25 JUNE 2025

AMTA
Australian Mobile Telecommunications Association

Submission to the ACMA

Consultation on ESL Preliminary Views

ACMA consultation on Expiring Spectrum Licences (stage 3) – preliminary views

The Australian Mobile Telecommunications Association (AMTA) is the peak industry body of Australia's mobile telecommunications industry. Our purpose is to be the trusted voice of industry, promoting the adoption, monetisation and sustainability of mobile telecommunications technology for the benefit of all Australians.

AMTA members include the mobile network service providers, handset manufacturers, network equipment suppliers, retail outlets and other suppliers to the industry. This submission, however, represents a subset of AMTA's membership; namely those entities with expiring spectrum licences.

AMTA welcomes the opportunity to provide this submission in response to the ACMA's consultation on Expiring Spectrum Licences (stage 3) – preliminary views.

If you have any queries or comments in relation to the content of our submission, please contact Chris Coughlan, Head of Spectrum and Network Infrastructure, on 0401 988 322 or by email chris.coughlan@amta.org.au.

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Executive Summary

AMTA welcomes many of the outcomes of Stage 2 of the ACMA's Expiring Spectrum Licence (ESL) process, and the opportunity to respond to the Stage 3 consultation. Amongst other things, Stage 2 concluded that renewal of ESLs held by Mobile Network Operators (MNOs) best serves the public interest and that MNOs are to be given the opportunity to renew their existing spectrum licenses.

In this submission, AMTA responds to key aspects of the consultation at a principle level on topics such as: valuation and pricing, licence duration, and secondary licensing framework.

Valuation model and pricing

The ACMA concludes that the direct benchmark approach is the appropriate methodology to set renewal fees, and AMTA members generally support the ACMA's view. That said, the direct benchmark approach is potentially susceptible to individual benchmarks that are skewed for a range of possible reasons, such as specific country auction anomalies (e.g., large number of participants, residual lots, etc) or early part of a technology lifecycle . To help smooth the anomalies, we welcome the ACMA's recognition that outliers need to be removed.

We also welcome the application of the Mobile Service Revenue (MSR), bandwidth (MHz) and population deflator index (MSR index) within the pricing model to both adjust historic benchmarks and to carry forward past valuations to future payment dates. However, we consider that simply "carrying forward" a static MSR across the renewal period (2028-2032) is problematic for several reasons. This includes not making an allowance for a future decline in the market value of spectrum despite the fact that over the last seven years (from 2018 through 2025), spectrum pricing has declined by 39%. In addition, the MSR does not take into account future spectrum releases such as the Upper 6 GHz and 600 MHz bands.

However, rather than invest additional effort in enhancing the valuation model to accommodate these shortcomings, AMTA requests the ACMA and Government bear in mind that MNOs will be looking to invest in 6G infrastructure and spectrum in a similar timeframe to ESL renewal payments. As such, the ACMA should set spectrum licence renewals at prices that will encourage increased network investment in network infrastructure and 6G, which will provide improved services for the Australian public.

Payment Terms

With approximately 80% of spectrum licences being renewed between 2028 and 2032, AMTA would like to see MNOs provided with the opportunity to spread the payment by making spectrum licence instalments. Within this period there is also the prospect of further spectrum being made available, such as upper 6 GHz, 600 MHz and bands being studied as part of WRC-27. The option of spreading payments would assist MNOs to align the cost of the spectrum asset with the revenue the asset generates, and we request the ACMA adds the option to pay licence renewal fees by instalment across the life of the licence. AMTA notes that s.294(1) of the Radiocommunications Act allows the

ACMA to make determinations relating to spectrum access charges and the times when those charges are payable.

Unification of licence expiry dates

AMTA members continue to advocate that substitutable bands should expire at the same time. It is important that the approach adopted mitigates the mobile industry's strategic and commercial risk given that spectrum, and its continued access, is a critical input to mobile service availability.

Spectrum Licences – Rail and TOB

While the ACMA has proposed converting these spectrum licences to apparatus licences, AMTA prefers that the ACMA proceed with its alternative option (outlined in the Preliminary Views Paper 3) of extending the Rail and TOB ESLs as shorter duration spectrum licences. This would ensure greater utility of the spectrum bands in the future. A transition to apparatus licensing would likely fragment the spectrum across a range of small users or use cases, constraining future potential for more holistic utilisation which, by its nature, offers far greater public benefits.

Secondary Licence Framework (SLF)

AMTA notes that while a separate consultation will be conducted on a secondary licence framework, secondary licences will impact the valuation of spectrum licences. AMTA members would like to see following broad principles reflected in the framework supporting secondary licences:

- There are existing mechanisms for secondary trading and third-party access to spectrum, and these should be exhausted before a secondary licence is considered.
- The SLF will need to consider whether the access seeker's proposed use of the spectrum is aligned to the existing use of the spectrum by the incumbent licensee. Before a secondary licence is granted, the existing spectrum licence holder should be consulted as to the impact of granting a secondary licence.
- Pricing of secondary licences should consider the total impacted area that will result from granting the licence and not just the area within the application, as Radio frequency propagation will radiate from a source as per the laws of physics, not being constrained by a line signifying a specific licence boundary.
- The SLF will need to contain a robust mechanism to return spectrum that is the subject of a secondary licence to the primary licensee, and manage consequences arising from the secondary licensee losing their licence and with it the authority to operate their network.

Introduction

AMTA and its members welcome the opportunity to respond to the ACMA's Expiring Spectrum Licences (ESL) stage 3 consultation. We welcome the ACMA's acceptance of almost all arguments presented by existing licensees in the outcome of the Stage 2 consultation, which explored whether the public interest would be best served by the renewal of ESLs. The ACMA concluded that renewal of ESLs held by MNOs best serves the public interest. This is of critical importance to MNOs who need these licences to operate the networks that serve Australians every day.

Stage 3 of the ESL process is pivotal, as it sets the methodology the ACMA will use to set the renewal price for expiring licences. Mobile networks underpin Australia's ongoing economic prosperity, and renewal prices affect an MNO's ability to invest in infrastructure for network coverage, quality and resilience.

Public Interest is best served by renewal of WA WBB licences

AMTA and its members welcome many of the outcomes of Stage 2 and the ACMA's preliminary views in Stage 3. In particular, we strongly agree with the ACMA's preliminary view that incumbent licensees should be offered the opportunity to renew their existing spectrum licences. The ACMA observes that it "… *sees no evidence of alternative uses for this spectrum that would convince us that these licences should be returned to the market*."[1] We concur with this observation, and the ACMA's preliminary view that in relation to the wide-area wireless broadband (WA WBB) use-case, incumbent MNO licensees should have the opportunity to renew their existing licences.

The role mobile services play in underpinning Australia's economic prosperity, social cohesion and ability to call for assistance during an emergency is well documented and understood. Mobile networks represent the optimal use of this spectrum, delivering significant and well-established public benefit[2].

Fragmenting spectrum holdings through partial renewal (either geographically or by subdividing frequency ranges to withhold spectrum), would undermine the public interest derived from the use of ESL spectrum for mobile services.

1 Consultation paper, Exec Summary, p.2.
2 AMTA Spectrum Policy Paper – How mobile spectrum is essential to Australia's prosperity, June 2024

Valuation and Pricing

Stage 3 of the ACMA's four-stage ESL process is primarily about valuation and pricing. As such, it is the most important of the four stages, as it determines the price incumbent licensees must pay to renew their licences. This section of our submission contains our comments on the ACMA's valuation methodology and concludes with our comments on payment terms.

Valuation methodology

Through the ESL stages to date, with the assistance of Plum Consulting, the ACMA has considered a wide range of valuation methodologies, including direct benchmarking, adjusted benchmarking, econometrics, avoided cost modelling, iterated cost modelling and enterprise valuation modelling (also referred to as business modelling).[3] From this range of options, the ACMA has concluded that the direct benchmark approach is the appropriate methodology to set renewal fees, and AMTA members generally support the ACMA's decision. We consider benchmarking is relatively transparent, has lower complexity than other valuation modelling methodologies, and doesn't rely on commercially confidential data or subjective assumptions. Therefore, we also consider it to be the most suitable approach.

That said, the direct benchmark approach is potentially susceptible to individual benchmarks that are skewed for a range of possible reasons arising from political and/or business pressures and anomalies that were present when the spectrum was sold. To help smooth the anomalies, we welcome the ACMA's recognition that outliers need to be removed, however question some elements of the approach taken, such as excluding outliers at the start of the analysis (as the ACMA has done for some data points but not for others, refer to MNO submissions for details).

In addition, the ACMA's approach of cohort treatments may provide a sense of comfort but produce erroneous results due to false precision. There are other data sampling oddities on which AMTA members will provide feedback to the ACMA in their own submissions.

We also welcome the application of the MSR/MHz/pop deflator (MSR index) within the pricing model to both adjust historic benchmarks and to carry forward past valuations to future payment dates.

The direct benchmarking and MSR index approach generates a "full market pricing estimate" for today's market, i.e., FY25. In the ACMA's model, the MSR index for FY25 is set by definition to 1.000. Other than the effect of the 3-year moving average (smoothing), the ACMA plans to carry forward

[3] Preliminary Views Paper 4, p.6.

the MSR index unchanged over the years where renewal occurs (FY28-FY32), at 0.984.[4] We consider carrying forward a static MSR across the renewal years is problematic for several reasons:

- Over the last 7-year period, spectrum pricing has **declined 39%** according to the ACMA's own MSR index (i.e., MSR/MHz/pop deflator), yet no allowance has been made for future variability, or movement in line with historic trends;
- A static MSR does not take into consideration future spectrum releases, and we can reasonably expect that at least the Upper 6 GHz band, and possibly the 600 MHz band will be released within the ESL renewal window, increasing the total quantity of spectrum; and
- In the worst case, pricing above an operator's future valuation will result in spectrum being unallocated at renewal. We consider this would represent an ESL process failure, ultimately acting to harm the telecommunications industry in Australia, as well as consumers because under- or un-utilised spectrum results in lower quality service offerings and because spectrum is an inherently scare resource.

In addition to the above, the ACMA has stated that it does not intend to update its benchmarking analysis prior to the renewal of each band (i.e. at each Stage 4). Instead, the prices that it proposes at the end of Stage 3 will be the ones that will apply as the licences are renewed between 2028-32. Our understanding of the ACMA's rationale is that it will a) provide pricing certainty for licensees, and b) if there are foreseeable reasons to expect the value of spectrum to change in the future, such expectations should already be reflected in current market prices.

However, the renewed spectrum licences will not commence for another 3-7 years after the valuation model has been finalised. It is inevitable that spectrum prices will evolve over that period. Indeed, spectrum prices have shifted historically and have decreased substantially over periods of 3-7 years.

At a minimum, the ACMA should make reasonable assumptions about the quantum of spectrum to be made available to IMT in the Upper 6 GHz and 600 MHz bands and add these to the MSR index at appropriate junctures to provide a more appropriate forward looking MSR index. Further detail on each AMTA member's specific views on MSR is provided in individual submissions.

Renewal price and payment structure

The ACMA and Government should also consider the broader context in which the ESL process is occurring. A thriving and digitally connected Australia is critically important for our country's economic productivity and will be key to our prosperity as we move into the next decade.

[4] Preliminary Views Paper 4, Figure 18, p.59. The value of 0.984 is the flow-on effect of the 3-year smoothing, incorporating spectrum releases

6G, the next generation of mobile networks, is on track to commence rolling out in the early 2030s[5]. 6G is an exciting evolution for mobile networks, bringing together new technologies such as synchronized distributed massive MIMO, extreme MIMO, non-terrestrial networks, integrated communication, and more. These advances will contribute to an entirely new wave of use cases and devices. It will also require new spectrum, and we expect there will be new spectrum released (Upper 6 GHz and 600 MHz bands) to support the advent of 6G. When setting prices for the renewal of ESLs, it will be important that the ACMA and Government bear in mind that MNOs will be looking to invest in 6G infrastructure and spectrum in a similar timeframe to ESL renewal payments.

The GSMA's recent publication, Global Spectrum Pricing,[6] observes the effects of a 10-percentage point increase in the cost of spectrum on coverage and mobile service speeds. The GSMA observes, "*A 10-pp higher spectrum cost to revenue ratio leads to coverage that is up to 6 pp lower. … There is a similar negative effect on network speeds. A 10-pp higher spectrum cost leads to a reduction in download speeds of 8%, and a reduction in upload speeds of 6%*." The empirical implication here is that spectrum costs are a trade-off for coverage, quality and/or resilience of a network. At a point in time where consumers are increasingly reliant on mobile networks, especially during emergencies or times of disaster, the federal and state governments are setting policy objectives that seek to improve the coverage, quality and reliability of mobile networks. Meeting these policy objectives conflicts with a desire, by governments and regulators, to see large returns from spectrum licence renewal fees. This is especially poignant at a time when mobile network operator margins are being squeezed by increased traffic demand driven by over-the-top services without commensurate revenue uplift. In this context, higher renewal prices adds economic pressure to the industry.

The Return On Invested Capital (ROIC) for the second and third placed mobile operator market participants is less than their Weight Average Cost of Capital (WACC)[7]. Venture Insights wrote, *"In telecommunications, ROIC is a major driver of long-term profitability. The decline in ROIC is therefore an indicator of reduced capacity to invest in the infrastructure that delivers services."*

For sustained investment, especially in areas of questionable profitability, the regulatory burden costs to the sector need to be constrained to improve service. Reducing spectrum renewal costs will assist industry financial sustainability and release capital to improve network capacity, capability, resilience and coverage.

Payment structure, i.e., upfront or instalments over the life of the licence, also influences an MNO's ability to invest in a new mobile generation, infrastructure, spectrum, network quality and reliability. Having the option of paying by instalments will assist MNOs to align the cost of their spectrum asset with the revenue the asset generates.

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5 Ericsson, 6G Networks. Available at: https://www.ericsson.com/en/6g

6 GSMA. Global Spectrum Pricing, May 2025. p.10. Available at: https://www.gsma.com/connectivity-for-good/spectrum/wp-content/uploads/2025/05/Global-Spectrum-Pricing-v2.pdf

7 Venture Insights – State of the Australian Telecommunications Industry – June 2023

Preliminary Views Paper 4, "*Pricing for ESLs*" notes that instalment payments have only occurred three times over the entire history of spectrum licensing in Australia.[8] Preliminary Views Paper 4 also observes, "*… the minister has the power under section 294 of the Act to give written directions to the ACMA about matters dealt with in spectrum access charge determinations*."[9] AMTA notes that under s.294(1) of the Radiocommunications Act, the ACMA also has the power to make determinations relating to spectrum access charges and the times when those charges are payable.

AMTA and its members request the ACMA offer incumbent licensees two options for the payment of licence renewal fees:

1) The option to pay the renewal as a single, upfront payment (already proposed by the ACMA); and
2) The option to pay licence renewal fees by instalment across the life of the licence.

Individual AMTA members will make their own representations on the interest rate that should be levied for the instalment payment option.

ESL renewal pricing should be set below today's 'market value'

There is an asymmetric risk in overpricing. If prices are set too high, inefficient allocation and under-investment are likely consequences. In contrast, if prices are set below today's market value, no efficiency concerns arise, and MNOs will have more capital available for network investment, which benefits consumers. Consequently, it is good practice for a regulator to be conservative when setting renewal prices.

This problem can be mitigated by the ACMA adopting a conservative approach to how it sets renewal prices, in addition to taking a 'conservative approach' in its benchmarking exercise. We note that setting prices conservatively does not alleviate the need for an option to pay the licence renewal fee by instalment; which we cover next.

Payment Terms

We recognise that historically, instalment payments for spectrum have only occurred in a few instances,[10] and in those cases, licensees were afforded the option to pay by instalment across the early part of the licence duration.

While the decision to move to instalment payments can be directed by the Minister, the ACMA is also permitted under s294(1) of the Radiocommunications Act to make determinations relating to spectrum access charges and the times when those charges are payable. AMTA therefore considers it prudent to highlight the benefit instalment payments would provide to the industry as part of the Stage 3 consultation process.

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8 Preliminary Views Paper 4, top of p.4.
9 Preliminary Views Paper 4, bottom of p.5.
10 700 MHz and 26 GHz bands.

The large proportion of mobile spectrum in Australia being renewed over a short period of time, coupled with reducing profitability in the industry means that having to pay upfront for all renewals would be challenging for the MNOs. Financing upfront renewal payments potentially requires significant debt financing at uncertain and potentially high interest rates. There is a significant risk that the burden of these fees will further erode industry profitability and divert funds from network investment, which could be suboptimal for Australians and the Australian economy.

AMTA members believe the option to pay by instalments should be made available by the ACMA.

Unification of licence expiry dates

The ACMA has provided two options for the alignment of future licence expiry in Part 3 of the consultation paper (Option 1 renews all licences for 20 years, while Option 2 aligns all licences to just two dates within six months of each other – January 2044 and June 2044). Historically, AMTA and industry members have advocated for alignment of licence expiry dates, primarily because it removes an impediment to defragmentation of spectrum bands, by allowing the value of individual licence holdings to be more easily compared. The ACMA has indicated its preference for Option 2, which maximally aligns the future expiry dates of all low- and mid-band licences (including licences that are not part of this ESL round) in 2044, in line with the mobile industry's advocacy. We commend the ACMA for recognising and acting upon the industry's advocacy.[11]

We note that AMTA members continue to advocate that substitutable bands should expire at the same time, but diverge slightly with respect to how that should be accomplished. It is important that the approach adopted mitigates the mobile industry's strategic and commercial risk given that spectrum, and its continued access, is a critical input to mobile service availability. Therefore, we refer the ACMA to the separate, detailed responses from Optus, Telstra and TPG Telecom in reaching its decision.

[11] Preliminary Views Paper 3, Footnote 8, p.6.

Spectrum Licences – Rail and TOB

The ACMA's preliminary view is that transitioning to apparatus licensing arrangements for Rail communications and Television Outside Broadcast (TOB) users would best promote the long-term public interest; i.e., rail and TOB ESLs should not be renewed as spectrum licences. We do not agree with this preliminary view. Rather, we propose the ACMA should proceed with its alternative option (outlined in the Preliminary Views Papers) of renewing the Rail and TOB ESLs as shorter duration spectrum licences.

Rail use case

The ACMA's preliminary view is that "*… the long-term public interest is likely best promoted by continued access to the 1800 MHz band for rail safety and communications under apparatus-licensing arrangements, rather than spectrum licences. This would facilitate a gradual transition to the 1900 MHz band for these services over the next 8–10 years, without disrupting critical services*."

We agree with the ACMA that in the medium to long-term, the public interest is best served by allowing continued access to the 1800 MHz band for rail safety, however we disagree with the ACMA that this is best served by conducting this using an apparatus licensing regime. We are concerned that if the Rail 1800 MHz spectrum licences are allowed to expire, and the band is reconfigured for apparatus licensing, it will degrade the utility of the bands. This is because transition to apparatus licensing would likely fragment the spectrum across a range of small users or use cases, constraining future potential for more holistic utilisation which by its nature offers far greater public benefits.

As an alternative to proceeding with converting the Rail 1800 MHz ESLs into apparatus licences, the ACMA proposes the attributes of a hypothetical spectrum licences for 1800 MHz rail use, as:[12]

- 8-year term, to expire in June 2036;
- A renewal statement saying renewal will be at the ACMA's discretion;
- A renewal application period with a 3-month period beginning 3.25 years from expiry (ending 3 years from expiry);
- A renewal decision-making period of 12-months beginning 3 years from expiry (ending 2 years from expiry);
- A public interest statement saying the ACMA will only renew the licence if it is in the public interest to do so; and
- A "rail use" condition, that restricts use of the licence to the provision of rail safety and control communications.

AMTA considers the ACMA's alternate view of an 8-year spectrum licence far better serves the longer-term public interest, as it avoids the risk of fragmentation of the band, and would, at some point in the future, allow the whole of 3GPP Band 3 to be used for public mobile networks. We

[12] Preliminary Views Paper 3, p.10-11.

strongly recommend the ACMA proceed with its alternate option, of a spectrum licence with the attributes described in Preliminary Views Paper 3.

TOB use case

Akin to the Rail 1800 MHz ESLs, the ACMA's preliminary view for TOB ESLs in the 2.5 GHz mid-band gap, is to move to apparatus licensing. Also like Rail, the ACMA proposes an alternative with (hypothetical) spectrum licences for 2.5 GHz TOB, with ostensibly the same attributes as the hypothetical 1800 MHz Rail spectrum licences.[13]

As with the 1800 MHz Rail Safety ESLs, we do not agree with the ACMA's preliminary view that TOB ESLs in the 2.5 GHz mid-band gap should be converted to apparatus licensing. Again, apparatus licensing risks degrading the utility of the bands, as it allows for fragmentation of the band, constraining future potential for a more holistic utilisation of the band.

We propose the ACMA retain this band as a spectrum-licensed band, with the notional spectrum licence attributes as the ACMA has articulated them, with the exception that the expiry date should be aligned with the other 2.5 GHz spectrum licences. We see no need to time limit the duration of the condition, as there is no roadmap for TOB to transition out of the band (unlike 1800 MHz GSM-R). If, in the future, TOB relinquish the band, licences with a "TOB use condition" can be amended by a s.72 licence variation to remove the condition if it is no longer relevant.

[13] Preliminary View Paper 3, p.12. Most of the hypothetical TOB Spectrum Licence are the same as the hypothetical Rail Spectrum Licence, i.e., 8-year term and renewal and public interest statements with the same attributes, although there are some minor differences include the 8-year term on a 2.5 GHz licence expires in September 2037 (not June 2036 as in the hypothetical Rail Spectrum Licence), and the "use condition" is a "TOB use condition" rather than a "rail safety use condition".

Secondary Licensing Framework

The ACMA's March 2025 report on Alternate Licence Conditions says: "*Place-based secondary licensing frameworks have the potential to promote competition and consumer choice in regional, rural and remote Australia, and are more fit for purpose than UIOSI conditions*." The ACMA goes on to observe that "*Actual UIOSI frameworks – that is, a 'mandatory sharing' obligation placed on an operator –are rarely implemented internationally and share similar drawbacks in design and practical administration to UIOLI frameworks*."[14]

We recognise the Secondary Licensing Framework (SLF) is outside the scope of the Stage 3 consultation, as there will be a separate consultation on this topic. Nevertheless, the SLF is a pivotal component for consideration in the renewal of ESLs, as it speaks to a licensee's ability to use spectrum they are not using today but plans to in the future. As such, we are including our views on some key elements we consider important, ahead of the formal consultation on this topic.

Incentivise secondary trading and third-party access first

The Radiocommunications Act already has mechanisms for secondary trading and third-party access to spectrum that is the subject of a spectrum licence. Anecdotally, these mechanisms are not as widely used as some would like, yet these mechanisms already exist, and work. We strongly recommend the SLF should only consider applications where it can first be demonstrated that reasonable approach(es) to licence holder(s) have been made, and have failed. We consider it would not be appropriate for licences to be granted where unreasonable approaches have been made to the primary licensee.

Ensure there is no technology mismatch or interference

The SLF will need to consider whether the access seeker's proposed use of the spectrum is aligned to the existing use of the spectrum by the incumbent licensee. Different mobile generations can interfere with each other, and it will be important to consider potential low-earth orbit (LEO) satellite use by the incumbent licensee in some cases (FDD bands). The ACMA should not issue secondary licences without close involvement with the incumbent licensee.

Pricing to include consideration of spectrum denial, not just use

Pricing of secondary licenses should consider the total impacted area that will result from granting the license not just the area required within the application. Radio frequency propagation will radiate from a source as per the laws of physics, not being constrained by a line signifying a specific

[14] ACMA, Expiring Spectrum Licences – Views on Alternative Licence Conditions. March 2025. Available at: https://www.acma.gov.au/publications/2024-12/report/expiring-spectrum-licences-acma-report-alternative-licensing-conditions

licence boundary. A low band secondary licence may well impact an adjacant community, not just the desired applicant's applied coverage area.

Ability to return secondary-licensed spectrum to the primary licensee

The SLF will need to contain a robust mechanism to return spectrum that is the subject of a secondary licence to the primary licensee. We have some concerns, however, that this will be a difficult process that carries risk for the primary licensee.

We consider the decision to *award* a secondary licence to a prospective licensee is relatively straightforward. The decision would be based on whether or not the incumbent licensee plans to use the spectrum in the near future, coupled with an interference assessment to ensure there is no risk of interference or technology mismatch.

In the event the primary licensee requires their spectrum at a point in the future, there is the potential for it to cause problems for the secondary licensee. The secondary licensee will have invested in infrastructure, and likely has contractual supply agreements with their customer(s). While it is obvious that the secondary licensee acquired their licence in full knowledge of the risks, and any supply contracts with their customers will recognise this fact, the investment and end customers of the service will likely find it extremely difficult to simply abandon their use of the spectrum.

We are interested to understand how the ACMA will approach this challenge, should it (inevitably) arise, and consider that the design of the SLF should preempt, and have the ability to deal with, the situation where a primary licensee requires access to the spectrum, thereby forcing the secondary licensee to return the spectrum.

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