

900 MHz Band Plan (Amendment) 1993 No. 39

EXPLANATORY STATEMENT

Statutory Rules 1993 No. 39

Issued by the Authority of the Minister for Transport and Communications

Radiocommunications Act 1983

900 MHz Band Plan

Subsection 19(1) of the Radiocommunications Act 1983 (the Act) provides that the Minister may, by instrument in writing, prepare frequency band plans, not inconsistent with the spectrum plan prepared under section 18 of the Act.

Subsection 19(2) provides that a frequency band plan shall make provision for purposes for which the band may be used, including provisions specifying the purposes for which any part of the band may be used.

Subsection 19(3) provides that a frequency band plan may apply with respect to a specified area and with respect to a specified period.

Subsections 20(1) and (2) of the Act provides that before preparing a frequency band plan, the Minister shall publish the plan he proposes to prepare and invite interested persons to make representations in connection with the proposed plan.

Background

The 900 MHz Band Plan (Statutory Rules 1992 No. 47) was made on 19 February 1992, and was tabled in Parliament within 15 sitting days of being made, in accordance with normal procedures.

The VHF Mid Band Frequency Band Plan (70-87.5 MHz) (Statutory Rules 1991 No.355) and the VHF High Band Frequency Band Plan (148-174 MHz) (Statutory Rules 1991 No.354) had been made in November 1991. Senator Patricia Giles, on behalf of the Senate Standing Committee on Regulations and Ordinances, gave notice in the Senate on 3 March 1992 that she would move that the VHF Frequency Band Plans be disallowed. The Committee's concerns had earlier been advised to the Minister for Transport and Communications by letter dated 28 February 1992.

Mr Warren Snowdon, then Parliamentary Secretary to the Minister for Transport and Communications, wrote to the Committee on 24 March 1992 on behalf of the Minister, responding to the Committee's concerns. In that letter, he indicated it may be helpful to amend the General Notes of each of the VHF Band Plans, to make it clearer that the notes are intended as a guide to decision-makers when making decisions under the Act. At the same time, the Committee was also advised of the making of the 900 MHz Band Plan, and it was suggested that if similar problems were perceived they could be considered in the light of the VHF Band Plans.

On 2 April 1992, Senator Giles reported to the Senate that the Committee was satisfied with the explanation provided, and that she would, on the next sitting day, withdraw the notice of motion to disallow the VHF Band Plans. The Senator also made reference to the offer to amend the General Notes of the VHF Band Plans, as mentioned in Mr Snowdon's letter.

On 28 April 1992, Senator Giles withdrew her notice of motion to disallow the VHF Band Plans.

The Amendment

The Attorney-General's Department advised that as the General Notes do not form part of the Band Plans, the consultation requirements in subsections 20(1) and (2) of the Act do not apply to amendment of those notes.

The 900 MHz Band Plan was amended to make it clearer that the General Notes of the Band Plan are intended only as a guide to decision-makers when making decisions under the Act.