EXPLANATORY STATEMENT

Section 26 – Legislative Instruments Act 2003

Regional Victoria Television
Variation to the Licence Area Plan for Regional Victoria Television made under the Broadcasting Services Act 1992

On 26 October 2006, the Australian Communications and Media Authority (ACMA) made a variation to the Licence Area Plan for Regional Victoria Television. The variation was made under section 26(2) of the Broadcasting Services Act 1992 (the BSA) and is referred to in this explanatory statement as “the instrument”.

The licence area plan and variations

ACMA 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.

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

ACMA made the Licence Area Plan for Regional Victoria Television on 23 October 2003. It is referred to in this explanatory paper as “the licence area plan”.

Intended impact and effect

The instrument varies the technical specifications with which the national and commercial television services in the Regional Victoria television licence area must comply by:

- inserting the technical specification for an additional transmitter to be available for the national television broadcasting service operated by the Australian Broadcasting Corporation to serve the general area of Hopetoun-Beulah;
- inserting the technical specification for an additional transmitter to be available for the national television broadcasting service operated by the Special Broadcasting Service to serve the general area of Cobden;
- inserting the technical specifications for additional transmitters to be available for the commercial television broadcasting service operating as AMV to serve the general areas of Balranald, Bonnie Doon, Howqua and Hopetoun;
- inserting the technical specifications for additional transmitters to be available for the commercial television broadcasting service operating as VTV to serve the general areas of Balranald, Bonnie Doon and Hopetoun;
- inserting the technical specifications for additional transmitters to be available for the commercial television broadcasting service operating as GLV to serve the general areas of Bonnie Doon and Howqua;
- delete the technical specifications for transmitters that are not needed and are not used by the national and commercial television broadcasting services made available in Regional Victoria in the licence area plan; and
- varying the technical specifications for some of the transmitters used by the national and commercial television broadcasting services.

ACMA intends the effect of the variation to be to improve the quality of television services available in Regional Victoria and to manage the available spectrum in a way that facilitates the conversion of broadcasting of television services from analog mode to digital mode.
The instrument also makes minor and technical variations to the licence area plan to:

- correct previous drafting errors; and
- delete information, that was included for reference only, that does not form part of the licence area plan and which may be confusing.

ACMA intends the effect of those variations to be to clarify the rights and obligations of television broadcasting licensees in Regional Victoria. ACMA does not intend the variations to alter those rights and obligations.

**Consultation**

Before making its decision to vary the licence area plan, ACMA undertook the following consultation:

On 20 April 2006, ACMA published the following papers on its website:

- a proposed variation to the licence area plan in the same form as the instrument, and
- an explanatory paper about the changes proposed and inviting public comment by 19 May 2006.

On 4 May 2006, ACMA placed an advertisement in the *Australian* newspaper outlining the effect of the draft variation on the licence area plan, providing details of how to obtain copies of the draft variation and how to access it on ACMA’s website, and inviting public comment.

ACMA wrote to persons providing broadcasting services to the Regional Victoria analog television licence area to advise them of the release of the draft variation and explanatory paper and to invite their comments.

ACMA wrote to industry bodies and other interested agencies or organisations, 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, and AirServices Australia, to advise them of the release of the draft variation and explanatory paper and to invite their comments.

**Submissions**

ACMA received submissions on the draft variation to the LAP from Broadcast Australia (BA) and the ABC.

**Albury North**

BA and the ABC both commented on the proposal by the commercial broadcasters, AMV (Prime), GLV (Southern Cross) and VTV (WIN) to make a minor change of site, increase antenna height from 20m to 50m, and a change of the horizontal radiation pattern (HRP) from a directional to an omnioid pattern.

The draft variation proposed the same change for all television services at the site, both commercial and national services. BA agreed with the draft proposal that all television broadcasting services, operating from the same site, should be offered the same specifications. The ABC indicated that the proposed variations would necessitate an increase of the transmitter power to retain current level of analog coverage. The ABC stated that at present it is unable to accept the proposed variation without further discussion with BA.
about financial and coverage implications and that it would provide a supplementary submission when a decision has been made.

The revised technical specifications included in this variation for the analog at Albury North specify a nominal site, maximum antenna height and HRP. All services can continue to operate at their current specifications and this will fit within the parameters of the revised specifications. ACMA plans to apply the revised specification to all services at Albury North to allow any services which wish to upgrade to do so. This will also allow broadcasters to continue to operate with current specifications and upgrade services at a future time.

Alexandra Environs

The ABC provided further information on the technical operating conditions of its analog service at Alexandra Environs. This information has led ACMA to revise the technical specifications of the Alexandra Environs analog and digital services as follows:

<table>
<thead>
<tr>
<th>Bearing or Sector (Clockwise direction)</th>
<th>Maximum ERP Analog</th>
<th>Maximum ERP Digital</th>
</tr>
</thead>
<tbody>
<tr>
<td>0°T - 30°T</td>
<td>325 W</td>
<td>125 W</td>
</tr>
<tr>
<td>30°T - 60°T</td>
<td>650 W</td>
<td>250 W</td>
</tr>
<tr>
<td>60°T - 300°T</td>
<td>1300 W</td>
<td>500 W</td>
</tr>
<tr>
<td>300°T - 330°T</td>
<td>650 W</td>
<td>250 W</td>
</tr>
<tr>
<td>330°T - 360°T</td>
<td>325 W</td>
<td>125 W</td>
</tr>
</tbody>
</table>

Bonnie Doon

Draft variations to digital channel plans in regional Victoria and Southern New South Wales variations proposed consequential changes for the commercial analog services AMV (Prime), GLV (Southern Cross) and VTV (WIN) at Bonnie Doon. BA noted that the proposed consequential changes would be likely to cause adjacent channel interference to the existing off-air feeds for the ABC and SBS services at Bonnie Doon.

BA also noted that the Bonnie Doon site compound is somewhat restricted and may not be able to accommodate a suitably sized satellite dish to provide alternative off-air feeds for the national services. BA requested a review of the proposed digital channels at Bonnie Doon to better accommodate the analog off-air feeds.

The ABC submission also raised the issue of the impact of the proposed consequential analog changes on the current off-air feed arrangements for the analog services.

Whilst ACMA attempts to minimise the impact on broadcaster’s off-air feed arrangements when planning channel allotments, it is not a requirement that ACMA does so. However, given the difficulty in making alternative off-air arrangements for the national services and the availability of spectrum in the area, ACMA has reconsidered the channel allotments and assignments at Bonnie Doon and has decided to change the alternative channels for the analog services and the digital allotments and assignments as follows:

Draft Variation

<table>
<thead>
<tr>
<th>Area Served</th>
<th>Mode</th>
<th>ABGV</th>
<th>AMV</th>
<th>GLV</th>
<th>SBS</th>
<th>VTV</th>
<th>Unassigned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bonnie Doon</td>
<td>Analog</td>
<td>58</td>
<td>67/52</td>
<td>64/49</td>
<td>55</td>
<td>61/46</td>
<td>-  -</td>
</tr>
<tr>
<td></td>
<td>Digital</td>
<td>31</td>
<td>39</td>
<td>35</td>
<td>29</td>
<td>33</td>
<td>28  30</td>
</tr>
</tbody>
</table>
Final Variation

<table>
<thead>
<tr>
<th>Area Served</th>
<th>Mode</th>
<th>ABGV</th>
<th>AMV</th>
<th>GLV</th>
<th>SBS</th>
<th>VTV</th>
<th>Unassigned</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analog</td>
<td>58</td>
<td>67/34</td>
<td>64/31</td>
<td>55</td>
<td>61/28</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Digital</td>
<td>32</td>
<td>33</td>
<td>30</td>
<td>29</td>
<td>35</td>
<td>38</td>
<td>39</td>
</tr>
</tbody>
</table>

**Description of the provisions of the instrument**

Clause (1)(a) of the instrument varies the text of the determination in the licence area plan to omit the third, fourth and sixth paragraphs.

Clause (1)(b) of the instrument varies the text of the determination in the licence area plan to number each of the paragraphs in the determination consecutively as clauses.

Clause (1)(c)(i) of the instrument varies the text in paragraph (2) of the determination in the licence area plan to reflect the actual number of national and commercial television broadcasting services to be available for the Regional Victoria TV1 licence area, as two and two, respectively.

Clause (1)(c)(ii) of the instrument varies the text in paragraph (2) of the determination in the licence area plan to refer to Attachment 1.1 for the description of the area to be served by the television broadcasting services made available in the licence area plan.

Clause (1)(c)(iii) of the instrument varies the text in paragraph (2) of the determination to refer to the attachments that contain the technical specifications for the national and commercial television broadcasting services that are available in Regional Victoria.

Clauses (1)(d)(i) and (1)(e)(i) of the instrument varies the text in paragraphs (3) and (4) of the determination in the licence area plan to refer to Attachments 2.1 and Attachment 3.1 for the description of the areas to be served by the television broadcasting services made available in the licence area plan.

Clauses (1)(d)(iii) and (1)(e)(iii) of the instrument varies the text in paragraphs (3) and (4) of the determination to refer to the attachments that contain the technical specifications for the national and commercial television broadcasting services that are available in Regional Victoria.

Clause (1)(f) of the instrument varies the text of the determination in the licence area plan to insert a new clause that will ensure that references to schedules and attachments includes references to schedules and attachments that have been amended from time to time by ACMA.

Clause (2) of the instrument deletes information under the heading “SCHEDULES” and following the determination in the licence area plan. In their original form, the paragraphs contained information (included for reference) that did not form part of the licence area plan, and had the potential to cause some confusion.

Clause (3) of the instrument varies schedules one to three to the licence area plan. The schedules set out details of the national and commercial television broadcasting services that are to be available on particular frequencies in Regional Victoria TV1, Eastern Victoria TV1 and Western Victoria TV1 licence areas. In particular, the schedules provide the technical
specification numbers for the transmitters to be used by the services and specify the
attachments which contain the technical specifications for each of those transmitters.

Clause (3) of the instrument omits Schedules One to Three from the licence area plan and
substitutes the updated schedules contained in item 2 of pages 13 to 19 of the instrument.

The updated schedules:

- contain the updated technical specification numbers for additional transmitters to be
  available for some of the national and commercial services to serve Balranald, Bonnie
  Doon, Howqua, Hopetoun and Cobden; and

- do not include a status column. The status column in the schedules of the licence
  area plan contained information, included for reference only, that does not form part
  of the licence area plan and which may be confusing.

Clause (4) of the instrument varies attachments to the licence area plan. Attachments 1.1,
2.1 and 3.1 to the licence area plan contain a description of the areas to be served by the
television broadcasting services made available in the licence area plan (the licence area).
All other attachments contain technical specifications for transmitters to be used by those
television broadcasting services. The technical specifications include the nominal location
of the transmitter, the frequency on which the service may be transmitted, the radiation
output pattern, power limitations and other emission details.

Clause 4 of the instrument omits all attachments of the principal instrument and substitutes
all the attachments to the instrument with new attachment numbers.

A number of the attachments to the instrument also contain varied technical specifications
designed to achieve the intended impact and effect referred to above.

A number of the attachments omitted, contained technical specifications for transmitters that
are no longer required or operated by the relevant broadcasters.

A number of the attachments of the instrument insert attachments into the licence area plan.
These attachments contain technical specifications for additional transmitters for

- the national television broadcasting service, SBS to serve the area of Cobden; or
- the commercial television broadcasting service, AMV to serve the areas of Balranald,
  Bonnie Doon and Howqua; or
- the commercial television broadcasting service, VTV to serve the areas of Balranald
  and Bonnie Doon; or
- the commercial television broadcasting service, GLV to serve the areas of Bonnie
  Doon and Howqua.