

EXPLANATORY STATEMENT

STATUTORY RULE 1988 NO.181

ISSUED BY THE AUTHORITY OF
THE MINISTER FOR TRANSPORT AND COMMUNICATIONS

Part IV of the Radiocommunications Act 1983 (the Act) provides a basis for planning the use of the radio frequency spectrum. The primary planning instrument is the spectrum plan which divides the radio frequency spectrum into a number of bands and specifies the general purpose or purposes for which each band may be used. Section 19 of the Act provides that the Minister may prepare for each band a frequency band plan which makes provision for and in relation to the purpose or purposes for which the band may be used.

Sub-section 19(2) allows for a frequency band plan to make special provisions for use of parts of the band (including any particular frequency or frequency channel).

Sub-section 19(3) provides that a frequency band plan may be made either generally or as otherwise provided and, in particular, may apply with respect to a specified area or a specified period.

Section 20 of the Act requires publication of a proposed frequency band plan prior to promulgation, with an invitation for interested persons to make representations. The Minister is required to give due consideration to any representations.

The Minister for Transport and Communications published a notice in the Gazette of 20 April 1988 setting out a proposed frequency band plan (referred to as the Multipoint Distribution System band plan) for the frequencies 2076 to 2111 MHz and 2300 to 2400 MHz. Comments were invited by 20 May 1988. After consideration of comments received, the frequency band plan was signed by the Minister on 9 June 1988.

NOTES ON CLAUSES

PART I - PRELIMINARY

Clause 1 - Citation

Clause 2 - Interpretation

PART II - PURPOSES FOR WHICH THE BAND MAY BE USED

Clause 3 - This clause and its supporting tables (Tables 1 and 2) identify the primary and secondary purposes for which the band may be used. The primary purpose is identified as "Fixed Service - Multipoint Distribution Systems only".

Multipoint Distribution Systems (MDS) allow transmissions on a bandwidth broad enough for sound and full-motion pictures to multiple receivers. As such they allow a range of commercial applications and there is strong current demand for the release of frequencies for MDS.

Clause 4 makes further provisions for and in relation to the purposes identified.

Sub-clause 4(1) divides the possible range of MDS services into five categories.

Sub-clause 4(2) provides that until the end of 1990, up to 13 of the 19 channels may be allocated at each location with 6 reserved for future use. No services in category 5 (entertainment video, including pay TV) are to be permitted during this period. Sub-clause 4(3) provides that from the beginning of 1991 all 5 categories are permissible and all 19 channels can be allocated at each location.

Section 24A of the Act prohibits the licensing of domestic pay television services. The prohibition may be lifted by Proclamation after 1 September 1990. Nothing in the frequency band plan is intended to conflict with this prohibition. Any licensing of pay television services as MDS would be limited to those not covered by section 24A unless and until the prohibition is lifted.

Sub-clause 4(4) provides that channels may be allocated for the secondary purposes set out in Table 2 only where the channel is not required for primary purposes or reserved.

PART III - CHANNELLING

Clause 5 provides for the division of the band into 19 channels of equal bandwidth at spacings of 7 MHz. The division is designed to maximise use of the band while avoiding unacceptable interference.