

ADDENDUM

RELATING TO PROPOSED GOVERNMENT AMENDMENTS

1987

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

COMMUNICATIONS LEGISLATION AMENDMENT BILL 1987

EXPLANATORY MEMORANDUM

(circulated by the Authority of the Minister for Communications,  
the Hon. Michael Duffy MP)

## NOTES ON CLAUSES

### PART IV - AMENDMENTS OF THE RADIOCOMMUNICATIONS ACT 1983

#### Clause 14A : Interpretation

Clause 14A amends the definition of "spectrum plan" in section 17 of the Principal Act to provide that until a spectrum plan is prepared by the Minister under section 18 "spectrum plan" is to mean the "Australian Table of Frequency Allocations" (1982 edition) published by the Australian Government Publishing Service. Thereafter, "spectrum plan" is to mean the spectrum plan prepared by the Minister under section 18 of the Principal Act.

#### Clause 15 : Spectrum Plan

The existing clause 15 is to be omitted as being unnecessary and a new clause 15 is to be substituted. The clause was designed to enable spectrum plans to refer to other documents and to adopt or incorporate their provisions. Section 49A of the Acts Interpretation Act 1901, which applies to spectrum plans as though they were regulations by virtue of subsection 20(5) of the Principal Act, already provides that other documents may be applied, adopted or incorporated, with or without modification.

The new Clause 15 amends subsection 18(2) of the Principal Act by replacing the existing reference to "spectrum plan" with a reference to a "plan prepared by the Minister under subsection (1)". The amendment will make it clear that the requirements as to the contents of a spectrum plan specified in subsection 18(2) apply only to a plan prepared under subsection 18(1) and not to the "Australian Table of Frequency Allocations" which will become the first spectrum plan under the proposed amendments to section 17 contained in clause 14A.

#### Clause 16 : Frequency band plans

The clause is to be omitted because it has largely the same effect as section 49A of the Acts Interpretation Act 1901 and is therefore unnecessary. See the above note in relation to clause 15.

#### Clause 17 : Publication and tabling of plans

Clause 17 is amended so that it adds a new subsection (7) to section 20 of the Principal Act. The proposed amendment will provide that the tabling and publication requirements laid down for spectrum plans prepared under section 18 of the Principal Act will not apply to the "Australian Table of Frequency Allocations" which will become the first spectrum plan under the proposed amendments to section 17 contained in clause 14A.