Explanatory Statement

Broadcasting Services Act 1992

Broadcasting Services (Digital-Only Local Market Areas for the Regional Victoria TV1 and Eastern Victoria TV1 Licence Areas) Determination (No. 1) 2010

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

Purpose

The Broadcasting Services (Digital-Only Local Market Areas for the Regional Victoria TV1 and Eastern Victoria TV1 Licence Areas) Determination (No. 1) 2010 (the Determination) is made by the Minister for Broadband, Communications and the Digital Economy (the Minister) under subclause 5F(1) of Schedule 4 to the Broadcasting Services Act 1992 (the BSA). The Determination is a legislative instrument for the purposes of section 5 of the Legislative Instruments Act 2003.

The purpose of the Determination is to determine that two specified areas within the Regional Victoria TV1 and Eastern Victoria TV1 licence areas are to become digital-only local market areas from a specified time. This would require commercial television broadcasting licensees and national broadcasters in those local market areas to cease transmitting their services in analog mode from the specified time. After that time, television broadcasts may only be transmitted in digital mode in the local market areas.

In effect, the Determination would facilitate the cessation of analog television transmissions from the Bonnie Doon and Howqua transmission sites from and including 29 November 2010 and 3 December 2010 respectively.

Background

The BSA enables the Minister to implement a phased, region-by-region digital television switch-over timetable for metropolitan and regional licence areas. The dates for switch-over are set through a transitional period, known as the ‘simulcast period’, during which national and commercial television broadcasters are required to transmit simultaneously in analog and standard definition digital mode, except in those areas that are digital-only local market areas. At the end of the simulcast period, or at a time an area becomes a digital-only local market area, analog transmissions must cease. Only digital television is permitted after that time.

Clause 5F of Schedule 4 to the BSA gives the Minister the power to determine, by legislative instrument, ‘digital-only local market areas’ for a licence area. The instrument has two components: the specification of a local market area and the specification of the time the local market area becomes a digital-only market area. This facilitates a switch-over timetable based on geographical areas other than licence areas, recognising that a single licence area may contain a variety of local geographic, technical and market circumstances. In practice, clause 5F allows multiple switch-over dates to be determined in a single licence area. Any part of a licence area that is not determined to be a digital-only local market area will switch over at the end of the simulcast period for the licence area or coverage area. The simulcast period for the licence areas and coverage areas subject to this Determination runs until and including 5 May 2011.
Simulcast period and establishment of digital-only services in the Regional Victoria TV1 and Eastern Victoria TV1 licence areas

The Regional Victoria TV1 and Eastern Victoria TV1 licence areas are regional licence areas for the purposes of the BSA. The Broadcasting Services (Simulcast Period for Eastern Victoria TV1, Regional Victoria TV1 and Western Victoria TV1) Determination (No. 1) 2010 provides that the simulcast period for the Regional Victoria TV1 and Eastern Victoria TV1 licence areas is to run until and including 5 May 2011.

Several communities in the Regional Victoria TV1 and Eastern Victoria TV1 licence areas, such as Alexandra, Bonnie Doon, Mansfield, Yea, Eildon and Howqua (collectively referred to as Central Victoria), are not receiving comprehensive planned digital television services due to a range of technical issues resulting from the transmission of analog television services from the Bonnie Doon transmission site.

In the case of the Mansfield and Alexandra transmission sites, the establishment of digital commercial television services is being prevented due to concerns about potential interference to analog transmissions at the Bonnie Doon transmission site. The absence of digital television transmissions from the Mansfield transmission site then has a consequential effect on the broadcasters’ ability to provide digital television services from other transmission sites in Central Victoria.

Howqua has no digital television services at present. The broadcasters wish to digitise their services but the transmission facility at Howqua is too small to install enough infrastructure to allow the simulcast of analog and digital services. It is proposed that analog transmissions at Howqua cease on 3 December 2010 so as to assist the roll-out of digital television in the Central Victorian area.
Notes on Clauses

Clause 1 provides that the name of the Determination is the Broadcasting Services (Digital-Only Local Market Areas for the Regional Victoria TV1 and Eastern Victoria TV1 Licence Areas) Determination (No. 1) 2010.

Clause 2 provides that the Determination takes effect on the day it is registered on the Federal Register of Legislative Instruments.

Clause 3 is a definitions clause.

Clause 4 is the main operative clause.

Clause 4 provides that certain areas wholly within the Regional Victoria TV1 and Eastern Victoria TV1 licence areas are local market areas for the purpose of Schedule 4 to the BSA (subclause 4(a) refers) and that those areas are to become digital-only local market areas from and including the dates specified under subclause 4(b).

The local market areas in the Determination are specified by reference to mesh blocks. Mesh blocks are micro-level geographical units developed by the Australian Bureau of Statistics. Each mesh block is represented by an 11 digit code which corresponds with a particular geographic boundary in Australia. The mesh blocks used to specify the local market areas in the Schedule are collated, along with their corresponding geographic boundaries, in 1209.0.55.002 – Mesh Blocks Digital Boundaries, Australia, 2006, as published by the Australian Bureau of Statistics on 29 February 2008.1

Schedule 1 to the Determination lists the mesh blocks covering the area that corresponds to the Bonnie Doon transmission site. This area will become a local market area from the commencement of this Determination (clause 2 and paragraph 4(a)(i) of the Determination refer). The Bonnie Doon local market area is to become a digital-only local market area from and including 29 November 2010 (paragraph 4(b)(i) of the Determination refers).

Schedule 2 to the Determination lists the mesh blocks covering the area that corresponds to the Howqua transmission site. This area will become a local market area from the commencement of this Determination (clause 2 and paragraph 4(a)(ii) of the Determination refer). The Howqua local market area is to become a digital-only local market area from and including 3 December 2010 (paragraph 4(b)(ii) of the Determination refers).

The local market areas created by the Determination are illustrated in the attached maps. The maps indicate the mesh blocks covering the Bonnie Doon and Howqua transmission sites (see Map 1 and Map 2 respectively). The maps also indicate the areas where good digital television reception is expected to be received from the respective transmission sites.

Consultation

In accordance with subclause 5F(11) of Schedule 4 to the BSA, the Minister consulted with the ACMA before making this Determination. The ACMA has raised no substantive concerns about the making of this Determination.
