EXPLANATORY STATEMENT

ISSUED BY THE AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

VARIATION TO THE LICENCE AREA PLAN FOR REMOTE AND REGIONAL WESTERN AUSTRALIA ANALOG TELEVISION – NO.1 OF 2012

BROADCASTING SERVICES ACT 1992

In accordance with the Australian Communications and Media Authority Act 2005, since 1 July 2005, the Australian Communications and Media Authority (ACMA) has exercised powers and functions under the Broadcasting Services Act 1992 (BSA) previously exercised by the Australian Broadcasting Authority (ABA).

The ACMA has made a variation to the Licence Area Plan – Remote and Regional Western Australia (Television) – February 1997. The variation was made under subsection 26(2) of the BSA and is referred to in this explanatory statement as “the variation”.

The licence area plan and variations

The ACMA prepares Licence Area Plans (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.


It is referred to in this explanatory statement as “the RRWA LAP”.

Intended impact and effect

Statistical Local Areas (SLAs) are based on the boundaries of incorporated bodies of local government where these exist. An SLA consists of one or more whole Census Districts (CDs). The intended effect of this variation is to update the relevant licence areas 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.

The variation adds the Territory of Christmas Island SLA and the Territory of Cocos (Keeling) Islands SLA to licence areas within the current RRWA LAP. The variation will also add CDs 041701 and 041706 to the LAP. The boundary for the South West and Great Southern TV1, Western Zone TV1 and Remote and Regional Western Australia TV1 licence areas will undergo minor changes with the inclusion of this geographical area data.

Regulatory impact analysis

The ACMA’s Best Practice Coordinator has considered the matter and referred it to the Office of Best Practice Regulation (OBPR). The OBPR formed the opinion that the variation
is likely to have no or low impact on business or the economy, and neither a regulation impact statement nor a business cost calculator report is necessary in relation to the regulatory proposal.

The OBPR issued an exemption reference number: 2011/12868.

**Consultation and submissions**

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

- On 19 July 2012, the ACMA wrote to all the television broadcasting licensees in regional and remote Western Australia alerting them to the proposed variation and inviting comment.
- On 19 July 2012, the ACMA published the following papers on its website:
  - a draft variation to the RRWA LAP; and
  - an explanatory paper about the draft variation to the RRWA LAP, which invited public comment by 24 August 2012.
- On 20 July 2012, the ACMA placed an advertisement in the *Islander newspaper*, outlining the draft variation to the RRWA LAP, providing details of how to obtain copies of the draft variation and inviting public comment.
- On 25 July 2012, the ACMA placed an advertisement in the *Avon Valley Advocate newspaper*, outlining the draft variation to the RRWA LAP, providing details of how to obtain copies of the draft variation and inviting public comment.
- On 26 July 2012, the ACMA placed an advertisement in the *Atoll Newsletter*, outlining the draft variation to the RRWA LAP, providing details of how to obtain copies of the draft variation and inviting public comment.
- No submissions were received on the draft variation to the RRWA LAP.

**Description of the provisions of the variation**

**Clause 1**

Clause 1 identifies that the ACMA makes the variation under subsection 26(2) of the BSA.

**Clause 2**

Clause 2 names the variation the *Variation to the Licence Area Plan for Remote and Regional Western Australia Analog Television – No. 1 of 2012*.

**Clause 3**

Clause 3 provides that the variation commences the day after it is registered on the Federal Register of Legislative Instruments.

**Paragraph 4(a)**

Paragraph 4(a) inserts in Attachment 1.1.1:

- (i) after “WA CD 041608”, insert: “WA CD 041701”
- (ii) after “WA CD 041705”, insert: “WA CD 041706”
Paragraph 4(b)
Paragraph 4(b) inserts in Attachment 3.1.2 after “Yalgoo (S) (LGA)”:
Territory of Christmas Island (SLA)
Territory of Cocos (Keeling) Islands (SLA)

Paragraph 4(c)
Paragraph 4(c) inserts in Attachment 5.1.2 after “Yilgarn (S) (LGA)”:
Territory of Christmas Island (SLA)
Territory of Cocos (Keeling) Islands (SLA)

Paragraph 4(d)
Paragraph 4(d) inserts in Attachment 5.1.2:
(i) after “WA CD 041608”, insert: “WA CD 041701”
(ii) after “WA CD 041705”, insert: “WA CD 041706”

Statement of Compatibility with Human Rights

Variation to the Licence Area Plan for Remote and Regional Western Australia Analog Television – No. 1 of 2012
This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Overview of the legislative instrument
The legislative instrument varies the RRWA LAP by way of adding the Territory of Christmas Island SLA and the Territory of Cocos (Keeling) Islands SLA to licence areas within the current RRWA LAP. The variation will also add CDs 041701 and 041706 to the LAP. The boundary for the South West and Great Southern TV1, Western Zone TV1 and Remote and Regional Western Australia TV1 licence areas will undergo minor changes with the inclusion of this geographical area data.

Human rights implications
This legislative instrument does not engage any of the applicable rights or freedoms.

Conclusion
This legislative instrument is compatible with human rights as it does not raise any human rights issues.