

Commonwealth of Australia

Radiocommunications Act 1992

**VHF Mid Band Frequency Band Plan (70 to
87.5 MHz)¹ (Variation)**

I, CHRISTINE MARY GOODE, Spectrum Manager, acting on behalf of the Spectrum Management Agency, make the following Instrument of Variation under subsection 34 (1) of the Radiocommunications Act 1992.

Dated 25 June 1996.

CHRISTINE M. GOODE

Spectrum Manager

1. Variation

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

[NOTE: This Instrument of Variation commences on gazettal: see *Radiocommunications Act 1992* s. 34 and *Acts Interpretation Act 1901*, ss. 46A and 48.]

2. Clause 2 (General)

2.1 Note (4) to clause 2:

Omit "Each Regional Office of the Department", substitute "The SMA".

2.2 Note (4) to clause 2:

Omit "in their region".

2.3 Note (8) to clause 2:

Omit "the relevant Regional Office", substitute "the SMA"

3. Clause 3 (Interpretation)

3.1 Subclause 3 (1):

Omit the subclause, substitute:

“(1) Unless the contrary intention appears, if any expression used in this Band Plan is defined in:

- (a) the *Radiocommunications Act 1992*; or
- (b) the Australian Radiofrequency Spectrum Plan; or
- (c) the Radiocommunications Regulations; or
- (d) the Radiocommunications (Definitions) Determination No. 2 of 1993;

the expression has the same meaning in this Band Plan as in that Act, that Spectrum Plan, those Regulations, or that Determination, as the case requires.”.

3.2 Subclause 3 (2):

After the definition of “allowed area”, insert:

“**authorised**’ means authorised by the SMA;”.

3.3 Subclause 3 (2) (Definition of “**primary service**”):

Omit “Part 3 of the Radiocommunications—Australian Spectrum Plan;”, substitute “the Australian Radiofrequency Spectrum Plan;”.

3.4 Subclause 3 (2) (Definition of “**secondary service**”):

Omit “Part 3 of the Radiocommunications—Australian Spectrum Plan;”, substitute “the Australian Radiofrequency Spectrum Plan;”.

3.5 Subclause 3 (2) (Definition of “**Regional Office**”):

Omit the definition.

3.6 Subclause 3 (3):

Omit the subclause.

4. Clause 6 (General Purposes for Band Segments)

4.1 Clause 6:

Omit “Part 4 of the Radiocommunications—Australian Spectrum Plan;”, substitute “the Australian Radiofrequency Spectrum Plan;”.

5. Clause 7 (Channelling Arrangements for Band Segments)

5.1 Subclause 7(1):

Omit “Part 4 of the Radiocommunications—Australian Spectrum Plan;”, substitute “the Australian Radiofrequency Spectrum Plan;”.

6. Clause 9 (Exemption From Compliance With Clauses 6 and 7)

6.1 Clause 9:

Add at the end of the clause:

“(4) An existing service, part of an existing service, an increased existing service or a new service may be authorised to operate after the conversion date relating to the service:

- (a) on a transitional basis in accordance with clause 9A; and
- (b) for purposes, or with technical or operational characteristics, other than those specified in this Band Plan.”.

7. New clause 9A

7.1 After clause 9, insert:

Authorisation to operate a service after conversion date

“**9A. (1)** An authorisation under subclause 9 (4) must not be given unless:

- (a) the SMA is satisfied that a person who proposes to operate the service in accordance with the authorisation has taken all reasonable actions to comply with the Band Plan by the relevant conversion date; and
- (b) the SMA is satisfied that the operation of the service in accordance with the authorisation will not cause interference or any disadvantage to other services which are operating in compliance with the Band Plan; and
- (c) the person operating the service has acknowledged to the SMA in writing that the service may be subject to interference by other services which are operating in compliance with the Band Plan.

“(2) An authorisation has no effect after 30 June 1998.”.

8. Clause 10 (Table 2: service allocations)

8.1 Note 3 to the table:

Omit “by the Secretary, or by an officer of the Department authorised in writing by the Secretary”, substitute “by the SMA”.

NOTE

1. Statutory Rules 1991 No. 355, as amended by Statutory Rules 1993 No 37. Section 4 of the *Radiocommunications (Transitional Provisions and Consequential Amendments) Act 1992* (“the Transitional Act”) provides that, inter alia, a frequency band plan prepared under the *Radiocommunications Act 1983* that was in force immediately before the commencement of the Transitional Act continues in force and is taken to be a frequency band plan under the *Radiocommunications Act 1992*.