

COMMONWEALTH OF AUSTRALIA
AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY



Radiocommunications Act 1992

SPECTRUM LICENCE FOR THE 2.5 GHz BAND

This licence is issued under Part 3.2 of the *Radiocommunications Act 1992* ('the Act') to the person named at Item 1 of Part 1, Licence Schedule 1 of this licence.

1. The person named at Item 1 of Licence Schedule 1 of this licence (the licensee), or a person authorised under subsection 68 (1) of the Act, is authorised, under this licence, to operate radiocommunications devices in accordance with:
 - (a) the Act;
 - (b) the core conditions set out in Licence Schedule 2;
 - (c) the statutory conditions set out in Licence Schedule 3; and
 - (d) the ACMA conditions set out in Licence Schedule 4.

2. This licence comes into force on the date shown at Item 5 of Licence Schedule 1 and remains in force until the end of the date shown at Item 6 of Licence Schedule 1.

Licence Schedule 1 Licence details, bands and areas (cont)

Table 1: Frequency bands and geographic areas of this licence

Identifier (column 1)	Geographic areas (column 2)	Frequency bands (column 3)			
		Lower band (MHz)		Upper band (MHz)	
		Lower limit	Upper limit	Lower limit	Upper limit
A	1	2510	2550	2630	2670

Licence Schedule 1 Licence details, bands and areas (cont)

Table 2: Description of the geographic areas of this licence

Geographic areas (column 1)	HCIS identifiers (column 2)
1	LZ3, MZ1, LY, MY1, MY4, MY7, KY2, KY3, KY6, KX1, KX2, KX3, KX4, KX5, KX6, KX8, KX9, LX, MX1, MX2, MX3, MX4, MX7, LZ1, LZ2, JX1, JX2, JX3, JX5, JX6, IW, JW, KW, LW, MW, HW3, HW6, CW2, CW3, DW1, DW2, DW3, NW1, CV1, CV2, CV3, CV5, CV6, CV8, CV9, DV, EV1, EV2, EV3, EV4, EV5, EV6, EV7, HV1, HV2, HV3, HV4, HV5, HV6, HV8, HV9, IV, JV, KV, LV, MV, NV1, NV2, NV3, NV4, NV5, NV7, FV1, FV2, FV3, FV4, FV5, GV1, GV2, GV3, GV6, CU, DU, EU, FU, GU, HU, IU, JU, KU, LU, MU, NU, BU3, BU6, AT1, AT2, AT3, AT5, AT6, AT8, AT9, BT1, BT2, BT3, BT4A, BT4B, BT4C, BT4D1, BT4D2, BT4D4, BT4D5, BT4D7, BT4D8, BT4E, BT4F, BT4G, BT4H1, BT4H2, BT4H4, BT4H5, BT4H7, BT4H8, BT4I, BT4J, BT4K, BT4L1, BT4L2, BT4L4, BT4L5, BT4L7, BT4L8, BT4M, BT4N, BT4O, BT4P1, BT4P2, BT4P4, BT4P5, BT4P7, BT4P8, BT6B3, BT6B6, BT6B9, BT6C, BT6D, BT6F3, BT6F6, BT6F9, BT6G, BT6H, BT6J3, BT6J6, BT6J9, BT6K, BT6L, BT6N3, BT6N6, BT6N9, BT6O, BT6P, BT7A, BT7B, BT7C, BT7D1, BT7D2, BT7D4, BT7D5, BT7D7, BT7D8, BT7E, BT7F, BT7G, BT7H1, BT7H2, BT7H4, BT7H5, BT7H7, BT7H8, BT7H9, BT7I, BT7J, BT7K, BT7L, BT7M, BT7N, BT7O, BT7P, BT8E7, BT8E8, BT8E9, BT8F7, BT8F8, BT8F9, BT8G7, BT8G8, BT8G9, BT8H7, BT8H8, BT8H9, BT8I, BT8J, BT8K, BT8L, BT8M, BT8N, BT8O, BT8P, BT9B3, BT9B6, BT9B9, BT9C, BT9D, BT9E7, BT9E8, BT9E9, BT9F3, BT9F6, BT9F7, BT9F8, BT9F9, BT9G, BT9H, BT9I, BT9J, BT9K, BT9L, BT9M, BT9N, BT9O, BT9P, CT, DT, ET, FT, GT, HT, IT, JT, KT, LT, MT, NT, AS2, AS3, AS5, AS6, AS8, AS9, BS, CS, DS, ES, FS, GS, HS, IS, JS, KS, LS, MS, NS4, NS7, NS8, NS9, AR8, AR9, BR, CR, DR, ER, FR, GR, HR, IR, JR, KR, LR, MR1, MR4, MR5, MR7, MR8, MR9, DQ, EQ, FQ, GQ, HQ, IQ, JQ, KQ, LQ1, LQ2, LQ4, LQ5, LQ7, LQ8, EP, FP, GP, HP, IP, JP, KP1, KP2, KP4, KP5, KP6, KP7, KP8, KP9, LP4, LP7, GO3, GO4, GO5, GO6, GO7, HO, IO, JO, KO1, KO4, KO5, KO7, KO8, GO8, GO9

Note: The HCIS is described in the *Australian Spectrum Map Grid 2012*. The *Australian Spectrum Map Grid 2012* is available on the ACMA website at: www.acma.gov.au. Copies are also available from the ACMA.

11. For radiocommunications receivers operated under the licence, the spurious emission limits in Table 7 apply at frequencies outside the 2490 MHz and 2700 MHz frequency band.

Table 7: Radiocommunications receiver spurious emission limits

Frequency range (f)	Radiated mean power (dBm EIRP)	Specified Bandwidth
$30 \text{ MHz} \leq f < 1 \text{ GHz}$	-57	100 kHz
$1 \text{ GHz} \leq f < 12.75 \text{ GHz}$	-47	1 MHz

Emission Limits Outside the Area

12. Core conditions 13 to 15 apply in relation to those areas that are outside the geographic areas set out at Part 2 of Licence Schedule 1.
13. Where a written agreement specifying the maximum permitted level of radio emission for areas described in core condition 12 exists between:
- the licensee; and
 - all the affected licensees of frequency-adjacent and area-adjacent spectrum licences;
- the licensee must comply with that specified maximum permitted level of radio emission.
14. Where there is no written agreement for the purposes of core condition 13 in force, core condition 15 applies.
15. (1) The maximum permitted level of radio emission for an area described in core condition 12 caused by operation of a radiocommunications transmitter under the licence must not exceed a horizontally radiated power of 45 dBm EIRP per 30 kHz.
- (2) The licensee complies with sub-condition 15(1) by ensuring that no radiocommunications device is operated under the licence in excess of a horizontally radiated power of 45 dBm EIRP per 30 kHz.

Liability to pay charges

1. The licensee must comply with all its obligations to pay:
 - (a) charges fixed by determinations made under section 60 of the *Australian Communications and Media Authority Act 2005*;
 - (b) the spectrum access charges fixed by determinations made under section 294 of the Act; and
 - (c) amounts of spectrum licence tax.

Third party use

2. (1) The licensee must notify any person whom the licensee authorises, under section 68 of the Act, to operate radiocommunications devices under this licence of that person's obligations under the Act, in particular:
 - (a) the registration requirements under Part 3.5 of the Act for operation of radiocommunications devices under the licence (if applicable); and
 - (b) any rules made by the ACMA under subsection 68 (3) of the Act.
- (2) Any person other than the licensee who operates a radiocommunications device under the licence must comply with rules made by the ACMA under subsection 68(3) of the Act.

Radiocommunications transmitter registration requirements

3. The licensee must not operate a radiocommunications transmitter under this licence unless:
 - (a) the radiocommunications transmitter has been exempted from the registration requirements under statutory condition 4 below; or
 - (b) both:
 - (i) the requirements of the ACMA under Part 3.5 of the Act relating to registration of the radiocommunications transmitter have been met; and
 - (ii) the radiocommunications transmitter complies with the details about it that have been entered in the Register.

Exemption from registration requirements

4. The following kinds of radiocommunications transmitters are exempt from the registration requirement in statutory condition 3:
 - (a) a radiocommunications transmitter that operates in the 2.5 GHz band with a radiated maximum true mean power of less than or equal to 35 dBm EIRP per 5MHz.

Residency

5. (1) The licensee must not derive any income, profits or gains from operating radiocommunications devices under this licence, or from authorising an authorised person to do so, unless:
- (a) the licensee is an Australian resident; or
 - (b) the income, profits or gains are attributable to a permanent establishment in Australia through which the licensee carries on business.
- (2) An authorised person must not derive income, profits or gains from operating radiocommunications devices under this licence, or from allowing third parties to operate radiocommunications devices under this licence, unless:
- (a) the authorised person is an Australian resident; or
 - (b) the income, profits or gains are attributable to a permanent establishment in Australia through which the authorised person carries on business.
- (3) In this condition:
- Australian resident*** has the same meaning as in the *Income Tax Assessment Act 1997*.
- authorised person*** means a person authorised under section 68 of the Act by the licensee to operate radiocommunications devices under this licence.
- permanent establishment*** has the same meaning as in:
- (a) if the licensee or authorised person (as appropriate) is a resident of a country or other jurisdiction with which Australia has an agreement within the meaning of the *International Tax Agreements Act 1953*-that agreement; or
 - (b) in any other case-the *Income Tax Assessment Act 1997*.

Variation to licence conditions

1. The ACMA may, with the written agreement of the licensee, vary a licence by including one or more further conditions, or revoking or varying any conditions of the licence, provided that the conditions, as varied, still comply with the requirements of Subdivision C of Division 1 of Part 3.2 of the Act.
2. The ACMA may, by written notice given to the licensee, vary a licence by including one or more further conditions or revoking or varying any non core conditions of the licence provided that the licence as varied complies with the requirements of Subdivision C of Division 1 of Part 3.2 of the Act.

Determination of Unacceptable Interference

3. The ACMA has made the *Radiocommunications (Unacceptable Levels of Interference - 2.5 GHz Band) Determination 2012* that sets out the unacceptable levels of interference for the purpose of registering radiocommunications transmitters to be operated under this licence, and which is to be used for the issuing of certificates by accredited persons under subsection 145(3) of the Act.

Note: Although not mandatory, the registration of receivers is advised because one of the matters ACMA will take into account in settling interference is the time of registration of the receiver involved in the interference.

Guidelines

4. The ACMA has issued written Radiocommunications Advisory Guidelines (the *guidelines*) under section 262 of the Act about:
 - (a) co-ordinating the operation of transmitters under this licence with radiocommunications receivers operated under other licences:
 - *Radiocommunications Advisory Guidelines (Managing Interference from Transmitters - 2.5 GHz Band) 2012*;
 - (b) co-ordinating the operation of receivers operated under this licence with transmitters operated under other radiocommunications licences:
 - *Radiocommunications Advisory Guidelines (Managing Interference to Receivers - 2.5 GHz Band) 2012*;
5. The guidelines should be read in conjunction with the *Radiocommunications (Unacceptable Levels of Interference - 2.5 GHz Band) Determination 2012* (see Licence Note 3). Licensees (and authorised persons) should follow the guidelines before operating radiocommunications transmitters under this licence. The ACMA intends to afford protection to radiocommunications receivers in accordance with the guidelines in the settlement of interference disputes.

Suspension and cancellation of spectrum licences

6. The ACMA may, by written notice given to a licensee, suspend or cancel a spectrum licence in accordance with Division 3 of Part 3.2 of the Act.

Reissue

7. A spectrum licence will not be reissued to the same licensee without a price based allocation procedure unless:
 - (a) the ACMA is satisfied under subsection 82 (1) of the Act that special circumstances exist as a result of which it would be in the public interest for that licensee to continue to hold that licence; or
 - (b) the licence was used to provide a service of a kind determined by the Minister under subsection 82 (3) of the Act for which reissuing licences to the same licensees would be in the public interest.

Trading

8. (1) A licensee may assign or otherwise deal with the whole or any part of a spectrum licence provided that this is done in accordance with any rules determined by the ACMA under section 88 of the Act.
 - (2) An assignment under section 85 of the Act of the whole or any part of a licence that involves any change to a licence does not take effect until the Register has been amended to take it into account.

Appeals

9. An application may be made to the ACMA for re-consideration of the ACMA's decisions listed in section 285 of the Act. A person affected by and dissatisfied with an ACMA decision may seek a re-consideration of the decision by the ACMA under subsection 288(1) of the Act. This decision can be subject to further re-consideration by the Administrative Appeals Tribunal, subject to the provisions of the *Administrative Appeals Tribunal Act 1975*.

Labelling of transmitters

10. Licensees should affix identification labels containing the name and address of the licensee on all fixed transmitters operated under this licence.

Note: An example of an identification label would be one containing the following statement: "This device is the property of 'name'".

