6 GHz–24.0 GHz;

where:

$BW_{occupied}$ is the occupied bandwidth of the radiocommunications transmitter operated under the spectrum licence; and

f_{offset} is the frequency offset from the upper or lower frequency limits for the spectrum licence. The closest -3dB point of the specified bandwidth closest to the upper and lower frequency limits for the spectrum licence is placed at $\mathbf{f_{offset}}$.

Table 1 Base station unwanted emission limits – outside the frequency range 23.6 GHz–24.0 GHz, with frequency offset less than or equal to 0.1 x $BW_{occupied}$

Frequency offset range	Total radiated power (dBm)	Specified bandwidth
0 MHz ≤ f_{offset} ≤ 0.1 x $BW_{occupied}$	−5	1 MHz

(5) The unwanted emission limit in Table 2 applies at frequencies inside the frequency range 23.6 GHz–24.0 GHz for radiocommunications transmitters first operated under the spectrum licence before 1 September 2027, measured over the specified bandwidth.

Table 2 Unwanted emission limits for radiocommunications transmitters first operated before 1 September 2027 – inside the frequency range 23.6 GHz–24.0 GHz

Total radiated power (dBm)	Specified bandwidth
-3	200 MHz

(6) The unwanted emission limit in Table 3 applies at frequencies inside the 23.6 GHz–24.0 GHz frequency range for radiocommunications transmitters first operated under the spectrum licence on or after 1 September 2027, measured over the specified bandwidth.

Table 3 Unwanted emission limits for radiocommunications transmitters first operated on or after 1 September 2027 – inside the frequency range 23.6 GHz–24.0 GHz

Total radiated power (dBm)	Specified bandwidth
-9	200 MHz

(7) The unwanted emissions limits in Table 4, measured over the specified bandwidth for the relevant frequency range, apply at frequencies:

(a) greater than 0.1 x $BW_{occupied}$ from the upper or lower frequency limits for the spectrum licence; and
(b) outside the frequency range 23.6 GHz–24.0 GHz;

where:

$\boldsymbol{BW_{occupied}}$ is the occupied bandwidth of the radiocommunications transmitters operated under the licence.

Table 4 Radiocommunications transmitters emission limits – outside the frequency range 23.6 GHz–24.0 GHz

Frequency range (f)	Total radiated power (dBm)	Specified bandwidth
30 MHz ≤ f < 1 GHz	-13	100 kHz
1 GHz ≤ f ≤ 55 GHz	-13	1 MHz

Radiocommunications transmitters that are not base stations

(8) The unwanted emission limit in Table 5, measured over the specified bandwidth, applies at frequencies:

(a) outside the upper or lower frequency limits for the spectrum licence; and
(b) offset from the upper or lower frequency limits for the spectrum licence;

where:

$\boldsymbol{f_{offset}}$ is the frequency offset from the upper or lower frequency limits of the licence. The closest -3dB point of the specified bandwidth to the upper or lower frequency limits of the licence is placed at f_{offset}.

Table 5 Unwanted emission limits for radiocommunications transmitters that are not base stations – frequencies less than or equal to an offset of 40 MHz from the upper or lower frequency limits of the licence

Frequency range offset	Total radiated power (dBm)	Specified bandwidth
0 MHz ≤ f_{offset} ≤ 40 MHz	-5	1 MHz

(9) The unwanted emission limits in Table 6, measured over the specified bandwidth for the relevant frequency range, apply at frequencies:

(a) greater than 40 MHz offset from the upper or lower frequency limits for the spectrum licence; and

(b) outside the frequency range 23.6 GHz–24.0 GHz.

Table 6 Unwanted emission limits for radiocommunications transmitters that are not base stations – outside the frequency range 23.6 GHz–24.0 GHz, at frequencies equal to or greater than 40 MHz from the upper or lower frequency limits for the licence

Frequency range	Total radiated power (dBm)	Specified bandwidth
30 MHz ≤ f < 1 GHz	-36	100 kHz
1 GHz ≤ f < 12.75 GHz	-30	1 MHz
12.75 GHz ≤ f ≤ 55 GHz	-13	1 MHz

(10) The unwanted emission limit in Table 7 applies at frequencies inside the frequency range 23.6 GHz–24.0 GHz for radiocommunications transmitters that are not base stations first operated under the spectrum licence before 1 September 2027, measured over the specified bandwidth.

Table 7 Unwanted emission limits for radiocommunications transmitters that are not base stations and first operated before 1 September 2027 – inside the 23.6 GHz–24.0 GHz frequency range

Total radiated power (dBm)	Specified bandwidth
1	200 MHz

(11) The unwanted emission limit in Table 8 applies at frequencies inside the frequency range 23.6 GHz–24.0 GHz for radiocommunications transmitters that are not base stations first operated under the spectrum licence on or after 1 September 2027, measured over the specified bandwidth.

Table 8 Unwanted emission limits for radiocommunications transmitters that are not base stations and first operated on or after 1 September 2027 – inside the 23.6 GHz–24.0 GHz frequency range

Total radiated power (dBm)	Specified bandwidth
-5	200 MHz

Radiocommunications receivers

(12) The unwanted emission limits in Table 9 apply for radiocommunications receivers when measured over the specified bandwidth for the relevant frequency range.

Note: Although not mandatory, the registration of radiocommunications receivers to be operated under a spectrum licence is recommended, because one of the matters the ACMA may take into account in settling interference disputes is the time of registration of any receiver involved in the dispute.

Table 9 Radiocommunications receiver unwanted emission limits

Frequency range (f)	Total radiated power (dBm)	Specified bandwidth
30 MHz ≤ f < 1 GHz	-36	100 kHz
1 GHz ≤ f < 18 GHz	-30	1 MHz
18 GHz ≤ f < 21 GHz	-15	10 MHz
21 GHz ≤ f < 22.75 GHz	-10	10 MHz
31 GHz ≤ f < 32.5 GHz	-10	10 MHz
32.5 GHz ≤ f < 41.5 GHz	-15	10 MHz
41.5 GHz ≤ f ≤ 55 GHz	-20	10 MHz

Definitions

(13) In this clause, ***upper or lower frequency limits***, for a spectrum licence, means the maximum and minimum frequencies, respectively, specified in the core condition included in the licence in accordance with paragraph 66(1)(a) of the Act.

Schedule 6—Sample spectrum licence

(section 22)

This Schedule sets out a sample spectrum licence, and the conditions that may be included in a spectrum licence issued in the 26 GHz band, in accordance with this instrument.

Note: At the time this instrument was made, the Radiocommunications Legislation Amendment (Reform and Modernisation) Bill 2020 (***Bill***) had been introduced to, but not passed by, Parliament. If the Bill is passed by Parliament, its provisions may affect the matters set out in this sample spectrum licence.

COMMONWEALTH OF AUSTRALIA

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

Radiocommunications Act 1992

Sample Spectrum Licence for the 26 GHz band

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

Radiocommunications Spectrum Marketing Plan (26 GHz Band) 2020

This licence is issued under Part 3.2 of the Act to the person named at Item 1 of Part 1, Licence Schedule 1 to this licence.

1. The person named at Item 1 of Part 1, Licence Schedule 1 to this licence ('the licensee'), or a person authorised under subsection 68(1) of the Act, is authorised, under this licence, 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. This licence comes into force on the date shown at Item 5 of Part 1, Licence Schedule 1 and remains in force until the end of the date shown at Item 7 of Part 1, Licence Schedule 1.

Definitions

3. In this licence, unless the contrary intention appears:

26 GHz band means the frequency range 25.1 GHz to 27.5 GHz.

Act means the *Radiocommunications Act 1992*, as in force from time to time.

area-adjacent spectrum licences means spectrum licences that authorise the operation of radiocommunications devices in the geographic areas adjacent to each of the geographic areas described in Tables 1 and 2 of Part 2 of Licence Schedule 1 to this licence.

area-wide licence has the meaning given in Schedule 1 to the *Radiocommunications (Interpretation) Determination 2015*, as in force from time to time, or in any instrument that replaces that determination, as in force from time to time.

earth receive station has the meaning given in Schedule 1 to the *Radiocommunications (Interpretation) Determination 2015*, as in force from time to time, or in any instrument that replaces that determination, as in force from time to time.

fixed transmitter means a radiocommunications transmitter located at a fixed point on land or sea and not designed or intended for use while in motion.

frequency-adjacent spectrum licences means spectrum licences that authorise the operation of radiocommunications devices in the frequency bands adjacent to each of the frequency bands described in Table 1 of Part 2 of Licence Schedule 1 to this licence.

harmful interference has the same meaning as in the spectrum plan made under subsection 30(1) of the Act, as in force from time to time.

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

Hierarchical Cell Identification Scheme or ***HCIS*** means the cell grouping hierarchy scheme used to describe geographic areas in the *Australian Spectrum Map Grid 2012* published by the ACMA, as existing from time to time.

Note: The *Australian Spectrum Map Grid 2012* is available on the ACMA website: http://www.acma.gov.au

indoor transmitter means a radiocommunications transmitter that:

(a) is in an enclosed space; and
(b) has, at any point that is 2 metres from the outside surface of the enclosed space, a power flux density that:
    (i) if the transmitter transmits in the frequency range 27.0 GHz–27.5 GHz and is located inside an inner-footprint area – is less than or equal to -9 dBW/m² per occupied bandwidth;
    (ii) in any other case – is less than or equal to -7 dBW/m² per occupied bandwidth.

inner-footprint area means an area specified in Schedule 1 to the *Radiocommunications Advisory Guidelines (Managing Interference from Spectrum Licensed Transmitters – 26 GHz Band) 2020*, as in force from time to time, or in any instrument that replaces those guidelines, as in force from time to time.

ITU Radio Regulations means the Radio Regulations published by the International Telecommunication Union, as in force from time to time.

Note: The Radio Regulations are available on the ITU website at: www.itu.int.

Licence Schedule means a schedule to this licence.

occupied bandwidth, in relation to a radiocommunications transmitter, means the bandwidth of a frequency band, having fixed upper and lower frequency limits, that is necessary to contain not less than 99% of the true mean power of the transmitter's radio emission at any time.

outer-footprint area means an area specified in Schedule 2 to the *Radiocommunications Advisory Guidelines (Managing Interference from Spectrum Licensed Transmitters – 26 GHz Band) 2020*, as in force from time to time, or in any instrument that replaces those guidelines, as in force from time to time.

RALI MS 46 means the Radiocommunications Assignment and Licensing Instruction No. MS 46, published by the ACMA, as existing from time to time.

Note: RALI MS 46 is available on the ACMA website at http://www.acma.gov.au

re-allocation area means the area specified at section 5 of the *Radiocommunications (Spectrum Re-allocation—26 GHz Band) Declaration 2019*, as in force the day this licence was issued.

space receive station has the meaning given in Schedule 1 to the *Radiocommunications (Interpretation) Determination 2015*, as in force from time to time, or in any instrument that replaces that determination, as in force from time to time.

total radiated power or ***TRP*** is the integral of the power transmitted in different directions over the entire radiation sphere. It is measured considering the combination of all radiating elements on an antenna panel or individual device.

uplink-downlink configuration means an uplink-downlink configuration that is consistent with the uplink-downlink configuration as referred to in Appendix A of RALI MS 46, as existing from time to time.

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 (26 GHz Band) 2020*, as in force on the day this licence was issued, or the *Radiocommunications (Unacceptable Levels of Interference — 26 GHz Band) Determination 2020*, as in force from time to time or in any instrument that replaces that determination, as in force from time to time.

Note: A number of terms used in this licence are defined in the Act and have the meanings given to them by the Act, including:

- ACMA
- core condition
- frequency band
- radiocommunications device
- radiocommunications receiver
- radiocommunications transmitter
- radio emission
- Register
- spectrum licence
- spectrum plan.

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) a reference to a part of the spectrum, a frequency band or a frequency range includes all frequencies that are greater than but not including the lower frequency, up to and including the higher frequency.

Licence Schedule 1 Licence Details, Bands and Areas

Part 1 Licence details

Item		
	Licensee Details	
1	*Name of licensee*	
2	*Address of licensee*	
3	*Client number*	
	Licence Details	
4	*Band release*	26 GHz band
5	*Date of licence effect*	
6	*Licence period*	15 years
7	*Date of licence expiry*	
8	*Licence number*	
9	*Date of licence issue*	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.

Each frequency band consists of the bandwidth between the lower and upper frequencies where the lower frequency limit is exclusive and the 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 for this licence

Identifier (column 1)	Geographic areas (column 2)	Frequency bands (column 3)	
		Lower limit	Upper limit
-	-	- GHz	- GHz

Table 2: Description of the geographic areas for this licence

Geographic areas (column 1)	HCIS identifiers (column 2)
-	-

Note: The HCIS is described in the *Australian Spectrum Map Grid 2012*. The *Australian Spectrum Map Grid 2012* is available free of charge on the ACMA website at: www.acma.gov.au.

Licence Schedule 2 Core Conditions

Frequency bands and geographic areas

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

Emission limits outside the frequency bands

2. Core Conditions 3 to 14 apply in relation to those frequencies that are outside each of frequency bands set out in Part 2 of Licence Schedule 1. For a frequency band set out in Part 2 of Licence Schedule 1, Core Conditions 3 to 14 apply within the geographic area specified for the frequency band.

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 spectrum licences, area-adjacent spectrum licences, and frequency-adjacent and area-adjacent apparatus licences in the frequency range 24.7 GHz–30.0 GHz;

   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, or where Core Condition 3 does not apply, the licensee must comply with Core Conditions 5 to 14.

Unwanted emission limits outside the frequency bands

5. (1) The licensee must ensure that a radiocommunications transmitter that is, or is part of, a base station and that is operated under this licence does not exceed the unwanted emission limits in Core Conditions 6, 7, 8 and 9.

   (2) The licensee must ensure that a radiocommunications transmitter that is not, and is not part of, a base station and that is operated under this licence does not exceed the unwanted emission limits described in Core Conditions 10, 11, 12 and 13.

   (3) The licensee must ensure that a radiocommunications receiver that is operated under this licence does not exceed the unwanted emission limits described in Core Condition 14.

Radiocommunications transmitters that are base stations

6. The unwanted emission limit in Table 3, measured over the specified bandwidth, applies at frequencies:

   (a) outside the upper or lower frequency limits set out in Part 2 of Licence Schedule 1;
   (b) offset from the upper or lower frequency limits set out in Part 2 of Licence Schedule 1; and
   (c) outside the frequency range 23.6 GHz–24.0 GHz;

   where:
   $\boldsymbol{BW_{occupied}}$ is the occupied bandwidth of the radiocommunications transmitter operated under this licence; and

   $\boldsymbol{f_{offset}}$ is the frequency offset from the upper or lower frequency limits set out in Part 2 of Licence Schedule 1. The closest -3dB point of the specified bandwidth to the upper or lower frequency limits for the spectrum licence is placed at f_{offset}.

Table 3: Base station unwanted emission limits – outside the frequency range 23.6 GHz–24.0 GHz, with frequency offset less than or equal to 0.1 x $BW_{occupied}$

Frequency offset range	Total radiated power (dBm)	Specified bandwidth
0 MHz ≤ f_{offset} ≤ 0.1 x $BW_{occupied}$	-5	1 MHz

7. The unwanted emission limit in Table 4 applies at frequencies inside the frequency range 23.6 GHz–24.0 GHz for radiocommunications transmitters first operated under this licence before 1 September 2027, measured over the specified bandwidth.

Table 4: Unwanted emission limits for radiocommunications transmitters first operated before 1 September 2027 – inside the frequency range 23.6 GHz–24.0 GHz

Total radiated power (dBm)	Specified bandwidth
-3	200 MHz

8. The unwanted emission limit in Table 5 applies at frequencies inside the frequency range 23.6 GHz–24.0 GHz for radiocommunications transmitters first operated under this licence on or after 1 September 2027, measured over the specified bandwidth.

Table 5: Unwanted emission limits for radiocommunications transmitters first operated on or after 1 September 2027 – inside the frequency range 23.6 GHz–24.0 GHz

Total radiated power (dBm)	Specified bandwidth
-9	200 MHz

9. The unwanted emission limits in Table 6, measured over the specified bandwidth for the relevant frequency range, apply at frequencies:

(a) greater than 0.1 x $BW_{occupied}$ from the upper or lower frequency limits set out in Part 2 of Licence Schedule 1; and

(b) outside the frequency range 23.6 GHz–24.0 GHz;

where:

$BW_{occupied}$ is the occupied bandwidth of the radiocommunications transmitter operated under this licence.

Table 6: Base station unwanted emission limits – outside the frequency range 23.6 GHz–24.0 GHz

Frequency range (f)	Total radiated power (dBm)	Specified bandwidth
30 MHz ≤ f < 1 GHz	-13	100 kHz
1 GHz ≤ f ≤55 GHz	-13	1 MHz

Radiocommunications transmitters that are not base stations

10. The unwanted emission limit in Table 7, measured over the specified bandwidth, applies at frequencies:

(a) outside the upper or lower frequency limits set out in Part 2 of Licence Schedule 1; and

(b) offset from the upper or lower frequency 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. The closest -3dB point of the specified bandwidth to the upper or lower frequency limits of the licence is placed at f_{offset}.

Table 7: Unwanted emission limits for radiocommunications transmitters that are not base stations – frequencies less than or equal to an offset of 40 MHz from the upper or lower frequency limits for the licence

Frequency range offset	Total radiated power (dBm)	Specified bandwidth
0 MHz ≤ f_{offset} ≤ 40 MHz	-5	1 MHz

11. The unwanted emission limits in Table 8, measured over the specified bandwidth for the relevant frequency range, apply at frequencies:

    (a) greater than 40 MHz offset from the upper or lower frequency limits set out in Part 2 of Licence Schedule 1; and
    (b) outside the frequency range 23.6 GHz–24.0 GHz.

Table 8: Unwanted emission limits for radiocommunications transmitters that are not base stations – outside the frequency range 23.6 GHz–24.0 GHz, at frequencies equal to or greater than 40 MHz offset from the upper or lower frequency limits for the licence

Frequency range (f)	Total radiated power (dBm)	Specified bandwidth
30 MHz ≤ f < 1 GHz	-36	100 kHz
1 GHz ≤ f < 12.75 GHz	-30	1 MHz
12.75 GHz ≤ f ≤ 55 GHz	-13	1 MHz

12. The unwanted emission limit in Table 9 applies at frequencies inside the frequency range 23.6 GHz–24.0 GHz for radiocommunications transmitters that are not base stations first operated under this licence before 1 September 2027, measured over the specified bandwidth.

Table 9: Unwanted emission limits for radiocommunications transmitters that are not base stations and first operated before 1 September 2027 – inside the 23.6 GHz–24.0 GHz frequency range

Total radiated power (dBm)	Specified bandwidth
1	200 MHz

13. The unwanted emission limit in Table 10 applies at frequencies inside the frequency range 23.6 GHz–24.0 GHz for radiocommunications transmitters that are not base stations first operated under this licence on or after 1 September 2027, measured over the specified bandwidth.

Table 10: Unwanted emission limits for radiocommunications transmitters that are not base stations and first operated on or after 1 September 2027 – inside the 23.6 GHz–24.0 GHz frequency range

Total radiated power (dBm)	Specified bandwidth
-5	200 MHz

Radiocommunications receivers

14. The unwanted emission limits in Table 11 apply for radiocommunications receivers when measured over the specified bandwidth for the relevant frequency range.

Note: Although not mandatory, the registration of radiocommunications receivers to be operated under this licence is recommended, because one of the matters the ACMA may take into account in settling interference disputes is the time of registration of any receiver involved in the dispute.

Table 11: Radiocommunications receiver unwanted emission limits

Frequency range (f)	Total radiated power (dBm)	Specified bandwidth
30 MHz ≤ f < 1 GHz	-36	100 kHz
1 GHz ≤ f < 18 GHz	-30	1 MHz
18 GHz ≤ f < 21 GHz	-15	10 MHz
21 GHz ≤ f < 22.75 GHz	-10	10 MHz
31 GHz ≤ f < 32.5 GHz	-10	10 MHz
32.5 GHz ≤ f < 41.5 GHz	-15	10 MHz
41.5 GHz ≤ f ≤55 GHz	-20	10 MHz

Unwanted emission limits outside the geographic areas

15. Core Conditions 16 and 17 apply in relation to those areas that are outside the geographic areas set out in Part 2 of Licence Schedule 1.

16. The licensee must ensure that the maximum permitted level of radio emission for an area outside the areas set out in Part 2 of Licence Schedule 1 caused by the operation of radiocommunications devices under this licence does not exceed a total radiated power of:

(a) 45 dBm/200 MHz for radiocommunications transmitters:

(i) operating in the frequency range 25.1 GHz–27.0 GHz; or

(ii) operating in the frequency range 27.0 GHz–27.5 GHz, and not located inside an inner-footprint area or an outer-footprint area; or

(b) 42 dBm/200MHz for radiocommunications transmitters operating in the frequency range 27.0 GHz–27.5 GHz and located inside an outer-footprint area; or

(c) 30 dBm/200 MHz for radiocommunications transmitters operating in the frequency range 27.0 GHz–27.5 GHz and located inside an inner-footprint area.

Note 1: For radiocommunications devices which employ an antenna array, the total radiated power limit applies to the aggregate power of all antenna elements in the antenna array.

Note 2: Logarithmic scaling should be used to find the appropriate level in alternative bandwidth.

17. The licensee complies with Core Condition 16 by ensuring that the maximum permitted level of radio emissions caused by the operation of radiocommunications transmitters under this licence does not, in any place, exceed a total radiated power of:

(a) 45 dBm/200 MHz for radiocommunications transmitters:

(i) operating in the frequency range 25.1 GHz–27.0 GHz; or

(ii) operating in the frequency range 27.0 GHz–27.5 GHz, and not located inside an inner-footprint area or an outer-footprint area; or

(b) 42 dBm/200MHz for radiocommunications transmitters operating in the frequency range 27.0 GHz–27.5 GHz and located inside an outer-footprint area; or

(c) 30 dBm/200 MHz for radiocommunications transmitters operating in the frequency range 27.0 GHz–27.5 GHz and located inside an inner-footprint area.

Note 1 For radiocommunications devices which employ an antenna array, the total radiated power limit applies to the aggregate power of all antenna elements in the antenna array.

Note 2 Logarithmic scaling should be used to find the appropriate level in alternative bandwidth.

Licence Schedule 3 Statutory Conditions

Liability to pay charges

1. The licensee must comply with all its obligations (if any) to pay:

   (a) charges fixed by determinations made under section 60 of the *Australian Communications and Media Authority Act 2005*;

   (b) spectrum access charges fixed by determinations made under section 294 of the Act; and

   (c) amounts of spectrum licence tax.

Third party use

2. (1) The licensee must notify any person whom the licensee authorises, under section 68 of the Act, to operate radiocommunications devices under this licence of that person's obligations under the Act, in particular:

   (a) the registration requirements under Part 3.5 of the Act for operation of radiocommunications devices under this licence (if applicable); and

   (b) any rules made by the ACMA under subsection 68(3) of the Act.

   (2) Any person other than the licensee who operates a radiocommunications device under this licence must comply with rules made by the ACMA under subsection 68(3) of the Act.

Radiocommunications transmitter registration requirements

3. A person must not operate a radiocommunications transmitter under this licence unless:

   (a) the transmitter has been exempted from the registration requirements, under Statutory Condition 4 below; or

   (b) both:

      (i) the requirements under Part 3.5 of the Act relating to registration of the transmitter have been met; and

      (ii) the transmitter complies with the details about it that have been entered in the Register.

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 with a maximum total radiated power that is less than or equal to 23 dBm per occupied bandwidth;

   (b) an indoor transmitter; or

   (c) a fixed transmitter which:

      (i) is not a base station; and

      (ii) operates with a maximum total radiated power that is:

         (A) greater than 23 dBm per occupied bandwidth; and

         (B) less than or equal to 35 dBm per occupied bandwidth.

Residency

5. (1) The licensee must not derive any income, profits or gains from operating radiocommunications devices under this licence, or from authorising others to do so, unless:

(a) the licensee is an Australian resident; or

(b) the income, profits or gains are attributable to a permanent establishment in Australia through which the licensee carries on business.

(2) An authorised person must not derive income, profits or gains from operating radiocommunications devices under this licence, or from allowing third parties to operate radiocommunications devices under this licence, unless:

(a) the authorised person is an Australian resident; or

(b) the income, profits or gains are attributable to a permanent establishment in Australia through which the authorised person carries on business.

(3) 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 if:

(a) 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

(b) in any other case — the *Income Tax Assessment Act 1997*.

Licence Schedule 4 Other Conditions

Definitions

1. In this Licence Schedule 4:

26 GHz band spectrum licence means a spectrum licence that authorises the operation of radiocommunications devices anywhere in the frequency range 25.1 GHz–27.5 GHz.

communal site has the same meaning as in the *Radiocommunications (Interpretation) Determination 2015* as in force from time to time.

managing interference includes, but is not limited to:

(a) investigating the possible causes of interference;

(b) taking all steps reasonably necessary to resolve disputes about interference;

(c) taking steps (or requiring persons authorised to operate radiocommunications 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 interference between:

(a) radiocommunications devices operated under this licence; and

(b) radiocommunications devices operated under this licence and under each other spectrum licence held by the licensee.

Co-sited radiocommunications devices

3. If:

(a) interference occurs between::

(i) a radiocommunications device operated under this licence; and

(ii) another radiocommunications device operated under another licence (the ***other licence***);

when 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.

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.

   Note: Licensees should assist the ACMA in keeping the Register accurate and up to date by informing the ACMA of changes to device registration details as soon as possible.

International coordination

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

Electromagnetic energy (EME) requirements

6. The licensee must comply with Parts 2, 3 and 4 of the *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015*, 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 2015* is to be read as if it referred to a spectrum licence.

Record keeping – radiocommunications transmitters located at communal sites and high-powered outdoor radiocommunications transmitters that are not base stations

7. (1) If the licensee operates a radiocommunications transmitter under this licence, and the transmitter is located at a communal site and is not exempt from registration under Statutory Condition 4 of Licence Schedule 3, the licensee must comply with sub-conditions 7(3) and 7(5).

   (2) If the licensee operates a radiocommunications transmitter under this licence, and the transmitter is exempt under Statutory Condition 4(c) of Licence Schedule 3, the licensee must comply with sub-conditions 7(4) and 7(5).

   (3) In relation to each transmitter to which sub-condition 7(1) applies, the licensee must keep a record which includes the following information:

      (a) the transmitter's device registration number as assigned by the ACMA in the Register;

      (b) the licence number of this licence;

      (c) the transmitter's geographic location;

      (d) the licensee's name and address;

      (e) if the licensee does not own the transmitter, the owner's name and address;

      (f) the transmitter's emission centre frequency;

      (g) the transmitter's emission designator;

      (h) details of the transmitter's antenna including the manufacturer, model, type, gain, polarisation, azimuth and height above ground level;

      (i) the transmitter's maximum true mean power; and

      (j) the transmitter's maximum equivalent isotropically radiated power (EIRP).

(4) In relation to each transmitter to which sub-condition 7(2) applies, the licensee must keep a record which includes the following information:

(a) the transmitter's geographic location;

(b) the transmitter's centre frequency;

(c) the transmitter's emission designator;

(d) details of the transmitter's antenna including the manufacturer, model, type, gain, polarisation, azimuth, elevation angle above the horizontal plane and height above ground level;

(e) the transmitter's maximum true mean power; and

(f) the transmitter's maximum EIRP.

(5) If the ACMA requests a copy of a record kept under sub-condition 7(3) or 7(4), the licensee must comply with the request as soon as practicable.

Harmful Interference

8. The licensee must ensure that operation of a radiocommunications transmitter that is exempt from registration under Statutory Condition 4 of Licence Schedule 3 does not cause harmful interference to other radiocommunications devices operated under a different spectrum licence or an apparatus licence.

Coexistence with space receive stations

9. The licensee must ensure that the operation of a radiocommunications transmitter under this licence complies with the protection requirements specified in Part 4 of the *Radiocommunications Advisory Guidelines (Managing Interference from Spectrum Licensed Transmitters — 26 GHz Band) 2020,* as in force from time to time.

Coexistence with earth receive stations

10. The licensee must not operate a radiocommunications transmitter in the frequency range 25.5 GHz–27 GHz if the transmitter is located in an area described by any of the following HCIS identifiers: MW4H3, MW4H9, MW4L3, MW5I1.

Note: The areas with HCIS identifiers listed in condition 10 are located in the Australian Capital Territory.

11. The licensee must ensure that the operation of a radiocommunications transmitter under this licence complies with the protection requirements specified in Part 3 of the *Radiocommunications Advisory Guidelines (Managing Interference from Spectrum Licensed Transmitters – 26 GHz Band) 2020*, as in force from time to time.

Synchronisation requirement

12. If:

(a) interference occurs between:

(i) a radiocommunications device (the ***first device***) operated under this licence; and

(ii) one or more radiocommunications devices that are not earth stations (the ***other devices***) operated under another 26 GHz band spectrum licence or an area-wide licence that authorises the operation of one or more radiocommunications devices in the frequency range 24.7 GHz–29.5 GHz (the ***other licence***); and

(b) the level of interference to the first device or to one or more of the other devices exceeds the compatibility requirement set out in Schedule 2 to the *Radiocommunications Advisory*

Guidelines (Managing Interference to Spectrum Licensed Receivers — 26 GHz Band) 2020, as in force from time to time, or any instrument that replaces those guidelines; and

(c) either the licensee or the holder (or authorised third party) of the other licence wishes to resolve the interference; and

(d) no agreement between the licensee and each person operating one or more other devices can be reached on how to manage the interference;

then, by the end of the day specified in condition 13, the licensee is required to manage the interference by:

(e) either:

(i) operating the first device with the uplink-downlink configuration; or
(ii) operating the first device using a sequence and duration of radio emissions that is consistent with those configurations (disregarding any time at which the device is not making a radio emission); and

(f) synchronising the timing of the uplink-downlink configuration or other sequence of radio emissions of the first device with the timing of the uplink-downlink configuration or other sequence of radio emissions of each of the other devices mentioned in subparagraph (a)(ii) (disregarding any device at a time at which the device is not making a radio emission).

Note: The synchronisation requirement only applies when an interference issue occurs and where there is no other measure agreed by the licensees to resolve the interference. This means synchronisation can be done on a site/cell specific basis. During any period in which the licensee of this licence and another licensee are taking steps to resolve the interference issue or synchronise, the ACMA will generally give priority to the radiocommunications device registered first in time in any interference dispute. The radiocommunications device or devices registered later-in-time will generally be required to accept any interference or cease causing interference during this time.

13. For the purposes of condition 12, the later of the following days is specified:

(a) the day occurring 14 days after the day the interference was first reported in writing to the licensee;

(b) if an alternative day is agreed with the licensee of the other licence – that alternative day.

Managing interference to incumbent apparatus licences

14. The licensee must not cause unacceptable interference to any radiocommunications device authorised to operate in the 26 GHz band under an apparatus licence and located in a re-allocation area, until the end of the re-allocation period.

Note: The licensee will not be afforded protection by the ACMA from any radiocommunications devices authorised to operate in the 26 GHz band under an apparatus licence and located in a re-allocation area, until the end of the re-allocation period.

Payment of instalments of spectrum access charge

[Note: These conditions will only be included in a licence where the ACMA reached agreement with a winning bidder for the payment of the winning price in instalments – see section 15 and subsection 20(6) of this marketing plan.]

15. The licensee must ensure that a bank guarantee on the terms set out in condition 16 is in force at all times during the period during which the whole or part of the winning price remains owing by the person liable to pay the charge (***instalment period***).

16. The bank guarantee must:

(a) be in a form approved by the ACMA; and

(b) provide security to the Commonwealth for an amount equal to 5% of the amount of the winning price still owing to the Commonwealth at any point in time.

17. In conditions 15 and 16:

bank guarantee has the meaning given by subsection 6(5) of the *Radiocommunications (Spectrum Access Charges – 26 GHz Band) Direction 2020*.

Licence Schedule 5 Licence Notes

Variation to licence conditions

1. The ACMA may, with the written agreement of the licensee, vary this licence by including one or more further conditions, or by revoking or varying any conditions of this 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 this licence by including one or more further conditions (other than core conditions), or by revoking or varying any conditions (other than core conditions) of this 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.

Determination of unacceptable levels of interference

3. The ACMA has made the *Radiocommunications (Unacceptable Levels of Interference – 26 GHz Band) Determination 2020* that 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 radiocommunications receivers to be operated under this licence is recommended because one of the matters the ACMA may take into account in settling interference disputes is the time of registration of the receiver involved in the dispute.

Guidelines

4. The ACMA has made written Radiocommunications Advisory Guidelines (the ***guidelines***) under section 262 of the Act about:

   (a) co-ordinating the operation of radiocommunications transmitters under this licence with radiocommunications receivers operated under other licences:

   - *Radiocommunications Advisory Guidelines (Managing Interference from Spectrum Licensed Transmitters – 26 GHz Band) 2020*;

   (b) co-ordinating the operation of radiocommunications receivers operated under this licence with radiocommunications transmitters operated under other licences:

   - *Radiocommunications Advisory Guidelines (Managing Interference to Spectrum Licensed Receivers – 26 GHz Band) 2020.*

5. The guidelines should be read in conjunction with the *Radiocommunications (Unacceptable Levels of Interference – 26 GHz Band) Determination 2020* (see Licence Note 3). This determination sets out the unacceptable levels of interference for the purpose of registration of radiocommunications transmitters to be operated under this licence. The guidelines should be followed by licensees (and accredited persons) in the planning of services and the resolution of interference cases. 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, free of charge, from www.legislation.gov.au and the ACMA.

Suspension and cancellation of spectrum licences

6. 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.

Re-issue

7. A spectrum licence will not be re-issued to the same licensee without a price-based allocation procedure unless:

   (a) the licence was used to provide a service of a kind determined by the Minister under subsection 82(3) of the Act for which re-issuing licences to the same licensee would be in the public interest; or

   (b) the ACMA is satisfied under paragraph 82(1)(b) 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.

Trading

8. (1) A licensee may assign or otherwise deal with the whole or any part of a spectrum licence provided that it is done in accordance with any rules determined by the ACMA under section 88 of the Act.

   (2) An assignment under section 85 of the Act of the whole or any part of a spectrum licence that involves any change to a spectrum licence does not take effect until the Register has been amended under Part 3.5 of the Act, to take it into account.

Appeals

9. An application may be made to the ACMA for reconsideration of a decision of a kind listed in section 285 of the Act. A person affected by and dissatisfied with an ACMA decision may seek a reconsideration of the decision by the ACMA under subsection 288(1) of the Act. This decision can be subject to further review by the Administrative Appeals Tribunal, subject to the provisions of the *Administrative Appeals Tribunal Act 1975*.

Labelling of radiocommunications transmitters

10. Licensees should affix identification labels containing the name and address of the licensee on all fixed transmitters operated under this licence.

    Note: An example of an identification label would be one containing the following statement: “This device is the property of ‘name’”.

The Radiocommunications Legislation Amendment (Reform and Modernisation) Bill 2020

11. Licensees should make themselves aware of the potential effects and changes proposed by the Radiocommunications Legislation Amendment (Reform and Modernisation) Bill 2020. This Bill may affect matters set out in this licence, including the matters set out in these notes.