

EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Television Licence Area Plan (Brisbane) Variation 2014
Television Licence Area Plan (Melbourne) Variation 2014
Television Licence Area Plan (Sydney) Variation 2014

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 2014*, the *Television Licence Area Plan (Melbourne) Variation 2014* and the *Television Licence Area Plan (Sydney) Variation 2014* (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 plan the following licence areas: Brisbane TV1, Melbourne TV1, and Sydney TV1.

The Brisbane TLAP came into force on 29 May 2013, the Sydney TLAP came into force on 4 December 2013 and the Melbourne TLAP came into force on 11 December 2013.

Intended impact and effect

On 12 November 2014, the Minister for Communications made the *Radiocommunications (Duration of Community Television Transmitter Licences) Determination (No.1) 2008 (Amendment No.1 of 2014)* (Amendment Determination) which has the effect of extending the date after which community television transmitter licences no longer have effect, from 31 December 2014 to 31 December 2015. 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 2014 to 31 December 2015.

The variations also remove obsolete channel allotments in the TLAPs and include missing collection district data in the commercial television licence area in the Brisbane TLAP.

Detailed description of the variations are provided in Attachments A, B and C.

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: 17927).

Consultation and submissions

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

- On 27 November 2014, the ACMA published the following on its website for consultation:
 - draft versions of the variations; and
 - a discussion paper about the draft variations, which invited public comment by 11 December 2014.
- On 27 November 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 draft variations and inviting comment.
- The ACMA received one submission 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 the variations do not raise any human rights issues.

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 2014

Section 1 Name of variation

Section 1 names the variation the *Television Licence Area Plan (Brisbane) 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 (Brisbane) 2012*.

Schedule 1 Variations

Item 1

The text contained in item 1 replaces the text contained in subclause 1(3) of Schedule 1, removing the events and circumstances that were specified for table 1.1 in Schedule 1 as all the events or circumstances that were specified in subclause 1(3) of Schedule 1 are no longer necessary.

Item 2

The table contained in item 2 replaces table 1.1 in Schedule 1.

Item 3

The text contained in item 3 replaces the text contained in subclause 2(3) of Schedule 1, removing the events and circumstances that were specified for table 1.2 in Schedule 1 as all the events or circumstances that were specified in subclause 2(3) of Schedule 1 are no longer necessary.

Item 4

The table contained in item 4 replaces table 1.2 in Schedule 1.

Item 5

The text contained in item 5 replaces the text contained in subclause 3(3) of Schedule 1, removing the events and circumstances that were specified for table 1.3 in Schedule 1 as all the events or circumstances that were specified in subclause 3(3) of Schedule 1 are no longer necessary.

Item 6

The table contained in item 6 replaces table 1.3 in Schedule 1.

Item 7

The text contained in item 7 replaces the text contained in subclause 1(3) of Schedule 2, removing the events and circumstances that were specified for table 2.1 in Schedule 2 as all the events or circumstances that were specified in subclause 1(3) of Schedule 2 are no longer necessary.

Item 8

The table contained in item 8 replaces table 2.1 in Schedule 2.

Item 9

The text contained in item 9 replaces the text contained in subclause 2(3) of Schedule 2, removing the events and circumstances that were specified for table 2.2 in Schedule 2 as all the events or circumstances that were specified in subclause 2(3) of Schedule 2 are no longer necessary.

Item 10

The table contained in item 10 replaces table 2.2 in Schedule 2.

Item 11

The text contained in item 11 replaces the text contained in subclause 1(3) of Schedule 3, removing the events and circumstances that were specified for table 3.1 in Schedule 3 as all the events or circumstances that were specified in subclause 1(3) of Schedule 3 are no longer necessary.

Item 12

The table contained in item 12 replaces table 3.2 in Schedule 3.

Item 13

The Attachment contained in item 13 replaces the text and table contained in Attachment 1 – Brisbane TV1 licence area.

DETAILED DESCRIPTION OF TELEVISION LICENCE AREA PLAN (MELBOURNE) VARIATION 2014

Section 1 Name of variation

Section 1 names the variation the *Television Licence Area Plan (Melbourne) 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 (Melbourne) 2012*.

Schedule 1 Variations

Item 1

The table contained in item 1 replaces table 1.1 in Schedule 1.

Item 2

The text contained in item 2 replaces the text contained in subclause 2(3) of Schedule 1, removing the events and circumstances that were specified for table 1.2 in Schedule 1 as all the events or circumstances that were specified in subclause 2(3) of Schedule 1 are no longer necessary.

Item 3

The table contained in item 3 replaces table 1.2 in Schedule 1.

Item 4

The text contained in item 4 replaces the text contained in subclause 3(3) of Schedule 1, removing the events and circumstances that were specified for table 1.3 in Schedule 1 as all the events or circumstances that were specified in subclause 3(3) of Schedule 1 are no longer necessary.

Item 5

The table contained in item 5 replaces table 1.3 in Schedule 1.

Item 6

The text contained in item 6 replaces the text contained in subclause 1(3) of Schedule 2, removing the events and circumstances that were specified for table 2.1 in Schedule 2 as all the events or circumstances that were specified in subclause 1(3) of Schedule 2 are no longer necessary.

Item 7

The table contained in item 7 replaces table 2.1 in Schedule 2.

Item 8

The text contained in item 8 replaces the text contained in subclause 2(3) of Schedule 2, removing the events and circumstances that were specified for table 2.2 in Schedule 2 as all the events or circumstances that were specified in subclause 2(3) of Schedule 2 are no longer necessary.

Item 9

The table contained in item 9 replaces table 2.2 in Schedule 2.

Item 10

The text contained in item 10 replaces the text contained in subclause 1(3) of Schedule 3, removing the events and circumstances that were specified for table 3.1 in Schedule 3 as all the events or circumstances that were specified in subclause 1(3) of Schedule 3 are no longer necessary.

Item 11

The text contained in item 11 replaces the text contained in subclause 2(3) of Schedule 3, removing the events and circumstances that were specified for table 3.2 in Schedule 3 as all the events or circumstances that were specified in subclause 2(3) of Schedule 3 are no longer necessary.

Item 12

The table contained in item 12 replaces table 3.2 in Schedule 3.

DETAILED DESCRIPTION OF TELEVISION LICENCE AREA PLAN (SYDNEY) VARIATION 2014

Section 1 Name of variation

Section 1 names the variation the *Television Licence Area Plan (Sydney) 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 (Sydney) 2012*.

Schedule 1 Variations

Item 1

The text contained in item 1 replaces the text contained in subclause 1(3) of Schedule 1, removing the events and circumstances that were specified for table 1.1 in Schedule 1 as all the events or circumstances that were specified in subclause 1(3) of Schedule 1 are no longer necessary.

Item 2

The table contained in item 2 replaces table 1.1 in Schedule 1.

Item 3

The text contained in item 3 replaces the text contained in subclause 2(3) of Schedule 1, removing the events and circumstances that were specified for table 1.2 in Schedule 1 as all the events or circumstances that were specified in subclause 2(3) of Schedule 1 are no longer necessary.

Item 4

The table contained in item 4 replaces table 1.2 in Schedule 1.

Item 5

The text contained in item 5 replaces the text contained in subclause 3(3) of Schedule 1, removing the events and circumstances that were specified for table 1.3 in Schedule 1 as all the events or circumstances that were specified in subclause 3(3) of Schedule 1 are no longer necessary.

Item 6

The table contained in item 6 replaces table 1.3 in Schedule 1.

Item 7

The table contained in item 7 replaces table 2.1 in Schedule 2.

Item 8

The text contained in item 8 replaces the text contained in subclause 2(3) of Schedule 2, removing the events and circumstances that were specified for table 2.2 in Schedule 2 as all the events or circumstances that were specified in subclause 2(3) of Schedule 2 are no longer necessary.

Item 9

The table contained in item 9 replaces table 2.2 in Schedule 2.

Item 10

The text contained in item 10 replaces the text contained in subclause 1(3) of Schedule 3, removing the events and circumstances that were specified for table 3.1 in Schedule 3 as all the events or circumstances that were specified in subclause 1(3) of Schedule 3 are no longer necessary.

Item 11

The table contained in item 11 replaces table 3.2 in Schedule 3.

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 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 (Brisbane) Variation 2014* varies the *Television Licence Area Plan (Brisbane) 2012* by extending the channel allotment end date of the community television service in Brisbane until 31 December 2015, removing obsolete channel allotments and inserting missing collection district data in the Brisbane TV1 licence area.

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 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 (Melbourne) Variation 2014* varies the *Television Licence Area Plan (Melbourne) 2012* by extending the channel allotment end date of the community television services in Melbourne and South Yarra until 31 December 2015 and removing obsolete channel allotments.

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 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 (Sydney) Variation 2014* varies the *Television Licence Area Plan (Sydney) 2012* by extending the channel allotment end date of the community television service in Sydney until 31 December 2015 and removing obsolete channel allotments.

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