

Commonwealth of Australia

Radiocommunications Act 1992

**Radiocommunications (Spectrum Access Charges)
Direction 2013**

I, ANTHONY NORMAN ALBANESE, Minister for Broadband, Communications and the Digital Economy, make the following Direction under subsection 294(2) of the *Radiocommunications Act 1992*.

Dated 24 July 2013


ANTHONY ALBANESE
Minister for Broadband, Communications and the Digital Economy

1. Name of Direction

This Direction is the *Radiocommunications (Spectrum Access Charges) Direction 2013*.

2. Commencement

This Direction commences on the day after it is made.

3. Cessation

This Direction ceases at the end of 31 December 2015.

4. Application

This Direction supplements the *Radiocommunications (Spectrum Access Charges) Direction 2012* and applies only to Re-issued Spectrum Licences in the 1800 MHz frequency ranges specified in Table 1 below with one or more conditions that require the licensed spectrum to be used for Rail Safety and Control Communications (*Re-issued Rail Spectrum Licences*).

Table 1:

Applicable 1800 MHz Frequency Ranges
1775 – 1785 MHz
1870 – 1880 MHz

5. Definitions

In this Direction:

ACMA means the Australian Communications and Media Authority.

Act means the *Radiocommunications Act 1992*.

Rail Safety and Control Communications means voice or data communications using radiofrequency spectrum for the purposes only of rail safety, rail operations or rail control.

Re-issued Spectrum Licence means a spectrum licence that is to be re-issued in accordance with subsection 82(1) of the Act to the person to whom it was previously issued.

6. Supplementary Directions—ACMA Spectrum Access Charges

- (a) Subject to paragraph (b) below, I direct the ACMA that the spectrum access charges fixed by it in any determination under subsection 294(1) of the Act (a *Spectrum Access Charges Determination*) in relation to Re-issued Rail Spectrum Licences must reflect 50 per cent of the amount specified in relation to the 1800 MHz spectrum band in Column 3 of Table 1 of clause 6 of the *Radiocommunications (Spectrum Access Charges) Direction 2012*.
- (b) The direction in paragraph (a) above applies only up to a maximum of 2x10 MHz of spectrum in the 1800 MHz frequency range (as specified in Table 1 of clause 4) per person in relation to licences to be re-issued in accordance with subsection 82(1) of the Act.
- (c) I direct the ACMA that, with respect to Re-issued Rail Spectrum Licences, any Spectrum Access Charges Determination it makes must not require full payment of the spectrum access charges before 1 July 2014.
- (d) For the avoidance of doubt, nothing in this Direction prevents the ACMA from considering other relevant matters in making a Spectrum Access Charges Determination.