



CROWN

LAW

**STATE OWNED
TELECOMMUNICATIONS
INFRASTRUCTURE
LICENCE AGREEMENT
GUIDELINES**

**GUIDELINES FOR USE OF STANDARD LICENCE AGREEMENT FOR STATE
OWNED TELECOMMUNICATIONS INFRASTRUCTURE (SOTI)**

INTRODUCTION

This Standard Licence Agreement (“the SOTI Licence”) regarding the use of State Owned Telecommunications Infrastructure (“SOTI”) has been developed by an inter-departmental reference group.

The SOTI Licence is recommended for use by all Queensland Government departments for agreements with telecommunications carriers to install telecommunications facilities on State owned freehold land. The applicable legislation for the installation of these telecommunications facilities is the *Telecommunications Act 1997 (Cth)*.

The Licence is considered to be best practice for these types of arrangements.

APPLICATION

The SOTI Licence is to be used for **FREEHOLD LAND ONLY**. The SOTI Licence is not suitable for other land tenures such as reserve or trust land. A suite of documents is intended to be developed for use of non-freehold land.

The SOTI Licence is a generic document and site-specific details and amendments should be negotiated with the carriers and included by inserting amendments in the schedules.

The document has been created as a Licence Agreement and not a lease agreement. A feature of this document is that the carrier is given **NON-EXCLUSIVE POSSESSION OF THE LICENCE AREA**.

TERMS AND CONDITIONS

The Licence has been developed by an inter-departmental reference group. Additionally, a consultation draft was forwarded to telecommunications carriers to obtain feedback on the terms and conditions. Amendments requested by carriers have been included in the SOTI Licence where possible. It is not recommended that the standard terms and conditions be amended however there is provision for amendment if negotiated with a carrier. Schedule D should contain all amendments to the standard conditions.

Site-specific details and the commercial terms of the agreement are intended to be inserted in schedules A to F.

SCHEDULES

Schedule A (Reference Schedule)

The commercial terms of the Licence agreement are to be inserted in Schedule A.

The following information should be inserted in Schedule A:

- details of the Licensor and the Licensee;
- Commencement Date and Termination Date;
- description of the Land;
- description of the Licensed area;
- description of the Building (if relevant);
- Permitted Use;
- access times;
- Licence fee and Licence Fee Review;
- term of any Further Licence;
- Insurance requirements;
- contact persons for each party;
- details of any Bond to be lodged;
- details of any Guarantors.

Schedule B (Licensee Equipment)

The SOTI Licence requires the Licensee to provide details of the telecommunications equipment to be installed in the Licensed area. This equipment is to be approved by the Licensor before installation. It is recommended that as much detail as the Licensee's equipment is obtained as possible (including frequency, outputs, inputs, power drain, size,

dimensions, make, model, colour etc). The Licence provides that the Licensee's equipment shall not be modified or upgraded without the consent of the Licensor.

Schedule C (Licence Fee Reviewed)

This Schedule contains possible formulae for Licence Fee Review. The mechanisms for Licence Fee Review are:

- consumer price index;
- fixed increase;
- market review.

The parties should specify which mechanism is to apply, and specify the review dates.

Schedule D (Agreed Amendments)

This Schedule should contain any negotiated and agreed amendments to clauses 1 – 45 of the SOTI Licence.

If a clause of the Licence Agreement is not applicable, this should be indicated in Schedule D.

Schedule E (Installation of equipment within a building)

These conditions are applicable if the installation of the telecommunications facility is to occur within a building. If the installation is not to be installed within a building, schedule E is not applicable.

Schedule F (Installation of equipment on transmission tower)

These conditions are applicable if the telecommunications facility is to be installed on a State owned transmission tower, antenna support structures or radiocommunication structures.

These conditions may only apply to a small number of Departments.