

## ***LEGISLATIVE INSTRUMENTS ACT 2003***

### **Section 26 - Explanatory Statement**

#### **Variation to the licence area plan for Gold Coast Radio – No 1 of 2005 made under the *Broadcasting Services Act 1992***

On 14 April 2005, the Australian Broadcasting Authority (the ABA) made a variation to the licence area plan for Gold Coast Radio. The variation was made under section 26(2) of the *Broadcasting Services Act 1992* (the BSA) and is referred to in this explanatory paper as “the instrument”.

#### **The licence area plan and variations**

The ABA prepares licence area plans under section 26(1) of the BSA. Licence area plans 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 ABA may vary licence area plans under section 26(2) of the BSA.

The ABA made the licence area plan for Gold Coast Radio on 21 December 2000. It is referred to in this explanatory statement as “the licence area plan”.

#### **Intended impact and effect**

The instrument varies the technical specifications with which radio services in the Gold Coast licence area must comply by:

- correcting a minor radiation pattern discrepancy of commercial radio service 4HTB and community radio service 4RHI to correct a typographical error in order to reflect the actual operating conditions of the radio services and the technical specifications.;
- changing the transmitter site, reducing the effective radiated power (ERP), increasing the antenna height and revising the radiation pattern of the community

radio service 4MET to allow 4MET to operate at full technical specification at the new transmitter site, which was unable to be accommodated at the old transmitter site; and

- reducing the ERP, increasing the antenna height and revising the radiation pattern of the community radio service 4CAB to avoid potential interference to a Darling Downs national radio service

## **Consultation**

Before making a decision to vary the licence area plan, the ABA undertook the following steps by way of consultation:

- On 11 November 2004, the ABA published the following papers on its website:
  - a draft variation to the licence area plan; and
  - an explanatory paper about the changes proposed in the draft variation, inviting public comment by 3 December 2004.
- On 16 November 2004, the ABA placed an advertisement in the Gold Coast Bulletin newspaper outlining the effect of the draft variation to the licence area plan, providing details of how to obtain copies of the draft variation, and inviting public comment.
- The ABA wrote to licensees of commercial, community and national broadcasting services within the Gold Coast licence area and in neighbouring licence areas and to interested organisations, agencies and industry bodies, including the Community Broadcasting Association of Australia, Commercial Radio Australia, Australian Competition and Consumer Commission, Airservices Australia and the Australian Communications Authority. The ABA advised them of the release of the draft variation and explanatory paper and invited comments.

The ABA received 3 submissions on the draft proposal and explanatory paper.

## **Description of the provisions of the instrument**

Clause (1)(a) of the instrument varies the text of the determination in the licence area plan to number each of the paragraphs in the determination consecutively as clauses.

Clause (1)(b) of the instrument varies the text in paragraph (2) of the determination in the licence area plan to increase the number of national radio broadcasting services to be available from four to five.

Clause (1)(c) of the instrument varies the text of the determination in the licence area plan to insert a new clause (3). Clause (3) will ensure that references in the determination to schedules and attachments are references to schedules and attachments that have been amended from time to time by the ABA.

Clause (2) of the instrument deletes page 2 of the licence area plan. The page contained information included for reference that does not form part of the licence area plan and which may be confusing.

Clause (3) of the instrument varies the schedule to the licence area plan. The schedule sets out details of the national, commercial and community radio broadcasting services that are to be available on particular frequencies in the Gold Coast RA1 licence area. In particular, the schedules provide the technical specification numbers for the transmitters to be used by the services and specify the attachment which contains the technical specification for each of those radio broadcasting services.

The schedule in the licence area plan has a status column that contains information, included for reference, that does not form part of the licence area plan and which may be confusing. Clause (3) of the instrument deletes Schedule One of the licence area plan and substitutes an updated schedule. The updated schedule:

- does not contain a status column; and
- provides for a different transmitter specification number for the existing commercial and community radio broadcasting services, referred to above.

Clauses (4)(a), (b), (c) and (d) of the instrument delete attachments 1.8, 1.10, 1.11 and 1.12 of the principal instrument. The attachments are substituted by attachments 1.8, 1.10, 1.11 and 1.12 of the instrument. Those attachments contain the technical specifications for transmission of the existing commercial and community FM broadcasting services, referred to above.

The technical specifications for those services include the following characteristics:

- the nominal transmitter site;
- the frequency on which the service may be transmitted;
- other emission details; and
- the output radiation pattern (including power limitations).

Clause (5) of the instrument provides for the instrument to commence on the date that it is determined by the ABA.