Explanatory Paper

Draft Variation to the Licence Area Plan for Regional Victoria Analog Television 2003

MARCH 2010
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Call for Submissions

Submissions on the matters raised in this Explanatory Paper may be made to the Australian Communications and Media Authority (the ACMA) as follows:

By email:    dtls@acma.gov.au
By mail:     Draft Variation to LAP for Regional Victoria Television
             Digital television Licensing Section
             Australian Communications and Media Authority
             PO Box 78
             BELCONNEN ACT 2616
By fax:      (02) 6219 5347

Please quote file reference ACMA2010/188 in your reply.

Any enquiries concerning matters raised in this document should be directed to Mr Lee Thompson (02) 6219 5211.

The closing date for submissions is 15 April 2010. All submissions received will be made available for public inspection on the ACMA website.¹ (www.acma.gov.au)

¹ Note that the ACMA will not be accepting any 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 BSA the ACMA is required to make all submissions available for public inspection. Please contact the ACMA prior to lodgement if you have any concerns or queries about this.
Explanatory Note

This explanatory paper accompanies the draft Variation to the Licence Area Plan for Regional Victoria Television (the draft variation).

The ACMA generally considers variations to Licence Area Plans (LAPs) in response to submissions made to it or on becoming aware of technical issues that need to be addressed.

Licence Area Plans (LAPs) consist of licence area definitions and technical specifications. Licence Areas are described in terms of collection districts (CDs) defined by the Australian Bureau of Statistics (ABS). The ACMA has reviewed the Licence Areas contained within the Regional Victoria Television LAP and identified that data relating to some CDs require updating. This data represents a minute component of the affected LAP. The CDs have a minor effect on the LAP’s outside boundary but have no implications for adjacent licensees. The proposed changes to the LAP are minor and administrative.

A comprehensive discussion about the proposed changes is set out in the ACMA’s Preliminary View below.

The licence area for commercial television broadcasting services is currently described using data from the 2001 ABS census. The draft variation proposes to amend the LAP by including data from four additional CDs as defined by 2001 ABS Census data.

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 in particular areas of Australia with the use of 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, including, amongst other things, that the ACMA is required to perform its functions in a way that promotes the objects of the Act, including the economic and efficient use of the radiofrequency spectrum.

The object of most obvious relevance to the ACMA’s powers in relation to section 26 of the BSA is that at paragraph (a) of subsection 3(1), that being:

"to promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information."

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.
The ACMA proposes to vary the Regional Victoria Television LAP by way of variations to three commercial television licence areas to include additional collection district (CD) data as defined by the ABS, at the Census of August 2001. The inclusion of these CDs will result in minor changes to the Regional Victoria Television licence area boundary. There are no implications for adjacent licensees.

LAPs determine the number, category and characteristics of broadcasting services that are to be made available for allocation in particular areas of Australia with the use of the broadcasting services bands (AM and FM radio, and VHF and UHF television channels).

The Regional Victoria Television LAP consists of the Regional Victoria TV1, the Eastern Victoria TV1 and the Western Victoria TV1 commercial television licence areas. These licence areas are currently described using collection district data from the ABS 2001 census count, for consistency it is proposed to vary the licence areas by the inclusion of ABS collection district data also from the 2001 census count. A census CD is defined as an area which one census collector can cover delivering and collecting census forms in a specified period. The boundary for the Regional Victoria Television LAP will undergo minor changes with the inclusion of the Jerilderie and Broadford / Waterford Park data. There are no implications for adjacent licensees.

The licence areas are being updated within the current Regional Victoria Television LAP by the addition of the following collection district data:

<table>
<thead>
<tr>
<th>General Area</th>
<th>CD Population (2001)</th>
<th>CD Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jerilderie NSW</td>
<td>326</td>
<td>1011202</td>
</tr>
<tr>
<td>Broadford VIC</td>
<td>809</td>
<td>2051406</td>
</tr>
<tr>
<td>Broadford VIC</td>
<td>117</td>
<td>2051408</td>
</tr>
<tr>
<td>Waterford Park VIC</td>
<td>211</td>
<td>2051409</td>
</tr>
</tbody>
</table>

The Variation to Licence Area Plan Regional Victoria Television - No.1 of 2010 will update the licence areas within the Regional Victoria Television LAP by including this data.