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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 Southern NSW Television
Digital Television Licensing Section
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT 2616

Please quote file reference ACMA2010/188 in your reply.

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

The closing date for submissions is 17 October 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 Paper

This explanatory paper accompanies the draft Variation to the Licence Area Plan for Southern NSW Analog 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.

The Southern NSW Analog Television LAP was made by the Australian Broadcasting Authority on 23 October 2003.

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 area contained within the Southern NSW Analog Television LAP and identified that data relating to one CD requires updating. This data represents a very minute component of the affected LAP. The CD has a minor effect on the licence area’s outside boundary but has no implications for adjacent licence areas. The proposed change to the LAP is minor.

A comprehensive discussion about the proposed change is set out in the ACMA’s Proposed Variation 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 licence area by including the one missing CD 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 provided 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 objects of the BSA are set out in section 3. The object of most obvious relevance to the ACMA’s powers in relation to section 26 of the BSA is at paragraph (b) of subsection 3(1), that being:

*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.
Proposed Variation – Southern NSW Television LAP

The ACMA proposes to vary the Southern NSW Analog Television LAP by way of a variation to one commercial television licence area to include additional collection district (CD) data as defined by the Australian Bureau of Statistics, at the census of August 2001. The inclusion of one CD will result in a minor change to the Southern NSW TV1 licence area boundary. There are no implications for adjacent licence areas.

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 Southern NSW Analog Television LAP consists of the Southern NSW TV1 commercial television licence area. This licence area is currently described using collection district data from the ABS 2001 census count. For consistency, it is proposed to vary the LAP by the inclusion of ABS collection district data 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 Southern NSW TV1 licence area will undergo a minor change with the inclusion of data listed in the table below. There are no implications for adjacent licence areas.

The licence area within the current Southern NSW Analog Television LAP is missing the following collection district data:

<table>
<thead>
<tr>
<th>Locality</th>
<th>CD Population (2001)</th>
<th>CD Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goulburn NSW</td>
<td>478</td>
<td>1200103</td>
</tr>
</tbody>
</table>

The Variation to Licence Area Plan Southern NSW Analog Television - No.1 2010 will update the licence area within the Southern NSW Analog Television LAP by including this data.