

**Submission in response to ACMA Consultation Paper on
remaking instruments for the 3.4 GHz spectrum-licensed band**

NBN Co

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Introduction

Thank you for the opportunity to comment on the on the proposed new 3.4 GHz technical framework legislative instruments:

- Draft Radiocommunications Advisory Guidelines (Managing Interference from Spectrum Licensed Transmitters – 3.4 GHz Band) 2025 (**RAG Tx**).
- Draft Radiocommunications Advisory Guidelines (Managing Interference to Spectrum Licensed Receivers – 3.4 GHz Band) 2025 (**RAG Rx**).
- Draft Radiocommunications (Unacceptable Levels of Interference – 3.4 GHz Band) Determination 2025 (**ULoI Determination**).

nbn was established in 2009 as a Government Business Enterprise, to provide fast, reliable and affordable connectivity and to enable Australia to seize the economic opportunities before it and service the best interests of consumers. It remains the principal responsibility of nbn to operate and continue to build and upgrade the nbn network in accordance with the expectations of the Government, a set out in the Shareholder Ministers' Statement of Expectations (SoE).

As of March 2025, 8.63 million homes and businesses are connected to the nbn network, with 12.54 million premises able to connect.

Under the *Telecommunications Act 1997 (Cth)*, nbn is the default Statutory Infrastructure Provider (SIP) across all of Australia. This means nbn has an obligation to connect all premises to broadband services that meet specified requirements (except in areas where another carrier is the nominated SIP). Where it is not reasonable for the SIP to connect premises to a fixed-line network, it must provide fixed-wireless or satellite technology at minimum prescribed upload and download speeds.

nbn currently holds 3.4 GHz spectrum as a key component of the fixed wireless network, that enables nbn to meet its obligations as the default SIP and as set out in the SoE. We therefore have a significant interest in the 3.4 GHz band technical framework instruments.

nbn comments on the 3.4 GHz band technical framework instruments

nbn understands that the ULoI Determination and the RAGs are legislative instruments that will sunset after 10 years.

nbn supports the ACMA's preliminary view that the 3.4 GHz band technical framework instruments are generally operating effectively and efficiently, and continue to form a necessary part of the regulatory framework. nbn therefore supports the remaking of these instruments, including the proposed amendments to ensure consistency with other recently reviewed technical frameworks.

nbn has no comments in respect of the ULoI Determination and the RAGs other than to note an apparent error referencing 2.3 GHz in Schedule 1, part 4 of the RAG Tx.

ACMA Consultation on re-making the 3.4 GHz band technical framework instruments

However, nbn does have some concerns in respect of the broader 3.4 GHz technical framework. For example, as noted in nbn's submission on the ACMA's draft Five Year Spectrum Outlook, nbn has concerns in relation to the different frequency ranges in the respective tables defining unwanted emissions in Spectrum Licenses for the 3.4 GHz band and the Radiocommunications Licence Conditions (Area-Wide Licence) Determination 2020.

We would appreciate an opportunity to discuss these matters further with the ACMA and will reach out to request a meeting.