

## EXPLANATORY STATEMENT

Issued by the authority of the Australian Communications and Media Authority

*Radiocommunications (Digital Radio Channels – NSW/ACT) Plan 2007*

*Radiocommunications Act 1992*

### Purpose

The *Radiocommunications (Digital Radio Channels – NSW/ACT) Plan 2007* (the Plan) describes the frequency channel, licence categories and technical specifications for digital radio multiplex transmitter licences to be issued by the Australian Communications and Media Authority (ACMA) in New South Wales and the Australian Capital Territory.

### Legislative Provisions

Subsection 44A(1) of the *Radiocommunications Act 1992* (the Act) provides that ACMA, before issuing the first digital radio multiplex transmitter licence for a designated BSA radio area must, by legislative instrument, prepare a plan in relation to the area that:

- Allots a frequency channel or channels of at least 1.536 MHz bandwidth (paragraph 44(1)(a));
- Reserves a frequency channel for a category 3 digital radio multiplex transmitter licence (paragraph 44(1)(b));
- Determines the number and combination of category 1 and 2 digital radio multiplex transmitter licences to be issued (paragraphs 44(1)(c) and 44(1)(d));
- Determines technical specifications for each multiplex transmitter to be operated under the digital radio multiplex transmitter licences (paragraph 44(1)(e)).

Before preparing a plan, ACMA must publish a draft plan of that plan on its website and invite members of the public to make submissions within a specified period of at least 30 days (subsection 44A(5))

### Background

On 10 May 2007, the Parliament passed the *Broadcasting Legislation Amendment (Digital Radio) Act 2007* that, amongst other things, gives effect to the Government's digital radio policy announced in October 2005 and facilitates the introduction of digital radio services by amending the Act and the *Broadcasting Services Act 1992* (the BSA). Digital radio services will initially be introduced by 1 January 2009 in the six state capital cities, by commercial radio broadcasters, national broadcasters and wide-coverage community radio broadcasters. Introduction of digital radio to other areas will be considered later.

### Operation

The Plan allots frequency channels and specifies technical specifications for three digital radio multiplex transmitter licences for the designated BSA radio area known as 'Sydney RA1'. One of the frequency channels is reserved for a category 3 digital radio multiplex transmitter licence as the Act provides for national broadcasters to jointly operate a category 3 licence. The remaining two frequency channels are to be made available for two category 1 digital radio multiplex transmitter licences. The Act at paragraph 109B(1)(f) allows a category 1 licence to be used only for transmission of digital commercial radio broadcasting services; digital community radio broadcasting services and restricted datacasting services.

## **Consultation**

On 27 September 2007 the draft Plan was published on the ACMA internet site inviting members of the public to make submissions on the instrument. The release of the draft Plan was accompanied by a media release on the same day announcing the release of the draft Plan for comment.

Also on 27 September, ACMA liaised directly with interested parties to alert them to the release of the draft Plan. These interested parties included peak radio industry bodies and others who had provided their email contact details in response to a letter of 8 June 2007 that was sent to all wide coverage radio broadcasters in the six state capital cities, inviting their representatives to a briefing on digital radio planning. Also alerted to the release of the draft Plan were parties interested in the planning of digital television services, which includes national and commercial television broadcasters and the commercial television peak body.

ACMA ceased accepting comments on the draft Plan on 5 November 2007, having received seven submissions on the proposed arrangements.

ACMA has considered these submissions when making this instrument and made a number of changes to the draft Plan as a result of that consideration.

## **Regulation Impact**

ACMA obtained advice from its SES contact officer for the Government's regulation impact analysis arrangements that the Plan has no or low impact. For those reasons under the self-assessment regime administered by the Office of Best Practice Regulation, ACMA has determined that there is no need to produce a Business Cost Calculator report or to prepare a Regulation Impact Statement. The ACMA RIS exemption reference number is ACMA029.

## **Documents incorporated into this Plan by Reference**

This Plan incorporates information from the guidelines made under section 33 of the BSA, as in force from time to time. These guidelines are currently available in the *Broadcasting Services (Technical Planning) Guidelines 2007*, which can be downloaded from [www.comlaw.gov.au](http://www.comlaw.gov.au).

## **Attachments**

Details of the Plan are in Attachment 1.

## NOTES ON SECTIONS

### **Section 1 Name of Plan**

This section provides for the name of the Plan.

### **Section 2 Commencement**

This section provides for the Plan to commence on the day after it is registered.

### **Section 3 Definition**

This section provides relevant definitions, including that the term 'frequency block' means a frequency channel of 1.536 MHz bandwidth. Frequency block is the term commonly used for the channels used by Digital Audio Broadcasting transmitters.

### **Section 4 Digital radio channel plans**

Subsection 4(1) describes that each schedule is a digital radio channel plan for the designated BSA radio area specified in that schedule. Initially, the Plan contains only one schedule for the designated BSA radio area of 'Sydney RA1'. The instrument may later be varied to add further schedules relating to additional designated BSA radio areas.

Subsection 4(2) describes the issues that the Act requires a Plan to address including: allotting frequency channels; reserving a frequency channel for a category 3 digital radio multiplex transmitter licence; the types and numbers of category 1 and 2 digital radio multiplex transmitter licences; and technical specifications for transmitters to be operated under those licences.

## SCHEDULE 1

### **Designated BSA radio area**

This item specifies that the designated BSA Radio area in relation to Schedule 1 is 'Sydney RA1'. Under section 4(1) the schedule is taken to be a digital radio channel plan for this specified area.

### **Table 1 Frequency channels**

Table 1 lists the frequency blocks that are allotted for use in the area and specifies the relevant licence category and the technical specification number. The technical specifications are provided in the specified attachment to the schedule. The table also specifies that one of the frequency blocks is reserved for a category 3 licence.

Note that, future variations to the Plan may provide additional frequency blocks to be authorised under the same licence. A 'multiplex name' is therefore specified to provide a means of relating different frequency blocks to the one licence.

### **Table 2 Numbers of licences to be issued**

This table specifies the number of digital radio multiplex transmitter licences to be issued in each licence category in relation to the designated BSA Radio area.

### **Attachments to Schedule 1**

The attachments provide the particular technical specifications in relation to each frequency block listed in Table 1 to Schedule 1.