

## EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

### ***Television Licence Area Plan (Sydney) Variation 2015 (No. 1)***

#### ***Broadcasting Services Act 1992***

#### **Television Licence Area Plan 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 (Sydney) Variation 2015 (No. 1)* varies the *Television Licence Area Plan (Sydney) 2012* (Sydney TLAP).

The Sydney TLAP plans the Sydney TV1 licence areas

The Sydney TLAP came into force on 4 December 2013.

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

The variation removes an obsolete channel allotment in the Sydney TLAP.

A detailed description of the variation is provided in Attachment A.

#### **Regulatory impact analysis**

The ACMA has considered whether a regulatory impact analysis is required and formed the view that the recommendation in this submission is a machinery matter that would not have more than a minor regulatory impact. The Office of Best Practice Regulation (OBPR) has determined that variations to established licence area plans that are unlikely to have a more than minor regulatory impact are exempt from OBPR clearance. Therefore, no further regulatory impact analysis is required – OBPR ID: 13301

#### **Consultation and submissions**

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

- On 18 November 2015, the ACMA published an Issue for Comment on its website, inviting public comment by 2 December 2015.
- On 19 November 2015, the ACMA wrote to the commercial and community television broadcasting licensees likely to be affected, national broadcasters and other relevant persons, alerting them to the proposed variations and inviting comment.
- The ACMA received no submissions on the draft variation.

#### **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 of Compatibility concludes that the content of the variation does not raise any human rights issues.

The Statement of Compatibility prepared for the variation is provided in Attachments B.

## ATTACHMENT A

### **DETAILED DESCRIPTION OF THE TELEVISION LICENCE AREA PLAN (SYDNEY) VARIATION 2015 (No. 1)**

#### **Section 1      Name of Variation**

Section 1 names the variation as the *Television Licence Area Plan (Sydney) Variation 2015 (No. 1)*.

#### **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      Variation**

##### **Item 1**

This item deletes the whole of Clause 2 Table 3.2 – Allotment of channels to providers of other television broadcasting services.

## **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 (Sydney) Variation 2015 (No. 1)***

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 2015 (No. 1)* varies the *Television Licence Area Plan (Sydney) 2012* by removing an obsolete channel allotment.

#### **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**