National Television Conversion Scheme Variation 2011 (No. 1)

Broadcasting Services Act 1992

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Variation under subclause 19 (1) of Schedule 4 to the Broadcasting Services Act 1992.

Dated 17th August 2011

Chris Chapman  
(signed)  
Member

Richard Bean  
(signed)  
Member/General Manager

Australian Communications and Media Authority

1 Name of Variation  
This Variation is the National Television Conversion Scheme Variation 2011 (No. 1).

2 Commencement  
This Variation commences the day after it is registered.

3 Variation of National Television Conversion Scheme 1999  
Schedule 1 varies the National Television Conversion Scheme 1999.
Schedule 1  Variations
(section 3)

[1] Subsection 7(1A)

*substitute*

(1A) Subject to subsection (1B), a digital channel plan may allot channels to national broadcasters in a coverage area, allowing the holders to transmit in digital mode after a simulcast period for the coverage area.

[2] After subsection 7(1A)

*insert*

(1B) A digital channel plan must not allot channels to national broadcasters in a coverage area if a television licence area plan for the licence area that corresponds to the coverage area has come into force.

*Note* Clause 22AA of Schedule 4 to the Act provides that this Scheme, and a digital channel plan, to the extent to which they allot channels for a particular coverage area, cease to have effect when the television licence area plan for the licence area that corresponds to the coverage area comes into force.

[3] Subsection 14(1)

*substitute*

(1) This section applies if ACMA wishes to vary a digital channel plan made, or taken to be made, for this Scheme.

[4] Section 49A

*omit the section*

[5] Section 49B

*omit the section*

[6] Subsection 49C(1)

*after*

in analog mode
made using a transmitter located

[7] **Subsections 49C(2), 49C(3) and 49C(4)**

*omit the subsections*

[8] **Section 49D**

*omit the section*

[9] **Section 50**

*omit the section*

[10] **Section 51 (including the note)**

*omit the section*

[11] **Section 52**

*omit the section*

[12] **Subsections 53(2) and 53(3)**

*omit the subsections*

[13] **Section 54 (including the note)**

*omit the section*

[14] **Paragraph 84(ha)**

*after*

are to be made

*insert*

using a transmitter located
After paragraph 84(i) insert

(ia) the policy objective that, if the television licence area plan for a licence area that corresponds to a coverage area comes into force immediately after the end of the simulcast period for that coverage area, each national broadcaster is to transmit the national television broadcasting service concerned in digital mode in that area after the end of the simulcast period using such channel or channels as are allotted under the television licence area plan for that area;

(ib) the policy objective that, if the television licence area plan for a licence area that corresponds to a coverage area does not come into force immediately after the end of the simulcast period for that coverage area, each national broadcaster is to transmit the national television broadcasting service concerned in digital mode in that area during the period:

(i) beginning at the end of the simulcast period; and

(ii) ending immediately before the television licence area plan comes into force;

using such channel or channels as ACMA allots under the scheme or a digital channel plan, having regard to:

(iii) the need to plan the most efficient use of the spectrum; and

(iv) the other relevant policy objectives of the scheme;

(ic) the policy objective that, if the television licence area plan for a licence area that corresponds to a coverage area does not come into force immediately after the end of the simulcast period for that coverage area, each national broadcaster is to transmit the national television broadcasting service concerned in digital mode in that area after the television licence area plan comes into force using such channel or channels as are allotted under the television licence area plan for that area;

Subsection 86(2) substitute

(2) Subject to subsection (2A), a digital channel plan may allot channels to national broadcasters in a remote coverage area, allowing the holders to transmit in digital mode after a simulcast period for the remote coverage area.
[17] **After subsection 86(2)**

insert

(2A) A digital channel plan must not allot channels to national broadcasters in a remote coverage area if a television licence area plan for the licence area that corresponds to the remote coverage area has come into force.

*Note* Clause 22AA of Schedule 4 to the Act provides that this Scheme, and a digital channel plan, to the extent to which they allot channels for a particular coverage area, cease to have effect when the television licence area plan for the licence area that corresponds to the coverage area comes into force.

[18] **Subsection 92(1)**

*omit*

, and sections 130B and 132 do not apply

[19] **Section 130A**

*omit the section*

[20] **Section 130B**

*omit the section*

[21] **Subsection 130C(1)**

*after*

in analog mode

*insert*

made using a transmitter located

[22] **Subsections 130C(2), 130C(3) and 130C(4)**

*omit the subsections*

[23] **Section 130D**

*omit the section*
[24] Section 131

omit the section

[25] Section 132 (including the note)

omit the section

[26] Section 133

omit the section

[27] Subsections 133A(2) and 133A(3)

omit the subsections

[28] Section 133B (including the note)

omit the section

Note