EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Television Licence Area Plan (Riverland) Variation 2012
Television Licence Area Plan (Spencer Gulf) Variation 2012
Television Licence Area Plan (Broken Hill) Variation 2012

Broadcasting Services Act 1992

Purpose
The Television Licence Area Plan (Riverland) Variation 2012, Television Licence Area Plan (Spencer Gulf) Variation 2012 and Television Licence Area Plan (Broken Hill) Variation 2012 (collectively, the Variations) amend, respectively, the Television Licence Area Plan (Riverland) 2011, Television Licence Area Plan (Spencer Gulf) 2011, and Television Licence Area Plan (Broken Hill) 2011 (collectively, the TLAPs) by:

- amending the restack implementation windows contained in the TLAPs;
- amending certain characteristics, including technical specifications, of broadcasting services to reflect the progression of restack in the Riverland, Spencer Gulf and Broken Hill licence areas; and
- removing redundant entries for certain areas contained in the TLAPs.

Legislative Provisions
The Variations are made under subsection 26(2) of the Broadcasting Services Act 1992 (the Act). Under subsection 26(2), the Australian Communications and Media Authority (the ACMA) may, by legislative instrument, vary a licence area plan (including a television licence area plan).

Background
The TLAPs for Riverland, Spencer Gulf and Broken Hill plan the following licence areas, respectively: Riverland TV1, Spencer Gulf TV1, and Broken Hill TV1. The simulcast period for transmission of analog and digital television services ended for these areas on 15 December 2010.

The TLAPs were registered on the Federal Register of Legislative Instruments (FRLI) on 21 December 2011 and came into effect on 2 April 2012.

The TLAPs are being revised to reflect the best advice on restack timing windows available to the ACMA to date. The revisions are consistent with the development of an indicative restack timetable by Broadcast Australia.

Operation
The Variations replace the restack implementation windows contained in the TLAPs with revised windows.

The Riverland and Spencer Gulf TLAPs have two timing windows. The first window in each area closes on 14 December 2012 – this window is left unchanged. The second restack implementation window for these areas are amended to bring forward the start date to take advantage of the earlier than originally planned switchover date for Adelaide.

Broken Hill has one service requiring restack that does not operate in the digital dividend or affect the restack of any other site. The end date of the restack implementation window for this service has been amended from 14 December 2012 to 31 December 2014, as the earlier date is no longer considered feasible.
The Variations also make minor amendments to certain technical specifications to reflect the progression of restack in those areas, and remove any redundant entries contained in the TLAPs.

**Consultation**

Before making the Variations, the ACMA undertook the following consultation:

- On 30 August 2012, the ACMA published the following papers on its website:
  - the draft Variations;
  - an engineering report for Riverland, Spencer Gulf, and Broken Hill; and
  - a discussion paper about the draft Variations, which invited public comment by 23 September 2012.
- On 30 August 2012, the ACMA wrote to the commercial television broadcasting licensees and national television broadcasting services in the relevant areas, alerting them to the draft Variations and inviting comment.

The ACMA received no submissions on the draft Variations.

**Regulatory impact**

Prior to releasing the draft Variations, the ACMA consulted with the Office of Best Practice Regulation (the OBPR) on the requirement for a Regulation Impact Statement (RIS) for the instruments. The OBPR has advised that a RIS is not required (OBPR ID: 2012/14094).

Documents incorporated into the Determination by reference or otherwise referred to

The Variations incorporate the following documents by reference, or otherwise refer to them:


This Act can be found on the Australian Government’s ComLaw website ([www.comlaw.gov.au](http://www.comlaw.gov.au)).

**Statements of Compatibility with Human Rights**

In accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*, the ACMA has prepared a Statement of Compatibility with Human Rights to consider the human rights implications of each Variation. The Statements conclude that the content of these legislative instruments do not raise any human rights issues and are therefore regarded as being compatible with human rights. The Statements of Compatibility prepared for the Variations are provided in Attachments D, E and F.
DETAILED DESCRIPTION OF TELEVISION LICENCE AREA PLAN (RIVERLAND) VARIATION 2012

Section 1  Name of Variation
Section 1 names the Variation the Television Licence Area Plan (Riverland) Variation 2012.

Section 2  Commencement
Section 2 provides that the Variation commences on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3  Variation
Section 3 specifies that Schedule 1 varies the Television Licence Area Plan (Riverland) 2011.

Schedule 1  Variations

Item 1
The table contained in item 1 replaces the table contained in Schedule 1, item 1, after sub-item (3) of the Television Licence Area Plan (Riverland) 2011. The new table contains earlier restack window commencement dates.

Item 2
The table contained in item 2 replaces the table contained in Schedule 2, item 1, after sub-item (3) of the Television Licence Area Plan (Riverland) 2011. The new table contains earlier restack window commencement dates.

Item 3
The table contained in item 3 replaces the table contained in Schedule 2, item 2, after sub-item (3) of the Television Licence Area Plan (Riverland) 2011. The new table contains earlier restack window commencement dates.

Item 4
The table contained in item 4 replaces the table contained in Schedule 3, item 1, after sub-item (3) of the Television Licence Area Plan (Riverland) 2011. The new table contains earlier restack window commencement dates.
ATTACHMENT B

DETAILED DESCRIPTION OF TELEVISION LICENCE AREA PLAN (SPENCER GULF) VARIATION 2012

Section 1     Name of Variation
Section 1 names the Variation the Television Licence Area Plan (Spencer Gulf) Variation 2012.

Section 2     Commencement
Section 2 provides that the Variation commences on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3     Variation
Section 3 specifies that Schedule 1 varies the Television Licence Area Plan (Spencer Gulf) 2011.

Schedule 1     Variations

Item 1
The table contained in item 1 replaces the table contained in Schedule 1, item 1, after sub-item (3) of the Television Licence Area Plan (Spencer Gulf) 2011. The new table contains earlier restack window commencement dates.

Clause 2
The table contained in item 2 replaces the table contained in Schedule 2, item 1, after sub-item (3) of the Television Licence Area Plan (Spencer Gulf) 2011. The new table contains earlier restack window commencement dates.

Clause 3
The table contained in item 3 replaces the table contained in Schedule 2, item 2, after sub-item (3) of the Television Licence Area Plan (Spencer Gulf) 2011. The new table contains earlier restack window commencement dates.
DETAILED DESCRIPTION OF TELEVISION LICENCE AREA PLAN (BROKEN HILL) VARIATION 2012

Section 1     Name of Variation
Section 1 names the Variation the Television Licence Area Plan (Broken Hill) Variation 2012.

Section 2     Commencement
Section 2 provides that the Variation commences on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3     Variation
Section 3 specifies that Schedule 1 varies the Television Licence Area Plan (Broken Hill) 2011.

Schedule 1     Variations

Item 1
The table contained in item 1 replaces the table contained in Schedule 1, item 1, after sub-item (3) of the Television Licence Area Plan (Broken Hill) 2011. The new table contains later dates for ending the restack window.
STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Television Licence Area Plan (Riverland) Variation 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 Television Licence Area Plan (Riverland) Variation 2012 varies the Television Licence Area Plan (Riverland) 2011 (the TLAP) by amending the restack implementation windows contained in the TLAP; amending certain characteristics, including technical specifications, of broadcasting services to reflect the progression of restack in the Riverland licence area; and removing any redundant entries.

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.

Australian Communications and Media Authority
STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Television Licence Area Plan (Spencer Gulf) Variation 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 Television Licence Area Plan (Spencer Gulf) Variation 2012 varies the Television Licence Area Plan (Spencer Gulf) 2011 (the TLAP) by amending the restack implementation windows contained in the TLAP; amending certain characteristics, including technical specifications, of broadcasting services to reflect the progression of restack in the Spencer Gulf licence area; and removing any redundant entries.

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.
STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Television Licence Area Plan (Broken Hill) Variation 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 Television Licence Area Plan (Broken Hill) Variation 2012 varies the Television Licence Area Plan (Broken Hill) 2011 (the TLAP) by amending the restack implementation windows contained in the TLAP; amending certain characteristics, including technical specifications, of broadcasting services to reflect the progression of restack in the Broken Hill licence area; and removing any redundant entries.

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.

Australian Communications and Media Authority