



Radiocommunications (Allocation of Transmitter Licences – Low Power Open Narrowcasting Licences) Determination 2025

The Australian Communications and Media Authority makes the following determination under subsection 106(1) of the *Radiocommunications Act 1992*.

Dated: 14 August 2025

Adam Suckling
[signed]
Member

Michael Brealey
[signed]
General Manager

Australian Communications and Media Authority

Part 1—Preliminary

1 Name

This is the *Radiocommunications (Allocation of Transmitter Licences – Low Power Open Narrowcasting Licences) Determination 2025*.

2 Commencement

This instrument commences at the start of 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 106(1) of the Act.

4 Repeal

The *Radiocommunications (Allocation of Transmitter Licences – Low Power Open Narrowcasting Licences) Determination 2015* [F2015L01440] is repealed.

5 Definitions

In this instrument:

ABN has the meaning given by section 41 of the *A New Tax System (Australian Business Number) Act 1999*.

Act means the *Radiocommunications Act 1992*.

application form means the document approved by the ACMA under paragraph 10(a).

ARBN has the meaning given by section 9 of the *Corporations Act 2001*.

auction deposit, for a lot, means the amount payable by an applicant set by the ACMA under paragraph 8(d).

auctioneer means the person appointed as auctioneer under section 20.

authorised agent: see subsection 15(1).

balance of the bid price, for a lot, means the highest bid made by the successful applicant in an auction under Part 4, less the total of the auction deposit.

bid price, for a lot, means the amount bid by or on behalf of the successful applicant in an auction under Part 4.

business day means any day that is not a Saturday or Sunday or public holiday in the Australian Capital Territory, Victoria or New South Wales.

closing date means the date and time advertised in the notice published by the ACMA under subsection 7(1) as the date by which a person may give the ACMA an application form.

company has the same meaning as in the *Corporations Act 2001*.

Deed of Acknowledgment means the document approved by the ACMA under paragraph 10(b).

entry fee, for an application for a lot, means the entry fee payable by an applicant set by the ACMA under paragraph 8(a).

lot means the right to be allocated a transmitter licence authorising the operation of a transmitter on the frequency and from the site nominated by an applicant, in accordance with this instrument.

LPON Applicant Information Package has the meaning given by section 9.

LPON service means a low power open narrowcasting service as defined in the *Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2025*, or if a later instrument replaces that determination – in the later instrument.

Note: The *Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2025* is a legislative instrument and is available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

Nomination of Agent Form means the document approved by the ACMA under paragraph 10(c).

registered applicant means an applicant who is registered under section 14.

registered bidder: see section 25.

registrable body has the same meaning as in the *Corporations Act 2001*.

registration documents means the documents set out in subsection 11(2).

reserve price means the price set for a lot by the ACMA under paragraph 8(c).

successful applicant has the meaning given by subsection 26(5) or paragraph 31(1)(a), as the case may be.

the planning model means the ACMA published model on the operation of LPON services, available from the ACMA's website at www.acma.gov.au.

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

6 References to other instruments

In this instrument, unless the contrary intention appears:

- (a) a reference to any other 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.

Note 3: See section 314A of the Act.

Part 2—Preparing for the allocation

7 Publication of notice by the ACMA

- (1) Before holding an allocation of transmitter licences, the ACMA must publish a notice about the proposed allocation on its website.

Note: The ACMA's website is www.acma.gov.au.
- (2) The notice published under subsection (1) must:
 - (a) contain an invitation to apply for potential transmitter licences for LPON services to be determined under the planning model; and
 - (b) give a brief description of the way the allocation will be conducted; and
 - (c) state the closing date for applications; and
 - (d) state that the lots will be determined and allocated in accordance with this instrument; and
 - (e) state that an applicant may bid only on a lot that has been nominated by that applicant in response to the invitation and determined under the planning model; and
 - (f) give details of how to obtain further information including details of how to obtain the LPON Applicant Information Package.
- (3) If any of the information in a notice is or becomes incorrect, the ACMA must publish another notice giving the correct information on its website.
- (4) If a notice under subsection (3) is published:
 - (a) the ACMA must give the notice to any existing applicants for transmitter licences within 2 business days; and
 - (b) if an existing applicant for a transmitter licence reasonably wishes to alter its application as a result of that notice – the ACMA must provide that applicant with a reasonable opportunity to do so.

8 Entry fee, closing date, reserve price and auction deposit amount

Before the ACMA publishes a notice pursuant to subsection 7(1) the ACMA must, in writing, set the following:

- (a) the amount of the entry fee in respect of an application for a lot;
- (b) the closing date for applications;
- (c) the reserve price for each lot;
- (d) the amount of the auction deposit for each lot.

9 LPON Applicant Information Package

- (1) The LPON Applicant Information Package must contain the following information and documents:
 - (a) a guide to the allocation;
 - (b) this instrument;
 - (c) the application form, with instructions for completing and lodging the form;
 - (d) the Deed of Acknowledgment;
 - (e) the Nomination of Agent Form;
 - (f) the amount of the entry fee set by the ACMA under paragraph 8(a);
 - (g) the closing date set by the ACMA under paragraph 8(b);

- (h) the reserve price amounts set by the ACMA under paragraph 8(c);
 - (i) the auction deposit amounts set by the ACMA under paragraph 8(d);
 - (j) information about accessing the auction system or auction centre.
- (2) The LPON Applicant Information Package may also contain other information about the allocation.

10 Approval of forms and documents

The ACMA must, in writing, approve the following documents:

- (a) an application form for paragraph 11(2)(a);
- (b) a Deed of Acknowledgment for paragraph 11(2)(b);
- (c) a Nomination of Agent Form for subsection 15(1).

Part 3—Registering for an allocation

11 Applications

- (1) A person who wants to register for a lot to obtain a transmitter licence must pay an entry fee in respect of each application for a lot comprising the licence sought by that person.
- (2) The person must give the ACMA the following documents (the **registration documents**) in respect of each transmitter licence sought by that person:
 - (a) a completed application form; and
 - (b) a completed Deed of Acknowledgment.
- (3) An entry fee for each application for a lot must accompany the registration documents and be paid in accordance with section 40.
- (4) The application form must specify the transmitter site and frequency nominated by the applicant for a transmitter licence.

12 Lodging of applications

- (1) The registration documents must be lodged with the ACMA on or before the closing date.
- (2) As soon as practicable after receiving the registration documents, the ACMA must confirm receipt in writing, noting particulars of the applicant's:
 - (a) name; and
 - (b) address; and
 - (c) if the applicant is a company or a registrable body — the applicant's ABN or ARBN.

13 Register of applicants

- (1) The ACMA must maintain a register of applicants.
- (2) For each applicant, the register must contain details of:
 - (a) the name and address of the applicant; and
 - (b) the applicant's telephone number and email address; and
 - (c) if the applicant is a company or a registrable body — the applicant's ABN or ARBN; and
 - (d) the proposed LPON service transmitter site and frequency nominated by the applicant.
- (3) The register may also contain any other information that the ACMA considers necessary for the running of the allocation.
- (4) The ACMA must make any necessary changes to the register within 10 business days after:
 - (a) an applicant tells the ACMA of any change of name, address, telephone number or email address; or
 - (b) the ACMA becomes aware that any information on the register is not correct.
- (5) Except as authorised by this instrument, or as otherwise authorised by law, the ACMA must ensure that any details about applicants are not disclosed until the allocation is finalised.

- (6) No later than 5 business days before the start of an auction under Part 4 the ACMA must publish, on the ACMA's website, the name of each registered applicant and the lots for which they are eligible to bid.

14 Registration of applicants

- (1) The ACMA must register an applicant only if:
- (a) the applicant has lodged completed registration documents; and
 - (b) the applicant has paid the entry fee(s) in accordance with subsection 11(3) and section 40; and
 - (c) where the applicant is a company or an incorporated association – an authorised agent has been nominated for the applicant in accordance with section 15.
- (2) Within 5 business days after the closing date, the ACMA must, in writing, tell each registered applicant that the applicant has been registered.

15 Nomination of agent

- (1) An applicant may nominate, in the form approved by the ACMA under paragraph 10(c), an individual to act as an agent (an **authorised agent**) for the allocation of transmitter licences for LPON services, authorising the individual:
- (a) to bid on behalf of the applicant at an auction under Part 4 that is held for a lot nominated by the applicant; and
 - (b) to do anything else that is reasonably necessary for, or incidental to, the things set out in paragraph (a) on behalf of the applicant.
- (2) A nomination under subsection (1) must be given to the ACMA:
- (a) if the applicant is a company or incorporated association – before the closing date; and
 - (b) if the applicant is a company or incorporated association and wishes to change the nomination already provided under subsection (1) – at least 2 business days before the day the auction is scheduled to commence; and
 - (c) if the applicant is not a company or incorporated association – at least 2 business days before the day the auction is scheduled to commence.
- (3) An applicant:
- (a) may nominate more than one authorised agent for the purposes of an allocation; and
 - (b) must give a separate nomination for each authorised agent so nominated.

Note: The ACMA must not accept an application for a transmitter licence for an LPON service from an applicant that is a company or incorporated association unless the applicant has nominated at least one authorised agent: see paragraph 14(1)(c).

16 Initial assessment of potential transmitter licence for LPON service

Within 20 business days after the closing date, the ACMA must consider each proposed LPON service transmitter site and frequency nominated by an applicant and decide whether the proposed site and frequency is consistent with the planning model as if each applicant were the only applicant for that site and frequency.

Note: If the ACMA decides that an application is not consistent with the planning model and is rejected on that basis, entry fees are not refundable: see paragraph 42(1)(a).

17 Determination of lots

- (1) Where the ACMA decides that an application is consistent with the planning model, it will assign a lot number in relation to that application.
- (2) Where two or more applicants nominate transmitter sites and frequencies that are within the minimum geographic or frequency separation distances specified in the planning model the ACMA may contact those applicants to invite one or more of those applicants to vary their application by varying the transmitter site or frequency.
- (3) If:
 - (a) the ACMA does not contact those applicants described in subsection (2), the ACMA will assign all such applications the same lot number; or
 - (b) the ACMA contacts those applicants described in subsection (2) and the applicants do not vary the transmitter sites or frequencies so that they are not within the minimum geographic or frequency separation distances specified in the planning model, the ACMA will assign all such applications the same lot number; or
 - (c) the applicant or applicants vary the transmitter sites or frequencies so that they are not within the minimum geographic or frequency separation distances specified in the planning model, the ACMA will assign separate lot numbers to those applications.

Part 4—Allocation where there is more than one applicant for the lot

18 Application of Part 4

This Part applies if there is more than one applicant for a particular lot.

19 Holding an auction

The ACMA must hold an auction for allocation of the lot(s) in accordance with this instrument.

20 Appointment of auctioneer

The ACMA must appoint a person as auctioneer to conduct the auction.

21 Eligibility of applicants to participate in an auction for a lot

A registered applicant is eligible to participate in an auction only for a lot that includes the transmitter site and frequency nominated by that applicant in the applicant's registration documents.

22 Notice to registered applicant

- (1) Within 25 business days after the closing date, the ACMA must give each registered applicant who is eligible to participate in an auction for a particular lot:
 - (a) a notice setting out the following:
 - (i) that there is more than one registered applicant eligible to participate in the auction for the lot and the number of applicants for the lot;
 - (ii) that the ACMA will conduct an auction in relation to that lot;
 - (iii) the starting time and date for the auction;
 - (iv) information about accessing the auction system or auction centre;
 - (v) the auction deposit amount for that lot;
 - (vi) the date by which the auction deposit for the lot must be paid and by which the Nomination of Agent Form must be lodged; and
 - (b) a Nomination of Agent Form to be completed for each person authorised by the applicant to bid at the auction.
- (2) The ACMA:
 - (a) subject to subsection (3), may change the details of information mentioned in subparagraphs (1)(a)(i), (iii) and (iv); and
 - (b) must tell all affected applicants of the change, in writing, as soon as practicable after making the change.
- (3) The ACMA must not change the starting date of the auction to an earlier date.
- (4) If an auction deposit is not paid by a registered applicant by the date set out in the notice in subparagraph (1)(a)(vi), the application for that lot will be taken to be withdrawn.

Note: If an application is taken to be withdrawn under subsection 22(4), entry fees are not refundable: see subsection 42(1)(b).

23 Payment of auction deposit

- (1) Registered applicants intending to bid at auction must pay an auction deposit for each lot they are eligible to bid for and that they intend to bid on.

- (2) The auction deposit will be determined under paragraph 8(d) and must be paid in accordance with section 40 by the date specified by the ACMA under subparagraph 22(1)(a)(vi).
- (3) An auction deposit will be fully refundable if the applicant withdraws prior to the commencement of the auction or if the applicant is not a successful applicant in respect of a particular lot.
- (4) An auction deposit is forfeited if the applicant defaults in respect of the applicant's obligations under section 35.
- (5) Only registered applicants who have paid an auction deposit for a particular lot will be eligible to bid on that lot.

24 Confirmation of registration for auction

Within 15 business days before the commencement of the auction the ACMA will confirm the following in a notice to each registered applicant:

- (a) the applicant's payment of the auction deposit for each lot;
- (b) each person (if any) in respect of whom a Nomination of Agent Form has been lodged by that applicant;
- (c) each lot that the applicant is eligible to bid for;
- (d) information about how to make a bid including by alternative methods if the bidder is unable to make a bid using the auction system or at the auction centre.

25 Bidder identification as registered bidder

A registered applicant, including an authorised agent of the registered applicant, who wishes to bid at the auction in person must register as a bidder (a **registered bidder**).

26 Bidding in an auction

- (1) Only a registered bidder may bid for a lot.
- (2) A registered bidder may only bid for a lot if:
 - (a) the registered bidder is the registered applicant or an authorised agent of the registered applicant; and
 - (b) the lot is nominated by the registered applicant in the registration documents and for which an auction deposit has been paid.
- (3) The auctioneer will:
 - (a) invite bids for the lot; and
 - (b) identify the registered bidder who makes the highest bid for the lot.
- (4) In the event of a disputed bid:
 - (a) the auctioneer is the sole arbiter; and
 - (b) the auctioneer's decision is final.
- (5) If the highest bid made for a lot is at least equal to the reserve price for the lot, the registered applicant by or for whom the highest bid is made is the successful applicant (the **successful applicant**) for the lot.

27 Close of auction

- (1) The auction in relation to a particular lot is closed after the successful applicant has been determined by the auctioneer.
- (2) The ACMA will notify each successful applicant for each lot of the balance of the bid price.
- (3) A successful applicant must pay the balance of the bid price within 10 business days after the date of the notice in accordance with section 40.

28 Lot offered at auction but not allocated

- (1) Subject to subsection (2) if a lot is not allocated at the auction, applications for that lot cease to have effect.
- (2) If a successful applicant is in default of its financial obligations to the ACMA and the lot is treated as unallocated pursuant to paragraph 35(1)(d), the ACMA may, with the consent of an unsuccessful applicant, treat the registration documents lodged by an unsuccessful applicant in relation to that particular lot as valid registration documents in any future allocation for that lot under this instrument.

29 Refund of auction deposit to unsuccessful applicants

The ACMA must refund the auction deposit(s) to all unsuccessful applicants for a lot as soon as practicable after an auction.

Part 5—Allocation of a lot if there is only one applicant

30 Application of Part 5

This Part applies if, at the closing date, there is only one registered applicant for a particular lot.

31 Notice to registered applicant

- (1) Within 25 business days after the closing date, the ACMA must give the registered applicant for the particular lot a notice, setting out:
 - (a) that the applicant is the successful applicant (the *successful applicant*); and
 - (b) the amount of the reserve price for the lot; and
 - (c) the last day when the successful applicant may pay the reserve price or withdraw the application.
- (2) Within 10 business days after the date of the notice the successful applicant must either:
 - (a) pay the reserve price for the lot in accordance with section 40; or
 - (b) advise the ACMA in writing that the application has been withdrawn.

Note: If an application is withdrawn under paragraph 31(2)(b), entry fees are not refundable: see paragraph 42(1)(c).

32 Default by successful applicant

If the successful applicant fails to comply with paragraph 31(2)(a), the application ceases to have effect and the applicant is not entitled to obtain a transmitter licence in relation to that particular lot.

Part 6—Issue of a licence to a successful applicant

33 Commencement and duration of licence

- (1) The transmitter licence comes into force on the day specified in the licence as the day it comes into force.
- (2) The transmitter licence remains in force for the period specified in the licence, starting on the day specified in the licence as the day it comes into force.

Note: For the period that may be specified in the transmitter licence, see section 103 of the Act.

34 Issue of licence to successful applicant

Subject to subsection 41(2) the successful applicant shall be issued a transmitter licence if the successful applicant:

- (a) pays the balance of the bid price for the lot in accordance with subsection 27(3) or pays the reserve price in accordance with paragraph 31(2)(a), as the case may be, and in accordance with section 40; and
- (b) applies for the licence under section 99 of the Act within 10 business days after the date of a notice issued to the successful applicant pursuant to subsection 27(2) or subsection 31(1), as the case may be.

Note 1: In issuing the transmitter licence, the ACMA must comply with Part 3.3 of the Act.

Note 2: Under the *Radiocommunications (Transmitter Licence Tax) Act 1983* and the *Radiocommunications Taxes Collection Act 1983*, a tax is imposed on the issue of a transmitter licence and is payable by the holder of the licence.

35 Liability for failure to comply with auction payment requirements

- (1) If a successful applicant does not pay the balance of the bid price, in accordance with this instrument:
 - (a) the applicant ceases to be entitled to be allocated the lot and the transmitter licence in relation to the lot; and
 - (b) the auction deposit is forfeited; and
 - (c) the applicant is taken to be in default of its financial obligations to the ACMA, on behalf of the Commonwealth, under this instrument and is liable to pay to the ACMA, on behalf of the Commonwealth, the default amount which shall be 10 percent of the bid price; and
 - (d) the lot may be treated as an unallocated lot under section 28.
- (2) The total of the default amount payable to the ACMA, on behalf of the Commonwealth, under this section:
 - (a) is a debt due to the ACMA, on behalf of the Commonwealth; and
 - (b) is recoverable by the ACMA, on behalf of the Commonwealth, from the successful applicant in a court of competent jurisdiction.

Part 7—Miscellaneous

36 ACMA not liable under the allocation

None of the ACMA, the Commonwealth or the auctioneer are liable to pay damages or costs arising from an act or omission of any person in relation to the allocation procedures set out in this instrument.

37 Information provided by applicant

- (1) A document given to the ACMA by a person for the purposes of the allocation procedures set out in this instrument (including a document that contains intellectual property) becomes the property of the Commonwealth, represented by the ACMA.
- (2) Subsection (1) does not apply to a document that is given to the ACMA to establish an individual's identity.
- (3) The ACMA may use information provided by an applicant for the purposes of performing its functions or exercising its powers under this instrument.

38 Recovery of damages by the ACMA

This instrument does not affect any right of action or remedy that the ACMA has or may have against any person which arose or arises under the Deed of Acknowledgment, statute, common law, equity or otherwise.

39 Giving of information by the ACMA

Before the ACMA issues a transmitter licence, it may announce, or publish a notice of:

- (a) the name of each person to whom a licence is to be issued; and
- (b) the highest final price bid or reserve price for the lots comprising the licences.

40 Payment of monies due to the ACMA

- (1) Except where otherwise specified, this section applies to all amounts paid, or to be paid, to the ACMA under this instrument.
- (2) The amount must be paid in Australian currency.
- (3) Monies due to the ACMA, on behalf of the Commonwealth, for the following purposes must be paid by the date specified in this instrument and in accordance with this instrument:
 - (a) the entry fee;
 - (b) the auction deposit;
 - (c) the balance of the bid price.
- (4) An amount must be paid by electronic transfer or an electronic bill payment method, the details of which are:
 - (a) published on the ACMA's website for the purposes of this section; or
 - (b) notified by the ACMA to the payer for the purposes of this section.

- (5) An amount is taken to have been paid by a date specified in this instrument (the **due date**) if:
- (a) both:
 - (i) the ACMA receives evidence that an electronic transfer or payment of the full amount was made on or before the due date (such as a transfer receipt); and
 - (ii) the amount is received in the ACMA's bank account no later than 3 business days after the due date; or
 - (b) the ACMA receives other evidence which satisfies the ACMA that the person making the payment has taken all reasonable steps to pay the amount on or before the due date.
- (6) An amount due under this instrument is not paid in full if bank charges or government duties imposed on a payment reduce the net payment to less than the amount due.
- Note: The effect of this subsection is that an applicant must add the value of any bank charge or government duty to the amount of a payment.
- (7) Subject to subsection 40(5) the payment must be received by the ACMA on or before the due date. If it is not, the person's application ceases to have effect and the person is not entitled to take part in the allocation.

41 Termination of advertised price-based allocation

- (1) The ACMA may terminate an advertised allocation under this instrument at any time before a transmitter licence is issued if the ACMA considers it is appropriate to do so.
- (2) If the ACMA has terminated an advertised allocation under this section, all successful applicants cease to be entitled to be issued a transmitter licence.

42 Refund of payments made to the ACMA

- (1) Subject to subsection (2) and section 29, payments made to the ACMA under this instrument are not refundable in any circumstances, including:
 - (a) if an application is not consistent with the planning model and is rejected on that basis; or
 - (b) if an application is taken to have been withdrawn by a registered applicant under subsection 22(4); or
 - (c) if an application is withdrawn by a successful applicant under paragraph 31(2)(b); or
 - (d) if a successful applicant becomes subject to section 35.
- (2) If the ACMA terminates an allocation under section 41, the ACMA must refund the following:
 - (a) any entry fee paid by an applicant;
 - (b) any reserve price paid under subsection 31(2);
 - (c) any auction deposit paid under section 23;
 - (d) the balance of the bid price paid under subsection 27(3).

43 Notices

- (1) A notice to be given to an applicant by the ACMA is taken, for all purposes, to have been given to the applicant if it is given to a person who is the applicant's authorised agent or who is specified by the applicant in its application as a contact person to whom notices may be given.

- (2) A notice must be in writing, and may be given by email.