

*Radiocommunications Act 1992*

**EXPLANATORY STATEMENT**

Issued by the Australian Communications Authority

***1900-1920 MHz AND 2010-2025 MHz BANDS FREQUENCY BAND PLAN 2004***

**Legislative Provisions**

Subsection 32(1) of the *Radiocommunications Act 1992 Act* (the Act) provides that the Australian Communications Authority (ACA) may, by written instrument, prepare frequency band plans relating to one or more frequency bands. This document provides an explanation of the *1900-1920 MHz and 2010-2025 MHz Bands Frequency Band Plan 2004* (the Frequency Band Plan).

Subsection 32(4) of the Act provides that a frequency band plan:

- (a) must make provision in relation to the purpose or purposes for which the band or bands may be used; and
- (b) without limiting paragraph (a), may provide for:
  - (i) the one or more purposes for which any part of a band (including any particular frequency or frequency channel) may be used; and
  - (ii) parts of the spectrum to be reserved for provision of public or community services.

As required under subsection 32(4), the Frequency Band Plan makes provision for the purposes for which the 1900-1920 MHz and 2010-2025 MHz bands may be used. This process is referred to as “allocation” of frequency bands to services. The allocation process includes designating services as either primary or secondary services. The main purpose of designation of relative status is to assist in interference management.

Subsection 33(1) of the Act provides that, before preparing a spectrum plan or a frequency band plan, the ACA must, by notice published in the *Gazette*:

- (a) state that a draft of the plan is available for public comment;
- (b) state how copies of the draft may be obtained;
- (c) invite interested parties to make representations about the draft plan on or before the day specified in the notice; and
- (d) specify an address or addresses to which representations about the draft plan may be sent.

Subsection 33(2) of the Act provides that the day specified under paragraph 33(1)(c) must be at least one month later than the day on which the notice is published.

Subsection 33(4) of the Act provides that the ACA:

- (a) must give due consideration to any representations so made; and
- (b) may, having considered the representations, alter the draft plan.

As required under subsections 33(1), (2) and (4), the ACA has undertaken consultation, provide opportunity for comment and duly considered representations made in the development of the Frequency Band Plan.

## **Background**

The ACA has developed a number of initiatives to increase opportunities for Broadband Wireless Access (BWA) deployment in Australia, particularly in regional and remote areas. In particular, opportunities are being provided in the frequency bands 1900-1920 MHz and 2010-2025 MHz. Currently, these two bands are used for microwave links, which are fixed point-to-point communications systems. Additionally, in 2001, the 1900-1920 MHz band was re-allocated and sold in the eight state and territory capital cities as part of an ACA spectrum auction. Spectrum licences were issued for these areas.

BWA is expected to be used mainly for broadband internet delivery or other applications requiring high data rates. BWA is typically provided through fixed point-to-multipoint radiocommunications systems, although future operations might involve mobile communications as well.

The aim of the Frequency Band Plan is to give preference to the deployment of BWA in those areas of Australia where the ACA intends to offer over-the-counter licences while at the same time minimising any adverse effects on incumbents.

The Frequency Band Plan has been made after considerable consultation with interested parties and potentially affected licence holders. The ACA undertook this consultation process in three stages.

- The first stage, in April 2004, saw a discussion paper issued that canvassed possible bands in which BWA services could operate. Respondents expressed a preference for the 2010-2025 MHz and the 1900-1920 MHz bands;
- The second stage, in July 2004, saw more detailed proposals issued by the ACA, including the introduction of a frequency band plan that would preference BWA. Respondents generally supported these proposals;
- Finally, on 18 October 2004, the third stage saw detailed consultation occur on the draft and plan itself as required under s. 33 of the Act. The ACA sought comments by 19 November 2004.

In the light of comments received on the draft plan, which were generally supportive, the ACA made the *1900-1920 MHz and 2010-2025 MHz Bands Frequency Band Plan 2004*.

## **Purpose of the Frequency Band Plan**

The Frequency Band Plan provides that the primary purpose for which the bands may be used is the provision of point-to-multipoint and mobile services. A primary service may claim protection from harmful interference caused by another service, but must not cause harmful interference to another primary service. The Frequency Band Plan is intended to give preference to the deployment of BWA in the areas covered by the band plan<sup>1</sup>. It does this by retaining primary status for the mobile service and for the fixed (point-to-multipoint) service, which can both be used to provide BWA, while demoting the fixed (point-to-point) service to secondary status.

Under the Frequency Band Plan, use of the 1900-1920 MHz and 2010-2025 MHz bands by the fixed (point-to-point) service is allowed on a secondary basis only. A secondary service cannot claim protection from harmful interference caused by a primary service, and must not cause harmful interference to a primary service. A secondary service may claim protection from harmful interference from another secondary service.

By retaining primary status for the mobile service and for the fixed (point-to-multipoint) service, which can both be used to provide BWA, while demoting the fixed (point-to-point) service to secondary status the Frequency Band Plan aims to give preference to the deployment of BWA in the areas covered by the band plan.

The Frequency Band Plan also aims to minimise the impact on incumbent use, typically for fixed point-to-point links. The demotion to secondary status provides these point-to-point links with the opportunity to remain in these bands provided they do not interfere with, or require protection from, a new primary status service (typically point-to-multipoint systems providing BWA).

Additionally, the Frequency Band Plan allows the fixed (point-to-point) service to retain primary status for a period of 1 year from the making of the band plan. This is to allow time for incumbents to assess their situation and make alternative plans if necessary.

The Frequency Band Plan does not apply to areas covered by existing or proposed future spectrum licence designations or re-allocation declarations.

## **Notes on the instrument**

### **Section 1 – Name of Frequency Band Plan**

Section 1 specifies the name of the plan as the *1900-1920 MHz and 2010-2025 MHz Bands Frequency Band Plan 2004*.

### **Section 2 – Commencement.**

This section specifies the commencement date for the Frequency Band Plan, which will be on Gazettal.

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<sup>1</sup> The Frequency Band Plan covers those areas of Australia not subject to spectrum licensing in the two bands specified.

### **Section 3 – Interpretation**

This section is an interpretation clause. It provides the meaning of some of the terms used in the Frequency Band Plan. A number of expressions not defined in the plan are defined in the *Australia Radiofrequency Spectrum Plan, Radiocommunications Regulations 1993* and the *Radiocommunications (Interpretation) Determination 2000*.

### **Section 4 – Purpose of Frequency Band Plan**

This section states that the Frequency Band Plan makes provision for the purposes for which the 1900-1920 MHz and 2010-2025 MHz bands may be used.

### **Section 5 – Non-application to spectrum affected by 36 or 153B of the Act.**

This section provides that the Frequency Band Plan does not apply to spectrum that has been designated to be allocated or declared to be re-allocated by issuing spectrum licences.

Subsection 5(1) provides for declarations and designations made before the commencement of the Frequency Band Plan.

Subsection 5(2) provides for declarations and designations made after the commencement of the Frequency Band Plan, in which case the Frequency Band Plan will cease to apply in that spectrum.

### **Section 6 – Purposes for which the 1900-1920 MHz frequency band may be used**

This section specifies the primary and secondary services for which the 1900-1920 MHz frequency band may be used.

Subsection 6(1) specifies that the fixed service (whether used for point-to-point or point-to-multipoint applications) and the mobile service have primary status until 17 December 2005. This is one year after the commencement of the Frequency Band Plan.

Subsection 6(2) specifies that the fixed service when used for point-to-point applications has secondary status from 18 December 2005.

### **Section 7 – Purposes for which the 2010-2025 MHz frequency band may be used**

This section specifies the primary and secondary services for which the 2010-2025 MHz frequency band may be used.

Subsection 7(1) specifies that the fixed service (whether used for point-to-point or point-to-multipoint applications) and the mobile service have primary status in the band until 17 December 2005. This is one year after the commencement of the Frequency Band Plan.

Subsection 7(2) specifies that the fixed service when used for point-to-point applications has secondary status in the band from 18 December 2005.