Broadcasting Services (Primary Commercial Television Broadcasting Service) Amendment Declaration 2010 (No.1)

Broadcasting Services Act 1992

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Declaration under clause 41G of Schedule 4 to the Broadcasting Services Act 1992.

Dated 9th August 2010

Chris Chapman
[signed]
Member

Brendan Byrne
[signed]
Member/General Manager

Australian Communications and Media Authority

1 Name of Declaration
This Declaration is the Broadcasting Services (Primary Commercial Television Broadcasting Service) Amendment Declaration 2010 (No.1).

2 Commencement
This Declaration commences on the day after it is registered.
3 Amendment of Broadcasting Services (Primary Commercial Television Broadcasting Service) Declaration 2010

Schedule 1 amends the Broadcasting Services (Primary Commercial Television Broadcasting Service) Declaration 2010.

Schedule 1 Amendments
(section 3)

[1] After section 4

insert

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.

[2] After Schedule 1

insert

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>
</tbody>
</table>

Note: Columns 1 and 3 are included for information only.

Note