

EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

Radiocommunications Act 1992

Radiocommunications (Transmitter Licence Tax) Act 1983

Radiocommunications (Fixed Licence (Point to Multipoint System)) Amendment Instrument 2025 (No. 1)

Radiocommunications (Transmitter Licence Tax) Amendment Determination 2025 (No. 2)

Authority

The Australian Communications and Media Authority (the **ACMA**) has made the *Radiocommunications (Fixed Licence (Point to Multipoint System)) Amendment Instrument 2025 (No. 1)* (the **PMS instrument**) under subsection 110A(2) and section 147 of the *Radiocommunications Act 1992* (the **Act**) and subsection 33(3) of the *Acts Interpretation Act 1901* (the **AIA**).

Subsection 110A(2) of the Act provides that the ACMA may determine, by legislative instrument, that each apparatus licence in a specified class of apparatus licences is taken to include one or more specified conditions.

Section 147 of the Act provides that the ACMA may determine, in writing, details relating to the conditions of apparatus licences and details about the radiocommunications devices that are operated under apparatus licences that are to be contained in the Register of Radiocommunications Licences (the **Register**).

Subsection 33(3) of the AIA provides that where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws) the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

The ACMA has also made the *Radiocommunications (Transmitter Licence Tax) Amendment Determination 2025 (No. 2)* (the **TLT instrument**) under subsection 7(1) of the *Radiocommunications (Transmitter Licence Tax) Act 1983* (the **TLT Act**) and subsection 33(3) of the AIA.

Subsection 7(1) of the TLT Act provides that the ACMA may determine the amount of tax in respect of:

- the issue of a transmitter licence;
- the anniversary of a transmitter licence coming into force;
- the holding of a transmitter licence.

Purpose and operation of the instruments

The purpose of the PMS instrument is to amend the *Radiocommunications Licence Conditions (Area-Wide Licence) Determination 2020* (the **AWL Determination**), the *Radiocommunications Licence Conditions (Fixed Licence) Determination 2025* (the **Fixed Licence LCD**) and the *Radiocommunications (Register of Radiocommunications Licences) Determination 2017* (the **RRL Determination**).

The purpose of the TLT instrument is to amend the *Radiocommunications (Transmitter Licence Tax) Determination 2025* (the **TLT Determination**).

Section 28C of the Act requires the ACMA to have regard to any relevant Ministerial policy statements when performing its spectrum management functions, which includes its functions under subsection 110A(2) and section 147 of the Act, and under subsection 7(1) of the TLT Act. The ACMA has had regard to the *Radiocommunications (Ministerial Policy Statement – 3.4–4.0 GHz) Instrument 2022* in amending the AWL Determination, Fixed Licence LCD, the RRL Determination and the TLT Determination. These amendments relate to the introduction of a new class of fixed licence in the 3400–3475 MHz and 3950–4000 MHz frequency bands, and setting the tax amount for that class of licence and other licences in the 3400–4000 MHz frequency band (the **3.4 GHz band**). The amendments to these instruments allow the radiocommunications transmitters operated under these licences to coexist with other radiocommunications devices and services in and adjacent to the 3.4 GHz band, and to set an appropriate tax amount for these licences. This helps support access to the broader 3.4 GHz band for a range of use cases and users.

AWL Determination

An apparatus licence may be either a transmitter licence or a receiver licence. An area-wide licence (AWL) is a type of transmitter licence specified by the ACMA in a determination made under section 98 of the Act. The AWL Determination specifies the conditions to which each AWL is subject, and the additional conditions to which particular classes of AWL are subject. The conditions relate to interference management, including conditions that enable radiocommunications transmitters operating under an AWL to coexist with other radiocommunications devices, and conditions imposing other responsibilities and requirements for managing interference.

The PMS instrument amends the AWL Determination to add provisions that enable radiocommunications transmitters authorised under fixed licences in the 3950–4000 MHz band to coexist with radiocommunications transmitters authorised to operate under an AWL.

Fixed Licence LCD

A fixed licence is a type of transmitter licence specified by the ACMA in a determination made under section 98 of the Act. Fixed licences generally authorise the operation of one or more radiocommunication transmitters at fixed locations, which are used to communicate with stations located at other fixed locations or, sometimes, mobile stations.

The Fixed Licence LCD specifies the conditions to which different classes of fixed licence are subject, regarding the operation of radiocommunications transmitters under those licences. The conditions relate to matters such as the antennas that may be used by the transmitters, the purpose for which some transmitters may be operated, and interference caused to other radiocommunications.

The ACMA is preparing to issue a new class of fixed licences in the 3400–3475 MHz and 3950–4000 MHz bands. The purpose of the PMS instrument is to include conditions in the Fixed Licence LCD which apply to radiocommunications devices which are authorised to operate in the 3400–3475 MHz and 3950–4000 MHz bands under the new class of fixed licences, called a ‘fixed licence (point to multipoint system)’.

The PMS instrument imposes a range of technical conditions that will apply to fixed licences (point to multipoint system) in the 3400–3475 MHz and 3950–4000 MHz bands. These conditions are largely relevant to interference management, including conditions that will enable radiocommunications transmitters operating under such a licence to coexist with other radiocommunications devices, and conditions imposing other responsibilities and requirements for managing interference.

Contravention of a condition in the AWL Determination or the Fixed Licence LCD

Operation of a radiocommunications device is not authorised by an apparatus licence (including an AWL and a fixed licence) if it is not in accordance with the conditions of the licence (subsection 97(4) of the Act). Under section 46 of the Act, it is an offence, and subject to a civil penalty, to operate a radiocommunications device otherwise than as authorised by a spectrum licence, apparatus licence or a class licence. The Act prescribes the following maximum penalties for the offence:

- if the radiocommunications device is a radiocommunications transmitter, and the offender is an individual – imprisonment for 2 years;
- if the radiocommunications device is a radiocommunications transmitter, and the offender is not an individual – 1,500 penalty units (which is \$495,000 based on the current penalty unit amount of \$330);
- if the radiocommunications device is not a radiocommunications transmitter – 20 penalty units (\$6,600).

The Act prescribes the following maximum civil penalties:

- if the radiocommunications device is a radiocommunications transmitter – 300 penalty units (\$99,000);
- if the radiocommunications device is not a radiocommunications transmitter – 20 penalty units (\$6,600).

It is an offence, and subject to a civil penalty, to possess a radiocommunications device for the purpose of operating the device otherwise than as authorised by a spectrum licence, apparatus licence or class licence (section 47 of the Act). The Act prescribes the same penalties for this offence and civil penalty contravention as for the offence and civil penalty contravention in section 46.

In addition, an apparatus licensee, or a person authorised under section 114 of the Act in relation to an apparatus licence, must not contravene a condition of the licence. Contravention is subject to a civil penalty (section 113 of the Act). The Act prescribes a maximum civil penalty of 100 penalty units (\$33,000).

RRL Determination

The RRL Determination determines the information about spectrum, apparatus and class licences to be included in the Register maintained by the ACMA under the Act.

The PMS instrument amends the RRL Determination so that stations operating under the new class of fixed licence (point to multipoint system) in the 3400–3475 MHz and 3950–4000 MHz bands are not required to have their details recorded in the Register. This is because the operation of radiocommunications transmitters under the licence is to be confined to a relatively small area, and to operate at relatively low powers to allow the licensee flexibility as to the location of the transmitters within that small area. It would not be practical, or provide any benefit, to require the details of these transmitters to be recorded in the Register.

TLT Determination

The TLT Determination sets the amount of transmitter licence tax payable in accordance with the TLT Act. It sets different amounts for different classes of transmitter licence.

The TLT instrument amends the TLT Determination to set the amount of tax for the new class of fixed licence (point to multipoint system) in the 3400–3475 MHz and 3950–4000 MHz bands.

The TLT instrument also amends the TLT Determination to set the amount of tax for another kind of licence. A PTS licence (PMTS Class B) is a transmitter licence that is used for the provision of some public mobile telecommunications services. The ACMA proposes to issue these licences in parts of the 3.4 GHz band, to authorise the operation of radiocommunications transmitters underground. The ACMA intends to impose conditions on these licences, when issued, that restrict the equivalent isotropically radiated power at openings to the relevant underground space.

The intention of setting these tax amounts is to create economic incentives for the efficient use of spectrum. These new use cases are less disruptive to the availability of spectrum for other spectrum users and will therefore attract commensurately lower tax rates. In the case of a fixed licence (point to multipoint system) in the 3400–3475 MHz and 3950–4000 MHz bands, this use case employs ‘highly localised wireless broadband’ technologies, which will limit emissions to a small area relative to other licences, such as a warehouse, hospital or factory. In the case of a PTS licence (PMTS Class B) that authorises operation of a radiocommunications transmitter underground, related radio emissions are limited to underground areas and below a defined emissions threshold above ground, so they will only incur minimum tax for each Level 2 HCIS block covered by the licence.

According to the Explanatory Memorandum for the Radiocommunications (Transmitter Licence Tax) Amendment Bill 1992 and the Radiocommunications (Receiver Licence Tax) Amendment Bill 1992, the amount of tax is determined with the use of a disallowable instrument because of a need for flexibility in setting the level of taxes and to ensure that the ACMA itself can set the level which equitably recoups the costs of spectrum management across all apparatus licences which are issued under the Act.

The Explanatory Memorandum also states that the use of disallowable instruments in setting tax amounts will ensure that there is flexibility to change tax amounts in response to changes in demand for particular parts of the spectrum, and to introduce new tax amounts for new kinds of licences. It also ensures that accountability to Parliament remains, as the TLT instrument is subject to Parliamentary disallowance.

Generally

A provision-by-provision description of:

- the PMS instrument is set out in the notes at **Attachment A**;
- The TLT instrument is set out in the notes at **Attachment B**.

Each of the PMS instrument and the TLT instrument is a legislative instrument for the purposes of the *Legislation Act 2003* (the **LA**), and is disallowable.

Each of the AWL Determination, the Fixed Licence LCD, the RRL Determination and the TLT Determination is subject to the sunset provisions in Part 4 of Chapter 3 of the LA.

Documents incorporated by reference

PMS instrument

Subsection 314A(1) of the Act provides that an instrument under the Act may make provision in relation to a matter by applying, adopting or incorporating (with or without modifications) matter contained in any Act as in force at a particular time, or as in force from time to time.

Subsection 314A(2) of the Act provides that an instrument under the Act may make provision in relation to a matter by applying, adopting or incorporating (with or without modifications) matter

*Explanatory Statement to the Radiocommunications (Fixed Licence (Point to Multipoint System))
Amendment Instrument 2025 (No. 1) and the Radiocommunications (Transmitter Licence Tax)
Amendment Determination 2025 (No. 2)*

contained in any other instrument or writing as in force or existing at a particular time, or as in force or existing from time to time.

The PMS instrument amends the AWL Determination to incorporate the Fixed Licence LCD, as in force from time to time.

The PMS instrument amends the Fixed Licence LCD to incorporate the *Radiocommunications Advisory Guidelines (Managing Interference to Spectrum Licensed Receivers – 3.4 GHz Band) 2025*, as in force from time to time.

These legislative instruments are available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

The PMS instrument amends the Fixed Licence LCD to incorporate the following documents, as existing from time to time:

- “LTE; Evolved Universal Terrestrial Radio Access (E-UTRA); Physical channels and modulation (3GPP TS 36.211)”, published by the European Telecommunications Standards Institute and available, free of charge, from its website at <https://portal.etsi.org>;
- “NR; User Equipment (UE) radio transmission and reception; Part 2: Range 2 Standalone (TS 38.101-1)”, published by the 3rd Generation Partnership Project and available free of charge from its website at www.3gpp.org;

The PMS instrument also amends the Fixed Licence LCD to incorporate HCIS identifiers of the Australian Spectrum Map Grid (the **ASMG**), as existing from time to time. The ASMG is published by the ACMA and available, free of charge, from the ACMA’s website at www.acma.gov.au. The areas described by the HCIS identifiers are:

- the Adelaide urban area;
- the Brisbane urban area;
- the Canberra urban area;
- the Melbourne urban area;
- the Perth urban area;
- the Sydney urban area.

TLT instrument

Section 14 of the LA relevantly provides that legislative instruments may make provision in relation to any matters by:

- incorporating Acts and disallowable legislative instruments, as in force at a particular time or from time to time;
- incorporating any matter contained in any other instrument or writing as in force or existing at the time the legislative instrument commences, or a time before the legislative instrument commences.

The TLT instrument amends the TLT Determination to incorporate the Fixed Licence LCD, as in force from time to time. The Fixed Licence LCD is available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

The TLT instrument also amends the TLT Determination to incorporate the ASMG, as existing at the time the TLT instrument commenced (see paragraph 6(b) of the TLT Determination). The ASMG is

published by the ACMA and available, free of charge, from the ACMA's website at www.acma.gov.au.

Consultation

Before the PMS instrument and TLT instrument were made, the ACMA was satisfied that consultation was undertaken to the extent appropriate and reasonably practicable, in accordance with section 17 of the LA.

In November 2023, the ACMA established a Technical Liaison Group (TLG) to provide advice on what changes should be made to the 3.4 GHz band technical framework to accommodate fixed licences (point to multipoint system) in the 3400–3475 MHz and 3950–4000 MHz frequency ranges. Membership of the TLG included 3.4 GHz band spectrum and apparatus licensees, adjacent band licensees, equipment manufacturers and industry groups. The ACMA took into account the views expressed by the TLG when preparing variations. The outcomes of the TLG are available on the ACMA website at www.acma.gov.au.

The ACMA published a draft of the Fixed Licence LCD with the proposed changes included, amendments to the AWL Determination and the RRL Determination, and an accompanying consultation paper on the ACMA website on 17 October 2024 for a period of four weeks, to 15 November 2024. The consultation paper sought comments on the ACMA's proposal to issue a class of fixed licences in the 3400–3475 MHz and 3950–4000 MHz frequency bands.

The consultation paper also included a proposal to repeal and remake the *Radiocommunications Licence Conditions (Fixed Licence) Determination 2015* (the **Fixed Licence LCD 2015**), which was due to 'sunset' on 1 October 2025 and to amend the RRL Determination in ways unrelated to the proposal to issue the new class of fixed licences. These proposals were implemented in March 2025. The Fixed Licence LCD and amendments to the RRL Determination, when made in March 2025, did not include the provisions dealing with fixed licences (point to multipoint system).

The consultation paper also included the proposed tax rates for the new class of fixed licences, and for underground PTS licences (PMTS Class B).

The ACMA received 4 submissions in response to the consultation paper. Submissions were generally supportive of the proposed changes but there were some comments on specific aspects of the draft instruments. Some drafting changes were made as a result of submission suggestions; otherwise, after considering all the feedback, the ACMA made the PMS instrument to amend the Fixed Licence LCD largely into the form of the draft on which it consulted, and otherwise to amend the AWL Determination and the RRL Determination largely in the form of the drafts on which it consulted. The ACMA also made the TLT Determination to implement the proposed tax rates on which it consulted.

Statement of compatibility with human rights

Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires the rule-maker in relation to a legislative instrument to which section 42 (disallowance) of the LA applies to cause a statement of compatibility with human rights to be prepared in respect of that legislative instrument.

The statement of compatibility set out below has been prepared to meet that requirement.

Overview of the PMS instrument and TLT instrument

PMS instrument

The Fixed Licence LCD and AWL Determination are made under subsection 110A(2) of the Act.

Explanatory Statement to the Radiocommunications (Fixed Licence (Point to Multipoint System)) Amendment Instrument 2025 (No. 1) and the Radiocommunications (Transmitter Licence Tax) Amendment Determination 2025 (No. 2)

Subsection 110A(2) of the Act provides that the ACMA may, by legislative instrument, determine that each apparatus licence included in a specified class of apparatus licences is taken to include one or more specified conditions.

The Fixed Licence LCD specifies the conditions to which different classes of fixed licence are subject, regarding the operation of radiocommunications transmitters under those licences. The conditions relate to matters such as the antennas that may be used by the transmitters, the purpose for which some transmitters may be operated, and interference caused to other radiocommunications.

The PMS instrument amends the Fixed Licence LCD to impose a range of technical conditions that will apply to fixed licences (point to multipoint system) in the 3400–3475 MHz and 3950–4000 MHz bands. These conditions are largely relevant to interference management, including conditions that will enable radiocommunications transmitters operating under such a licence to coexist with other radiocommunications devices, and conditions imposing other responsibilities and requirements for managing interference.

The AWL Determination specifies the conditions to which each AWL is subject. The conditions relate to interference management, including conditions that enable radiocommunications transmitters operating under an AWL to coexist with other radiocommunications devices, and conditions imposing other responsibilities and requirements for managing interference.

The PMS instrument amends the AWL Determination to add provisions that enable radiocommunications transmitters authorised under fixed licences in the 3950–4000 MHz band to coexist with radiocommunications transmitters authorised to operate under an AWL.

Section 147 of the Act provides that the ACMA may determine, in writing, details relating to the conditions of apparatus licences and details about the radiocommunications devices that are operated under apparatus licences that are to be contained in the Register of Radiocommunications Licences.

The PMS instrument amends the RRL Determination so that certain stations operating under fixed licences (point to multipoint system) are not required to have their details recorded in the Register.

TLT instrument

Subsection 7(1) of the TLT Act provides that the ACMA may determine the amount of tax in respect of:

- the issue of a transmitter licence;
- the anniversary of a transmitter licence coming into force;
- the holding of a transmitter licence.

The TLT Determination sets the amount of transmitter licence tax payable in accordance with the TLT Act. It sets different amounts for different classes of transmitter licence.

The TLT instrument amends the TLT Determination to set the amount of tax for the new class of fixed licence (point to multipoint system) in the 3400–3475 MHz and 3950–4000 MHz bands. A discount is applied because of the low power of the new class of fixed licence (point to multipoint system).

The TLT instrument also amends the TLT Determination to set the amount of tax for PTS licences (PMTS Class B) in parts of the 3.4 GHz band, that authorise the operation of radiocommunications transmitters underground.

Human rights implications

The ACMA has assessed whether the PMS instrument and TLT instrument are compatible with human rights, being the rights and freedoms recognised or declared by the international instruments listed in subsection 3(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* as they apply to Australia.

Having considered the likely impact of the PMS instrument and TLT instrument and the nature of the applicable rights and freedoms, the ACMA has formed the view that the instruments do not engage any of those rights or freedoms.

Conclusion

The PMS instrument and TLT instrument are compatible with human rights as they do not raise any human rights issues.

Notes to the *Radiocommunications (Fixed Licence (Point to Multipoint System)) Amendment Instrument 2025 (No. 1)*

Section 1 Name

This section provides for the instrument to be cited as the *Radiocommunications (Fixed Licence (Point to Multipoint System)) Amendment Instrument 2025 (No. 1)*.

Section 2 Commencement

This section provides for the PMS instrument to commence at the start of 23 September 2025.

Section 3 Authority

This section identifies the provisions of the Act that authorise the making of the PMS instrument, namely subsection 110A(2) and section 147 of the Act.

Section 4 Schedule

This section provides that Schedule 1 varies the instruments specified in the Schedule: the AWL Determination, the Fixed Licence LCD and the RRL Determination.

Schedule 1—Amendments

Radiocommunications Licence Conditions (Area-Wide Licence) Determination 2020 (F2020L00070)

Item 1

Item 1 inserts a definition of ***fixed licence (point to multipoint system)*** in Schedule 4 to the AWL Determination. The expression is defined in the Fixed Licence LCD.

Item 2

Item 2 inserts a definition of a ***synchronising fixed licence (point to multipoint system)*** in Schedule 4 to the AWL Determination. These are the fixed licences (point to multipoint system) operating in the 3950–4000 MHz frequency band.

Item 3

Item 3 amends the ‘synchronisation condition’ in clause 5 of Schedule 4 to the AWL Determination to add synchronising fixed licence (point to multipoint system) to the licence types that the synchronisation requirement applies to. Any AWLs subject to the synchronisation condition will have to synchronise with such licences in the case of any unresolved interference.

Item 4

Item 4 inserts a note explaining that the synchronising fixed licence (point to multipoint system) will have an equivalent synchronising condition that can be found in the Fixed Licence LCD.

Radiocommunications Licence Conditions (Fixed Licence) Determination 2025 (F2025L00388)

Item 5

Item 5 inserts definitions of **3.4 GHz band uplink-downlink configuration**, **3.4 GHz spectrum licence** and **3GPP TS 36.211** in subsection 5(1) of the Fixed Licence LCD.

Item 6

Item 6 inserts additional text to the definition of **fixed licence (point to multipoint station)** in subsection 5(1) of the Fixed Licence LCD, consequential to the change in item 7.

Item 7

Item 7 inserts definitions of **fixed licence (point to multipoint system)** and **remote mobile station** in subsection 5(1) of the Fixed Licence LCD.

Item 8

Item 8 inserts a note after the definition of **supplementary base station**, explaining the difference between a base station and a supplementary base station.

Item 9

Item 9 inserts definitions of **unwanted emission** and **urban area** in subsection 5(1) of the Fixed Licence LCD.

Item 10

Item 10 inserts the expression ‘Register’ in Note 1 of subsection 5(1) of the Fixed Licence LCD, to indicate that the Act defines the term for the purposes of the Fixed Licence LCD.

Item 11

Item 11 inserts the expressions ‘area-wide licence’, ‘EIRP’, ‘HCIS identifier’, ‘indoors’, ‘point to multipoint system’ and ‘spurious emission’ in Note 2 of subsection 5(1) of the Fixed Licence LCD, to indicate that the *Radiocommunications (Interpretation) Determination 2025* defines the term for the purposes of the Fixed Licence LCD.

Item 12

Item 12 makes a change to subsection 5(6) of the Fixed Licence LCD consequential to the additional Part inserted by item 13.

Item 13

Item 13 inserts a new Part 10 of, and Schedule 1 to, the Fixed Licence LCD. New Part 10 imposes conditions that apply to the fixed licence (point to multipoint system) authorising the operation of radiocommunications transmitters in the 3400–3475 MHz and 3950–4000 MHz frequency bands (a **Part 10 licence**).

Section 32 sets out the application of the conditions in Part 10 to a Part 10 licence, and the prevailing condition if there is inconsistency between conditions in Part 10 and any conditions included in an individual Part 10 licence.

Section 33 imposes a licence condition in each Part 10 licence, restricting the location of a radiocommunications transmitter operated under the licence to areas both within 100 metres of the site specified on the licence and within the ‘controlled premises’ of the licensee.

Section 34 imposes a licence condition in each Part 10 licence that a radiocommunications transmitter operated under the licence can only communicate with another station in the same point to multipoint system as the transmitter.

Section 35 imposes a licence condition in each Part 10 licence, setting the maximum equivalent isotropically radiated power for radiocommunications transmitters operated under the licence. The limit is 17 dBm in a 1 MHz bandwidth; logarithmic scaling can be used to find the appropriate level in alternative bandwidths.

Section 36 imposes a series of conditions in each Part 10 licence prohibiting the operation of radiocommunications transmitters operated under the licence in a way that causes unwanted emissions to exceed specified limits. Different requirements apply depending on the frequency band that the radiocommunications transmitter is operating in, whether the transmitter is fixed or mobile, and whether the transmitter has an active antenna system.

Section 37 imposes licence conditions in each Part 10 licence that remote stations and remote mobile stations must not operate under the licence if their operation causes harmful interference, or to transmit to a base station not on a frequency specified in their licence.

Section 38 imposes licence conditions in each Part 10 licence, in relation to stations that are not remote stations and remote mobile stations. These stations must not operate in the frequency bands if their operation causes harmful interference to a radiocommunications provided under another fixed licence (point to multipoint system).

Section 39 imposes a licence condition in each Part 10 licence that authorises the operation of radiocommunications transmitters in the 3950–4000 MHz frequency band. The condition sets out a process for managing interference between the Part 10 licence, other Part 10 licences and AWLs if there is a certain level of interference and the licensees cannot agree to a resolution between themselves.

Broadly, in the absence of agreement between the licensees on how to manage interference, the licensees will be required to synchronise operation of their transmitters with the other affected transmitters in accordance with certain technical specifications (namely, a fallback time division duplex uplink-downlink configuration based on the uplink-downlink configuration definition which specifies a 3GPP Long Term Evolution frame structure). An equivalent condition applies to AWLs under the AWL Determination, so all licensees will be compelled to synchronise operation of transmitters.

Section 40 imposes a licence condition in each Part 10 licence that authorises the operation of a radiocommunications transmitter in the in 3400–3475 MHz frequency band in an urban area defined in Schedule 1, to synchronise the operation of their radiocommunications transmitters with adjacent area 3.4 GHz band spectrum licences, unless there is an agreement between the Part 10 licensee and the spectrum licensee. There is no equivalent condition in the 3.4 GHz band spectrum licence, and so the Part 10 licensee will have to change their transmission to match the spectrum licensee’s transmission, if this condition applies.

Section 41 imposes licence conditions in each Part 10 licence that authorises the operation of a radiocommunications transmitter in the 3400–3475 MHz frequency band. For interference

management; radiocommunications transmitters must operate indoors unless they meet specific requirements, and they must not cause harmful interference to a receiver operated under a 3.4 GHz spectrum licence.

New Schedule 1 of the Fixed Licence LCD defines the urban areas for the purposes of section 40.

Radiocommunications (Register of Radiocommunications Licences) Determination 2017 (F2017L01069)

Items 14, 16, 19, 22 and 25

These items insert text into paragraphs 10A(2)(b), 10A(3)(b), 10A(4)(b), 10A(5)(b) and 10A(6)(b) of the RRL Determination to exempt details of radiocommunications transmitters operating under a fixed licence (point to multipoint system) from registration. Fixed licences (point to multipoint system) are designed to authorise the operation of radiocommunications transmitters flexibly in a small area that can be readily identified from the licence, at relatively low powers. There is no benefit to requiring registration of the details of these transmitters, and there would be significant inconvenience to licensees to require registration.

Items 15, 18, 21, 24 and 27

These items insert notes at the end of subsections 10A(2), 10A(3), 10A(4), 10A(5) and 10A(6) of the RRL Determination to explain that certain details of radiocommunications transmitters operating under a fixed licence (point to multipoint system) do not need to be registered.

Items 17, 20, 23 and 26

These items make changes consequential to the change in items 18, 21, 24 and 27.

Item 28

Item 28 inserts the expression ***fixed licence (point to multipoint system)*** in subsection 10A(7), which incorporates by reference definitions in the Fixed Licence LCD.

Notes to the *Radiocommunications (Transmitter Licence Tax) Amendment Determination 2025 (No. 2)*

Section 1 Name

This section provides for the TLT instrument to be cited as the *Radiocommunications (Transmitter Licence Tax) Amendment Determination 2025 (No. 2)*.

Section 2 Commencement

This section provides for the TLT instrument to commence at the start of 23 September 2025.

Section 3 Authority

This section identifies the provision of the Act that authorises the making of the TLT instrument, namely subsection 7(1) of the TLT Act.

Section 4 Amendments

This section provides that the instrument that is specified in Schedule 1 is amended as set out in the applicable items in that Schedule.

Schedule 1—Amendments

Radiocommunications (Transmitter Licence Tax) Determination 2025 (F2025L00058)

Part 1 – Tax rate for a fixed licence (point to multipoint system) in 3400 MHz to 3475 MHz or 3950 MHz to 4000 MHz

Item 1

Item 1 inserts the definitions of *fixed licence (point to multipoint system)* and *fixed licence (point to multipoint system – 3.4 GHz band)* in subsection 5(1) of the TLT Determination. The intention of defining *fixed licence (point to multipoint system – 3.4 GHz band)* in the TLT Determination is to make it clear that the new tax rates only apply in the 3400 MHz to 3475 MHz and 3950 MHz to 4000 MHz bands. Outside of these bands, a different set of tax rates applies.

Items 2, 3 and 4

Item 2, 3 and 4 all correct some terminology in section 5 of the TLT Determination, used to identify items in Schedules to the TLT Determination.

Item 5

Subsection 5(5) of the TLT Determination sets out which spectrum accesses are ‘low power spectrum accesses’ for the purposes of the TLT Determination. Low power spectrum accesses enjoy a discount on the amount of tax that would otherwise be payable.

Other items provide that Part 6 of Schedule 1 to the TLT Determination sets out the tax rates that apply to fixed licences (point to multipoint system – 3.4 GHz band). Paragraph 5(5)(d) of the TLT Determination excludes some licences covered by Part 6 of Schedule 1 from being considered a low power spectrum access.

Item 5 amends paragraph 5(5)(d) to make the low power spectrum access discount available for all fixed licences (point to multipoint system – 3.4 GHz band).

Item 6

Subsection 5(6) of the TLT Determination sets out which spectrum accesses are ‘micro power spectrum accesses’ for the purposes of the TLT Determination. Micro power spectrum accesses enjoy a discount on the amount of tax that would otherwise be payable.

Item 6 amends subsection 5(6) of the TLT Determination to provide that a fixed licence (point to multipoint system – 3.4 GHz band)) may be a micro power spectrum access, with the intention to make the micro power spectrum access discount available for this licence.

Item 7

Part 3 of Schedule 1 to the TLT Determination sets the tax rates that apply to licences that authorise a station that is part of a point to multipoint system.

Item 7 amends item 11 of Schedule 1 to the TLT Determination to provide that the tax rates specified in Part 3 do not apply to a fixed licence (point to multipoint system – 3.4 GHz band).

Items 8 to 12

Part 6 of Schedule 1 to the TLT Determination sets the tax rates that apply to licences that authorise a point to multipoint station.

Items 8 to 12 amend Part 6 so that it also sets the tax rates that apply to a fixed licence (point to multipoint system – 3.4 GHz band), and to provide for the micro power spectrum access discount to be applied when the conditions for the discount are met.

Part 2 – Tax rate for underground PTS licence

Item 13

Item 13 amends section 5 of the TLT Determination to insert definitions for ***underground PMTS licence***, ***underground PMTS licence (ASMG)*** and ***underground PMTS licence (non-ASMG)***. A PTS licence (PMTS Class B) is only an underground PMTS licence if it meets several criteria, including that it only authorises the operation of radiocommunications transmitters in the 3.4 GHz band. PTS licences (PMTS Class B) in other bands are not underground PMTS licences.

Item 14

Item 14 provides for the tax rate for an ***underground PMTS licence***. The rate of tax depends on whether the licence authorises the operation of radiocommunications devices within the ASMG. If so, the tax rate is set at the minimum annual amount multiplied by the number of Level 2 HCIS blocks covered by the licence. Otherwise, the tax rate is set at the minimum annual amount multiplied by the number of spectrum accesses for the licence.