Explanatory paper

DECEMBER 2011
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Submissions

Submissions to this proposal may be made to the Australian Communications and Media Authority (the ACMA) as follows:

Email: dtlst@acma.gov.au
Mail: Draft Variation to Darwin LAP (No. 1 of 2011)
DTLS/TPEB/DTD
Australian Communications and Media Authority
PO Box 78
Belconnen ACT 2616

In your submission, please quote reference number: ACMA2010/188-22

For further enquiries, please contact Lee Thompson:

Email: dtlst@acma.gov.au
Telephone: (02) 6219 5211

The closing date for submissions is 5 pm, Friday 27 January 2012.

All submissions received will be made available on the ACMA website at www.acma.gov.au.

Under subsection 27(2) of the Broadcasting Services Act 1992 (BSA), the ACMA is required to make all submissions available for public inspection. Any submission marked ‘In confidence’, ‘Confidential’ or similar, will not be considered by the ACMA in finalising the LAP variation.
Explanatory paper

This explanatory paper accompanies the proposed Draft Variation to the Licence Area Plan – Darwin and Katherine Television and Radio – No. 1 of 2011 (Darwin LAP) and the Draft Licence Area Plan – Darwin Television.

Legislative background

The ACMA prepares licence area plans (LAPs) under subsection 26(1) of 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, among other things, a requirement to perform its functions in a way that promotes the objects of the BSA, such as the economic and efficient use of the radiofrequency spectrum.

The object of the BSA of most obvious relevance to the ACMA’s powers under section 26 is paragraph (a) of subsection 3(1):

> 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.

Preliminary views

In the context of the policy contained in its General Approach to Analog Planning, the ACMA has reached the following preliminary views, namely that it should:

> remove the existing television specifications as determined in the Darwin LAP and make these services available in a new LAP titled Licence Area Plan – Darwin Television (Darwin TV LAP), in order to be consistent with the ACMA’s more recent practice to separate television and radio LAPs (Preliminary view 1)

> change the technical specifications of the open narrowcasting television service in Darwin to authorise digital transmission, change its transmitter site to Broadcast Site Section 4456 (100) Deloraine Road Berrimah, and change its maximum effective radiated power (ERP) to 85 kilowatts (kW) (Preliminary view 1)

> remove an unallocated national or community television specification (Preliminary view 1)

> change the title of the Darwin LAP to Licence Area Plan – Darwin Radio (Preliminary view 2)

> make minor administrative updates and delete information included for reference only that does not form part of the Darwin LAP and may create confusion (Preliminary view 3).

It is also proposed to update the description of the Darwin TV1 licence area in the new Darwin TV 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.

A full discussion of these matters is set out in the ACMA’s preliminary views below.
Preliminary view 1—Television

The ACMA proposes that the existing channel capacity made available for national and commercial television broadcasting services and the open narrowcasting television service be removed from the Darwin LAP and be made available in the Darwin TV LAP, as described below:

The existing commercial television broadcasting service (NTD) with the broadcasting service licence number (BSL) SL10172 to continue to operate on:

- 189.25 MHz (Ch. 8) from Telstra Comms Site Blake Street Darwin with a maximum ERP of 40 kW with a directional antenna (DA) radiation pattern.
- 674.25 MHz (Ch. 49) from Broadcast Site Section 4456 (100) Deloraine Road Berrimah with a maximum ERP of 150 kW with a DA radiation pattern.
- 737.25 MHz (Ch. 58) from NT House Mitchell Street Darwin with a maximum ERP of 2 kW with a DA radiation pattern.

The existing commercial television broadcasting service (TND) with the BSL SL10173 to continue to operate on:

- 569.25 MHz (Ch. 34) from Broadcast Site Section 4456 (100) Deloraine Road Berrimah with a maximum ERP of 150 kW with a DA radiation pattern.
- 695.25 MHz (Ch. 52) from NT House Mitchell Street Darwin with a maximum ERP of 2 kW with a DA radiation pattern.
- 772.25 MHz (Ch. 63) from Broadcast Site Mardango Crescent Batchelor with a maximum ERP of 50 W with an omnidirectional (OD) radiation pattern.

The existing Darwin national television broadcasting service (ABD) to continue to operate on:

- 175.25 MHz (Ch. 6) from Telstra Comms Site Blake Street Darwin with a maximum ERP of 85 kW with a DA radiation pattern.
- 716.25 MHz (Ch. 55) from NT House Mitchell Street Darwin with a maximum ERP of 2 kW with a DA radiation pattern.

The existing Darwin national television broadcasting service (SBS) to continue to operate on:

- 527.25 MHz (Ch. 28) from Broadcast Site Section 4456 (100) Deloraine Road Berrimah with a maximum ERP of 150 kW with a DA radiation pattern.
- 758.25 MHz (Ch. 61) from NT House Mitchell Street Darwin with a maximum ERP of 2 kW with a DA radiation pattern.

The ACMA proposes to vary the technical specifications of the existing open narrowcasting television service at Darwin. It is proposed that this service will operate on:

- 585.5 MHz (Ch. 36) from Broadcast Site Section 4456 (100) Deloraine Road Berrimah with a maximum ERP of 85 kW with a DA radiation pattern.

The ACMA proposes the existing Darwin TV1 licence area be redefined using 2006 census boundaries, but otherwise remain unchanged.
Introduction
In October 1995, the ACMA’s predecessor, the Australian Broadcasting Authority, determined the television and radio broadcasting services to be available in the Darwin/Katherine area of the Northern Territory in a single LAP.

The ACMA has now formed a view that the existing Darwin LAP should be split, by removing the television specifications from the Darwin LAP, to create separate television and radio LAPs titled:

- Licence Area Plan – Darwin Television (Darwin TV LAP)

This is consistent with the ACMA’s more recent practice for television and radio LAPs and to assist with the switchover to digital television.

The updated Darwin TV1 licence area is detailed in the document Licence Area Map, which accompanies this explanatory paper.

Background
When carrying out its planning functions under Part 3 of the BSA, the ACMA 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 ACMA is also required, when performing these functions, to consider the range of matters set out in paragraphs 23(a) to (g) of the BSA.

The Darwin LAP currently plans one open narrowcasting television broadcasting service. The LAP plans the operation of this service on:

- 779.25 MHz from NT House, Mitchell Street Darwin with a maximum ERP of 2 kW with an OD radiation pattern.

On 28 March 2011, a representative of Larrakia Investments Pty Ltd (Larrakia TV), the licensee of the Darwin LAP-planned open narrowcasting television broadcasting service, wrote to the ACMA and requested that the ACMA consider allowing it to convert from analog to digital broadcasting. To facilitate the move to digital broadcasting, Larrakia TV needs to relocate its transmitter to Broadcast Site Section 4456 (100) Deloraine Road Berrimah with a maximum ERP of 85 kW with a DA radiation pattern.

Discussion
In considering whether to vary the existing LAP specifications for the open narrowcasting television broadcasting service, the ACMA has considered the technical constraints relating to the delivery of broadcasting services (paragraph 23(e) of the BSA) in Darwin.

The ACMA has found that:

- transmission of any digital television service is not possible from NT House
- all commercial and national television broadcasters transmit in digital mode from the Deloraine Road site at a minimum ERP of 85 kW
- operation at 85 kW with a DA radiation pattern will not cause interference to any adjacent or co-channel broadcasting services
- broadcasting at a power level less than 85 kW will make the service less reliable than the other services operating from the site.
Conclusion
The ACMA’s preliminary view is that varying the technical operating conditions of the Larrakia TV service, so that it operates on channel 36 in digital mode with a maximum ERP of 85 kW and a DA radiation pattern from the Broadcast Site Section 4456 (100) Deloraine Road Berrimah, represents an economic and efficient use of radiofrequency spectrum and supports the realisation of the digital dividend.

It is also considered that this variation promotes the objects of the BSA, in particular those at paragraphs 3(1)(a) and (f), as it will maintain the current level of services available in the Darwin area.

It is important to note that despite the change in transmitter site and maximum ERP, Larrakia TV is restricted to providing an open narrowcasting television broadcasting service whose reception is limited in accordance with subsection 18(1) of the BSA.

Licence area
The licence area for commercial and community television broadcasting services in Darwin is currently described using boundaries from the 1991 census count. The Australian Bureau of Statistics has now made available the most recently published data from the 2006 census as prepared by the Australian Statistician.

The ACMA therefore proposes to update the description of the Darwin TV1 licence area so that it is defined in terms used in the 2006 census. This is also consistent with the ACMA’s most recent determination of the population of the licence area under section 30 of the BSA.

Removal of unallocated national or community television specifications
In 1994, the then Minister for Communications, Information Technology and the Arts reserved capacity for an Australia-wide sixth high-power television channel for the provision of national or community broadcasting services. The Darwin LAP was determined to include technical specifications for such a television service in Darwin, Darwin North and Batchelor.

To make spectrum available for the planning of digital television services in 1999, the then Minister revoked the reservation for the Australia-wide sixth television channel in all areas except where a licence had been issued for trial community television services.

In light of the revocation, and to make the proposed Darwin TV LAP consistent with actual operation and planning, it is proposed that the Darwin TV LAP will not include the technical specifications for the planned national/community television services.
The ACMA proposes to change the title of the Darwin LAP to *Licence Area Plan – Darwin Radio*.

As discussed in Preliminary View 1, the ACMA has formed a view that the existing Darwin LAP should be split by removing the television specifications from the Darwin LAP in order to create separate television and radio LAPs. It is proposed that these LAPs be titled:

- *Licence Area Plan – Darwin Television*
- *Licence Area Plan – Darwin Radio*.

This is consistent with the ACMA’s more recent practice for television and radio LAPs.
Preliminary view 3—Minor amendments

The ACMA proposes to update the schedules and attachments in the Darwin TV LAP.

The ACMA proposes to make minor amendments to Schedule One and Attachments 1.2–1.17 that contain the characteristics, including technical specifications, of the television broadcasting services in the Darwin area.

The ACMA does not intend these amendments to alter any existing rights or obligations. It proposals to replace schedules and attachments in their entirety to facilitate these minor amendments.

Television
The proposed changes to Schedule One are:
> renaming the heading at Schedule One so that it reads Licence Area Plan – Darwin Television.

The proposed changes to all attachments include:
> updating the headings to read Licence Area Plan – Darwin Television
> updating the specification number, nominal location and Australian map grid reference (where appropriate)
> updating the site tolerance field to refer to the Broadcasting Services (Technical Planning) Guidelines 2007
> updating the recording method for the output radiation pattern (where appropriate).

This information has been updated for ease of reference only and does not signify a change to the performance or the broadcast site for the transmitters.