

# **Expiring spectrum licences, stage 4**

## Proposed application and decision-making process

DECEMBER 2025

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# Executive summary

Spectrum licences across multiple frequency bands are due to expire between 2028 and 2032. These licences are used for a broad range of services that underpin social and economic life in Australia, including all of Australia's mobile networks and the approximately 34 million services in operation, as well as parts of the NBN in peri-urban and regional areas.

We have consulted extensively to develop preferred views on the long-term public interest, and on whether renewal, partial renewal and non-renewal of expiring spectrum licences (ESL) will best promote the long-term public interest.

This consultation seeks views on the process by which licensees may apply for renewal, and by which we will consider those applications.

The [Radiocommunications Act 1992](#) (the Act) sets out a legislative framework and requirements for dealing with ESLs. Licensees may apply for renewal of a spectrum licence beginning 2 years before the licence is due to expire. After receiving an application, we generally have 6 months to undertake all steps to consider and decide whether to renew a licence, although this may be longer for some licences where we request further information.

ESLs in the 850 MHz and 1800 MHz bands are the first licences due to expire as part of this ESL process and licensees are able to begin applying for renewal of those licences from 18 June 2026. We need to have processes in place to enable licensees to apply for renewal, and for the ACMA to consider applications received, by this date.

Renewal decisions will be made on a case-by-case basis, using our preferred views to help guide assessment of whether renewal is likely to promote the long-term public interest derived from the use of the spectrum and support identified Commonwealth communications policy objectives.

## **Process timeframes and the importance of early applications**

Multi-step consideration of each application, including a step involving direct consultation with the applicant, is expected to take approximately 4 months, with one month provided for the licensee to pay the spectrum access charge, enabling a new licence to be issued within the statutory 6-month decision-making period.

The decision-making period may be longer for some licences. For example, if we request further information from an applicant to help us make a decision, we will have 6 months to decide from when we receive the additional information.

We strongly recommend that licensees apply as soon as possible after the renewal application period commences. This will enable us to provide early certainty about renewal outcomes and work with licensees to ensure appropriate arrangements are in place prior to the commencement of any new licences. Where decision-making extends beyond the expiry of a licence (for example, where an applicant has applied late in the application period), the applicant may need to cease operating services or risk operating services unlicensed where we ultimately decide not to renew a licence.

## **Information required to support an application**

We propose that, when applying for renewal, licensees will be required to provide information about how a licence is being used and will likely be used, about current coverage and sites, as well as coverage and sites planned over the next 3 years. This information will be used to identify the use-cases relevant to the licences and enable consideration of the application in the context of our ESL policy.

## **Considering an application**

Each renewal application will be assessed on its merits and considered in the context of [our ESL policy and decision-making framework](#), which is constituted by our preferred views that were published alongside this paper.

Development of these preferred views has been informed by a public interest framework reflecting the object of the Act and incorporating Commonwealth communications policy objectives. This includes the objectives specified in the [Radiocommunications \(Ministerial Policy Statement – Expiring Spectrum Licences\) Instrument 2024](#) (ESL MPS).<sup>1</sup>

Consideration of an application will likely involve identifying the current and proposed use-case for the licence. The ESL policy will then guide our consideration of whether renewal of the licence is likely to promote the long-term public interest, the duration and contents of any renewed licence, and the spectrum access charge to be imposed.

There are different information requirements for licensees applying for renewal of licences primarily used for wireless broadband (WBB) and fixed wireless access (FWA), and for licensees holding rail and television outside broadcast licences.

## **Consideration of applications for renewal inconsistent with our preferred views**

While it is our preferred view that licences used for rail safety and communications (rail communications) and television outside broadcast (TOB) not be renewed and instead continued to be supported through apparatus licensing arrangements, all licensees may apply for renewal, and we must consider each application made.

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<sup>1</sup> Policy objectives identified in the ESL MPS include supporting service continuity for end users, particularly where no alternative service is available; facilitating opportunities for new entrants and use cases, including for low earth orbit satellites connectivity and investment in regional and remote areas to deliver improved services to end users; promoting competition; and enabling capacity for sustained investment and innovation.

# Issues for comment

We are seeking your views about our proposed approach to the ESL application and decision-making process.

We welcome feedback on any aspect of the process but are particularly interested in understanding any concerns or issues with the feasibility of the proposed process, in particular:

1. Do you foresee any practical reasons that would prevent you from providing information that is accurate as of a date closer to when the application is made? (For example, accurate as of 30 days prior to when the application is made.)
2. Do you foresee any practical issues that would prevent you from providing the proposed documents about existing and planned sites and coverage in the required format to the ACMA as part of a renewal application?
3. Do you foresee any practical issues that would prevent you from providing the proposed documents about third-party authorisations and in the required format to the ACMA as part of a renewal application?
4. Do you foresee any practical issues that would prevent you from paying the spectrum access charge in full in the proposed timeframes?

We also request that licensees nominate a point of contact for all future direct correspondence concerning ESLs by emailing [ESL@acma.gov.au](mailto:ESL@acma.gov.au).

# Overview of process steps

Tables 1, 2 (renewal) and 3 (refusal) describe, and Figures 1 and 2 illustrate, the multi-step process and timeframes that we will use to consider whether to renew a licence in response to an application. This includes the steps where actions by the applicant will be required (in blue).

The steps outlined for licences that we propose to renew would also be applicable any licences that we propose to partially renew.

**Table 1: Process steps: all applications**

Steps	Activity
<b>1</b>	Licensee makes an application to the ACMA for renewal of their licence(s).
<b>2</b>	We consider each application and whether to renew the licence.  Requests for further information, if made, would likely be made during this step.
<b>3</b>	We write to the applicant and directly consult on our draft decision on whether to renew the licence.  Where our draft decision is to renew a licence, we will also directly consult on the draft spectrum licence and spectrum access charge determination.
<b>4</b>	We consider the applicant's views and whether to change our draft decision.
<b>Renewal process is continued in Table 2. Refusal process is continued in Table 3.</b>	

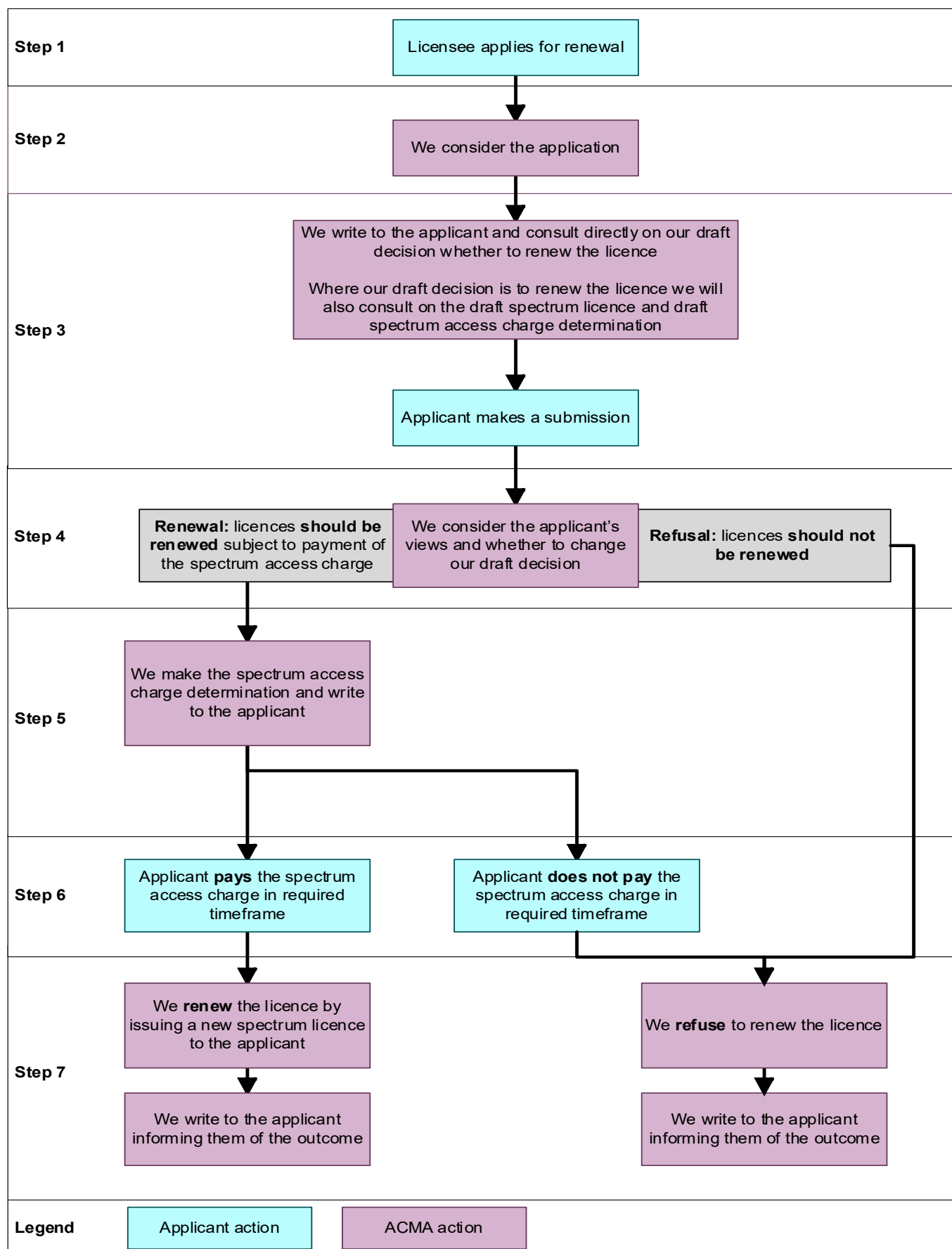
**Table 2: Process steps: licences should be renewed (including partial renewal)**

Steps	Activity
<b>5–6</b>	We make the spectrum access charge determination and write to the applicant informing them that renewal is subject to payment of required amount and by the date specified in the determination.
<b>7a</b>	If the applicant pays the spectrum access charge within the required timeframe, we renew the licence by issuing a new licence and write to the applicant informing them of the outcome.
<b>7b</b>	If the applicant does not pay the spectrum access charge within the specified timeframe, we refuse to renew the licence and write to the applicant informing them of the outcome.

**Table 3: Process steps: licences should not be renewed**

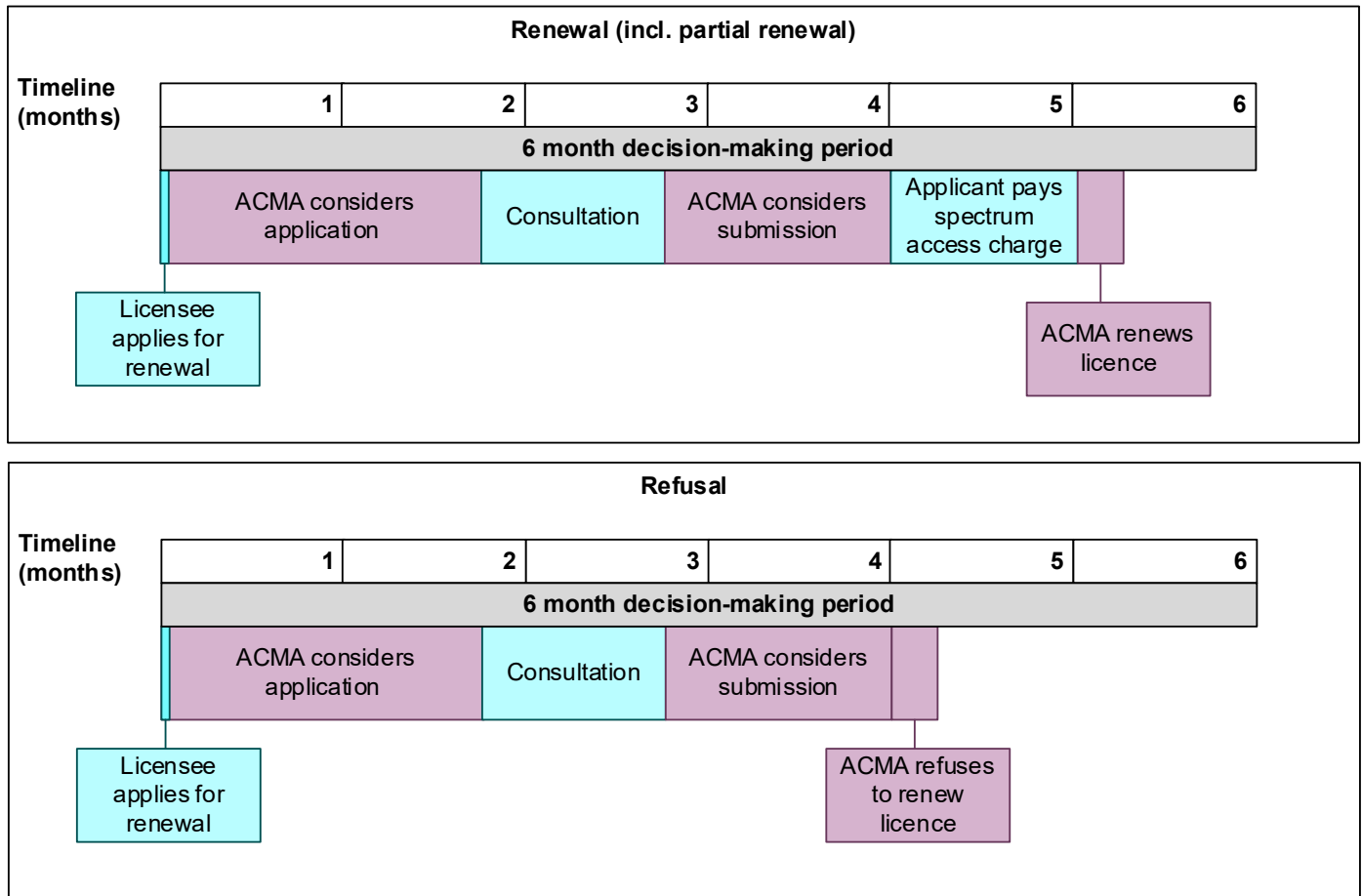
Steps	Activity
<b>7b</b>	We decide to refuse to renew the licence and write to the applicant informing them of the outcome.

**Figure 1: Flowchart of application and decision-making process steps**





**Figure 2: Estimated timeframes for undertaking application and decision-making process steps**



# Our approach to ESL decision-making

## Preferred views and ESL policy and decision-making framework

All applications for renewal of a spectrum licence will be considered in the context of our [ESL policy and decision-making framework](#).

Our preferred views set out this framework. They identify the use-cases and options for each ESL frequency band that are likely to promote the long-term public interest. They also set out our preferred views on duration and the inclusion of renewal statements for renewed licences. Preferred views are the result of our staged, consultative approach to considering the arrangements likely to promote the long-term public interest.

Development of preferred views has been guided by a public interest framework and 5 public interest criteria. This framework reflects the object of the Act and incorporate relevant Commonwealth communications policy objectives and priorities.<sup>2</sup> Relevant policy objectives and priorities include objectives specified in the ESL MPS, which we must have regard to, and policy priorities identified by the minister as relevant in the 2024 Statement of Expectations (SoE) given to the ACMA.<sup>3</sup>

We provided stakeholders information on how we may consider each of the public interest criteria as part of [our finalised framework and response to submissions](#) in stage 1. This was reproduced and updated in [stage 3](#) to reflect changes in policy priorities and objectives.

## Legislative framework applicable to ESL decision-making

Our approach to deciding whether ESLs should be renewed is guided by the object of the Act to promote the long-term public interest derived from the use of the spectrum. It is also guided by the broader legislative framework applicable to ESL decision-making, namely the matters that the Act specifies we *must* or *may* have regard to when considering whether to renew a spectrum licence.

When deciding whether to renew a spectrum licence, we must also decide the duration and contents of any renewed licence, including renewal statements, and may impose a spectrum access charge for the issue of a new licence.

### Matters we must have regard to when deciding whether to renew a licence

The Act requires that we must have regard to all matters that we consider relevant to the decision whether to renew a licence and the effect on radiocommunications that the proposed operation of any devices that would be authorised under the new licence.<sup>4</sup> In practice, relevant matters will generally include whether renewal of a licence is likely to promote the long-term public interest with reference to our ESL policy.

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<sup>2</sup> The 5 public interest criteria included: 1) facilitates efficiency; 2) promotes investment and innovation; 3) enhances competition; 4) balances public benefits and impacts; and 5) supports relevant policy objectives.

<sup>3</sup> In December 2023, the minister wrote to the Chair of the ACMA and identified several policy priorities contained within the 2022 SoE as being relevant to the ESL process. These priorities were retained with slight changes in the 2024 SoE. These changes were incorporated into our updated guidance on the public interest criteria published as part of stage 3. If Radiocommunications (Ministerial Policy Statement – 3.4–4.0 GHz) Instrument 2022 (3.4 GHz MPS) is still in effect at the time at which applications for 3.4 GHz licences are made, we will also have regard to the objectives of that MPS.

<sup>4</sup> Subsection 77C(7) of the Act.

Relevant matters may also include other matters or issues relating to the long-term public interest, reflecting the evolving dynamics affecting the spectrum, use-cases and users. For example, our ESL policy may be that renewal of licences used for a particular service in a frequency band is likely to promote the long-term public interest, but developments about competition within the market may also be a relevant consideration for our decision-making.

The Act requires that we must be satisfied that it is in the public interest to renew a licence for 10 years or longer before doing so. We have considered the public interest in relation to licence duration and set out our reasoning as part of our preferred views.

The Act also requires that we must consider any relevant ministerial policy statements when performing our spectrum management functions or exercising our spectrum management powers under the Act.<sup>5</sup> The former minister issued the ESL MPS, which sets out Commonwealth policy objectives specified as relevant to the consideration of licences used for WBB. We will consider these objectives throughout the ESL process by incorporating them into our public interest framework that guided our development of preferred views.<sup>6</sup>

We will continue to consider the long-term public interest, the ESL MPS, and other relevant Commonwealth communications policy objectives, when we assess renewal applications in the context of our preferred views.

### **Matters we may have regard to when deciding whether to renew a spectrum licence**

The Act provides that we may consider several matters when deciding whether to renew a spectrum licence:

- Whether the licensee has any outstanding liabilities for spectrum or apparatus licence taxes or charges.
- Whether the licensee has contravened any conditions of the licence.<sup>7</sup>
- Whether the licensee was aware or ought to have been aware that an authorised person contravened a condition of the licence and failed to take reasonable steps to prevent that contravention.
- Whether the licensee held a licence that was cancelled in the previous 2 years for reasons other than those specified in sections 87 (licence variation), 128B (cancellation of international broadcasting licences), 153H (re-allocation) or 307 (licence surrender).

## **Considering an application for renewal**

Renewal decisions will be made on a licence-by-licence basis, with each application considered on its own merits. Information provided by the licensees as part of an application will be used to identify the current and planned use-cases for the licence relevant to the application, enabling consideration of the application in the context of our ESL policy.

Our ESL policy will inform evaluation of each application and consideration of whether renewal of the relevant licence is likely to promote the long-term public interest and support Commonwealth policy objectives. Our ESL policy will also help inform the duration and contents of any licence that may be renewed, as well as the spectrum access charge imposed upon the issue of a new licence.

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<sup>5</sup> Section 28C of the Act.

<sup>6</sup> The ACMA would also consider policy objectives specified in the 3.4 GHz MPS if it is still in effect when we consider applications for renewal of licences in that band.

<sup>7</sup> Conditions contained in a licence issued under the Act.

# Applications and decision-making

## Step 1: Making an application and providing required information

We will publish application forms on our website closer to when licensees may begin to apply for renewal of spectrum licences in the 850 MHz and 1800 MHz bands in Q2 2026.<sup>8</sup>

Licensees will be able to apply for renewal by emailing us a completed application form and providing all required supporting information and documents.<sup>9</sup> The information required to support an application is discussed in further detail below.

It may not be feasible for all applicants to provide all required information via email due to file size limitations. We will use the Microsoft Teams platform for larger files. Information provided to the ACMA in accordance with it carrying out its functions is managed in accordance with our information management policies.

### When to apply for renewal

We strongly recommend that licensees apply as soon as possible after the application period commences so that we can provide early certainty about renewal outcomes. This will also enable us to work with licensees to ensure arrangements, such as site registrations, are in place in advance of the commencement of any new licences.

We also strongly recommend that licensees apply for renewal of all licences they wish to have renewed in a particular frequency band at the same time.

Application dates for licences that do not include renewal application period statements in the licence are identified in Table 4. Application dates for licences that include renewal application period statements are specified in the licence.<sup>10</sup>

Where decision-making extends beyond the expiry of a licence (for example, where an applicant has made an application late in the application period), the applicant may need to cease operating services or risk operating services unlicensed where we ultimately do not renew a licence.

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<sup>8</sup> All applications must be made in a form approved by the ACMA in writing as per paragraph 77A(4)(b) of the Act. Renewal application forms published to our website will be approved for this purpose.

<sup>9</sup> All applications must be made in a manner approved in writing by the ACMA per paragraph 77A(4)(a) of the Act.

<sup>10</sup> The 850 MHz downshift licences and licences in the 3.4 GHz band that were allocated in 2023 include renewal application period statements.

**Table 4: Application dates applicable to each ESL frequency band**

Band	First day an application can be made	Licences expire
<b>850 MHz</b>	18 June 2026	17 June 2028
<b>1800 MHz</b>	18 June 2026	17 June 2028
<b>2.5 GHz and mid-band gap</b>	1 October 2027	30 September 2029
<b>700 MHz</b>	1 January 2028	31 December 2029
<b>2.3 GHz</b>	25 July 2028	24 July 2030
<b>3.4 GHz</b>	14 December 2028	13 December 2030
<b>2 GHz</b>	12 October 2030	11 October 2032

### **Information required to support an application**

We propose that applicants, when applying for renewal, be required to provide specified information and documents as part of their application to enable us to consider how a licence is being used and will likely be used in the future.<sup>11</sup> This will be used to consider renewal applications with reference to our preferred views.

A draft instrument, the draft Radiocommunications (Spectrum Licence Renewal – Information and Documents) Instrument 2026 (Draft Information Instrument), specifying the information and documents proposed to be required with an application is available in the key documents box on the consultation page.

All applicants are proposed to be required to provide information about sites where spectrum across the frequency band relevant to the application has been deployed or is planned to be deployed over the following 3-year period. All applicants will also be required to provide a signed document in connection with information about planned sites and coverage, containing a statement to the effect that the signatory acknowledges that it is a serious offence to give false or misleading information.

The mobile network operators (MNOs) and NBN Co will additionally be required to provide, for each frequency band relevant to the application:

- Geographical information about service coverage provided and planned to be provided over the following 3 years using spectrum across the relevant frequency band.
- Geographical information about any third-party authorisations or spectrum agreements that are in place to facilitate shared networks.

A signed document acknowledging that it is a serious offence to provide misleading information must also be provided with respect to information about planned coverage and sites. All information is to be accurate as of the most recent 31 January to when the application is made, however we are interested in understanding whether there would be any

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<sup>11</sup> We may require applicants provide information and/or documents when making a renewal application through a legislative instrument made under subsections 77A(6) and 77A(7) of the Act.

reasons why the information could not be generated and accurate as of when an application is made.

More detailed information about these requirements is available below.

Proposed requirements relating to existing service coverage and site information applicable to the MNOs and NBN Co reflect some of the rules specified in the [Audit of Telecommunications Infrastructure Assets Record Keeping Rules](#) (Infrastructure RKR) administered by the Australian Competition and Consumer Commission (ACCC). This will enable these licensees to submit some of the information provided to the ACCC to us when applying for renewal.

We have previously sought and obtained this information from some licensees during stage 2 in 2024, and some licensees are required to annually provide this information to the ACCC as part of the Infrastructure RKR. However, we are proposing to require this information be supplied as part of an application to provide transparency about the information we will consider when considering an application, consistency across applications, and that information remains current and relevant.

We acknowledge that planned services are subject to various factors and may change over time as the applicant's business plans and the broader market environment evolves. The purpose of collecting this information is to inform consideration of whether the spectrum is likely to continue to be used for a particular use-case.

While it is our preferred view that rail communications and TOB use-cases be transitioned to apparatus licensing and relevant ESLs are not renewed, these licensees may still apply for renewal. We are not proposing to require these licensees to provide outdoor coverage information as site information alone should provide us with sufficient information about how licences are being used, noting the differences in their use-cases compared to the MNOs and NBN Co. We are also not proposing to seek information about third-party authorisations from these licensees as conditions restrict the usage of these licences, limiting usefulness for third parties.

#### **Question 1**

Do you foresee any practical reasons that would prevent you from providing information that is accurate as of a date closer to when the application is made? (For example, accurate as of 30 days prior to when the application is made.)

#### ***Site data (all applicants)***

All applicants will be required to provide a list of all sites where spectrum relevant to the application has been deployed and is planned to be deployed over the following 3 years.

Lists should be provided in an Excel supported format (for example, .csv or .xlsx) and include:

- identifiers for each site using either Register of Radiocommunications Licence site ID and/or the RFNSA site ID
- coordinates for each site
- technology deployed at each site using each frequency band relevant to the application.

**Coverage information (NBN Co and MNO applicants only)**

We propose that, when applying for renewal, MNO applicants will be required to provide information about where outdoor mobile coverage is available, while NBN Co will be required to provide information about where FWA services are available.

Coverage information must reflect coverage provided using spectrum included in the spectrum licences relevant to the application. For example, if the applicant is applying for renewal of 850 MHz band licences, coverage achieved using the 850 MHz band must be provided, while coverage achieved using 700 MHz spectrum should not be provided. If the applicant is applying for the renewal of multiple licences within the same frequency band, it may provide a single set of information that reflects coverage achieved across all licences within that frequency band.

Subject to the information we receive in response to Question 1, information about existing coverage must be accurate as of the most recent 31 January to when the application is made.<sup>12</sup> Information about planned coverage would extend, to the extent reasonably possible, to the 3-year period following that 31 January.

We acknowledge that coverage information reflects where operators predict that services should be available to end-users, and that it may not accurately reflect the on-the-ground experience for all end-users due to a range of environmental and technical factors. Coverage information is being used as a proxy for examining where spectrum is being used and we acknowledge that it does not reflect the interference potential of signals which may extend considerably beyond the coverage area. Existing and planned coverage information will be used to confirm how licences are being used rather than any granular assessment of spectrum usage.

Applicants will be required to provide geographic information about coverage in either Shapefile (.shp) or Keyhole Markup Language (.kml or .kmz) format.<sup>13</sup> Information provided in Shapefile format should use the Geocentric Datum of Australia 1994 (GDA94) coordinate system.

**Question 2**

Do you foresee any practical issues that would prevent you from providing the proposed documents about existing and planned sites and coverage in the required format to the ACMA as part of a renewal application?

**Third-party authorisations and similar sharing agreements (NBN Co and MNO applicants only)**

We propose that NBN Co and the MNOs provide geographical information about any agreements they have entered into with another operator to authorise use of spectrum included in a licence relevant to the application. This is not intended to apply to authorisations or agreements relating to the operation of devices not required to be registered or to authorise related entities to operate devices under a licence.

For example, we understand that TPG and Optus have agreements in place where Optus is authorised to use spectrum licensed to TPG in some regional areas.

<sup>12</sup> The Infrastructure RKR also requires coverage information be accurate as of 31 January.

<sup>13</sup> While the ACCC has historically required that this information be provided in MapInfo TAB (.tab) format, the ACMA has limited capacity to work with this format. The ACCC has also recently amended the record-keeping rules to enable record-keepers to provide information in Shapefile and Keyhole Markup Language formats.

Required information includes the geographic areas and frequencies to which the agreement applies, and the other operator authorised.

Applicants will be required to provide geographic information about third-party authorisations in either Shapefile (.shp) or Keyhole Markup Language (.kml or .kmz) format. Information provided in the Shapefile format should use the GDA94 coordinate system.

### **Question 3**

Do you foresee any practical issues that would prevent you from providing the proposed documents about third-party authorisations in the required format to the ACMA as part of a renewal application?

## **Step 2: Forming views on applications**

We will consider each application received by applying our ESL policy and decision-making framework in the manner described above in our approach to decision-making.

This will enable us to form views on the long-term public interest, whether to renew the licence relevant to the application, the contents of any renewed licence and the spectrum access charge to be imposed for licence issue.

## **Steps 3 and 4: Consultation on applications**

After we have formed views on an application, we will write to applicants and consult directly about our draft decision on whether to renew the licence. Where we propose to renew licences, we will also consult on draft licences and draft spectrum access charge determinations. Consultation provides applicants an opportunity to either indicate acceptance of those views or to provide further information in support of their application.

Applicants will be provided 30 days to make any submissions in response to our views, and we anticipate that this consultation will commence approximately 6 weeks after we receive an application. We will generally be unable to provide extensions on this timeframe.

Draft spectrum access charge determinations provided to the applicant as part of this consultation will be based on our preferred views on \$/MHz/population prices we intend to publish in 2026. While preferred views on pricing will give applicants clarity about the likely charge to be imposed, consultation on a draft determination will provide additional confidence about the total charge to be imposed, reflecting the bandwidth and geographic area proposed to be included in the renewed licence.

We will not be seeking further views on the approach to spectrum valuation and pricing with applicants when we consult on our views on renewal in response to an application.

Transparent public consultations are the most appropriate forum for determining pricing matters concerning a scarce and valuable public resource. We are currently consulting on our [updated preliminary views on pricing](#), including a simplified pricing methodology and preliminary single \$/MHz/population prices.<sup>14</sup>

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<sup>14</sup> The consultation on updated preliminary views on pricing follows the initial consultation on preliminary views on pricing undertaken in stage 3 and an external peer review conducted by DotEcon of our preliminary views and stakeholder submissions.



The updated pricing consultation signals that we propose to update benchmarking data so that later pricing continues to reflect contemporary spectrum valuations. We will publicly consult on any updates to our benchmarking sample and the resulting impacts on our preferred views on pricing for each band prior to the start of the relevant renewal application window.

## **Steps 5 and 6: Imposing a spectrum access charge and payment of a charge (licences to be renewed only)**

If we are minded to renew a licence after consulting with the applicant, we will make a spectrum access charge determination imposing the amount to be paid for the issue of a new licence and the timing of when payment is due. Spectrum access charge determinations, when made, will be provided directly to the applicant and published.

Consistent with our historical practice of requiring upfront payment prior to licence issue, we will require that the full spectrum access charge is paid prior to licence issue.<sup>15</sup> This means that we will require payment before we make a decision to renew a licence, as the decision to renew a licence results in the issue of a new licence.

Should an applicant not pay the full spectrum access charge within the required timeframe, the ACMA may not renew the licence.

### **Calculating the spectrum access charge**

The spectrum access charge will generally be calculated from the preferred \$/MHz/population value identified for the relevant ESL frequency band, the total bandwidth of spectrum included in licence to be renewed, and the population covered by the geographic footprint of the licence.

We are also [consulting on a proposal](#) to adjust the spectrum access charge based on the timing of when payment is due.

### **Timing of payment**

We propose to provide applicants 30 days to pay the full spectrum access charge. Based on proposed timelines illustrated in Figure 1 and Table 2 above, we anticipate that this 30 days will begin approximately 4 months after we receive an application.

It is likely only possible to provide 30 days for payment in most cases to enable a renewal decision to be made within 6 months of receiving an application, consistent with statutory decision-making timeframes.

However, additional time for paying the spectrum access charge may be provided in circumstances where the preceding steps, including consultation, are completed in less than 4 months.

### **Question 4**

Do you foresee any practical issues that would prevent you from paying the spectrum access charge in full within the proposed timeframes?

<sup>15</sup> We have generally required upfront payment of the spectrum access charge for spectrum licences issued by way auction, consistent with recommendation 6 of the [Spectrum Pricing Review](#) which noted that upfront lump-sum payments because it protects against the risk of payment default, reduces complexity and increases certainty of outcomes. Licensees were also required to make upfront payment of the spectrum access charge as part of the previous ESL process.

## **Step 7: Final decisions on applications**

### **Decision to renew licence**

If the applicant pays the spectrum access charge within the timeframe specified in the spectrum access charge determination, we will renew the licence by issuing a new licence to the applicant.<sup>16</sup>

We will also write to the applicant informing them of this outcome and provide them a written notice of this outcome and, where licence conditions have changed at renewal, inform them of their right to seek a statement of reasons within 28 days of receipt of the notice.<sup>17</sup>

A new licence issued by way of renewal will commence from the expiry of the ESL it replaces. For example, if we decide to renew an 850 MHz licence and issue a new licence in January 2027, the ESL will continue in force until it expires on 17 June 2028, and the new licence will commence on 18 June 2028.

We will work with licensees to record site registrations in the Register of Radiocommunications Licences in the lead-up to commencement of the new licence.<sup>18</sup>

### **Decision to refuse to renew licence**

Where we decide not to renew a licence, we will write to the applicant informing them of this outcome and provide them a written notice of this outcome, and inform them of their right to seek a statement of reasons within 28 days of receipt of the notice.<sup>19</sup>

Where we refuse to renew a licence, the expiring licence will continue in force until its expiry. For example, if we refuse to renew an 850 MHz licence and do not issue a new licence, the 850 MHz ESL will continue in force until it expires on 17 June 2028.

## **Further steps: Reconsideration and review of decisions**

An affected person may apply to us for reconsideration of a decision where we have decided to renew a licence with changed conditions or refused to renew a licence.<sup>20</sup> Imposing a spectrum access charge through making a spectrum access charge determination is not a reviewable decision.

Applications for reconsideration must generally be made within 28 days of an applicant being informed of the decision, unless we extend that period.

Where we receive an application for reconsideration, we must reconsider the decision and whether to affirm, change or revoke the decision and give the applicant notice of the outcome of that reconsideration.

We must make a decision on reconsideration within 90 days of receiving an application for reconsideration. Where we affirm or vary a decision following internal reconsideration, applications may be made to the Administrative Review Tribunal for review.

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<sup>16</sup> Subsections 77C(1) and (2) of the Act state that the ACMA may renew a licence by issuing a new licence in response to an application without making or following procedures for allocating spectrum licences under section 60. However, this does not imply that the ACMA must renew a licence without the applicant paying the spectrum access charge for issuing the new licence.

<sup>17</sup> See section 77D of the Act.

<sup>18</sup> Subsection 77C(9) of the Act states that the new licence that is issued by way of renewal commences, or is taken to commence, immediately after the expiry of the licence it replaces.

<sup>19</sup> See section 77D of the Act.

<sup>20</sup> See subsection 285(d) of the Act.

# Next steps

We will publish application forms and guidance material for licensees on our website in Q2 2026, closer to when licensees may begin to apply for renewal of licences in the 850 MHz and 1800 MHz bands, and ahead of the beginning of the application period in June.

We will also look to make the Radiocommunications (Spectrum Licence Renewal – Information and Documents) Instrument 2026, subject to any changes arising from this consultation, around this time.

We will notify stakeholders when this occurs.

Guidance material will include a finalised version of this paper, identifying the process steps through which applicants will apply and through which we will consider each renewal application received.

As stage 4 progresses and licensees begin to be able to apply for renewal, we will need to directly contact licensees in a timely manner. We ask that each licensee please nominate a point or points of contact that we may directly contact on ESL matters by emailing [ESL@acma.gov.au](mailto:ESL@acma.gov.au).

# Invitation to comment

## Making a submission

We invite comments on the issues set out in this discussion paper.

- [Online submissions](#) can be made by uploading a document. Submissions in PDF, Microsoft Word or Rich Text Format are preferred.
- Submissions by post can be sent to:  
The Manager  
Expiring Spectrum Licences  
Australian Communications and Media Authority  
PO Box 13112  
Law Courts  
Melbourne VIC 8010

The closing date for submissions is **COB, Friday 27 February 2026**.

Consultation enquiries can be emailed to [ESL@acma.gov.au](mailto:ESL@acma.gov.au).

## Publication of submissions

We publish submissions on our website, including personal information (such as names and contact details), except for information that you have claimed (and we have accepted) is confidential.

Confidential information will not be published or otherwise released unless required or authorised by law.

## Privacy

View information about our policy on the publication of submissions, including collection of personal information during consultation and how we handle that information.

Information on the *Privacy Act 1988*, how to access or correct personal information, how to make a privacy complaint and how we will deal with any complaints, is available in our [privacy policy](#).