National Television Conversion Scheme Variation 2011 (No. 2)

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 16th August 2011

Chris Chapman  
[signed]  
Member

Richard Bean  
[signed]  
Member/General Manager

Australian Communications and Media Authority

1 Name of Instrument  
This Variation is the National Television Conversion Scheme Variation 2011 (No. 2).

2 Commencement  
Each provision of this Variation specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table.
## Commencement information

<table>
<thead>
<tr>
<th>Column 1</th>
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<tr>
<td>Provision(s)</td>
<td>Commencement</td>
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</table>
| 1. Sections 1, 2 and 4 and Schedule 2 | These provisions commence on the later of:  
(a) the day after this Variation is registered;  
(b) the approval by the Minister in writing of this Variation in accordance with clause 32 of Schedule 4 to the *Broadcasting Services Act 1992*.  
*Note:* Both events need to occur before this Variation commences. |
| 2. Section 3 and Schedule 1 | Immediately after Schedule 2 commences. |

3  **Variation of National Television Conversion Scheme 1999**  
Schedule 1 varies the *National Television Conversion Scheme 1999*.  

4  **Variation of National Television Conversion Scheme 1999**  
Schedule 2 varies the *National Television Conversion Scheme 1999*.  

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*Federal Register of Legislative Instruments F2011L01788*
General variations

Schedule 1  General variations

(Section 3)

[1]  **Section 3A**

*omit*

other than

*insert*

but does not apply to

[2]  **Paragraph 3A(a)**

*substitute*

(a)  SDTV multi-channelled national television broadcasting services, other than a primary national television broadcasting service;


*omit*  

*Gazette.*

*insert*  

*Gazette;*

(d) publishing it on the ACMA’s Internet site.

[4]  **Subsection 6(4)**

*omit*  

, and as in force when this Scheme commences,

[5]  **Subsection 6(5)**

*omit*  

, and as in force when this Scheme commences,
[6]  **Subsection 44(3)**

*substitute*

(3) The simulcast period begins on the date that the national broadcaster is required to commence transmitting the national television broadcasting service concerned in SDTV digital mode as ascertained in relation to that area in accordance with an implementation plan that was given by the broadcaster, and is in force, under clause 20 of Schedule 4 to the Act.

[7]  **Subsection 45(1), after note 2**

*insert*

*Note 3* If the ACMA decides that exceptional circumstances do not exist, it must notify the national broadcaster and give the national broadcaster the statements mentioned in clause 63 of Schedule 4 to the Act.

[8]  **Subsection 45(2), note 1 and note 2**

*omit the notes*

[9]  **Paragraph 85(3)(a)**

*omit*

, and as in force when this Scheme commences,

[10]  **Paragraph 85(3)(b)**

*omit*

, and as in force when this Scheme commences,


*after*

sections 101 to 105

*insert*

(inclusive)
Subsection 124(3) (including the note)

substitute

(3) The simulcast period begins on the date that the national broadcaster is required to commence transmitting the national television broadcasting service concerned in SDTV digital mode as ascertained in relation to that area in accordance with an implementation plan that was given by the broadcaster, and is in force, under clause 20 of Schedule 4 to the BSA.

Note 1 The simulcast period for a remote coverage area must commence on the date mentioned in subclause 19 (6A) of Schedule 4 to the Act: see subclause 19 (7A) of Schedule 4.

Note 2 The simulcast period for a remote coverage area will end in accordance with paragraph 19 (7A) (b) of Schedule 4 to the Act.

Dictionary, definition of broadcasting transmission tower

substitute

* broadcasting transmission tower see clause 2 of Schedule 4 to the Act.

Dictionary, definition of coverage area

substitute

* coverage area see clause 2 of Schedule 4 to the Act.

Dictionary, after definition of digital-only local market area

insert

* digital channel plan see clause 22A of Schedule 4 to the Act.

Dictionary, definition of licence area

substitute

* licence area see clause 2 of Schedule 4 to the Act.

Dictionary, definition of metropolitan coverage area

substitute

* metropolitan coverage area see clause 2 of Schedule 4 to the Act.

Dictionary, definition of metropolitan licence area

substitute

* metropolitan licence area see clause 2 of Schedule 4 to the Act.
[19] Dictionary, definition of *national broadcasting service*

* national broadcasting service see clause 2 of Schedule 4 to the Act.

[20] Dictionary, definition of *national radio broadcasting service*

* national radio broadcasting service see clause 2 of Schedule 4 to the Act.

[21] Dictionary, definition of *national television broadcasting service*

* national television broadcasting service see clause 2 of Schedule 4 to the Act.

[22] Dictionary, definition of *national television conversion scheme*

* national television conversion scheme see clause 2 of Schedule 4 to the Act.

[23] Dictionary, definition of *radiocommunication*

* radiocommunication see clause 2 of Schedule 4 to the Act.

[24] Dictionary, definition of *regional coverage area*

* regional coverage area see clause 2 of Schedule 4 to the Act.

[25] Dictionary, definition of *regional licence area*

* regional licence area see clause 2 of Schedule 4 to the Act.

[26] Dictionary, definition of *remote coverage area*

* remote coverage area see clause 2 of Schedule 4 to the Act.

[27] Dictionary, definition of *simulcast period*

* simulcast period see clause 2 of Schedule 4 to the Act.
Schedule 2 Variations to references

(seection 4)

[1] Amendment of Scheme – changing references to ACMA into references to the ACMA

The Scheme is amended as follows:

(a) by omitting “ACMA” (wherever occurring) and substituting “the ACMA”; and
(b) by omitting “ACMA’s” (wherever occurring) and substituting “the ACMA’s”.

[2] Amendment of Scheme – changes to headings to sections and subsections

The headings to sections and subsections of the Scheme are altered as follows:

(a) by omitting “ACMA” (wherever occurring) and substituting “the ACMA”;
(b) by omitting “ACMA” (wherever occurring) and substituting “the ACMA”;
(c) by omitting “ACMA’s” (wherever occurring) and substituting “the ACMA’s”;
(d) by omitting “ACMA’s” (wherever occurring) and substituting “the ACMA’s”;
(e) the heading to section 10 of the Scheme is altered by omitting “Advertising” and substituting “Notice inviting comments on”.

[3] Amendment of Scheme – changes to notes

Subject to item [4], the notes to the Scheme are altered as follows:

(a) by omitting “ACMA” (wherever occurring) and substituting “the ACMA”;
(b) by omitting “ACMA’s” (wherever occurring) and substituting “the ACMA’s”;
(c) by omitting “ACMA” (wherever occurring) and substituting “the ACMA”;
(d) by omitting “ACMA” (wherever occurring) and substituting “the ACMA”;
(e) by omitting “ACMA’s” (wherever occurring) and substituting “the ACMA’s”;
(f) by omitting “ACMA’s” (wherever occurring) and substituting “the ACMA’s”.
Amendment of Scheme – changes to notes

The third last and second last dot points in the note titled “Note: simplified outline of the conversion scheme” appearing immediately under section 5 are altered by omitting “ACMA” (wherever occurring) and substituting “the ACMA’s”.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the Legislative Instruments Act 2003. See http://www.frli.gov.au