



Contact officer: [REDACTED]  
Contact phone: [REDACTED]

25 June 2025

Nerida O'Loughlin  
Chair  
Australian Communications and Media Authority

By email: [ESL@acma.gov.au](mailto:ESL@acma.gov.au).

### **Australian Communications and Media Authority Stage 3 consultation on expiring spectrum licences**

The Australian Competition and Consumer Commission (ACCC) welcomes the opportunity to respond to the Australian Communications and Media Authority's (ACMA) Stage 3 consultation on the expiring spectrum licences.

The ACCC is the economy-wide competition regulator responsible for enforcing the *Competition and Consumer Act 2010* (Cth) (CCA). We protect consumers by fostering competitive, efficient, fair and informed Australian markets, including telecommunications markets.

The ACCC regulates certain telecommunications services under Part XIC of the CCA. The ACCC also has a statutory role in providing advice on allocation limits to the ACMA upon request under the *Radiocommunications Act 1992*. To this end, the ACCC works closely with the ACMA to ensure that allocations of spectrum promote competition in relevant downstream markets that rely on spectrum as an essential input.

As noted in our previous submissions to the expiring spectrum licence process, spectrum licences and allocations remain an important matter of focus for the ACCC. Spectrum is vitally important for mobile network operators (MNOs) to provide essential telecommunications services to consumers. The ACCC views the expiring spectrum licence process as an opportunity to further promote competition in the telecommunications sector in the long-term public interest.

This submission focuses on certain aspects of the ACMA's preliminary views in relation to the expiring spectrum licences.

#### ***Spectrum licence renewal***

Overall, the ACCC agrees with the ACMA's preliminary view that renewing expiring spectrum licences for use by the mobile network operators to provide wide-area wireless broadband services would promote the long-term public interest. In particular, the ACCC considers that mobile services, in addition to being essential services, facilitate socially and economically beneficial activities. Almost all Australians use mobile services on a regular basis, and it is

now key to how we communicate, entertain, work and participate in the economy. For this reason, renewing expiring spectrum licences is important to supporting continuity of this essential service.

In the past, the ACCC has provided advice to the Minister for Communications and the ACMA on the use of allocation limits to promote competition in spectrum allocation processes. In the current circumstances, where a substantial number of spectrum licences are due to expire within a short period of time, and the ACMA received no interest from a prospective new entrant during its previous consultation, the ACCC agrees that renewing the expiring spectrum licences will likely promote competition in the mobile services market.<sup>1</sup> As noted by the ACMA, Telstra is a dominant participant in the market, and there are barriers to investment in regional areas of Australia. Renewing the expiring spectrum licences will ensure that all mobile network operators continue to have the ability to effectively compete in this market. In particular, renewing expiring spectrum licences that are intended to be used for the Optus/TPG regional network sharing arrangement and the deployment of low-earth orbit satellite direct-to-device services will help to facilitate the competitive process in the market over the longer term.

We also consider that in an environment where significant ongoing investments in mobile infrastructure are required to serve the needs of end-users, renewal of the expiring spectrum licences will provide regulatory stability to the industry and in turn encourage infrastructure investment in the long-term public interest.

### ***Renewal of Telstra's 2.3 GHz band spectrum in remote areas***

The ACCC shares the ACMA's initial reservations regarding Telstra's proposal to have its 2.3 GHz band spectrum in remote areas renewed. We consider that there is currently insufficient information to indicate that Telstra's proposed use of the spectrum would likely promote the long-term public interest. On the other hand, renewing Telstra's spectrum licences in this band may create a competitive advantage for Telstra in the private wireless network market.

Telstra has proposed using its 2.3 GHz band spectrum for private wireless networks rather than to support its public mobile network. As per the ACMA's consultation paper, 'Telstra has not indicated where and when it will use the (2.3 GHz) band for this use-case, or the likely extent of its use.'<sup>2</sup> We understand that the ACMA is seeking further information regarding Telstra's proposed use-case and how it would promote the long-term public interest.

The ACCC is concerned that renewing Telstra's 2.3 GHz band spectrum licences would not promote competition in the private wireless network market. As the ACMA's 2023 market study *Private wireless networks using 4G or 5G in Australia* found, demand for private wireless networks arises on an as-needed basis.<sup>3</sup> Given the nature of private network deployment, spectrum suitable for this use-case is usually allocated via apparatus licences (either via allocation windows or over the counter such as in the 3.8 GHz band area-wide licences allocation). Renewing Telstra's 2.3 GHz band spectrum licences means that Telstra has a significant amount of spectrum in reserve for private wireless network deployment in remote areas which represents a distinct advantage over its competitors who may otherwise have to seek access to spectrum after a business case has arisen.

---

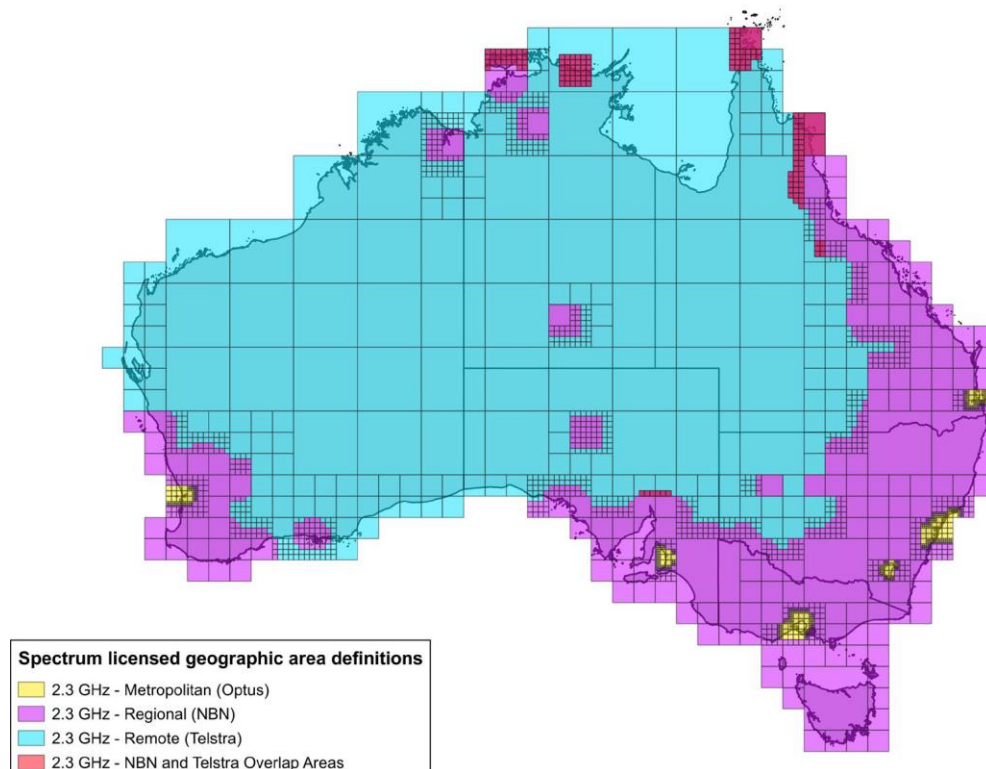
<sup>1</sup> ACMA, [Expiring spectrum licences, stage 3: Supporting paper 2: Competing and complementary demand for ESL spectrum](#), April 2025, p. 13.

<sup>2</sup> ACMA, [Expiring spectrum licences, stage 3: Consultation paper](#), April 2025, p 22.

<sup>3</sup> ACMA, [Private wireless networks using 4G or 5G in Australia: Market study](#), September 2023, p 16.

The vast expanse of Telstra’s 2.3 GHz band spectrum licences (as shown in teal in Figure 1) may also mean that Telstra could gain a competitive advantage in dealing with large enterprises that have private wireless needs across multiple sites (in particular, mining operations). Enterprise users with private wireless needs across a wide geographic area will likely prefer dealing with Telstra as it would likely be simpler to optimise their networks (and thus lower cost) when dealing with one provider.

**Figure 1: 2.3 GHz band licensed geographic area definitions<sup>4</sup>**



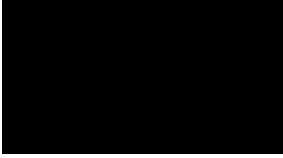
In addition, in circumstances where Telstra has not provided evidence that the spectrum will likely be used in full across the licensed areas (noting that Telstra holds 98 MHz in the band), renewing the licences does not facilitate efficiency and likely prevents the spectrum from being potentially used by other users or use-cases. This is unlikely to be in the long-term public interest.

We suggest that the ACMA consider available information regarding the potential use of the 2.3 GHz band spectrum in remote areas, including whether there is a likely demand for the band for private wireless network deployment more broadly. This may inform the ACMA as to whether it would promote the long-term public interest to reallocate the spectrum, including via apparatus licensing arrangement, so that it can potentially be accessed by other providers. Such an approach would not necessarily deny Telstra the opportunity to use the spectrum for private wireless network deployment in the future – it would simply put Telstra on a level playing field with its competitors in this market.

<sup>4</sup> ACMA, [Expiring spectrum licences, Supporting paper 1: Overview of expiring spectrum licences, incumbent holdings, use and the secondary market](#), April 2025, p 58.

If you would like to discuss this submission please contact [REDACTED], General Manager, Mobiles, Transmission and Consumer ([REDACTED] / [REDACTED]).

Yours sincerely



Anna Brakey  
Commissioner