

EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Television Licence Area Plan (Brisbane) Variation 2013 ***Television Licence Area Plan (Melbourne) Variation 2013*** ***Television Licence Area Plan (Sydney) Variation 2013***

Broadcasting Services Act 1992

Television Licence Area Plans varied under subsection 26(2) of the *Broadcasting Services Act 1992*

The Australian Communications and Media Authority (ACMA) prepares television licence area plans under the *Broadcasting Services Act 1992* (the BSA). The ACMA may, by legislative instrument, vary a television licence area plan under subsection 26(2) of the BSA.

The *Television Licence Area Plan (Brisbane) Variation 2013*, the *Television Licence Area Plan (Melbourne) Variation 2013* and the *Television Licence Area Plan (Sydney) Variation 2013* (collectively, the **Variations**) vary, respectively, the *Television Licence Area Plan (Brisbane) 2012 (Brisbane TLAP)*, the *Television Licence Area Plan (Melbourne) 2012 (Melbourne TLAP)*, and the *Television Licence Area Plan (Sydney) 2012 (Sydney TLAP)* (collectively, the **TLAPs**).

The TLAPs for Brisbane, Melbourne and Sydney plan the following licence areas, respectively: Brisbane TV1, Melbourne TV1, and Sydney TV1.

The Brisbane TLAP came into force on 29 May 2013. The Sydney and Melbourne TLAPs will come into force on 4 December 2013 and 11 December 2013, respectively (that is, when the simulcast period for the transmission of analog and digital television services in those areas ends).

Intended impact and effect

On 17 June 2013, the Minister for Broadband, Communications and the Digital Economy made the *Radiocommunications (Duration of Community Television Transmitter Licences) Determination (No.1) 2008 (Amendment No.1 of 2013)* (Amendment Determination) which has the effect of extending the end date of community television transmitter licences from 31 December 2013 to 31 December 2014. In accordance with the Amendment Determination the Variations extend the channel allotment end dates for community television services contained in the TLAPs from 31 December 2013 to 31 December 2014.

The Variations also make changes to technical specifications in the Melbourne TLAP to the commercial television repeaters in the Safety Beach area to allow for an increase in power so that a modified antenna can be installed.

The Variations also makes a minor amendment to remove an obsolete channel allotment contained in the Brisbane TLAP.

Regulatory impact analysis

The Office of Best Practice Regulation (OBPR) has determined that the proposed regulatory changes resulting from the Variations are minor and machinery in nature and that no further regulatory impact analysis is required. (OBPR ID: 2013/14908).

Consultation and submissions

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

- On 28 August 2013, the ACMA published the following papers on its website for consultation:
 - a draft variation to the Brisbane TLAP;
 - a draft variation to the Melbourne TLAP;
 - a draft variation to the Sydney TLAP; and
 - a discussion paper about the draft Variations, which invited public comment by 20 September 2013.
- On 28 August 2013, the ACMA wrote to the commercial and community television broadcasting licensees likely to be affected, national broadcasters and other appropriate persons, alerting them to the draft Variations and inviting comment.
- The ACMA received two submissions on the draft Variations.

In finalising the Variations, the ACMA has considered the submissions it received.

Statement of Compatibility with Human Rights

In accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*, the ACMA has prepared Statements 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 (BRISBANE) VARIATION 2013

Section 1 Name of Variation

Section 1 names the Variation the *Television Licence Area Plan (Brisbane) Variation 2013*.

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 (Brisbane) 2012*.

Schedule 1 Variations

Item 1

The table contained in item 1 replaces the table contained in subclause 2(3) of Schedule 3 to the *Television Licence Area Plan (Brisbane) 2012*. The new table removes an obsolete channel allotment and extends the channel allotment of the community television service in Brisbane until 31 December 2014.

DETAILED DESCRIPTION OF TELEVISION LICENCE AREA PLAN (MELBOURNE) VARIATION 2013

Section 1 Name of Variation

Section 1 names the Variation the *Television Licence Area Plan (Melbourne) Variation 2013*.

Section 2 Commencement

Section 2 provides that the Variation comes into force on the day after the end of the simulcast period for the Melbourne TV1 licence area.

Section 3 Variation

Section 3 specifies that Schedule 1 varies the *Television Licence Area Plan (Melbourne) 2012*.

Schedule 1 Variations

Item 1

The table contained in item 1 replaces the table contained in subclause 1(3) of Schedule 1 to the *Television Licence Area Plan (Melbourne) 2012*. The new table allows for an increase in the maximum effective radiated power (ERP) for the Safety Beach general area served.

Item 2

The table contained in item 2 replaces the table contained in subclause 2(3) of Schedule 1 to the *Television Licence Area Plan (Melbourne) 2012*. The new table allows for an increase in the maximum ERP for the Safety Beach general area served.

Item 3

The table contained in item 3 replaces the table contained in subclause 3(3) of Schedule 1 to the *Television Licence Area Plan (Melbourne) 2012*. The new table allows for an increase in the maximum ERP for the Safety Beach general area served.

Item 4

The table contained in item 4 replaces the table contained in subclause 2(3) of Schedule 3 to the *Television Licence Area Plan (Melbourne) 2012*. The new table extends the channel allotment of the community television service in Melbourne until 31 December 2014.

ATTACHMENT C

DETAILED DESCRIPTION OF TELEVISION LICENCE AREA PLAN (SYDNEY) VARIATION 2013

Section 1 Name of Variation

Section 1 names the Variation the *Television Licence Area Plan (Sydney) Variation 2013*.

Section 2 Commencement

Section 2 provides that the Variation comes into force on the day after the end of the simulcast period for the Sydney TV1 licence area.

Section 3 Variation

Section 3 specifies that Schedule 1 varies the *Television Licence Area Plan (Sydney) 2012*.

Schedule 1 Variations

Item 1

The table contained in item 1 replaces the table contained in subclause 2(3) of Schedule 3 to the *Television Licence Area Plan (Sydney) 2012*. The new table extends the channel allotment of the community television service in Sydney until 31 December 2014.

ATTACHMENT D

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

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

Television Licence Area Plan (Brisbane) Variation 2013

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 (Brisbane) Variation 2013* varies the *Television Licence Area Plan (Brisbane) 2012* by removing an obsolete channel allotment and extending the channel allotment of the community television service in Brisbane until 31 December 2014.

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 (Melbourne) Variation 2013

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 (Melbourne) Variation 2013* varies the *Television Licence Area Plan (Melbourne) 2012* by allowing for an increase in the maximum ERP for the Safety Beach area, and extending the channel allotment of the community television service in Melbourne until 31 December 2014.

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 (Sydney) Variation 2013

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 (Sydney) Variation 2013* varies the *Television Licence Area Plan (Sydney) 2012* by extending the channel allotment of the community television service in Sydney until 31 December 2014.

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