

EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Television Licence Area Plan (Southern New South Wales) Variation 2014

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 (Southern New South Wales) Variation 2014, (the Variation)* varies the *Television Licence Area Plan (Southern New South Wales) 2012 (Southern NSW TLAP)*.

The Southern NSW TLAP came into force on 15 December 2012 and plans the Southern New South Wales TV1 licence area.

Intended impact and effect

The Variation makes a change to a channel allotment for the commercial television broadcasting licence number BSL99 by swapping the Ulladulla post-restack channel allotment (channel 29) with the unallotted channel at Ulladulla (channel 33). The effect of the channel swap will avoid a potential interference problem that could otherwise arise with channel 29 at Ulladulla being co-channelled with a Sydney community television broadcasting service. A detailed description of the Variation is at Attachment A below.

Regulatory impact analysis

The Office of Best Practice Regulation (OBPR) has determined that the proposed regulatory change resulting from the Variation is minor and machinery in nature and that no further regulatory impact analysis is required. (OBPR ID: 2014/16797).

Consultation and submissions

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

- On 7 May 2014, the ACMA published a discussion paper on its website about the draft Variation, which invited public comment by 21 May 2014.
- On 7 May 2014, 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 proposed Variation and inviting comment.
- The ACMA received one submission on the proposed Variation.

In finalising the Variation, the ACMA has considered the submission 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 a Statement of Compatibility with Human Rights to consider the human rights implications of the Variation.

The Statement concludes that the content of this legislative instrument does not raise any human rights issues and is therefore regarded as being compatible with human rights.

The Statement of Compatibility prepared for the Variation is provided in Attachment B.

DETAILED DESCRIPTION OF TELEVISION LICENCE AREA PLAN (SOUTHERN NEW SOUTH WALES) VARIATION 2014

Section 1 Name of Variation

Section 1 names the Variation the *Television Licence Area Plan (Southern New South Wales) Variation 2014*.

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 (Southern New South Wales) 2012*.

Schedule 1 Variations

Item 1

This item varies the channel allotment specified at item 36 in column 1 of Table 1.3 in Schedule 1 from channel 29 to channel 33.

Item 2

This item varies the channel allotment specified at item 52 in column 1 of Table 3.1 in Schedule 3 from channel 33 to channel 29.

ATTACHMENT B

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

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

Television Licence Area Plan (Southern New South Wales) Variation 2014

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 (Southern New South Wales) Variation 2014* varies the *Television Licence Area Plan (Southern New South Wales) 2012* by swapping the Ulladulla post-restack channel allotment in Table 1.3 of Schedule 1 (channel 29) with the Ulladulla unallotted channel in Table 3.1 of Schedule 3 (channel 33).

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