Explanatory Paper

AUGUST 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 Mildura/Sunraysia Television and Radio
            Digital Television Licensing Section
            Australian Communications and Media Authority
            PO Box 78
            BELCONNEN ACT 2616

Please quote file reference ACMA2010/188-5 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 5 September 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 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.
Explanatory Note


In July 1995, the Australian Communications and Media Authority’s (ACMA) predecessor, the Australian Broadcasting Authority determined the television and radio broadcasting services to be available in the Mildura/Sunraysia area of Victoria and New South Wales in one Licence Area Plan (LAP) (the existing LAP).

The ACMA has now formed a view that the combined television and radio LAP should be split into two separate LAPs for consistency with the ACMA’s more recent practice in relation to television and radio LAPs.

1. Mildura/Sunraysia Television LAP

The Australian Government has announced that all free-to-air television broadcasters in Australia will complete the switch from analog transmission to digital-only transmission by the end of 2013. The television broadcasting services in the Mildura/Sunraysia licence area were the first services to complete the switch over to digital only television on 30 June 2010.

The ACMA is proposing to make the Mildura/Sunraysia Television LAP to vary the existing LAP to ensure continuity of existing digital television programming on the currently allocated digital channels.

2. Mildura/Sunraysia Radio LAP

The draft Mildura/Sunraysia Radio LAP contains details of all existing national, commercial, community or open narrowcasting radio broadcasting services that are available using the ‘broadcasting services bands’ of the radiofrequency spectrum. These are the parts of the spectrum used by AM and FM radio services.

The draft Mildura/Sunraysia Radio LAP does not make any changes to the radio broadcasting services already specified to be available in Mildura (as previously set out in the existing LAP as varied in October 2002).

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

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 to be available in particular areas of Australia with the use of the broadcasting services bands (BSBs). 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 BSB 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 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.
Preliminary View 1

Commercial Television – Mildura/Sunraysia

The ACMA proposes to vary the Licence Area Plan - Mildura/Sunraysia Television and Radio by replacing the commercial analog channels with the commercial digital channels allotted by the Mildura/Sunraysia Digital Channel Plan (DCP).

The ACMA also proposes to remove the specifications of radio services from the existing LAP and to rename the existing LAP, to reflect that it covers only television broadcasting services.

The ACMA additionally proposes the existing Mildura TV1 licence area be redefined using 2006 Census boundaries, but otherwise remain unchanged.

A DCP allots channels to broadcasters for transmitting commercial and national television broadcasting services in digital mode during a simulcast period.

A simulcast period is a transitional period for a licence area during which a commercial television broadcasting licensee and a national television broadcasting service, for that area, are required to simultaneously transmit the service concerned in both analog mode and digital mode.

During the ´simulcast period´, commercial television broadcasting licensees in the Mildura/Sunraysia licence area were required to transmit on the analog channels allocated under the LAP and on the digital channels allotted to them under the DCP.

After the end of the simulcast period it is intended that licensees will only broadcast on digital channels assigned under the DCP.

It is therefore necessary to vary the existing Licence Area Plan – Mildura/Sunraysia Television and Radio to replace the commercial analog channels with the digital channels in the Mildura/Sunraysia DCP to ensure continuity of existing digital television programming on the allotted channels. This variation reduces any possible impact on television viewers in the Mildura/Sunraysia area and negates any immediate need to retune (digital ready) television sets and set top boxes.

The Variation to Licence Area Plan - Mildura/Sunraysia Television and Radio No.1 2010 updates the commercial analog channels with the commercial digital channels in the Mildura/Sunraysia DCP. The update is for administrative purposes and will not have any impact on citizens viewing digital television within the licence area. It also makes a number of minor changes to improve the drafting of the LAP.

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2 Determined by the Minister under clause 6A of Schedule 4 to the BSA.
3 A restack of spectrum (after the simulcast period) to maximise the digital dividend in line with the Australian Government’s objectives may necessitate retuning by some viewers.
**Licence Area**

The licence area for the commercial television broadcasting services in the Mildura/Sunraysia LAP (Mildura/Sunraysia TV1) is currently described using boundaries described in terms of areas defined by the Australian Bureau of Statistics (ABS) in the 6 August 1991 census. The ABS has now made available the most recently published census count (2006), as prepared by the Australian Statistician.

Therefore, the ACMA proposes to update the description of the Mildura/Sunraysia TV1 licence area so that it is defined in terms used in the 2006 census and is consistent with the ACMA’s most recent determination of population of the licence area under section 30 of the BSA.
Preliminary View 2

National Radio – Mildura/Sunraysia

The ACMA proposes that the existing FM national radio broadcasting services will continue to operate from Yatpool on 100.3 MHz, 101.1 MHz, 102.7 MHz, 104.3 MHz and 105.9 MHz with a maximum effective radiated power (ERP) of 150 kW with a directional antenna pattern.

Open Narrowcasting Radio – Mildura

The ACMA proposes that the existing AM high power open narrowcasting (HPON) radio service will continue to operate from Flora Avenue, Mildura on 1359 kHz with a maximum cymomotive force (CMF) of 140 V.

The existing FM HPON radio service will continue to operate from Byrne Court, Mildura on 89.1 MHz with a maximum ERP of 60 Watts.

Commercial Radio – Mildura/Sunraysia

The ACMA proposes that the existing AM commercial radio broadcasting service 3ML will continue to operate on 1467 kHz with a maximum CMF of 440 V from Flora Avenue, Mildura.

The existing FM commercial radio broadcasting services 3MDA and 3RMR will continue to operate from Sunny Cliffs, 10 km south of Mildura on 99.5 MHz and 97.9 MHz, respectively with a maximum ERP of 20 kW with a directional antenna pattern.

Community Radio – Mildura

The ACMA proposes that the existing community radio broadcasting service 3MPH will continue to operate from Byrne Court, Mildura on 107.5 MHz with a maximum ERP of 1 kW.

The planned but yet to be allocated community radio broadcasting service will continue to be made available from broadcast site in Dareton on 92.3 MHz with a maximum ERP of 1 kW with an associated translator to operate from Moore Street, Robinvale on 89.9 MHz with a maximum ERP of 60 W.

The existing community radio broadcasting service 3HOT will continue to operate from Byrne Court, Mildura on 106.7 MHz with a maximum ERP of 1 kW with associated translators operating as follows:

- 90.7 MHz from Moore Street, Robinvale with a maximum ERP of 60 W;
- 90.7 MHz from broadcast site in Wentworth with a maximum ERP of 60 W; and
- 90.7 MHz from broadcast site in Ouyen with a maximum ERP of 100 W.
 Licence Areas

The licence area for the commercial and community radio broadcasting services in Mildura are currently described using boundaries from the 1991 census count. The ABS has now made available the most recently published census count (2006), as prepared by the Australian Statistician.

Therefore, the ACMA proposes to update the description of the Mildura RA1, Mildura RA2 and RA3 licence areas so that they are defined in terms used in the 2006 census and are consistent with the ACMA’s most recent determination of population of the licence areas under section 30 of the BSA.