

## Form 7B – Statement about affiliations given before assignment stage of 3.4 GHz auction

For the purposes of section 70 of the [Radiocommunications \(Spectrum Licence Allocation – 3.4/3.7 GHz Bands\) Determination 2023](#) (allocation determination).

### Notes on completion

#### Introduction

This form has been prepared by the Australian Communications and Media Authority (ACMA) for the purposes of subsections 70(2) and (3) of the allocation determination.

If assistance is required in completing this form, please contact the auction manager or email [spectrumallocations@acma.gov.au](mailto:spectrumallocations@acma.gov.au).

Section 69 of the allocation determination provides that, if the ACMA has reason to believe that 2 or more bidders (notified bidders) are affiliated during the allocation period, the ACMA must, in writing, notify the bidders and tell them the basis on which the ACMA believes that the affiliation exists.

Subsection 70(2) of the allocation determination provides that, after giving such a notice, the ACMA must give each notified bidder the details of all other notified bidders and ask each notified bidder to make a statement about whether the bidder is an affiliate of another notified bidder and, if so, identifying the other notified bidder and giving details of the affiliation.

Paragraphs 70(3)(b), (c) and (d) of the allocation determination provide that, if the ACMA gives such a notice after the start of the pre-bidding round of the primary stage of the 3.4 GHz auction but before the end of the primary stage (if there is no secondary stage) or the secondary stage of the 3.4 GHz auction, then the ACMA must, as soon as practicable before the end of the relevant stage and once the results of the stage are known:

- a) give each primary winner and each secondary winner in the 3.4 GHz auction and 3.7 GHz auction details about the identity of all other persons who are primary winners and secondary winners in the 3.4 GHz auction and 3.7 GHz auction; and
- b) ask each primary winner and each secondary winner in the 3.4 GHz auction and 3.7 GHz auction to make a statement about whether the bidder is an affiliate of another person who is a primary winner or secondary winner in those auctions and, if so, identifying the other winner and giving details of the affiliation.

When the ACMA gives details to a notified bidder of other notified bidders after the primary winners and secondary winners in the 3.4 GHz auction are known but before the start of the assignment stage of the 3.4 GHz auction, the ACMA will include information about whether any of the other notified bidders is a primary winner or secondary winner, or both, in the 3.4 GHz auction as well as information about whether any of the other notified bidders is a primary winner or secondary winner, or both, in the 3.7 GHz auction.

This form should be used to give a statement **after** the start of the assignment stage of the 3.7 GHz auction. However, if the statement is given before the results of the primary stage or secondary stage of the 3.4 GHz auction are known, then the statement **cannot** say that any notified bidder (including the bidder making the statement) is a primary winner or secondary winner, or both, in the 3.4 GHz auction.

A statement using this form **cannot** be given after the start of the assignment stage of the 3.4 GHz auction. A bidder's failure to give the statement by the required time may affect the spectrum licences to be allocated to the bidder.

## **When to make the statement**

The ACMA will state the deadline for making the statement about affiliations when it asks each notified bidder to make the statement. The deadline will be at least 10 working days after the date of the request.

## **How to give the statement to the ACMA**

The statement 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. The statement can be delivered to:

Online portal: <https://www.acma.gov.au/acma-assist#/auctions/3a71276a-3d16-ee11-9cbd-000d3a798fb7>

Email: [spectrumallocations@acma.gov.au](mailto:spectrumallocations@acma.gov.au)

Post: Auction Manager  
Major Spectrum Allocations Section  
Australian Communications and Media Authority  
PO Box 13112 Law Courts  
Melbourne Victoria 8010

## **Who should make the statement?**

Where the ACMA receives a statement from a notified bidder (including a primary winner or secondary winner) that is a body corporate, it must be made by a director, secretary or authorised officer of the body corporate.

Where the ACMA receives a statement from a notified bidder (including a primary winner or secondary winner) who is an individual, it must be made by that individual.

## **Who can witness the statement?**

The statement must be witnessed by a person who is above the age of 18.

## **How to sign and witness the statement**

Section 8 of the allocation determination outlines the requirements for executing this form. Please see the *Auction guide* for more information about how to sign and witness the statement.

# Statement about affiliations

I,

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Name of person making the statement

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Occupation of person making the statement

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Address of person making the statement

make the following statement:

1. I am:

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

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name of the bidder as it appears in the register of bidders maintained by the ACMA under section 55 of the Radiocommunications (Spectrum Licence Allocation – 3.4/3.7 GHz Bands) Determination 2023

(the Participant) which is a (tick the appropriate box or boxes):

- ☐ primary winner or secondary winner, or both, in the 3.7 GHz auction
- ☐ primary winner or secondary winner, or both, in the 3.4 GHz auction
- ☐ neither a primary winner nor a secondary winner in either the 3.7 GHz auction or the 3.4 GHz auction

for the purposes of subsections 70(2) and (3) of the Radiocommunications (Spectrum Licence Allocation – 3.4/3.7 GHz Bands) Determination 2023 (the allocation determination).

- 2. I have fully read and understand the provisions set out in Part 2 and in Division 3 of Part 5 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 Participant by the Australian Communications and Media Authority (the ACMA) in accordance with paragraph 70(2)(a) and, if relevant, paragraph 70(3)(c) of the allocation determination, about the identities of all other bidders who are relevant to this statement (relevant bidders).

4. I have made my own reasonable inquiries into the identities of the associates of all other relevant bidders, and whether the Participant is affiliated with any of the other relevant bidders.
5. In response to the request made in accordance with section 70 of the allocation determination, I declare the Participant (tick the appropriate box or boxes):
- ☐ **is not** affiliated with another relevant bidder named in the details provided by the ACMA. *(if this box is ticked, do not tick another box)*
  - ☐ **is** affiliated with another relevant bidder named in the details provided by the ACMA and, according to those details, the relevant bidder **is** a primary winner or a secondary winner, or both, in the 3.7 GHz auction
  - ☐ **is** affiliated with another relevant bidder named in the details provided by the ACMA and, according to those details, the relevant bidder **is not** a primary winner or a secondary winner, or both, in the 3.7 GHz auction
  - ☐ **is** affiliated with another relevant bidder named in the details provided by the ACMA and, according to those details, the relevant bidder **is** a primary winner or a secondary winner, or both, in the 3.4 GHz auction
  - ☐ **is** affiliated with another relevant bidder named in the details provided by the ACMA and, according to those details, the relevant bidder **is not** a primary winner or a secondary winner, or both, in the 3.4 GHz auction.

The relevant bidders with which the Participant is affiliated are:

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Insert name of first other relevant bidder

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Insert address of first other relevant bidder

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

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Describe why the Participant's relationship with the other relevant bidder falls within the meaning of 'affiliated' in section 17 of the allocation determination, with reference to section 16 of the allocation determination, as appropriate.

If there are more relevant bidders with which the Participant is affiliated, please include an attachment providing the details of those bidders and the nature of the Participant's affiliation with them.

I understand that giving false or misleading information is a serious offence, and, in particular, knowingly or recklessly making a false or misleading statement or omitting any matter or thing without which the statement is misleading in connection with an application is an offence under section 136.1 of the *Criminal Code*. I believe that the statements made in this document and attachments are true in every particular.

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Signature of person making the statement

Made at:

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Place

On:

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Day / Month / Year

Before me,

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Signature of person before whom the statement is made

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Name of person before whom the statement is made (printed)

**Note** Part 7.4 of the *Criminal Code* creates offences in relation to false and misleading statements.