

Commonwealth of Australia

Radiocommunications Act 1992

**VHF Mid Band Frequency Band Plan (70 to 87.5 MHz)
(Variation) 1998**

The AUSTRALIAN COMMUNICATIONS AUTHORITY makes this Instrument of Variation under subsection 34 (1) of the *Radiocommunications Act 1992*.

Dated 12 June 1998.

A.J SHAW
Chairman

R HORTON
Deputy Chairman

Australian Communications Authority

1. Commencement

1.1 This Instrument of Variation commences on 1 July 1998.

2. Variation

2.1 The VHF Mid Band Frequency Band Plan (70 to 87.5 MHz) is varied as set out in this Instrument of Variation.

3. Clause 2 (General)

3.1 General notes 4–9:
Omit the notes.

4. Clause 3 (Interpretation)

4.1 Subclause 3 (2), definition of *authorised*:

Omit “SMA”, substitute “ACA”.

4.2 Subclause 3 (2), definition of *conversion date*:

Omit the definition.

5. Clause 4 (Conversion Dates)

5.1 Omit the clause.

6. Clause 5 (Table 1—Conversion date in high spectrum demand areas of States)

6.1 Omit the clause.

7. Clause 9 (Exemption from compliance with clauses 6 and 7)

7.1 Omit the clause, substitute:

Exemption from compliance with clause 6 or 7—existing services

“9. (1) An existing service may use frequencies in the VHF Mid Band, on a secondary basis, to supply a service that does not comply with either clause 6 or 7.

“(2) For subclause (1), an *existing service* is a service for the operation of which a licence:

(a) was, or is taken to have been, in force on 30 June 1998; and

(b) has continued, or is taken to have continued, in force after that date.

“(3) For this clause:

- (a) a licence is taken to have been *in force on 30 June 1998* if the operation of the service became unlicensed between 2 May 1998 and 30 June 1998 and was unlicensed for not more than 60 consecutive days; and
- (b) a licence is taken to have *continued in force* after 30 June 1998 if the operation of the service has been unlicensed for not more than 60 consecutive days.”.

8. Clause 9A (Authorisation to use a service beyond conversion date)

8.1 Omit the clause, substitute:

Exemption from compliance with clause 7—new services

“9A. (1) A new service may use frequencies in the VHF Mid Band, on a secondary basis, in a non-HSD area, to supply a service that does not comply with clause 7.

“(2) For subclause (1), a *new service* is a service for which a licence was not in force, or taken to have been in force for clause 9, on 30 June 1998.”.

9. Clause 10 (Table 2—Service allocations)

9.1 Note 3:

Omit “SMA”, substitute “ACA”.
