Explanatory Statement
Section 26 – Legislative Instruments Act 2003
Licence Area Plans – Omnibus Variation 2010

DECEMBER 2010
Legislative Instruments Act 2003

Section 26 – Explanatory Statement – Licence Area Plans - Omnibus Variation 2010

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 ACMA has made the Licence Area Plans – Omnibus Variation 2010 (the Instrument) which varies the following licence area plans (collectively, the seven LAPs) in accordance with subsection 26(2) of the Broadcasting Services Act 1992 (the BSA):

- Licence Area Plan for Sydney Analog Television
- Licence Area Plan for Brisbane Analog Television
- Licence Area Plan for Adelaide Analog Television
- Licence Area Plan for Northern NSW Analog Television
- Licence Area Plan for Southern NSW Analog Television
- Licence Area Plan for Regional Queensland Analog Television
- Licence Area Plan for Remote Central & Eastern Australia Television

The LAPs 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.

Intended impact and effect

The instrument varies the seven LAPs by way of variation to the relevant licence areas to include additional collection district (CD) census data. The boundaries of some of the licence areas will undergo some minor changes.

The intended effect of this variation is to update the relevant licence areas covered by the LAPs with CD data as defined by the Australian Bureau of Statistics, at the Census of August 2001. There are no implications for licensees in adjacent licence areas.

Regulatory impact analysis

We have formed the view that the recommendations in this submission would give rise to a regulatory obligation and we have undertaken a regulatory analysis process. The Office of Best Practice Regulation has considered the matter and formed the opinion that the proposed amendments will have minor and machinery impacts and therefore no further analysis (in the
Consultation and submissions

Before making the decision to vary the LAPs, the ACMA undertook the following consultation:

On 30 September 2010, the ACMA published the following papers on its website:
  o Draft instruments of variation for each of the seven LAPs; and
  o Explanatory papers about the changes proposed in the draft variation instruments for each LAP.

The ACMA invited public comment by 17 October 2010.

On 1 October 2010, the ACMA wrote to the licensees providing commercial television broadcasting services in the each licence area covered by the seven LAPs to advise them of the release of the draft variations to the LAP that included their licence, and inviting comments.

On 6 October 2010, the Gazette published the ACMA advertisement, outlining the proposed draft variations to the LAPs, providing details of how to obtain copies of the draft variation instruments and how to access it on the ACMA’s website, and inviting public comments.

The ACMA received no submissions on the proposed variations to any of the seven LAPs or the accompanying explanatory papers.

Description of the provisions of the instrument

Clause 1 – Name of Variation

Clause 1 names the variation instrument the Licence Area Plans – Omnibus Variation 2010.

Clause 2 Commencement

Clause 2 provides that the instrument commences on the day after it is registered.

Clause 3 Variation

Clause 3 provides that each licence area plan specified in Schedule 1 is amended in the manner set out in the applicable item.

Schedule 1 Variation to Licence Area Plans

Items [1] to [7] of Schedule 1 amend seven licence area plans by inserting collection district numbers into the LAPs where required.