

Form 9 – Statement about affiliations for primary and secondary stage winners

For the purposes of section 60 of the [Radiocommunications \(Spectrum Licence Allocation – 26 GHz Band\) Determination 2020](#) (allocation determination).

Notes on completion

Introduction

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

Section 60 of the allocation determination provides that, if subsection 59(1) applies before the end of the secondary stage (if there is one) or primary stage (if there is no secondary stage), then as soon as practicable after the end of the relevant stage and before the start of the assignment stage, the ACMA must:

- (a) give each primary winner and each secondary winner details about the identity of all other primary winners and all other secondary winners; and
- (b) ask those winners to make a statement whether the winner is an affiliate of another winner and, if so, identifying the other winner and giving details of the affiliation.

This form should be used by primary winners and secondary winners (if any) for the purposes of making a statement in accordance with section 60 of the allocation determination.

When to make the statement

The ACMA will state the deadline for making the statement about affiliations when it asks each primary winner and secondary winner (if there is a secondary stage) to make the statement. The deadline will be at least 10 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 section 7 of the allocation determination. The statement 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

Who should make the statement?

Where the ACMA receives a statement from a primary winner or secondary winner 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 primary winner or secondary winner 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.

How to sign and witness the statement

Physical signature and witnessing

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

Electronic signature and remote witnessing

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

- > paste a copy of their signature into the statement
- > sign the statement 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 statement in order to attest that they witnessed the signature.

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 primary winner or secondary winner is a body corporate, insert 'director' or 'secretary' or 'authorised officer' as appropriate; otherwise, leave blank

of:

name of the primary winner or secondary winner as it appears in the register of bidders maintained by the ACMA under section 45 of the Radiocommunications (Spectrum Licence Allocation – 26 GHz Band) Determination 2020

which is a 'primary winner' or a 'secondary winner' for the purposes of section 60 of the Radiocommunications (Spectrum Licence Allocation – 26 GHz Band) Determination 2020 (the allocation determination).

2. I have fully read and understand the provisions set out in Part 2 and in Divisions 2 and 3 of Part 5 of the allocation determination, including the meaning of 'associate' in section 13 of the allocation determination and the meaning of 'affiliated' in section 14 of the allocation determination.
3. I have examined the details given to the primary winner or the secondary winner by the Australian Communications and Media Authority (the ACMA) in accordance with subsection 60(1) of the allocation determination, about the identities of the other primary winners and secondary winners in this allocation.
4. I have made my own reasonable inquiries into the identities of the associates of the primary winner or secondary winner, and into whether the primary winner or secondary winner is affiliated with any other primary winner or secondary winner at the auction.
5. In response to the request made in accordance with paragraph 60(1)(b) of the allocation determination, I declare that the primary winner or secondary winner (tick the appropriate box):

☐ **is not** affiliated with another primary winner or secondary winner named in the details provided by the ACMA.

☐ **is** affiliated with another primary winner or secondary winner named in the details provided by the ACMA.

The primary winner or secondary winner with which the primary winner or secondary winner is affiliated is:

Insert name of other primary winner or secondary winner

Insert address of other primary winner or secondary winner

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

Describe why the primary winner's or secondary winner's relationship with the other primary winner or secondary winner falls within the meaning of 'affiliated' in section 14 of the allocation determination, with reference to section 13 of the allocation determination, as appropriate.

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 attachments 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.