

Form 1 – Application form

For the purposes of sections 28, 34, 39 and 41 of the [Radiocommunications \(Spectrum Licence Allocation – 26 GHz Band\) Determination 2020](#) (allocation determination).

Notes on completion

Introduction

This application form has been approved by the Australian Communications and Media Authority (ACMA) pursuant to paragraph 26(1)(f) of the allocation determination.

Paragraph 28(1)(a) and paragraph 41(1)(a) of the allocation determination provide that a person who applies to become a registered bidder in the auction must, among other things, before the application deadline or new application deadline:

- > give the ACMA a completed application form; and
- > pay the application fee.

Section 34 of the allocation determination provides that a new applicant, formed by affiliated applicants, must give the ACMA a completed application form and pay the application fee within 10 working days of the ACMA notifying the affiliated applicants under section 33. For applications made under section 34 of the allocation determination, the new applicant must be a body corporate whose only members are one or more of the applicants identified as being affiliated. The new applicant must not be affiliated with any other applicant in the updated list who has not withdrawn their application, including another new applicant.

If the ACMA varies the starting prices and lot ratings under section 37 of the allocation determination, subsection 39(4) allows existing applicants to give the ACMA an updated application form before the new application deadline.

Other elements of the bidder registration process

A person wishing to participate in the auction must be registered as a bidder in accordance with the procedures set out in section 45 of the allocation determination. The *Auction guide* explains what is required for applicants to be registered as a bidder for the auction. An applicant is only entitled to participate in the auction when it has fulfilled all of the requirements of the bidder registration process (including the completion and lodgement of all relevant deeds and other forms) within the applicable deadlines.

Practical information to guide applicants through the registration process is provided in the *Auction guide*. Applicants should read the allocation determination and the *Auction guide* carefully to make sure they are aware of all of the steps they need to take if they wish to be registered as a bidder.

Disclosure of information

Pursuant to sections 31, 34 and 42 of the allocation determination, information given to the ACMA in the application form about the identity of the applicant, and the applicant's associates, will be given to all other applicants. This information will be given to the other applicants for the purpose of enabling them to make a statutory declaration pursuant to the requirements of those sections.

The allocation determination, the *Auction guide* and Form 2—Deed of acknowledgement describe other circumstances in which information and documents obtained by the ACMA in the performance of its functions under the allocation determination may also be released by the ACMA.

When to give the application form to the ACMA

Where a person gives an application form to the ACMA under section 28 of the allocation determination, this must be done before the application deadline. An application is incomplete if the person fails to give the application form before the application deadline. The application deadline is published by the ACMA on its website and included in the *Auction guide*.

Where a person gives an application form to the ACMA under section 34 of the allocation determination, this must be done within 10 working days of the ACMA notifying the relevant affiliated applicants under subsection 33(1) of the allocation determination.

If the ACMA varies a starting price under paragraph 37(1)(a), it will publish a notice on its website of the date and time of the new application deadline. In the event starting prices are varied by the ACMA, a person wanting to be a new applicant must give an application form to the ACMA under section 41 of the allocation determination before the new application deadline. An application is incomplete if the person fails to give the application form before the new application deadline. Existing applicants are able to update their application forms before the new application deadline under subsection 39(4).

How to give the application form to the ACMA

The application form must be lodged in accordance with the procedures for giving documents to the ACMA set out in section 7 of the allocation determination. The application form can be delivered to:

Email: spectrumallocations@acma.gov.au

Post: Auction Manager
Major Spectrum Allocations Section
Australian Communications and Media Authority
Red Building, Benjamin Offices, Chan Street
Belconnen ACT 2617

A summary of the procedures 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.

Attaching additional information to the application form

Where an applicant provides additional information in an attachment to the application form:

- > the first page of the attachment must clearly indicate:
 - > the name of the applicant, as it appears in Part 1 of the application form; and
 - > the part of the form to which the attachment relates (for example, 'Part 3: Details of the applicant's authorised persons'); and
- > each page of the attachment must show the page number and the total number of pages in the attachment (for example, 'Attachment 1, Page 1 of 3').

Who should sign the application form?

If the application is from a body corporate, the form must be signed by a director, a secretary or an authorised officer of the body corporate.

If the application form is from an individual, the form must be signed by that individual.

Who can witness the application form?

The application form must be signed before a person who is above the age of 18.

How to sign and witness the application form

Physical signature and witnessing

Applicants may choose to complete the application form with a physical signature and an in-person witness.

Electronic signature and remote witnessing

Alternatively, applicants may choose to complete the application form with an electronic signature, witnessed remotely by audio-visual link. The signatory and witness may:

- > paste a copy of their signature into the application form
- > sign the application form on a tablet, smartphone or laptop using a stylus or finger
- > use a cloud-based signature platform.

The witness must:

- > observe the signatory sign the document in real time. The witness may do this over audio-visual link
- > sign the document, or an exact copy of the document, attesting that they witnessed the signature. The witness may sign a counterpart of the document or a scanned copy of the document as soon as practicable after the signature has been witnessed
- > be satisfied that the document they sign is the same document or a copy of the document signed by the signatory.

The witness may choose to either physically or electronically sign the application form in order to attest that they witnessed the signature.

How to pay the application fee

Information about how to pay the application fee is provided in Part 5 of this form.

Part 1: Applicant details

If the applicant is a body corporate:

Name

ACN/ARBN

Trading name

If the applicant is an individual:

Title: Mr/Mrs/Ms/Dr/Other

Given names

Surname

All applicants to complete:

ACMA client number (if known/if any)

Address (if the applicant is a body corporate, enter the applicant's registered office or principal office address).

Tick whichever is applicable below:

- ☐ This is an application made for the purposes of section 28 of the allocation determination.
- ☐ This is an application made for the purposes of section 34 of the allocation determination.
- ☐ This is an update to an application made for the purposes of section 39 of the allocation determination.
- ☐ This is an application made for the purposes of section 41 of the allocation determination.

Part 2: Details of principal and backup contact persons

The ACMA may need to contact auction participants to make queries, or to provide information or material.

During the course of the auction, the ACMA will communicate with participants primarily through the 'authorised persons' nominated in Part 3 of this form, using the electronic messaging facility in the online auction system. Where an alternative mode of communication is appropriate (for example, during the bidder registration process, before participants have access to the auction system), the ACMA will communicate with participants directly through the contact persons nominated below.

The same individual can be nominated in Part 2 and Part 3 of this form.

Provide name and contact details for:

- > the person through whom the ACMA should communicate with the applicant in relation to the auction, as described above (the principal contact person)
- > an alternative person through whom the ACMA should communicate with the applicant if the principal contact person cannot be reached (the backup contact person).

Principal contact person:

<hr/>	
Title: Mr/Mrs/Ms/Dr/Other	
<hr/>	
Given names	
<hr/>	
Surname	
<hr/>	
Position	
<hr/>	
Business address	
<hr/>	
<hr/>	<hr/>
Work phone	Email
<hr/>	<hr/>
Mobile	Additional contact if relevant

The following secret questions may be used for verification purposes – for example, where the person takes delivery of auction-related material or contacts the ACMA to seek information:

<hr/>	<hr/>	<hr/>
Date of birth	City of birth	First primary school

Backup contact person:

Title: Mr/Mrs/Ms/Dr/Other	

Given names	

Surname	

Position	

Business address	

_____	_____
Work phone	Email
_____	_____
Mobile	Additional contact if relevant

The following secret questions may be used for verification purposes – for example, where the person takes delivery of auction-related material or contacts the ACMA to seek information:

_____	_____	_____
Date of birth	City of birth	First primary school

Part 3: Details of the applicant's authorised persons

Provide the name and contact details of each 'authorised person' who the applicant authorises to access and use the auction system (for example, to make bids in the auction) on its behalf (authorised persons).

The same individuals can be nominated in Part 2 and Part 3.

In the interests of operational efficiency and security, applicants are encouraged to nominate no more than 3 authorised persons. However, applicants can nominate an additional 2 authorised persons (that is, a total of up to 5 persons) if they wish. Where an applicant wishes to nominate more than 3 authorised persons, the name, contact details and signature (as required below) of each additional person must be provided as an attachment to this form, in accordance with the instructions set out under the heading 'Attaching additional information to the application form', above.

Authorised person #1

Title: Mr/Mrs/Ms/Dr/Other	

Given names	

Surname	

Position	

Business address	

_____	_____
Work phone	Email
_____	_____
Mobile	Additional contact if relevant

The following secret questions may be used for verification purposes – for example, where the person submits a bid using the alternative bidding procedures (to be supplied after the application deadline) or contacts the ACMA to seek information:

_____	_____	_____
Date of birth	City of birth	First primary school

Authorised person #2

Title: Mr/Mrs/Ms/Dr/Other	

Given names	

Surname	

Position	

Business address	

_____	_____
Work phone	Email
_____	_____
Mobile	Additional contact if relevant

The following secret questions may be used for verification purposes – for example, where the person submits a bid using the alternative bidding procedures (to be supplied after the application deadline) or contacts the ACMA to seek information:

_____	_____	_____
Date of birth	City of birth	First primary school

Authorised person #3

Title: Mr/Mrs/Ms/Dr/Other	

Given names	

Surname	

Position	

Business address	

_____	_____
Work phone	Email
_____	_____
Mobile	Additional contact if relevant

The following secret questions may be used for verification purposes – for example, where the person submits a bid using the alternative bidding procedures (to be supplied after the application deadline) or contacts the ACMA to seek information:

_____	_____	_____
Date of birth	City of birth	First primary school

Part 4: Details of the applicant's associates

Information about the applicant's 'associates' is required for the purposes of ensuring compliance with the allocation limits as described in Part 2 of the allocation determination. The allocation limits restrict the total amount of spectrum that a person or specified group of persons can acquire in the auction. The allocation limits, the meaning of 'associate' and other relevant matters are set out in the allocation determination, and are discussed under headings 3.1.6 and 3.4 of the *Auction guide*.

An applicant that is a **body corporate** must provide the information set out in Table 1, by completing **Form 4 – Associates form – body corporate**.

An applicant that is an **individual** must provide the information set out in Table 2, by completing **Form 5 – Associates form – individuals**.

An applicant may provide the same information in a different format than specified in Form 4 or 5 (as is relevant). For example, if the applicant's associates' information can be obtained from a database or similar program, the applicant may choose to provide the information according to the database's format. However, applicant's should ensure that all of the information in tables 1 or 2 below (as is relevant) is provided.

It is recommended that the applicant's associates' information is provided in a searchable format (that is, an electronic format rather than a scan of a physical copy).

The completed templates at tables 1 and 2 must be provided to the ACMA as an attachment to this form, in accordance with the instructions set out under 'Attaching additional information to the application form', above.

Table 1: Information about the applicant's associates that must be provided where the applicant is a *body corporate*

	A	B
	Category of associate in relation to the applicant (the body corporate)	Information that must be provided about each of the applicant's associates that falls within the category in column A
1	A director or secretary of the body corporate	<ul style="list-style-type: none"> > Name > Position > Registered office address or principal office address
2	A 'related body corporate' within the meaning of the <i>Corporations Act 2001</i> .	<ul style="list-style-type: none"> > Name > ACN/ABN > Registered office address or principal office address > Why the associate meets the definition of a 'related body corporate'
3	A director or secretary of a 'related body corporate'	<ul style="list-style-type: none"> > Name > Position > Name of the related body corporate > Registered office address, or principal office address, of the related body corporate
4	An individual who controls at least 15% of the voting power or holds at least 15% of the issued shares in the body corporate	<ul style="list-style-type: none"> > Name > Address
5	<p>Each person (other than the Commonwealth when represented by the ACMA) who is party to a relevant agreement with the body corporate that either or both:</p> <ul style="list-style-type: none"> > is for the use, by one party to the agreement, of spectrum licensed to another party to the agreement under a spectrum licence, for a part of the spectrum referred to in the re-allocation declaration > relates to the acquisition of a spectrum licence for a part of the spectrum referred to in the re-allocation declaration. 	<ul style="list-style-type: none"> > Name > ACN/ABN (if applicable) > Address (if the person is a body corporate, enter the person's registered office or principal office address) > The nature of the agreement <p>Note: 'relevant agreement' and 're-allocation declaration' are defined in the allocation determination</p>

This information must be provided by completing **Form 4 – Associates form – body corporate**.

Table 2: Information about the applicant's associates that must be provided, where the applicant is an *individual*

	A	B
	Category of associate in relation to the applicant (the individual)	Information that must be provided about each of the applicant's associates that falls within the category in column A
1	The individual's spouse or de facto partner within the meaning of the <i>Acts Interpretation Act 1901</i>	<ul style="list-style-type: none"> > Name > Address
2	A body corporate in which the individual controls at least 15% of the voting power or holds at least 15% of the issued shares	<ul style="list-style-type: none"> > Name > ACN/ARBN > Registered office address or principal office address
3	A body corporate of which the individual is a director or secretary	<ul style="list-style-type: none"> > Name > ACN/ARBN > Registered office address or principal office address
4	A 'related body corporate' (within the meaning of the <i>Corporations Act 2001</i>) of a body corporate of which the individual is a director or secretary	<ul style="list-style-type: none"> > Name > ACN/ARBN > Registered office address or principal office address > Why the associate meets the definition of a 'related body corporate'
5	<p>Each person (other than the Commonwealth when represented by the ACMA) who is party to a relevant agreement with the individual that either or both:</p> <ul style="list-style-type: none"> > is for the use, by one party to the agreement, of spectrum licensed to another party to the agreement under a spectrum licence, for a part of the spectrum referred to in the re-allocation declaration > relates to the acquisition of a spectrum licence for a part of the spectrum referred to in the re-allocation declaration. 	<ul style="list-style-type: none"> > Name > ACN/ARBN (if applicable) > Address (if the person is a body corporate, enter the person's registered office or principal office address) > The nature of the agreement <p>Note: 'relevant agreement' and 're-allocation declaration' are defined in the allocation determination</p>

This information must be provided by completing **Form 5 – Associates form – individuals**.

Part 5: Application fee

The amount of the application fee set by the ACMA under section 23 of the allocation determination is A\$10,000 (no GST is payable). Indicate, by ticking the appropriate box, whether you wish to pay the application fee by:

- ☐ electronic transfer
- ☐ bank cheque

The application fee must be paid in Australian currency by either:

Electronic transfer

Bank: ANZ Bank

Branch: Belconnen

BSB: 012-951 **Account no.:** 8379 24272

Account name: ACMA Official Administered Receipts

Transfers should be labelled: '26appfee [name of applicant]'.

Note: Because transfer labels are limited to 15 alphanumeric characters, abbreviations must be used.

Evidence of the electronic transfer (for example, a transfer receipt) should be emailed to spectrumallocations@acma.gov.au as soon as practicable after the transfer is made.

Bank cheque

Crossed 'not negotiable'

Made payable to: Australian Communications and Media Authority on behalf of the Commonwealth

Delivered to:
Auction Manager
Major Spectrum Allocations Section
Australian Communications and Media Authority
Red Building, Benjamin Offices, Chan St
Belconnen ACT 2617

Subsection 9(4) of the allocation determination sets out when an amount is taken to have been paid by a relevant deadline. An amount is taken to have been paid by a deadline specified in the allocation determination if:

- > the ACMA receives a bank cheque for the full amount on or before the deadline; or
- > the ACMA receives evidence that an electronic transfer of the full amount was made on or before the deadline (for example, a transfer receipt) *and* the amount is received in the ACMA's bank account no later than 3 working days after the deadline; or
- > the ACMA receives other evidence that satisfies it that the person making the payment has taken all reasonable steps to pay the amount on or before the deadline.

Subsection 9(5) of the allocation determination provides that an amount due under the allocation determination is not paid in full if bank charges or government duties imposed on a payment reduce the net payment to less than the amount due. The effect of subsection 9(5) is that an applicant or bidder must add the value of any bank charge or government duty to the amount of the payment in order to validly apply to participate in the auction. The application fee is not subject to GST and therefore GST is not payable on the application fee.

Part 6: Declaration and signature

I understand that knowingly or recklessly making a false or misleading statement in, or in connection with, an application is an offence under section 136.1 of the *Criminal Code*. I believe that the statements made in this document and its attachments are true in every particular.

Signed by or on behalf of the applicant

Name of the signatory if signed on behalf of the applicant

Signed at:

Place

On

Day / Month / Year

Before me,

Signature of person before whom the declaration is made

Name of person before whom the declaration is made

Address of person before whom the declaration is made

Method by which this form is witnessed (eg in person, via audio visual link etc.)

Note It is a serious offence under Part 7.4 of the *Criminal Code* to give false or misleading information to the Commonwealth.