Explanatory Statement
Section 26 – Legislative Instruments Act 2003
Variation to the Licence Area Plan (LAP) – Regional Victoria Television – No.1 of 2010

MAY 2010
Legislative Instruments Act 2003

Section 26 – Explanatory Statement

Variation No.1 of 2010 to the Licence Area Plan for Regional Victoria Television – No. 1 of 2010 made under the Broadcasting Services Act 1992

In accordance with the Australian Communications and Media Authority Act 2005, since 1 July 2005 the Australian Communications and Media Authority (the ACMA) has exercised powers and functions under the Broadcasting Services Act 1992 (the BSA) previously exercised by the Australian Broadcasting Authority (the ABA).

The ACMA has varied the Licence Area Plan (LAP) for Regional Victoria Television. The variation was made under subsection 26(2) of the BSA and is referred to in this explanatory statement as “the instrument”.

The licence area plans and variations

The ACMA prepares LAPs under subsection 26(1) of the BSA. LAPs 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 ACMA may, by legislative instrument, vary LAPs under subsection 26(2) of the BSA.

The ABA made the Licence Area Plan for Regional Victoria Television in October 2003 and this was subsequently varied in October 2006. It is referred to in this explanatory statement as “the Regional Victoria Television LAP”.

Intended impact and effect

The instrument varies the Regional Victoria Television LAP by way of variations to three commercial television licence areas to include additional collection district data. The Regional Victoria Television LAP consists of the Regional Victoria TV1, the Eastern Victoria TV1 and the Western Victoria TV1 commercial television licence areas. The boundary for the Regional Victoria Television LAP will undergo minor changes with the inclusion of the Jerilderie and Broadford / Waterford Park collection district data.

The intended effect of this variation is to update the licence areas within the Regional Victoria Television LAP with collection district data as defined by the Australian Bureau of Statistics (ABS), at the Census of August 2001. The changes to the LAP are minor. There are no implications for adjacent licence areas.

Regulatory impact analysis

The ACMA has considered whether a regulatory impact statement is required and formed the view that the recommendations in the instrument would give rise to a regulatory obligation, and has undertaken a regulatory analysis process. The ACMA has formed the view that the proposed regulation is likely to have no or low impact on business or the economy, and a regulation impact statement is not necessary in relation to the regulatory proposal (Exemption number ACMA 146).
Consultation and submissions

Before making the decision to vary the Regional Victoria Television LAP, the ACMA undertook the following consultation:

On 26 March 2010, the ACMA published the following papers on its website:
- a draft variation to the Regional Victoria Television LAP; and
- an explanatory paper about the changes proposed in the draft variation to the Regional Victoria Television LAP, inviting public comment by 15 April 2010.

On 26 March 2010, the ACMA wrote to the licensees providing television broadcasting services to Regional Victoria to advise them of the release of the draft variation to the Regional Victoria Television LAP and to invite their comments.

On 1 April 2010, the ACMA placed an advertisement in the Kilmore Free Press outlining the proposed effect of the draft variation on the LAP, providing details of how to obtain copies of the draft variation and how to access it on the ACMA’s website, and inviting public comment.

On 7 April 2010, the ACMA placed an advertisement in the Southern Riverina News outlining the proposed effect of the draft variation on the LAP, providing details of how to obtain copies of the draft variation and how to access it on the ACMA’s website, and inviting public comment.

The ACMA received no submissions on the draft variation to the Regional Victoria Television LAP and accompanying explanatory paper.

Description of the provisions of the instrument

Clause (1)
Clause (1) identifies the power under which the ACMA makes the instrument, section 26(2) of the BSA.

Clause (2)
Clause (2) names the instrument the Variation to the Licence Area Plan for Regional Victoria Television – No. 1 of 2010.

Clause (3)
Clause (3) provides that the instrument commences the day after it is registered on the Federal Register of Legislative Instruments.

Clause (4)
Clause (4) of the instrument removes Attachments 1.1, 2.1 and 3.1 and substitutes in the corresponding place the attachment of the instrument having the same number. The new attachments contain the updated licence area definitions.

No substantive changes were made to any of these attachments, other than the addition of the collection district census data for Jerilderie and Broadford/Waterford Park.