



## AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

*Radiocommunications Act 1992*

*Subsection 102C(3)*

### NOTICE INVITING APPLICATIONS FOR FOUNDATION CATEGORY 1 DIGITAL RADIO MULTIPLEX TRANSMITTER LICENCES

The Australian Communications and Media Authority (ACMA), pursuant to paragraph 102C(3)(a) of the *Radiocommunications Act 1992* (the Act), invites eligible joint venture companies to apply for the foundation category 1 digital radio multiplex transmitter licences listed in the Schedule.

Applications must be made on form ACMA R057 together with supplementary information form ACMA R058 and additional technical information form R079 and be accompanied by the application fee.

In assessing whether to issue a foundation category 1 digital radio multiplex transmitter licence under section 100 of the Act, amongst other things ACMA will take into consideration:

- a) whether the company is an eligible joint venture company; and
- b) the number of incumbent digital commercial radio broadcasting licensees that have subscribed for shares in the eligible joint venture company.


If no foundation category 1 digital radio multiplex transmitter licence for a particular designated BSA radio area is issued after publication of this notice, ACMA may choose to conduct a price-based allocation of that licence under section 106 of the Act.

This notice has effect from 11 December 2007. The application period will not close before 5 pm on 9 May 2008.

Dated 6 DECEMBER 2007



  
CHRIS CHAPMAN Member

  
LYN MADDOCK Member

Australian Communications and Media Authority

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## Schedule Foundation Category 1 Digital Radio Multiplex Transmitter Licences

As declared by ACMA in the *Radiocommunications (Foundation Category 1 Digital Radio Multiplex Transmitter Licences) Declaration 2007* to be foundation category 1 digital radio multiplex transmitter licences.

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Digital Radio Channel Plan	Multiplex Name	Frequency block	Centre frequency (MHz)	Category	Designated BSA Radio Area	Technical Specification Number
Radiocommunications (Digital Radio Channels — South Australia) Plan 2007	Adelaide 1	9B	204.640	1	Adelaide RA1	TS1132477
Radiocommunications (Digital Radio Channels — Queensland) Plan 2007	Brisbane 1	9A	202.928	1	Brisbane RA1	TS1132479
Radiocommunications (Digital Radio Channels — Queensland) Plan 2007	Brisbane 2	9B	204.640	1	Brisbane RA1	TS1132480
Radiocommunications (Digital Radio Channels — Tasmania) Plan 2007	Hobart 1	12B	225.648	1	Hobart RA1	TS1132489
Radiocommunications (Digital Radio Channels — Victoria) Plan 2007	Melbourne 1	9A	202.928	1	Melbourne RA1	TS1132482
Radiocommunications (Digital Radio Channels — Victoria) Plan 2007	Melbourne 2	9B	204.640	1	Melbourne RA1	TS1132483
Radiocommunications (Digital Radio Channels — Western Australia) Plan 2007	Perth 1	9B	204.640	1	Perth RA1	TS1132474
Radiocommunications (Digital Radio Channels — NSW/ACT) Plan 2007	Sydney 1	9A	202.928	1	Sydney RA1	TS1132485
Radiocommunications (Digital Radio Channels — NSW/ACT) Plan 2007	Sydney 2	9B	204.640	1	Sydney RA1	TS1132486

## Informative Notes

### Category 1 digital radio multiplex transmitter licences

#### *Designated BSA radio area*

A designated BSA radio area means the *Broadcasting Services Act 1992* (BSA) licence area of a commercial radio broadcasting licence or the licence area of a community radio broadcasting licence, where that licence area is the same as the licence area of a commercial radio broadcasting licence.

#### *Issuing of a licence*

ACMA cannot issue a category 1 digital radio multiplex transmitter licence to a person unless the person is a qualified company. An applicant for a foundation category 1 digital radio multiplex transmitter licence must be an eligible joint venture company and pay the fee determined by ACMA in the *Radiocommunications (Foundation Category 1 Digital Radio Multiplex Transmitter Licence — Application Fee) Determination 2007*.

#### *Eligible joint venture company*

A company is an **eligible joint venture company** for the purpose of a category 1 digital radio multiplex transmitter licence if:

(a) before the company was formed, the promoters of the company initially invited:

(i) each incumbent digital commercial radio broadcasting licensee for the designated BSA radio area; and

(ii) if there is a digital community radio broadcasting representative company for the designated BSA radio area—the digital community radio broadcasting representative company;

to subscribe for shares in the first-mentioned company on the basis that:

(iii) the incumbent digital commercial radio broadcasting licensees who accepted the invitation would be issued with an equal number of shares; and

(iv) the only persons entitled to subscribe for shares in the first-mentioned company are the incumbent digital commercial radio broadcasting licensees and the digital community radio broadcasting representative company;

and

(v) assuming that the invitation were to be accepted by each invitee—the incumbent digital commercial radio broadcasting licensees would, in aggregate, hold seven-ninths of the shares in the first-mentioned company; and

(vi) assuming that the invitation were to be accepted by each invitee—the digital community radio broadcasting representative company would hold two-ninths of the shares in the first-mentioned company; and

(b) in a case where not all of the invitations referred to in paragraph (a) were accepted—before the company was formed, the promoters of the first-mentioned company invited each person who had accepted an invitation referred to in paragraph (a) to subscribe for the remaining shares in the first-mentioned company; and

(c) the invitations referred to in paragraph (a) were:

(i) published on the ACMA's Internet site; and

- (ii) open for a period of at least 120 days; and
- (d) there was no discrimination between subscribers for shares in the first-mentioned company in relation to the consideration payable for the issue of the shares concerned; and
- (e) the total amount of money payable as consideration for the issue of the shares in the first-mentioned company is not substantially in excess of the total amount that, as at the time the invitations referred to in paragraph (a) are published, would be required for the commercially viable operation of the first-mentioned company if it were assumed that a foundation category 1 digital radio multiplex transmitter licence had been issued to the first-mentioned company at that time; and
- (f) none of the recipients of an invitation referred to in paragraph (a) or (b) were subject to duress as to whether the invitation should be accepted.

#### *Licence Conditions*

A foundation category 1 digital radio multiplex transmitter licensee will be subject to the licence conditions applicable to such licences as provided for in the *Radiocommunications Act 1992*, and in particular those conditions at sections 109B and 109D of that Act.

#### *Access Undertaking*

A foundation category 1 digital radio multiplex transmitter licensee will be required to give to the Australian Competition and Consumer Commission an access undertaking in accordance with Division 4B of Part 3.3 of the *Radiocommunications Act 1992* within 3 months after the issue of the licence.

**Australian Communications and Media Authority  
Spectrum Consolidation Briefing  
9.00am – 2.00pm  
Friday 7 December 2007  
Boardroom Level 15 201 Sussex Street Sydney**

<b>Time</b>	<b>Theme</b>	<b>Topics</b>	<b>Input</b>
9.00 – 10.00	Introductory presentation	Australian Spectrum Management	PowerPoint presentation by Chris Hose, Manager, Government Planning Section, SPB
10.00 – 10.45	Strategic development	Departmental presentation on their proposals for strategic policy development work on spectrum planning and allocation.	Presentation by Andy Townend; Keith Besgrove; Brenton Thomas (DBCDE), 10:00am.
10.45 –		Spectrum management framework, including report on development of strategic spectrum plan (5 year spectrum plan)	Paper, Michael Poole (PPB)
11.30		Public Interest Test (This SAC paper deals more broadly with the public interest under relevant legislation)	Paper, Rebecca Burdon (SAC)
12.15	Policy	Report on WRC-07 Outcomes, Next Steps and preparation for WRC-11	Paper, SPB
12.30 Working lunch		Wireless Access Services, including: <ul style="list-style-type: none"> <li>• Significant developments for WAS including WRC-07 agenda item 1.4 outcomes and OPEL; and</li> <li>• Allocation options/scenarios and next steps</li> </ul>	May be a short presentation
1.00 – 1.30	Infrastructure	Progress with new Spectrum Management System	Paper, Iain Blackadder (ACMA Consultant)
1.30 – 2.00	Transparency and accountability to stakeholders	Update on stakeholder engagement, including; Radiocommunications Consultative Forum, including; <ul style="list-style-type: none"> <li>• Organisation issues including meeting dates; and</li> <li>• Agenda/Issues; and</li> <li>• Other developments, including a possible public announcement of ways forward. (Catherine/Andrew Stewart)</li> </ul>	Paper, SPB
		ACMA 2008 Radiocommunications Conference, including: <ul style="list-style-type: none"> <li>• Organisational issues including dates; and</li> <li>• Scope, themes and major announcements. (Andrew Stewart for Neil)</li> </ul>	Paper, SPB