Draft Variation to Licence Area Plan for Darwin and Katherine Television and Radio – No. 1 of 2011

Draft Licence Area Plan – Darwin Television

Discussion paper

MARCH 2012
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Explanatory note

This discussion paper is supplementary to the explanatory paper for the Draft Variation to the Licence Area Plan – Darwin and Katherine Television and Radio – No. 1 of 2011 and the Draft Licence Area Plan – Darwin Television.

The sole purpose of this paper is to seek comments on a possible alternative channel allocation for the Darwin open narrowcasting television service to the channel proposed in the Draft Licence Area Plan – Darwin Television, released for public comment in December 2011.

The Australian Communications and Media Authority (the ACMA) generally considers variations to licence area plans (LAPs) in response to submissions it receives or if it becomes aware of technical issues that require addressing.

Legislative framework

The ACMA prepares LAPs under subsection 26(1) of the Broadcasting Services Act 1992 (the BSA). LAPs determine the number and characteristics, including technical specifications, of broadcasting services provided in particular areas of Australia using the broadcasting services bands. The ACMA may vary LAPs under subsection 26(2) of the BSA.

Section 23 of the BSA imposes specific obligations on the ACMA when carrying out its planning functions. Among other things, it is required to perform its functions in a way that promotes the objects of the BSA, including the economic and efficient use of the radiofrequency spectrum.

The objects of the BSA are set out in section 3. The object of most obvious relevance to the ACMA’s powers under section 26 of the BSA is paragraph (b) of subsection 3(1):

   to provide a regulatory environment that will facilitate the development of a broadcasting industry in Australia that is efficient, competitive and responsive to audience needs.

Section 27 of the BSA provides that the ACMA must make provision for wide public consultation when considering whether to make or vary a LAP.
Introduction
In December 2011, the ACMA published a proposal to vary the Licence Area Plan – Darwin and Katherine Television and Radio – October 1995 (the Darwin LAP). The proposal involved:
> removing the existing television specifications as determined in the Darwin LAP and making these services available in a new LAP titled Licence Area Plan – Darwin Television (Darwin Television LAP)
> changing the technical specifications of the open narrowcasting television service in Darwin to authorise digital transmission, to relocate its transmitter site to Broadcast Site Section 4456 (100), Deloraine Road, Berrimah, and to increase its maximum effective radiated power (ERP) to 85 kilowatts (kW)
> removing an unallocated national or community television specification
> changing the title of the Darwin LAP to Licence Area Plan – Darwin Radio
> making minor administrative updates and deleting information only included for reference that did not form part of the Darwin LAP and may create confusion
> updating the description of the Darwin TV1 licence area in the new Darwin Television LAP so that it is defined in terms used in the Australian Bureau of Statistics 2006 census, and is consistent with the ACMA’s most recent determination of the population of the licence areas under section 30 of the BSA.

More information on the proposed changes to the Darwin LAP is on the ACMA website.

Discussion
In December 2011, the ACMA commenced public consultation on the proposal to vary the Darwin LAP. Submissions on the proposed variation closed at 5 pm on Friday 27 January 2012.

The ACMA received only one submission on the proposed variation, from Larrakia TV, the licensee of the Darwin LAP-planned open narrowcasting television service. In its submission, Larrakia TV requested that the ACMA consider an alternative channel allocation of channel 35 for its service. The ACMA had originally proposed to relocate the open narrowcasting television service to operate on Channel 36 from Broadcast Site Section 4456 (100), Deloraine Road, Berrimah, with a maximum ERP of 85 kW with a directional antenna radiation pattern.

More information on the Larrakia TV submission is on the ACMA website.

The ACMA will consider Larrakia TV’s request. However, before deciding on an alternative channel allocation for the Darwin open narrowcasting television service, the ACMA is seeking comments on this matter.

It is important to note that Larrakia TV is restricted to providing an open narrowcasting television service whose reception is limited in accordance with subsection 18(1) of the BSA.
Invitation to comment

Making a submission
Submissions regarding an alternative channel allocation for the Darwin open narrowcasting television service may be made to the ACMA as follows:

By email: dtls@acma.gov.au

By mail: Discussion paper on Draft LAP for Darwin Television
Digital Television Licensing Section
Australian Communications and Media Authority
PO Box 78
Belconnen ACT 2616

Please quote file reference ACMA2011/188-27 in your reply.

Electronic submissions in Microsoft Word or Rich Text Format are preferred.

The closing date for submissions to this discussion paper is 5 pm on Friday 13 April 2012.

Enquiries may be directed to Lee Thompson, Digital Television Licensing Section, (02) 6219 5211.

Effective consultation
The ACMA is working to enhance the effectiveness of its stakeholder consultation processes, which are an important source of evidence for its regulatory development activities. To assist stakeholders in formulating submissions to its formal, written consultation processes, it has developed Effective consultation: A guide to making a submission. This guide provides information about the ACMA’s formal written public consultation processes and practical guidance on how to make a submission.

Publication of submissions
The ACMA cannot accept claims of confidentiality over submissions received; for example, any submission marked ‘In confidence’, ‘Confidential’ or similar. All submissions it receives are required to be made available for public inspection under section 27(2) of the Broadcasting Services Act 1992. Please contact the ACMA prior to lodgement if you have any concerns or queries about this.

The ACMA does not acknowledge receipt of submissions.