

SUPPLEMENTARY EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

Radiocommunications Act 1992

Radiocommunications (Spectrum Access Charges – 20 GHz and 30 GHz Bands) Determination 2021

Authority

The Australian Communications and Media Authority (**the ACMA**) has made the *Radiocommunications (Spectrum Access Charges – 20 GHz and 30 GHz Bands) Determination 2021* (**instrument**) under subsection 294(1) of the *Radiocommunications Act 1992* (**the Act**).

This supplementary explanatory statement amends the explanatory statement to the instrument as set out below.

Purpose and operation of the instrument

After the twelfth paragraph, insert:

The Determination is subject to the sunset provisions of the LA and is due to sunset on 1 April 2031 pursuant to section 50 of the LA. The sunset date is contingent on the sunset mechanism currently provided by section 50 of the LA continuing to apply or being consistent in effect with the current sunset provisions, on that date.

Section 4 of the Determination provides for the self-repeal of the Determination on 26 April 2036. However, section 4 is a back-stop mechanism only and the Determination would only self-repeal in accordance with section 4 if the sunset mechanism currently provided by section 50 of the LA did not apply because of some change in the LA made by the Commonwealth Parliament.

In the absence of a legislative change to the LA, the Determination will sunset under section 50 of the LA and section 4 will have no effect.

The two spectrum licences issued to Defence under paragraph 82(1)(b) of the Act, and subject to the Determination, are issued for a 15-year period and will expire on 26 April 2036. Assuming that section 50 of the LA has its usual effect, the ACMA would need to remake the Determination by the 1 April 2031 sunset date, to continue the application of the Determination to those two licences until they expire on 26 April 2036.