Form 7—Statement about affiliations for winning bidders

For the purposes of section 58 of the Radiocommunications (Spectrum Licence Allocation – 3.6 GHz Band) Determination 2018.

Notes on completion

Introduction

This 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)*.*

Subsection 58(1) of the Allocation Determination provides that, as soon as practicable after the end of the auction period, the ACMA must:

* give each winning bidder details about the identity of all other winning bidders and all existing relevant band licensees; and

ask the bidder to make a statement whether the bidder is an affiliate of anotherwinning bidder or of an existing relevant band licensee and, if so, identifying the other bidder or existing relevant band licensee and and giving details of the affiliation.

This form should be used by winning bidders for the purposes of making a statement in accordance with section 58 of the Allocation Determination.

When to make the statement

The ACMA will state the deadline for making the statement about affiliations when it asks a winning bidder to make the statement. The deadline will be at least five working days after the date of the request.

How to give the statement to the ACMA

The statement 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 addressfor giving documents to the ACMA) is provided at the beginning of the *Auction forms* booklet. The proceduresare also summarised under the heading ’Giving documents to the ACMA’ in the *Auction Guide*. The procedures contain specificrequirements where a document is given by email or fax.

Who should make the statement?

Where the ACMA receives a statement from a winning bidder that is a body corporate,it must be made by a director, secretary or authorised officer of the body corporate.

Where the ACMA receives a statement from a winning bidder who is an individual,it must be made by that individual.

Who can witness the statement?

The statement must be witnessed by a person who is above the age of 18.

Statement about affiliations

I,

Name of person making the statement

Occupation of person making the statement

Address of person making the statement

make the following statement:

1. I am a/an*:*

where the winning bidder is a body corporate, insert ‘director’ or ‘secretary’ or ‘authorised officer’ as appropriate; otherwise, leave blank

of:

name of the winning bidder as it appears in the register of bidders maintained by the ACMA under section 40 of the Radiocommunications (Spectrum Licence Allocation – 3.6 GHz Band) Determination 2018

which is a ‘winning bidder’ for the purposes of section 58 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 and in Division 1 of Part 6 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 details given to the Winning Bidder by the Australian Communications and Media Authority (the ACMA) in accordance with subsection 58(1) of the Allocation Determination, about the identities of the other winning bidders in this allocation and all existing relevant band licensees (within the meaning given that term by the Allocation Determination).
3. I have made my own reasonable inquiries into the identities of the associates of the Winning Bidder, and into whether the Winning Bidder is affiliated with any other winning bidder at the auction and whether the Winning Bidder is affiliated with an existing relevant band licensee.
4. In response to the request made in accordance with paragraph 58(1)(b) of the Allocation Determination, I declare that the Winning Bidder (tick the appropriate box):

* ***is not*** affiliated with another winning bidder named in the details provided by the ACMA, or with an existing relevant band licensee.
* ***is*** affiliated with another winning bidder named in the details provided by the ACMA, or with an existing relevant band licensee.

The winning bidder or existing relevant band licensee with which the Winning Bidder is affiliated is/are:

Insert name of other winning bidder/existing relevant band licensee

Insert address of other winning bidder/existing relevant band licensee

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

Describe why the winning bidder’s relationship with the other winning bidder or existing relevant band licensee falls within the meaning of ‘affiliated’ in section 14 or section 15 of the Allocation Determination, with reference to section 13 of the Allocation Determination, as appropriate

I understand that a person who knowingly or recklessly makes a false or misleading statement in, or in connection with, an application for a licence is guilty of an offence under section 136.1 of the *Criminal Code*. I believe that the statements made in this document are true in every particular.

Signature of person making the statement

Made at:

Place

On:

Day / Month / Year

Before me,

Signature of person before whom the statement is made

Name of person before whom the statement is made (printed)

**Note** Part 7.4 of the *Criminal Code* applies to all offences in relation to false and misleading statements.