Commonwealth of Australia

Radiocommunications Act 1992

Radiocommunications (Spectrum Access Charges) Direction 2013

1. ANTHONY NORMAN ALBANESE, Minister for Broadband, Communications and the Digital Economy, make the following Direction under subsection 294(2) of the Radiocommunications Act 1992.

Dated 24 July 2013

ANTHONY ALBANESE
Minister for Broadband, Communications and the Digital Economy

1. Name of Direction

This Direction is the Radiocommunications (Spectrum Access Charges) Direction 2013.

2. Commencement

This Direction commences on the day after it is made.

3. Cessation

This Direction ceases at the end of 31 December 2015.

4. Application

This Direction supplements the Radiocommunications (Spectrum Access Charges) Direction 2012 and applies only to Re-issued Spectrum Licences in the 1800 MHz frequency ranges specified in Table 1 below with one or more conditions that require the licensed spectrum to be used for Rail Safety and Control Communications (Re-issued Rail Spectrum Licences).

Table 1:

<table>
<thead>
<tr>
<th>Applicable 1800 MHz Frequency Ranges</th>
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<tr>
<td>1775 – 1785 MHz</td>
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<td>1870 – 1880 MHz</td>
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5. Definitions

In this Direction:

**ACMA** means the Australian Communications and Media Authority.

**Act** means the *Radiocommunications Act 1992.*

**Rail Safety and Control Communications** means voice or data communications using radiofrequency spectrum for the purposes only of rail safety, rail operations or rail control.

**Re-issued Spectrum Licence** means a spectrum licence that is to be re-issued in accordance with subsection 82(1) of the Act to the person to whom it was previously issued.

6. Supplementary Directions—ACMA Spectrum Access Charges

(a) Subject to paragraph (b) below, I direct the ACMA that the spectrum access charges fixed by it in any determination under subsection 294(1) of the Act *(a Spectrum Access Charges Determination)* in relation to Re-issued Rail Spectrum Licences must reflect 50 per cent of the amount specified in relation to the 1800 MHz spectrum band in Column 3 of Table 1 of clause 6 of the *Radiocommunications (Spectrum Access Charges) Direction 2012.*

(b) The direction in paragraph (a) above applies only up to a maximum of 2x10 MHz of spectrum in the 1800 MHz frequency range (as specified in Table 1 of clause 4) per person in relation to licences to be re-issued in accordance with subsection 82(1) of the Act.

(c) I direct the ACMA that, with respect to Re-issued Rail Spectrum Licences, any Spectrum Access Charges Determination it makes must not require full payment of the spectrum access charges before 1 July 2014.

(d) For the avoidance of doubt, nothing in this Direction prevents the ACMA from considering other relevant matters in making a Spectrum Access Charges Determination.