EXPLANATORY STATEMENT

Section 26 – Legislative Instruments Act 2003

Griffith and the Murrumbidgee Irrigation Area Television
Variation to the Licence Area Plan for Griffith and the Murrumbidgee Irrigation Area 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 Griffith and the Murrumbidgee Irrigation Area 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 Griffith and the Murrumbidgee Irrigation Area Television on 10 August 1995. 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 Griffith and the Murrumbidgee Irrigation Area 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 Hay;
- inserting the technical specifications for additional transmitters to be available for the commercial television broadcasting service operating as MTN to serve the general area of Hay;
- deleting the technical specifications for transmitters that are not needed and are not used by the national and commercial television broadcasting services made available in Griffith and the Murrumbidgee Irrigation Area 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 Griffith and the Murrumbidgee Irrigation Area 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 Griffith and the Murrumbidgee Irrigation Area. ACMA does not intend the variations to alter those rights and obligations.

Consultation
Before making its decision to vary the licence area plan, ACMA engaged in the following consultations.

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 Griffith and the Murrumbidgee Irrigation Area 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.

ACMA received one comment on the draft variation and explanatory paper from Broadcast Australia requesting that the maximum antenna height for SBS28 and AMN31 at the MIA be increased from 170m to 180m to reflect the actual installation. ACMA has made the change in the variation to the LAP.

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 number each of the paragraphs in the determination consecutively as clauses.

Clause (1)(b)(i) of the instrument varies the text in paragraph (2) of the determination in the licence area plan to reflect the category of television broadcasting services to be available for Griffith and the Murrumbidgee Irrigation Area TV1 licence area.

Clause (1)(b)(ii) 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 Griffith and the Murrumbidgee Irrigation Area.

Clause (1)(c) 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 “SCHEDULE” 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 schedule one to the licence area plan. The schedule sets out details of the national and commercial television broadcasting services that are to be available on particular frequencies in Griffith and the Murrumbidgee Irrigation Area TV1 licence area. In particular, the schedule provides 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 Schedule One from the licence area plan and substitutes the updated schedule contained in item 2 on page 6 of the instrument. The updated schedule contains the updated technical specification numbers for additional transmitters to be available for the national and commercial services to serve Hay.

Clause (4) of the instrument varies attachments to the licence area plan. Attachment 1.1 to the licence area plan contains a description of the area 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 the same numbers.

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

The two attachments omitted contained technical specifications for transmitters that are no longer required or operated by the relevant broadcasters.

Two of the attachments of the instrument insert new attachments into the licence area plan. These attachments contain technical specifications for additional transmitters for:

- the national television broadcasting service, ABC to serve the area of Hay; or
- the commercial television broadcasting service, MTN to serve the area of Hay.