

Explanatory Statement

Section 26 – *Legislative Instruments Act 2003*
Variation to the Licence Area Plan for Riverland
Television and Radio – No.1 of 2010

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Canberra

Purple Building
Benjamin Offices
Chan Street
Belconnen ACT

PO Box 78
Belconnen ACT 2616

T +61 2 6219 5555
F +61 2 6219 5353

Melbourne

Level 44
Melbourne Central Tower
360 Elizabeth Street Melbourne
VIC

PO Box 13112
Law Courts
Melbourne VIC 8010

T +61 3 9963 6800
F +61 3 9963 6899

Sydney

Level 15 Tower 1
Darling Park
201 Sussex Street
Sydney NSW

PO Box Q500
Queen Victoria Building
NSW 1230

T +61 2 9334 7700
1800 226 667
F +61 2 9334 7799

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Legislative Instruments Act 2003

Section 26 – Explanatory Statement

Variation No.1 of 2010 to the Licence Area Plan for Riverland Television and Radio made under the *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 (the ACMA) has exercised powers and functions under the *Broadcasting Services Act 1992* (the BSA) previously exercised by the Australian Broadcasting Authority (the ABA).

The ACMA has varied the Licence Area Plan (LAP) for Riverland Television and Radio. The variation was made under subsection 26(2) of the BSA and is referred to in this explanatory statement as “the instrument”.

The licence area plans and variations

The ACMA prepares 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.

The ABA made the *Licence Area Plan for Riverland Television and Radio* in August 1996. It is referred to in this explanatory statement as “the Riverland Television and Radio LAP”.

Intended impact and effect

The instrument varies the Riverland Television and Radio LAP by way of replacing commercial analog television channels set out in the existing Riverland Television and Radio LAP with commercial digital channels in the Riverland Digital Channel Plan (DCP).

Regulatory impact analysis

We have formed the view that the recommendations in this submission would give rise to a regulatory obligation and we have undertaken a regulatory analysis process. The Office of Best Practice Regulation has considered the matter and formed the opinion that the proposed amendments will have minor and machinery impacts and therefore no further analysis (in the form of a Business Cost Calculator Report or Regulation Impact Statement) is required.

OBPR ID: 2010/11720

Consultation and submissions

Before making the decision to vary the Riverland Television and Radio LAP, the ACMA undertook the following consultation:

On 5 October 2010, the ACMA published the following papers on its website:

- a draft variation to the Riverland Television and Radio LAP; and

- an explanatory paper about the changes proposed in the draft variation to the Riverland Television and Radio LAP, which invited public comment by 17 October 2010.

On 6 October 2010, the ACMA placed an advertisement in *The Australian* national newspaper, outlining the proposed draft variation to the LAP, providing details of how to obtain copies of the draft variation and how to access it on the ACMA's website, and inviting public comment.

On 7 October 2010, the ACMA wrote to the commercial television broadcasting licensees alerting them to the proposed variation and inviting comment.

The ACMA received no submissions on the draft variation to the Riverland Television and Radio LAP or on the accompanying explanatory paper.

Description of the provisions of the instrument

Clause (1)

Clause (1) identifies the power under which the ACMA makes the instrument, section 26(2) of the BSA.

Clause (2)

Clause (2) names the instrument the *Variation to the Licence Area Plan for Riverland Television and Radio – No. 1 of 2010*.

Clause (3)

Clause (3) provides that the instrument commences on 15 December 2010, which is the end of the simulcast period for the Riverland TV1 licence area.

Clause (4)

Clause (4) of the instrument replaces the Schedules and Attachments that deal with commercial television broadcasting services transmitted in analog mode with Schedules and Attachments that deal with transmission of such services in digital mode. The channels to be used, and relevant technical specifications, are those planned in the Riverland DCP.