EXPLANATORY STATEMENT

Select Legislative Instrument 2007 No. 361

Issued by the Authority of the Minister for Broadband, Communications and the Digital Economy

Broadcasting Services Act 1992

Broadcasting Services (Extension of Simulcast Period) Regulations 2007

Section 217 of the Broadcasting Services Act 1992 (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted to be prescribed by the Act, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Schedule 4 to the Act provides for digital television broadcasting.

Part 2 of Schedule 4 to the Act establishes the Commercial Television Conversion Scheme. One of the scheme’s objectives is that there be a simulcast period in which standard digital television (SDTV) will be transmitted alongside the existing analogue television broadcasting service.

Subparagraph 6(3)(c)(ii) of Schedule 4 to the Act provides that the simulcast period for a commercial television metropolitan licence area runs for 8 years (commencing on 1 January 2001), or such longer period as is prescribed in relation to that area.

The purpose of the Regulations is to prescribe a simulcast period of 9 years for commercial television broadcasting licensees in metropolitan licence areas.

Consequentially, the simulcast period applicable to metropolitan coverage areas for national broadcasters would automatically be adjusted in a corresponding way in accordance with paragraph 19(3)(c) of Schedule 4 to the Act.

The potential change of the switchover period to commence in 2010-2012 was extensively canvassed in 2005-2006, in the context of consultation about media reform. This included the release of two discussion papers for public comment (Driving Digital: A review of the duration of the analogue/digital television simulcast period (September 2005) and Meeting the Digital Challenge: Reforming Australia’s Media In The Digital Age – Discussion Paper On Media Reform Options (March 2006)).

Details of the proposed Regulations are set out in the Attachment.

The proposed Regulations would commence on the day after they are registered on the Federal Register of Legislative Instruments.
Details of the *Broadcasting Services (Extension of Simulcast Period) Regulations 2007*

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Broadcasting Services (Extension of Simulcast Period) Regulations 2007*.

Regulation 2 – Commencement

This regulation sets out the date on which the Regulations commence.

The Regulations would commence on the day after they are registered on the Federal Register of Legislative Instruments.

Regulation 3 – Definitions

This regulation sets out defined terms used in the Regulations. In particular, *the Act* means the *Broadcasting Services Act 1992*, and *metropolitan licence area* means (by reference to clause 2 in Schedule 4 to the Act) a licence area in which is situated the General Post Office of the capital city of:

(a) New South Wales;
(b) Victoria;
(c) Queensland;
(d) Western Australia; or
(e) South Australia.

Regulation 4 – Prescribed simulcast period (Act Sch 4, para 6(3)(c))

This Regulation prescribes a simulcast period of 9 years for commercial television broadcasting licensees in metropolitan licence areas.

Consequently, the simulcast period applicable to metropolitan coverage areas for national broadcasters is automatically adjusted in a corresponding way (refer paragraph 19(3)(c) of Schedule 4 to the Act).