

Form 6 – Statutory declaration about affiliations

For the purposes of section 37, subsection 45(5) and section 52 of the [Radiocommunications \(Spectrum Licence Allocation – 3.4/3.7 GHz Bands\) Determination 2023](#) (allocation determination).

Notes on completion

Introduction

This statutory declaration form has been approved and is provided by the Australian Communications and Media Authority (ACMA) in accordance with paragraph 23(1)(g) and for the purposes of paragraph 18(1)(c) the allocation determination.

This form should be used by applicants for the purposes of section 37, subsection 45(5), and section 52 of the allocation determination.

Subsection 37(1) of the allocation determination provides that, after the application deadline, the ACMA must:

- > give each applicant details about the identity of all other applicants and the persons identified as the associates of other applicants; and
- > ask each applicant to make a statutory declaration stating whether the applicant is affiliated with another applicant and, if so, identifying the other applicant and giving details of the affiliation.

Subsection 45(5) provides that a new applicant, formed from one of more of a group of affiliated applicants, must no later than 3 working days after receiving updated information from the ACMA about the identity of all other applicants, and the persons identified as the associates of other applicants, make and give the ACMA a statutory declaration that the new applicant is not affiliated with any other applicant.

If the ACMA varies a starting price under section 25 of the allocation determination and the ACMA receives a completed application from a new applicant under section 50, subsection 52(1) provides that, after the new application deadline, the ACMA must:

- > give each applicant (including each new applicant) details about the identity of all other applicants, and the persons identified as the associates of other applicants; and
- > ask each applicant to make a statutory declaration stating whether the applicant is affiliated with another applicant and if so, identifying the other applicant and giving details of the affiliation.

When to make the statutory declaration

The ACMA will state the lodgement deadline when it asks an applicant to make the statutory declaration.

How to give the statutory declaration to the ACMA

The statutory declaration must be given to the ACMA in accordance with the procedures for giving documents to the ACMA set out in section 6 of the allocation determination.

A summary of the procedures (including an email address and physical address 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 or the online portal.

Where a copy of the statutory declaration is given using the online portal or by email, the applicant should retain the original statutory declaration.

Who should make the statutory declaration?

Where the ACMA receives a statutory declaration from an applicant that is a body corporate, it must be made by a director or secretary of the body corporate.

Where the ACMA receives a statutory declaration from an applicant who is an individual, it must be made by that individual.

How to sign and witness the statutory declaration

A statutory declaration made under the [Statutory Declarations Act 1959](#) must be made before:

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

- > Architect
- > Chiropractor
- > Dentist
- > Financial adviser
- > Financial planner
- > Legal practitioner
- > Medical practitioner
- > Midwife
- > Migration agent registered under Division 3 of Part 3 of the *Migration Act 1958*
- > Nurse
- > Occupational therapist
- > Optometrist
- > Patent attorney
- > Pharmacist
- > Physiotherapist
- > Psychologist
- > Trade marks attorney
- > Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a state or territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

- > Accountant who is:
 - > a fellow of the National Tax Accountants' Association; or
 - > a member of any of the following:
 - > Chartered Accountants Australia and New Zealand;
 - > the Association of Taxation and Management Accountants;
 - > CPA Australia;
 - > the Institute of Public Accountants
- > Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
- > APS employee engaged on an ongoing basis with 5 or more years of continuous service who is not specified in another item in this list
- > Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)
- > Bailiff
- > Bank officer with 5 or more continuous years of service
- > Building society officer with 5 or more years of continuous service
- > Chief executive officer of a Commonwealth court
- > Clerk of a court
- > Commissioner for Affidavits
- > Commissioner for Declarations
- > Credit union officer with 5 or more years of continuous service
- > Employee of a Commonwealth authority engaged on a permanent basis with 5 or more years of continuous service who is not specified in another item in this list
- > Employee of the Australian Trade and Investment Commission who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3(d) of the *Consular Fees Act 1955*; and
 - (c) exercising the employee's function at that place
- > Employee of the Commonwealth who is:
 - (a) at a place outside Australia; and
 - (b) authorised under paragraph 3(c) of the *Consular Fees Act 1955*; and
 - (c) exercising the employee's function at that place
- > Engineer who is:
 - > a member of Engineers Australia, other than at the grade of student; or
 - > a Registered Professional Engineer of Professionals Australia; or
 - > registered as an engineer under a law of the Commonwealth, a State or Territory; or
 - > registered on the National Engineering Register by Engineers Australia
- > Finance company officer with 5 or more years of continuous service
- > Holder of a statutory office not specified in another item in this list
- > Judge
- > Justice of the Peace
- > Magistrate

- > Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*
- > Master of a court
- > Member of the Australian Defence Force who is:
 - > an officer
 - > a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service
 - > a warrant officer within the meaning of that Act
- > Member of the Australasian Institute of Mining and Metallurgy
- > Member of the Governance Institute of Australia Ltd
- > Member of:
 - > the parliament of the Commonwealth
 - > the parliament of a state
 - > a territory legislature
 - > a local government authority
- > Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*
- > Notary public, including a notary public (however described) exercising functions at a place outside
 - (a) the Commonwealth
 - (b) the external territories of the Commonwealth
- > Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office providing postal services to the public
- > Permanent employee of
 - > a state or territory or a state or territory authority
 - > a local government authority
 with 5 or more years of continuous service, other than such an employee who is specified in another item of this list
- > Person before whom a statutory declaration may be made under the law of the state or territory in which the declaration is made
- > Police officer
- > Registrar, or Deputy Registrar, of a court
- > Senior executive employee of a Commonwealth authority
- > Senior executive employee of a state or territory
- > Senior Executive Service employee of the Commonwealth
- > Sheriff
- > Sheriff's officer
- > Teacher employed on a permanent full-time or part-time basis at a school or tertiary education institution.

Commonwealth of Australia statutory declaration

Statutory Declarations Act 1959

I,

name of person making the declaration

occupation of person making the declaration

address of person making the declaration

make the following declaration under the *Statutory Declarations Act 1959*:

1. I am:

where applicant is a body corporate, insert 'a director of' or 'a secretary of' as appropriate;
otherwise, leave blank

insert name of applicant as it appears in Part 1 of the application form
given to the ACMA by the Applicant under section 34, 45 or 50 of the *Radiocommunications (Spectrum
Licence Allocation – 3.4/3.7 GHz Bands) Determination 2023*

which is the 'Applicant' under section 34, 45 or 50 of the Radiocommunications
(Spectrum Licence Allocation – 3.4/3.7 GHz Bands) Determination 2023 (allocation
determination).

2. I have fully read and understand the provisions set out in Part 2 of the allocation determination, including the meaning of 'associate' in section 16 of the allocation determination and the meaning of 'affiliated' in section 17 of the allocation determination.
3. I have examined the details given to the Applicant by the Australian Communications and Media Authority (the ACMA) in accordance with subsection 37(1), subsection 45(3) or subsection 52(1) of the allocation determination, about the identities of all other applicants or persons identified as associates of other applicants (within the meaning of that term as defined by the allocation determination).
4. I have made my own reasonable inquiries into the identities of the associates of the Applicant, and into whether the Applicant is affiliated with any other applicant.

5. In response to the request made by the ACMA in accordance with subsection 37(1) and/or subsection 45(5) and/or subsection 52(1)) of the allocation determination, I declare that the Applicant (tick the appropriate boxes):

☐ **is not** affiliated with another applicant named in the details provided by the ACMA.

☐ **is** affiliated with another applicant named in the details provided by the ACMA;

The other applicant(s) with whom the Applicant is affiliated is/are:

Insert name of applicant(s)

Insert address of applicant(s)

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

describe why the Applicant's relationship with the other applicant(s) falls within the meaning of 'affiliated' in section 16 of the allocation determination, with reference to section 17 of the allocation determination, as appropriate.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959* and I believe that the statements in this declaration are true in every particular.

signature of person making the declaration

Declared at:

Place

On:

Day of Month Year

Before me,

signature of person before whom the declaration is made

full name of person before whom the declaration is made (in printed letters)

qualification of person before whom the declaration is made (in printed letters)

address of person before whom the declaration is made (in printed letters)

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of four years—see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959*—see section 5A of the *Statutory Declarations Act 1959*.