

Broadcasting Services (Primary Commercial Television Broadcasting Service) Declaration 2020

made under clause 41G of Schedule 4 to the

Broadcasting Services Act 1992

**Compilation No. 1**

**Compilation date:** 17 August 2021

**Includes amendments up to:** F2021L01120

Prepared by the Australian Communications and Media Authority, Melbourne

**About this compilation**

**This compilation**

This is a compilation of the *Broadcasting Services (Primary Commercial Television Broadcasting Service) Determination 2020* that shows the text of the law as amended and in force on 17 August 2021 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Federal Register of Legislation (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Federal Register of Legislation for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Federal Register of Legislation for the compiled law.

**Self-repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

1 Name of Declaration

 This is the *Broadcasting Services (Primary Commercial Television Broadcasting Service) Declaration 2020*.

3 Authority

 This instrument is made under clause 41G of Schedule 4 to the *Broadcasting Services Act 1992.*

5 Definitions

 In this instrument:

***Act*** means the *Broadcasting Services Act 1992*.

***multi-channelled commercial television broadcasting service*** means either a SDTV multi-channelled commercial television broadcasting service as defined by clause 5A of Schedule 4 to the Act, or a HDTV multi-channelled commercial television broadcasting service as defined by clause 5B of Schedule 4 to the Act.

*Note*For the definitions of other expressions used in this instrument, see section 6 of the Act.

6 Reference to other instruments

 In this instrument, unless the contrary intention appears:

 (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and

 (b) a reference to any other kind of instrument is a reference to that other instrument as in force at the commencement of this instrument.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

7 Declaration of primary commercial television broadcasting service – services in the broadcasting services bands

 (1) Under subclause 41G(2) of Schedule 4 to the Act, the ACMA declares that the multi-channelled commercial television broadcasting service specified in column 3 of an item in the table in Schedule 1 is the ***primary commercial television broadcasting service*** of the licensee of the commercial television broadcasting licence set out in column 2 of that item.

 (2) In determining whether a particular multi-channelled commercial television broadcasting service is a service specified in column 3 of the table in Schedule 1, regard may be had to:

 (a) any watermark or image that:

 (i) is displayed during programs provided as part of the service; and

 (ii) identifies the service; and

 (b) any name or logo used in relation to the service in a publicly available listing of the programs provided as part of the service, whether or not the listing is published by the licensee providing the service.

 (3) Subsection (2) does not limit the matters to which regard may be had in determining whether a multi-channelled commercial television broadcasting service is the service specified in column 3 of the table in Schedule 1.

8 Declaration of primary commercial television broadcasting service – satellite services

 (1) Under subclause 41G(4) of Schedule 4 to the Act, the ACMA declares that each of the multi-channelled commercial television broadcasting services specified in column 3 of an item in the table in Schedule 2 is a ***primary commercial television broadcasting service*** of the licensee of the commercial television broadcasting licence set out in column 2 of that item.

 (2) In determining whether a particular multi-channelled commercial television broadcasting service is a service specified in column 3 of the table in Schedule 2, regard may be had to:

 (a) any watermark or image that:

 (i) is displayed during programs provided as part of the service; and

 (ii) identifies the service; and

 (b) any name or logo used in relation to the service in a publicly available listing of the programs provided as part of the service, whether or not the listing is published by the licensee providing the service.

 (3) Subsection (2) does not limit the matters to which regard may be had in determining whether a multi-channelled commercial television broadcasting service is the service specified in column 3 of the table in Schedule 2.

Schedule 1 Primary commercial television broadcasting services – services in the broadcasting services bands

(section 7)

Table 1 Primary commercial television broadcasting services

| Item | Column 1Licence Area | Column 2Service licence number | Column 3Primary Commercial Television Broadcasting Service |
| --- | --- | --- | --- |
| 1 | Mildura/Sunraysia TV1 | SL10088 | 9 |
| 2 | Mildura/Sunraysia TV1 | SL10089 | PRIME7 |
| 3 | Mildura/Sunraysia TV1 | SL1150827 | 10 |
| 4 | Spencer Gulf TV1 | SL10234 | 7 |
| 5 | Spencer Gulf TV1 | SL1150798 | 10 |
| 6 | Spencer Gulf TV1 | SL1130142 | 9 |
| 7 | Broken Hill TV1 | SL10241 | 7 |
| 8 | Broken Hill TV1 | SL1150797 | 10 |
| 9 | Broken Hill TV1 | SL1130143 | 9 |
| 10 | Mount Gambier/South East TV1 | SL10330 | 9 |
| 11 | Mount Gambier/South East TV1 | SL1150799 | 10 |
| 12 | Mount Gambier/South East TV1 | SL1130144 | 7 |
| 13 | Riverland TV1 | SL10174 | 9 |
| 14 | Riverland TV1 | SL1150796 | 10 |
| 15 | Riverland TV1 | SL1130145 | 7 |
| 16 | Regional Victoria TV1 | SL103 | PRIME7 |
| 17 | Regional Victoria TV1 | SL107 | 9 |
| 18 | Eastern Victoria TV1 | SL106 | 10 |
| 19 | Western Victoria TV1 | SL104 | 10 |
| 20 | Griffith and Murrumbidgee Irrigation Area (MIA) TV1 | SL10104 | 9 |
| 21 | Griffith and Murrumbidgee Irrigation Area (MIA) TV1 | SL10103 | 7 |
| 22 | Griffith and Murrumbidgee Irrigation Area (MIA) TV1 | SL1130146 | 10 |
| 23 | Southern NSW TV1 | SL85 | 10 |
| 24 | Southern NSW TV1 | SL90 | PRIME7 |
| 25 | Southern NSW TV1 | SL99 | 9 |
| 26 | Adelaide TV1 | SL120 | 10 |
| 27 | Adelaide TV1 | SL121 | 9 |
| 28 | Adelaide TV1 | SL122 | 7 |
| 29 | Tasmania TV1 | SL132 | 9 |
| 30 | Tasmania TV1 | SL133 | 7 |
| 31 | Tasmania TV1 | SL1150806 | 10 TDT |
| 32 | Perth TV1 | SL10161 | 7 |
| 33 | Perth TV1 | SL10162 | 9 |
| 34 | Perth TV1 | SL10163 | 10 |
| 35 | Brisbane TV1 | SL109 | 7 |
| 36 | Brisbane TV1 | SL110 | 9 |
| 37 | Brisbane TV1 | SL111 | 10 |
| 38 | Regional Queensland TV1 | SL113 | 10 |
| 39 | Regional Queensland TV1 | SL115 | 7 |
| 40 | Regional Queensland TV1 | SL116 | 9 |
| 41 | Geraldton TV1 | SL10418 | GWN7 |
| 42 | Geraldton TV1 | SL1130046 | 10 |
| 43 | Kalgoorlie TV1 | SL10416 | GWN7 |
| 44 | Kalgoorlie TV1 | SL1130048 | 10 |
| 45 | South West and Great Southern TV1 | SL10417 | GWN7 |
| 46 | South West and Great Southern TV1 | SL1130049 | 10 |
| 47 | Western Zone TV1 | SL4747 | GWN7 |
| 48 | Western Zone TV1 | SL1130047 | 10 |
| 49 | Remote and Regional Western Australia TV1 | SL10048 | 9 |
| 50 | Darwin TV1 | SL10172 | 9 |
| 51 | Darwin TV1 | SL10173 | 7 |
| 52 | Darwin TV1 | SL1130013 | 10 Darwin |
| 53 | Northern NSW TV1 | SL94 | 9 |
| 54 | Northern NSW TV1 | SL95 | PRIME7 |
| 55 | Northern NSW TV1 | SL96 | 10 |
| 56 | Sydney TV1 | SL86 | 7 |
| 57 | Sydney TV1 | SL87 | 9 |
| 58 | Sydney TV1 | SL88 | 10 |
| 59 | Melbourne TV1 | SL100 | 10 |
| 60 | Melbourne TV1 | SL101 | 9 |
| 61 | Melbourne TV1 | SL102 | 7 |
| 62 | Remote Central and Eastern Australia TV1 | SL2898 | Imparja |
| 63 | Remote Central and Eastern Australia TV2 | SL4285 | 7 |
| 64 | Remote Central and Eastern Australia TV2 | SL1130050 | 10 CDT |
| 65 | Mt Isa TV1 | SL114 | 7 |
| 66 | Mt Isa TV1 | SL1130051 | 10 CDT |

*Note*Column 1 is included for information only. Licence area refers to the licence area specified by the ACMA in licence area plans made under section 26 of the Act, which are legislative instruments available free of charge on the Federal Register of Legislation at www.legislation.gov.au

Schedule 2 Primary commercial television broadcasting services – satellite services

(section 8)

Table 1 Primary commercial television broadcasting services

| Item | Column 1Licence Area | Column 2Service licence number | Column 3Primary Commercial Television Broadcasting Service(s) |
| --- | --- | --- | --- |
| 1 | South Eastern Australia TV3 | SL1130135 | 10 CDTImparja7 |
| 2 | Northern Australia TV3 | SL1130136 | 10 CDTImparja7 |
| 3 | Western Australia TV3 | SL1130166 | GWN7109 |

*Note*Column 1 is included for information only. Licence area refers to the licence area specified by the ACMA in licence area plans made under section 26 of the Act, which are legislative instruments available free of charge on the Federal Register of Legislation at www.legislation.gov.au

Endnotes

**Endnote 1 – About the endnotes**

The endnotes provide information about this compilation and the compiled law.

Endnote 2 (Abbreviation key) sets out abbreviations that may be used in the endnotes.

Endnote 3 (Legislation history) provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

Endnote 4 (Amendment history) provides information about the amendments at the provision (generally section or equivalent) level and includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

It also includes information about any misdescribed amendment (that is, an amendment that does not accurately describe the amendment to be made). If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history. If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

**Endnote 2—Abbreviation key**

|  |  |
| --- | --- |
| ad = added or inserted | (md not incorp) = misdescribed amendment  |
| am = amended |  cannot be given effect |
| amdt = amendment | mod = modified/modification |
| c = clause(s) | No. = Number(s) |
| Ch = Chapter(s) | par = paragraph(s)/subparagraph(s) |
| def = definition(s) |  /sub‑subparagraph(s) |
| Dict = Dictionary | Pt = Part(s) |
| disallowed = disallowed by Parliament | r = regulation(s)/rule(s) |
| Div = Division(s) | rep = repealed |
| exp = expires/expired or ceases/ceased to have effect | rs = repealed and substituted |
| F = Federal Register of Legislation | s = section(s)/subsection(s) |
| gaz = gazette | Sch = Schedule(s) |
| LA = *Legislation Act 2003* | Sdiv = Subdivision(s) |
| LIA = *Legislative Instruments Act 2003* | underlining = whole or part not |
| (md) = misdescribed amendment can be given effect |  commenced or to be commenced |

**Endnote 3—Legislation history**

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| *Broadcasting Services (Primary Commercial Television Broadcasting Service) Declaration 2020* | 22 September 2020(see F2020L01192) | 23 September 2020 |  |
| *Broadcasting Services (Primary Commercial Television Broadcasting Service) Amendment Declaration 2021* | 16 August 2021(see F2021L01120) | 17 August 2021 |  |
|  |  |  |  |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| s.2  | rep. LA s.48D |
| s.4  | rep. LA s.48C |
| Schedule 1  | am. F2021L01120 |
| Schedule 2  | am. F2021L01120 |
|  |  |
|  |  |
|  |  |
|  |  |