



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

The Australian Communications and Media Authority makes the following determination under subsection 294 (1) of the *Radiocommunications Act 1992*.

Dated: 11 March 2021

Fiona Cameron

[signed]

Member

Creina Chapman

[signed]

Member/~~General Manager~~

Australian Communications and Media Authority

1 Name

This is the *Radiocommunications (Spectrum Access Charges – 20 GHz and 30 GHz Bands) Determination 2021*.

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 subsection 294 (1) of the *Radiocommunications Act 1992*.

4 Repeal of this instrument

This instrument is repealed at the end of 26 April 2036.

5 Definitions

In this instrument:

Act means the *Radiocommunications Act 1992*.

licensee has the same meaning as in paragraph (a) of that definition in the Act.

re-issue for a spectrum licence means the re-issue of a spectrum licence in accordance with subsection 82 (1) of the Act.

20 GHz Defence band means the range of frequencies between 20.2–21.2 GHz.

30 GHz Defence band means the range of frequencies between 30–31 GHz.

Note: In accordance with paragraph 13 (1) (b) of the *Legislation Act 2003*, other expressions in this Determination have the same meaning as in the Act, including:

- ACMA
- spectrum access charge
- spectrum licence.

6 Spectrum access charge for the 20 GHz Defence band spectrum licence

- (1) The spectrum access charge for the re-issue of the 20 GHz Defence band spectrum licence is \$16,191,243, if paid as a lump sum in accordance with subsection (2).
- (2) If the licensee does not elect for subsection (3) to apply, the spectrum access charge for the re-issue of the 20 GHz Defence band spectrum licence is payable on or before 6 April 2021.
- (3) If the licensee elects, in accordance with section 8, for this subsection to apply, the spectrum access charge for the re-issue of the 20 GHz Defence band spectrum licence is payable by instalments in the amount specified and at the following times:
 - (a) an amount of \$3,306,896 is payable on or before 6 April 2021;
 - (b) an amount of \$3,306,896 is payable on each anniversary of the day the licence came into force;

until a total of \$16,534,480 has been paid under paragraphs (a) and (b).

7 Spectrum access charge for the 30 GHz Defence band spectrum licence

- (1) The spectrum access charge for the re-issue of the 30 GHz Defence band spectrum licence is \$16,191,243, if paid as a lump sum in accordance with subsection (2).
- (2) If the licensee does not elect for subsection (3) to apply, the spectrum access charge for the re-issue of the 30 GHz Defence band spectrum licence is payable on or before 6 April 2021.
- (3) If the licensee elects, in accordance with section 8, for this subsection to apply, the spectrum access charge for the re-issue of the 30 GHz Defence band spectrum licence is payable by instalments in the amount specified and at the following times:
 - (a) an amount of \$3,306,896 is payable on or before 6 April 2021;
 - (b) an amount of \$3,306,896 is payable on each anniversary of the day the licence came into force;until a total of \$16,534,480 has been paid under paragraphs (a) and (b).

8 Election – 20 GHz and 30 GHz Defence band spectrum licences

The licensee may elect for subsection 6 (3) or 7 (3) (or both) to apply to the spectrum access charge for the relevant spectrum licence mentioned in subsections 6 (3) or 7 (3), by:

- (a) providing a written notice to the ACMA to that effect, for the licence; and
- (b) giving that written notice to the ACMA at any time before 5 April 2021.