

EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications (Digital Radio Channels – Western Australia) Plan Variation 2008 (No.1)

Radiocommunications Act 1992

Purpose

The *Radiocommunications (Digital Radio Channels – Western Australia) Plan Variation 2008 (No.1)* (the Plan Variation) amends the *Radiocommunications (Digital Radio Channels – Western Australia) Plan 2007* which describes the frequency channel, licence categories and technical specifications for digital radio multiplex transmitter (DRMT) licences issued (or to be issued) by the Australian Communications and Media Authority (ACMA) in Western Australia. The primary purpose of the Plan Variation is to revise the output radiation pattern of each technical specification to allow greater coverage to be achieved by Perth digital radio services.

Legislative Provisions

In accordance with subsection 44A(6) of the *Radiocommunications Act 1992* (the Act), ACMA may by legislative instrument vary a digital radio channel plan (DRCP). Before varying a DRCP, ACMA must publish a draft of the variation on its website and invite members of the public to make submissions within a specified period of at least 30 days and then consider those submissions (subsection 44A(7) of the Act).

In preparing a variation to a DRCP, subsection 44A(8) requires that ACMA must also have regard to the digital radio broadcasting services that are or will be provided in the designated BSA radio area. Other than providing the opportunity of providing greater coverage, the Plan Variation has no effect on any digital radio broadcasting services that will be provided in the designated BSA radio area.

Background

ACMA determined the initial DRCP for Western Australia on 6 December 2007. The output radiation patterns of each technical specification allowed a maximum effective radiated power of 12.5 kW in some directions for the DRMT licences in the designated BSA radio area.

Operation

The Plan Variation revises the two technical specifications for two DRMT licences for the designated BSA radio area known as 'Perth RA1'. Each revised technical specification is identified by a new technical specification number. The table specifying the output radiation pattern in each technical specification is replaced with a new table that permits greater effective radiated power (ERP) levels to be transmitted.

A new definition is inserted into Section 3 to support new Section 5. New Section 5 is intended to aid both ACMA and the DRMT licensees in interpreting the requirements of the output radiation table.

Consultation

On 24 October 2008 the draft Plan Variation was published on the ACMA internet site inviting members of the public to make submissions on the instrument. The release of the draft Plan Variation was accompanied by a media release on the same day announcing the release of the draft Plan Variation for comment.

Also on 24 October, ACMA liaised directly with interested parties to alert them to the release of the draft Plan Variation. 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 Variation 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 Variation on 25 November 2008, having received four submissions on the DRCP variation for Western Australia. Submissions were generally supportive of the proposed variation. One submission, however, expressed a concern regarding the level of signal that might overspill into the adjacent Mandurah RA1 licence area.

ACMA has considered these submissions when making this instrument. ACMA considered the likely level of signal overspill into the Mandurah RA1 licence area would occur as a necessary result of providing an adequate service within the Perth RA1 licence area.

Regulation Impact

ACMA obtained advice from its SES contact officer for the Government's regulation impact analysis arrangements that the Plan Variation 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 Variation by Reference

Nil

Attachments

Details of the Plan Variation are described in the Attachment.

NOTES ON SECTIONS

Section 1 Name of Plan Variation

This section provides for the name of the Plan Variation.

Section 2 Commencement

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

Section 3 Amendment of Radiocommunications (Digital Radio Channels – Western Australia) Plan 2007

This section states that the amendments to the *Radiocommunications (Digital Radio Channels – Western Australia) Plan 2007* (the Plan) are contained in Schedule 1.

SCHEDULE 1

Amendment to Section 3 (Definitions)

Item 1 amends section 3 of the Plan to include the definition of ERP as used in new section 5.

New Section 5 (Maximum ERP Limits)

Item 2 inserts a new clause that provides additional information on how the output radiation pattern in each technical specification is to be interpreted. It also requires the DRMT licensee to demonstrate compliance with the output radiation pattern if requested to do so by ACMA. One of the ways ACMA might seek to confirm compliance is to be provided with calculations of transmission system gains and losses together with modelled vertical and horizontal radiation patterns for the antenna system.

Amendments to Schedule 1, Table 1 (Frequency channels)

Item 3 varies the technical specification numbers in Table 1.

Amendments to Schedule 1, Attachments 1.1 and 1.2 (Technical Specifications)

Items 4 and 6 replace the technical specification number of each technical specification.

Items 5 and 7 replace the output radiation pattern table of each technical specification.