



# **Radiocommunications (Trading Rules for Defence Spectrum Licences) Determination 2025**

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The Australian Communications and Media Authority makes the following determination under subsections 86(1) and 88(1) of the *Radiocommunications Act 1992*.

Dated:

Member

Member/General Manager

Australian Communications and Media Authority

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## 1 Name

This is the *Radiocommunications (Trading Rules for Defence Spectrum Licences) Determination 2025*.

## 2 Commencement

This instrument commences at the start of the day after the day it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation is available, free of charge, at [www.legislation.gov.au](http://www.legislation.gov.au).

## 3 Authority

This instrument is made under subsections 86(1) and 88(1) of the Act.

Note: At the time this instrument was made, the *Radiocommunications (Trading Rules for Spectrum Licences) Determination 2023* was made under subsection 88(1) of the Act. That determination does not apply to Defence spectrum licences (see section 7 of that determination).

## 4 Repeal

The *Radiocommunications (Trading Rules for Defence Spectrum Licences) Determination 2015* [F2015L01217] is repealed.

## 5 Interpretation

- (1) In this instrument:

*Act* means the *Radiocommunications Act 1992*.

*Defence spectrum licence* means a spectrum licence issued to the Commonwealth for the purposes or benefit of the Defence Department.

*STU* (short for standard trading unit) means the combination of:

- (a) a part of the spectrum with a bandwidth of 1 GHz; and
- (b) the geographic area that comprises the whole of Australia.

Note: A number of other expressions used in this instrument are defined in the Act, including the following:

- (a) ACMA;
- (b) Australia;
- (c) Commonwealth officer;
- (d) Defence Department;
- (e) frequency band;
- (f) Register;
- (g) spectrum;
- (h) spectrum licence.

- (2) In this instrument, unless the contrary intention appears, a reference to a part of the spectrum or frequency band includes all frequencies that are greater than but not including the lower frequency, up to and including the higher frequency.

## 6 References to other instruments

In this instrument, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and

- (b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force, or existing, from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

Note 3: See section 314A of the Act.

## 7 Rules about assignments of Defence spectrum licences

- (1) The Commonwealth may assign the whole of a Defence spectrum licence for any purpose.

Note 1: An assignment of the whole of a Defence spectrum licence does not take effect until the Register is amended to take it into account (section 86 of the Act).

Note 2: Once a Defence spectrum licence is assigned, the licence ceases to be a Defence spectrum licence. A licence held by the Commonwealth for the purposes or benefit of the Defence Department ceases to be a Defence spectrum licence if it ceases to be held for the purposes or benefit of the Defence Department.

- (2) Subject to subsection (3), the Commonwealth may only assign a part of a Defence spectrum licence if the part is at least an STU.

Note 1: An assignment of a part of a Defence spectrum licence does not take effect until the Register is amended to take it into account (section 86 of the Act).

Note 2: Once part of a Defence spectrum licence is assigned, that part ceases to be a Defence spectrum licence.

- (3) Subsection (2) does not apply in relation to the assignment of part of a Defence spectrum licence if:

(a) a Commonwealth officer representing the Defence Department requests, in writing, for permission to assign a part of a spectrum licence that is smaller than an STU (whether in bandwidth, in geographic area, or both); and

(b) the ACMA, by writing, gives that permission.

Note 1: See subsection 88(3) of the Act.

Note 2: The ACMA may publish any permission so given on its website, or in another place.

## 8 Rules about varying Defence spectrum licences

Without limiting the ACMA's powers under section 87 of the Act, if the Commonwealth assigns the whole or a part of a Defence spectrum licence, the ACMA may revoke a condition of the licence if the ACMA considers that the condition was included because the licence was issued to the Commonwealth for the purposes or benefit of the Defence Department.

## 9 Provision of information about assignments of Defence spectrum licences

For the purposes of subsection 86(1) of the Act, the Commonwealth must give to the ACMA the name and postal address of the assignee of a Defence spectrum licence.

Note: The ACMA may require other information under subsection 86(1) of the Act.