Form 5—Statutory declaration about affiliations

For the purposes of section 35 of the Radiocommunications (Spectrum Licence Allocation – 3.6 GHz Band) Determination 2018.

Notes on completion

Introduction

This statutory declaration form has been approved by the Australian Communications and Media Authority (ACMA) pursuant to paragraph 27(1)(k) of the Radiocommunications (Spectrum Licence Allocation – 3.6 GHz Band) Determination 2018 (Allocation Determination).

This form should be used by new applicants for the purposes of subsection 35(5) of the Allocation Determination.

Subsection 35(3) of the Allocation Determination provides that, after receiving a new application from a new applicant under subsection 35(2), the ACMA must give each applicant (including the new applicant) updated details about the identity of all other applicants and the persons identified as the associates of other applicants.

Paragraph 35(5)(c) of the Allocation Determination provides that a new applicant must, after receiving the updated details about the identity of all other applicants and the persons identified as the associates of other applicants, give the ACMA a statutory declaration stating that the new applicant is not affiliated with any other applicant and whether the applicant is affiliated with an existing relevant band licensee.

Information about existing licensees can be obtained from the ACMA’s Register of Radiocommunications Licences. For the purposes of the Allocation Determination and this form, an ‘existing relevant band licensee’ is the licensee of a spectrum licence that authorises the operation of radiocommunications devices in a part or parts of the spectrum from 3400 MHz to 3700 MHz, or the licensee of a PTS licence for a PMTS Class B service (within the meaning given to those expressions by the Radiocommunications (Interpretation) Determination 2015) that authorises the operation of radiocommunications devices in a part or parts of the spectrum from 3400 MHz to 3700 MHz.

When to make the statutory declaration

The statutory declaration must be given to the ACMA no later than three working days after the ACMA gives the new applicant the updated details about the identities of all other applicants and the persons identified as their associates (or, if the ACMA agrees to a later time, by the agreed time).

How to give the statutory declaration to the ACMA

The statutory declaration must be given to the ACMA in accordance with the procedures for giving documents to the ACMA set out in the Allocation Determination.

A summary of the procedures (including an email address, fax number and physical address for giving documents to the ACMA) is provided at the beginning of the *Auction forms* booklet. The procedures are also summarised under the heading ‘Giving documents to the ACMA’ in the *Auction guide*. The procedures contain specific requirements where a document is given by email or fax.

Who should make the statutory declaration?

As the statutory declaration must be made by an applicant that is a body corporate, it must be made by a director or secretary of the body corporate.

Who can witness the statutory declaration?

A statutory declaration made under the *Statutory Declarations Act 1959* must be made before:

1. a person who, under a law in force in a State or Territory, is currently licensed or registered to practise in one of the following occupations:

* Chiropractor
* Dentist
* Legal practitioner
* Medical practitioner
* Nurse
* Optometrist
* Patent attorney
* Pharmacist
* Physiotherapist
* Psychologist
* Trade marks attorney
* Veterinary surgeon

1. a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or
2. a person who is in the following list:

* Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
* Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)
* Bailiff
* Bank officer with five or more years of continuous service
* Building society officer with five or more years of continuous service
* Chief executive officer of a Commonwealth court
* Clerk of a court
* Commissioner for Affidavits
* Commissioner for Declarations
* Credit union officer with five or more years of continuous service
* Employee of the Australian Trade and Investment Commission who is:
* in a country or place outside Australia; and
* authorised under paragraph 3(d) of the *Consular Fees Act 1955*; and
* exercising his or her function in that place
* Employee of the Commonwealth who is:
* in a country or place outside Australia; and
* authorised under paragraph 3(c) of the *Consular Fees Act 1955*; and
* exercising his or her function in that place
* Fellow of the National Tax Accountants’ Association
* Finance company officer with five or more years of continuous service
* Holder of a statutory office not specified in another item in this list
* Judge of a court
* Justice of the Peace
* Magistrate
* Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*
* Master of a court
* Member of Chartered Secretaries Australia
* Member of Engineers Australia, other than at the grade of student
* Member of the Association of Taxation and Management Accountants
* Member of the Australian Defence Force who is:
* an officer; or
* a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with five or more years of continuous service; or
* a warrant officer within the meaning of that Act
* Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the Institute of Public Accountants
* Member of:
* the Parliament of the Commonwealth; or
* the Parliament of a State; or
* a Territory legislature; or
* a local government authority of a State or Territory
* Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*
* Notary public
* Permanent employee of the Australian Postal Corporation with five or more years of continuous service who is employed in an office supplying postal services to the public
* Permanent employee of:
* the Commonwealth or a Commonwealth authority; or
* a State or Territory, or a State or Territory authority; or
* a local government authority;

with five or more years of continuous service who is not specified in another item in this list

* Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
* Police officer
* Registrar, or Deputy Registrar, of a court
* Senior Executive Service employee of:
* the Commonwealth or a Commonwealth authority; or
* a State or Territory, or a State or Territory authority
* Sheriff
* Sheriff’s officer
* Teacher employed on a full-time basis at a school or tertiary education institution
* Member of the Australasian Institute of Mining and Metallurgy.

Commonwealth of Australia statutory declaration

*Statutory Declarations Act 1959*

I,

Name of person making the declaration

Occupation of person making the declaration

Address of person making the declaration

make the following declaration under the *Statutory Declarations Act 1959*:

1. I am a*:*

insert ‘director’ or ‘secretary’ as appropriate

of:

insert name of new applicant as it appears in Part 1 of the application form submitted by   
the Applicant under subsection 35(2) of the Radiocommunications (Spectrum Licence Allocation  – 3.6 GHz Band) Determination 2018

which is the ‘new applicant’ under section 35 of the Radiocommunications (Spectrum Licence Allocation – 3.6 GHz Band) Determination 2018 (the Allocation Determination).

1. I have fully read and understand the provisions set out in Part 2 of the Allocation Determination, including the meaning of ‘associate’ in section 13 of the Allocation Determination and the meaning of ‘affiliated’ in sections 14 and 15 of the Allocation Determination.
2. I have examined the updated details given to the new applicant by the Australian Communications and Media Authority (the ACMA) in accordance with subsection 35(3) of the Allocation Determination, about the identities of all other applicants and persons identified as associates of other applicants.
3. I have made my own reasonable inquiries into the identities of the associates of the new applicant, and into whether the new applicant is affiliated with any other applicant or existing relevant band licensee (within the meaning given that term by the Allocation Determination).
4. In accordance with paragraph 35(5)(c) of the Allocation Determination, I declare that the new applicant is not affiliated with another applicant named in the updated details provided by the ACMA.
5. In accordance with paragraph 35(5)(c) of the Allocation Determination, I declare that the Applicant (tick the appropriate boxes):

* **is not** affiliated with an existing relevant band licensee.
* **is** affiliated with an existing relevant band licensee.

The existing relevant band licensee(s) with whom the Applicant is affiliated is/are:

Insert name of existing relevant band licensee(s)

Insert address of existing relevant licensee(s)

The details of the affiliation(s) are as follows:

describe why the Applicant’s relationship with the existing relevant band licensee(s) falls within the meaning of ‘affiliated’ in section 15 of the Allocation Determination, with reference to   
section 13 of the Allocation Determination, as appropriate

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

signature of person making the declaration

Declared at:

Place

On:

Day / Month / Year

Before me,

signature of person before whom the declaration is made

full name of person before whom the declaration is made (in printed letters)

qualification of person before whom the declaration is made (in printed letters)

address of person before whom the declaration is made (in printed letters)

**Note 1** A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of four years—see section 11 of the *Statutory Declarations Act 1959*.

**Note 2** Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959*—see section 5A of the *Statutory Declarations Act 1959*.