



Radiocommunications Spectrum Marketing Plan (700 MHz Band) Variation 2016 (No. 1)

The Australian Communications and Media Authority makes the following variation under subsection 42(1) of the *Radiocommunications Act 1992*.

Dated: 15 DECEMBER 2016

Richard Bean

[signed]

Member

Anita Jacoby

[signed]

Member/~~General Manager~~

Australian Communications and Media Authority

Section 1

1 Name

This is the *Radiocommunications Spectrum Marketing Plan (700 MHz Band) Variation 2016 (No. 1)*.

2 Commencement

This instrument commences at the start of the day after it is registered.

Note: The Federal Register of Legislation may be accessed at www.legislation.gov.au.

3 Authority

This instrument is made under subsection 42(1) of the *Radiocommunications Act 1992*.

4 Amendments

The instrument that is specified in Schedule 1 is amended as set out in the applicable items in that Schedule.

Schedule 1—Amendments

Radiocommunications Spectrum Marketing Plan (700 MHz Band) 2012 (F2012L02547)

1 Section 1.4, definition of 700 MHz band

Repeal the definition, substitute:

700 MHz band: see subsections (1A) and (1B).

2 Section 1.4, after definition of 700 MHz band

Insert:

700 MHz lower band: see subsections (1A) and (1B).

700 MHz upper band: see subsections (1A) and (1B).

3 Section 1.4, after the note to subsection (1)

Insert:

(1A) In the period commencing on the day this Plan commences and ending immediately before the commencement of the *Radiocommunications Spectrum Marketing Plan (700 MHz) Variation 2016 (No. 1)*, **700 MHz band** means the following spectrum, in the geographic areas specified in the re-allocation declaration:

- (a) 703 MHz to 748 MHz (the **700 MHz lower band**); and
- (b) 758 MHz to 803 MHz (the **700 MHz upper band**).

(1B) After the commencement of the *Radiocommunications Spectrum Marketing Plan (700 MHz) Variation 2016 (No. 1)*, **700 MHz band** means the following spectrum, in the geographic areas specified in the re-allocation declaration:

- (a) 703 MHz to 733 MHz (the **700 MHz lower band**); and
- (b) 758 MHz to 788 MHz (the **700 MHz upper band**).

Note: After the commencement of the *Radiocommunications Spectrum Marketing Plan (700 MHz) Variation 2016 (No. 1)*, this Plan does not deal with the part of the 700 MHz band defined as the 700 MHz (unallocated lots) band in the *Radiocommunications Spectrum Marketing Plan (700 MHz unallocated lots band) 2016*. The *Radiocommunications Spectrum Marketing Plan (700 MHz unallocated lots band) 2016* deals with the 700 MHz (unallocated lots) band. The 700 MHz (unallocated lots) band is the residual 700 MHz spectrum in the geographic areas referred to in the *Radiocommunications (Spectrum Licence Allocation—Residual 700 MHz Spectrum) Direction 2016*.

4 After subsection 1.4(2)

Insert:

(3) In this Plan, unless the contrary intention appears, a reference to another legislative instrument is a reference to that other legislative instrument as in force from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

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- (4) In this Plan, unless the contrary intention appears, a reference to an instrument or other writing (other than a legislative instrument) is a reference to that instrument or writing as existing from time to time.

Note: See section 314A of the Act.

5 Subsection 2.3(2), including the note

Repeal the subsection.

6 Subsection 3.3(2)

Repeal the subsection.

7 Subsection 3.6(2), including the note

Repeal the subsection.

8 Schedule 1, the note to the table

Substitute:

Note 1: The bandwidth in column 5 refers to a 5 MHz pair, that is, 5 MHz in the lower frequency range set out in column 3 and 5 MHz in the upper frequency range set out in column 4, with a duplex separation of 55 MHz.

Note 2: After the commencement of the *Radiocommunications Spectrum Marketing Plan (700 MHz) Variation 2016 (No. 1)*, this Plan does not deal with the part of the 700 MHz band defined as the 700 MHz (unallocated lots) band in the *Radiocommunications Spectrum Marketing Plan (700 MHz unallocated lots band) 2016*. The *Radiocommunications Spectrum Marketing Plan (700 MHz unallocated lots band) 2016* deals with the 700 MHz (unallocated lots) band. The 700 MHz (unallocated lots) band is the residual 700 MHz spectrum in the geographic areas referred to in the *Radiocommunications (Spectrum Licence Allocation–Residual 700 MHz Spectrum) Direction 2016*.

9 Schedule 2, after note 4 to the table

Insert:

Note 5: After the commencement of the *Radiocommunications Spectrum Marketing Plan (700 MHz) Variation 2016 (No. 1)*, this Plan does not deal with the part of the 700 MHz band defined as the 700 MHz (unallocated lots) band in the *Radiocommunications Spectrum Marketing Plan (700 MHz unallocated lots band) 2016*. The *Radiocommunications Spectrum Marketing Plan (700 MHz unallocated lots band) 2016* deals with the 700 MHz (unallocated lots) band. The 700 MHz (unallocated lots) band is the residual 700 MHz spectrum in the geographic areas referred to in the *Radiocommunications (Spectrum Licence Allocation–Residual 700 MHz Spectrum) Direction 2016*.