

Independent Audit of Government Spectrum Holdings

Terms of Reference

1. Identify the major Government spectrum holdings below 31 GHz. For the purposes of the Review:
 - a. Government means the Australian Government and the governments of the States and mainland Territories, including the business enterprises of those governments. Spectrum holdings of local governments, governments of offshore territories, Telstra or National Broadcasters are not within the scope of the Review
 - b. Holdings include all mechanisms by which spectrum is formally reserved, allocated, licensed or otherwise identified or made available for Government use. Holdings may be set out in statutory instruments such as spectrum plans and frequency band plans, in administrative instruments such as Radiocommunications Assignment and Licensing Instructions (RALIs) or by radiocommunications licences;
2. Describe both actual and potential uses of major Government spectrum holdings through:
 - a. An audit of current use by Government of major spectrum holdings;
 - b. A survey of expected use by Government of major spectrum holdings; and
 - c. An examination of both existing and potential demand for non-government use of major spectrum holdings.
3. Identify major spectrum holdings for which existing or potential demand indicates that the overall public benefit could be maximised by:
 - a. Making all or part of the holding available for non-government use, including proposals for the clearance or reallocation of spectrum; or
 - b. Identifying increased sharing opportunities and arrangements in current Government spectrum holdings; or
 - c. Devolving management of major Government spectrum holdings to other Government agencies, including the processes and approaches that could be used to achieve devolved management arrangements.
4. 4 Develop a strategic approach to the re-allocation of Government spectrum holdings to non-government uses that takes the following factors into account:
 - a. Current and expected operational requirements;
 - b. Budget and other financial constraints;
 - c. The likely effect in Australia of development in technology and international regulatory arrangements; and
 - d. The legislative requirements of the Act.
5. Review the medium and long term effectiveness of existing regulatory arrangements to maximise the efficient use of the spectrum in relation to major Government spectrum holdings.

6. A.1.6 Identify regulatory mechanisms and approaches that will assist ACMA to maximise the overall public benefit from major Government spectrum holdings, including mechanisms and approaches that will assist ACMA consideration of proposals by Government for new spectrum holdings.
7. Examine the opportunity cost of major Government spectrum holdings in order to identify opportunities for improved charging arrangements and other incentive mechanisms. For the purpose of the Review:

Opportunity cost evaluations should take into account alternative uses for a spectrum holding. For example, the band 230-240 MHz is held by the Department of Defence but could also be used for Digital Audio Broadcasting (DAB). This indicates that the opportunity cost of this holding may be significant. In contrast, the 20.2-21.2 GHz and 30-31 GHz bands are generally only used for defence purposes. This indicates that the opportunity cost of this holding may be low.