Commonwealth of Australia

Radiocommunications Act 1992

VHF High Band Frequency Band Plan (148 to 174 MHz) (Variation) 1998

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


A.J SHAW
Chairman

R HORTON
Deputy Chairman

Australian Communications Authority

1. Commencement
1.1 This Instrument of Variation commences on 1 July 1998.

2.1 Variation
2.1 The VHF High Band Frequency Band Plan (148 to 174 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 dates 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 High Band, on a secondary basis, to provide 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 High Band, on a secondary basis, in a non-HSD area, to provide 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 5:
Omit “Telecommunications”, substitute “Telecommunication”.

9.2 Note 6:
Omit “SMA”, substitute “ACA”.

10. Clause 11 (Table 3—Channelling arrangements)
10.1 Note 6:
Omit “Telecommunications”, substitute “Telecommunication”.