Broadcasting Services (Primary Commercial Television Broadcasting Service) Declaration 2010

as amended

made under clause 41G to the

Broadcasting Services Act 1992

This compilation was prepared on 17 November 2010
taking into account amendments up to Broadcasting Services (Primary Commercial Television Broadcasting Service) Amendment Declaration 2010 (No. 2)

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General’s Department, Canberra
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1 Name of Declaration [see Note 1]

This Declaration is the Broadcasting Services (Primary Commercial Television Broadcasting Service) Declaration 2010.

2 Commencement [see Note 1]

This Declaration commences on the day after it is registered.

3 Definitions

In this Declaration:


end of the simulcast-equivalent period means, in relation to a licence area, the day on which the simulcast-equivalent period, determined by the ACMA under clause 4C of Schedule 4 to the Act for the licence area, ends.

end of the simulcast period means:

(a) in relation to a licence area that is not a remote licence area — the day on which the simulcast period, determined by the Minister under clause 6A of Schedule 4 to the Act for the licence area, ends;

(b) in relation to a licence area that is a remote licence area — the day on which the simulcast period, determined by the ACMA under subclause 6(7A) of Schedule 4 to the Act for the licence area, ends.

remote licence area has the meaning given by clause 5 of Schedule 4 to the Act.

SDTV multi-channelled commercial television broadcasting service has the meaning given by clause 5A of Schedule 4 to the Act.

simulcast-equivalent period has the same meaning given by paragraph (a) of the definition of simulcast-equivalent period in clause 2 of Schedule 4 to the Act.

simulcast period has the meaning given by paragraphs (a) and (b) of the definition of simulcast period in clause 2 of Schedule 4 to the Act.

Note For the definitions of other expressions used in this Declaration, see section 6 of the Act.

4 Declaration of primary commercial television broadcasting service after the end of the simulcast period or simulcast-equivalent period

(1) Under subclause 41G(2) of Schedule 4 to the Act, the ACMA declares that the SDTV multi-channelled commercial television broadcasting service specified in column 4 of an item in the table in Schedule 1 is the primary commercial television broadcasting service of the licensee of the commercial television broadcasting licence set out in column 2 of that item.
(2) Subsection (1) has effect, in relation to a commercial television broadcasting licence, from the end of the simulcast period, or from the end of the simulcast-equivalent period (as the case may be), for the licence area of that licence.

(3) In determining whether a particular SDTV multi-channelled commercial television broadcasting service is specified in column 4 of the table in Schedule 1, regard may be had to:

(a) any watermark or image that:
   (i) is displayed during programs provided as part of the service; and
   (ii) identifies the service; and

(b) any name or logo used in relation to the service in publicly available listing of the programs provided as part of the service, whether or not the listing is published by the licensee providing the service.

(4) Subsection (3) does not limit the matters to which regard may be had in determining whether an SDTV multi-channelled commercial television broadcasting service is the service specified in column 4 of the table in Schedule 1.

5 Declaration of primary commercial television broadcasting service during the simulcast period or simulcast-equivalent period

(1) Under subclause 41G(1) of Schedule 4 to the Act, the ACMA declares that the SDTV multi-channelled commercial television broadcasting service specified in column 4 of an item in the table in Schedule 2 is the primary commercial television broadcasting service of the licensee of the commercial television broadcasting licence set out in column 2 of that item.

(2) Subsection (1) ceases to have effect, in relation to a commercial television broadcasting licence, at the end of the simulcast period, or at the end of the simulcast-equivalent period (as the case may be), for the licence area of that licence.

(3) In determining whether a particular SDTV multi-channelled commercial television broadcasting service is specified in column 4 of the table in Schedule 2, regard may be had to:

(a) any watermark or image that:
   (i) is displayed during programs provided as part of the service; and
   (ii) identifies the service; and

(b) any name or logo used in relation to the service in publicly available listing of the programs provided as part of the service, whether or not the listing is published by the licensee providing the service.

(4) Subsection (3) does not limit the matters to which regard may be had in determining whether an SDTV multi-channelled commercial television broadcasting service is the service specified in column 4 of the table in Schedule 2.
**Schedule 1**

Primary commercial television broadcasting services after the end of a simulcast period or simulcast-equivalent period

*(section 4)*

**Table 1 Primary commercial television broadcasting services**

<table>
<thead>
<tr>
<th>Item</th>
<th>Column 1 Licence Area</th>
<th>Column 2 Service licence number</th>
<th>Column 3 SDTV multi-channelled commercial television broadcasting services provided at end of simulcast period, or end of simulcast-equivalent period</th>
<th>Column 4 Primary Commercial Television Broadcasting Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mildura/Sunraysia TV1</td>
<td>SL10088</td>
<td>WIN, GO!</td>
<td>WIN</td>
</tr>
<tr>
<td>2</td>
<td>Mildura/Sunraysia TV1</td>
<td>SL10089</td>
<td>PRIME, 7TWO PRIME</td>
<td>PRIME</td>
</tr>
<tr>
<td>3</td>
<td>Mildura/Sunraysia TV1</td>
<td>SL1150827</td>
<td>TEN Mildura, ONE SD</td>
<td>TEN Mildura</td>
</tr>
</tbody>
</table>

*Note* Columns 1 and 3 are included for information only.
**Schedule 2**

Primary commercial television broadcasting services during the simulcast period or simulcast-equivalent period

*(section 5)*

**Table 1 Primary commercial television broadcasting services**

<table>
<thead>
<tr>
<th>Item</th>
<th>Column 1 Licence Area</th>
<th>Column 2 Service licence number</th>
<th>Column 3 SDTV multi-channelled commercial television broadcasting services provided during simulcast period, or simulcast-equivalent period</th>
<th>Column 4 Primary Commercial Television Broadcasting Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Southwest and Great Southern TV1</td>
<td>SL1130049</td>
<td>TEN West</td>
<td>TEN West</td>
</tr>
<tr>
<td>2</td>
<td>Geraldton TV1</td>
<td>SL1130046</td>
<td>TEN West</td>
<td>TEN West</td>
</tr>
<tr>
<td>3</td>
<td>Kalgoorlie TV1</td>
<td>SL1130047</td>
<td>TEN West</td>
<td>TEN West</td>
</tr>
<tr>
<td>4</td>
<td>Western Zone TV1</td>
<td>SL1130048</td>
<td>TEN West</td>
<td>TEN West</td>
</tr>
<tr>
<td>5</td>
<td>Spencer Gulf TV1</td>
<td>SL1130142</td>
<td>Nine</td>
<td>Nine</td>
</tr>
<tr>
<td>6</td>
<td>Broken Hill TV1</td>
<td>SL1130143</td>
<td>Nine</td>
<td>Nine</td>
</tr>
</tbody>
</table>

*Note*  Columns 1 and 3 are included for information only.
Notes to the *Broadcasting Services (Primary Commercial Television Broadcasting Service) Declaration 2010*

**Note 1**

The *Broadcasting Services (Primary Commercial Television Broadcasting Service) Declaration 2010* (in force under clause 41G to the *Broadcasting Services Act 1992*) as shown in this compilation is amended as indicated in the Tables below.

### Table of Instruments

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<td>13 Aug 2010 (see F2010L02282)</td>
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<td>Broadcasting Services (Primary Commercial Television Broadcasting Service) Amendment Declaration 2010 (No. 2)</td>
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<tr>
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<td>am. 2010 No. 2</td>
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