Section 26 - Explanatory Statement

Variation to the licence area plan for Sydney analog television made under the *Broadcasting Services Act 1992*

On 24 February 2005, the Australian Broadcasting Authority (the ABA) made a variation to the licence area plan for Sydney analog television. The variation was made under section 26(2) of the *Broadcasting Services Act 1992* (the BSA) and is referred to in this explanatory paper as “the instrument”.

The licence area plan and variations

The ABA prepares licence area plans under section 26(1) of the BSA. Licence area plans determine the number and characteristics, including technical specifications, of broadcasting services that are to be available in particular areas of Australia with the use of the broadcasting services bands.

The ABA may vary licence area plans under section 26(2) of the BSA.

The ABA made the licence area plan for Sydney analog television on 21 November 2002. It is referred to in this explanatory paper as “the principal instrument”.

Intended impact and effect

The instrument varies the technical specification with which the community television service in the Sydney television licence area (the licence area) must comply, by:

- increasing the maximum broadcasting power;
- specifying a different nominal transmitter site;
- increasing the maximum antenna height; and
- adding a special condition relating to minimum level of service requirements.
In relation to the Sydney community television service with SL1150807 (the service), the ABA intends the effect of the variation to be:

- provision of a service with a stronger signal, that is able to be better received in the licence area than it otherwise would have been.

**Consultation**

On 14 December 2004, the ABA received an unsolicited request from the licensee of the service to vary the principal instrument to increase the power with which the service may operate.

Before making its decision to vary the principal instrument, the ABA undertook the following steps by way of consultation:

- On 28 January 2005, the ABA published the following papers on its website:
  - a draft variation to the principal instrument, proposing to increase the maximum effective radiated power of the service; and
  - an explanatory paper about the changes proposed in the draft variation, inviting public comment by 11 February 2005.

- On 2 February 2005, the ABA placed an advertisement in the Sydney Morning Herald newspaper outlining the effect of the draft variation on the principal instrument, providing details of how to obtain copies of the draft variation and how to access it on the ABA’s website, and inviting public comment.

- The ABA wrote to licensees of commercial and national broadcasting services within the Sydney television licence area (Sydney TV1) and Sydney radio licence area (Sydney RA1), and industry bodies including the Community Broadcasting Association of Australia, Free TV Australia, the Australian Subscription Television and Radio Association and Commercial Radio Australia, as well as Broadcast Australia, Digital Broadcasting Australia, AirServices Australia and the Australian Communications Authority, to advise them of the release of the draft variation and explanatory paper and to invite their comments.
The ABA received one submission on the draft variation and explanatory paper.

**Description of the provisions of the instrument**

Clause (1)(a) of the instrument varies the text of the determination in the principal instrument to number each of the paragraphs in the determination consecutively as clauses.

Clause (1)(b) of the instrument varies the text of the determination in the principal instrument to insert a new clause that will ensure that it refers to schedules and attachments that have been amended from time to time by the ABA.

Clauses (2)(a) and (b) of the instrument vary the text on page 4 describing the first schedule to the principal instrument, to clarify that it is Schedule One that is being referred to.

Clauses (2)(c) and (d) of the instrument vary the text of the second dot point on page 4 of the principal instrument, to make it clear that the entries in column two of Schedule One are callsigns.

Clause (3) of the instrument varies Schedule One of the principal instrument, which sets out some details of the service, including its channel, its service licence number, the transmitter specification number for the service’s transmitter, and specifies the attachment which contains the technical specification for the transmitter for the service. The variation updates Schedule One to remove a reference to a footnote (and the footnote), to state explicitly that no callsign has yet been assigned to the service, and to indicate that the service is now licensed. The schedule is not changed in any other material way.

Clauses 4(a) and (b) of the instrument replace attachment 6.1 to the principal instrument, which contains the technical specification for the transmitter for the service, including:

- the nominal location of the transmitter;
• the frequency on which the service may be transmitted;
• other emission details; and
• the output radiation pattern (including power limitations).

The replacement attachment 6.1 includes a new (increased) power limit for the service, a new nominal location for the transmitter, an increase in the maximum antenna height and a special condition that the minimum service requirements do not apply to the service.