

Commercial Television Conversion Scheme Variation 2011 (No. 1)1

*Broadcasting Services Act 1992*

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Variation under subclause 6 (1) of Schedule 4 to the *Broadcasting Services Act 1992*.

Dated *16th August 2011*

*Chris Chapman*   
(signed)   
Member

*Richard Bean*   
(signed)   
Member/~~General Manager~~

Australian Communications and Media Authority

1 Name of Variation

This Variation is the *Commercial Television Conversion Scheme Variation 2011 (No. 1)*.

2 Commencement

This Variation commences the day after it is registered.

3 Variation of *Commercial Television Conversion Scheme 1999*

Schedule 1 varies the *Commercial Television Conversion Scheme 1999*.

Schedule 1 Variations

(section 3)

[1] Subsection 7(1A)

substitute

(1A) Subject to subsection (1B), a digital channel plan may allot channels to holders in a licence area, allowing the holders to transmit in digital mode after a simulcast period for the licence area.

[2] After subsection 7(1A)

insert

(1B) A digital channel plan must not allot channels to holders in a licence area if a television licence area plan for the licence area has come into force.

*Note* Clause 7AA of Schedule 4 to the Act provides that this Scheme, and a digital channel plan, to the extent to which they allot channels for a particular licence area, cease to have effect when the television licence area plan for that licence area comes into force.

[3] Subsection 13(1)

substitute

(1) This section applies if ACMA wishes to vary a digital channel plan made, or taken to be made, for this Scheme.

[4] Section 53A

omit the section

[5] Section 53B

omit the section

[6] Subsection 53C(1)

after

in analog mode

insert

made using a transmitter located

[7] Subsections 53C(2), 53C(3) and 53C(4)

omit the subsections

[8] Section 53D

omit the section

[9] Section 54

omit the section

[10] Section 55 (including the note)

omit the section

[11] Section 56

*omit the section*

[12] Subsections 57(2) and 57(3)

omit the subsections

[13] Section 58 (including the note)

omit the section

[14] Paragraph 90(ja)

*after*

are to be made

*insert*

using a transmitter located

[15] After paragraph 90(ja)

*insert*

(jb) the policy objective that, if the television licence area plan for a licence area comes into force immediately after the end of the simulcast period for that area, each holder of a commercial television broadcasting licence for that area is to transmit the commercial television broadcasting service concerned in digital mode in that area after the end of the simulcast period using such channel or channels as are allotted under the television licence area plan for that area;

(jc) the policy objective that, if the television licence area plan for a licence area does not come into force immediately after the end of the simulcast period for that area, each holder of a commercial television broadcasting licence for that area is to transmit the commercial television broadcasting service concerned in digital mode in that area during the period:

(i) beginning at the end of the simulcast period; and

(ii) ending immediately before the television licence area plan comes into force;

using such channel or channels as ACMA allots under the scheme or a digital channel plan, having regard to:

(iii) the need to plan the most efficient use of the spectrum; and

(iv) the other relevant policy objectives of the scheme;

(jd) the policy objective that, if the television licence area plan for a licence area does not come into force immediately after the end of the simulcast period for that area, each holder of a commercial television broadcasting licence for that area is to transmit the commercial television broadcasting service concerned in digital mode in that area after the television licence area plan comes into force using such channel or channels as are allotted under the television licence area plan for that area;

[16] Subsection 92(2)

substitute

(2) Subject to subsection (2A), a digital channel plan may allot channels to holders in a licence area, allowing the holders to transmit in digital mode after a simulcast period for the licence area.

[17] After subsection 92(2)

insert

(2A) A digital channel plan must not allot channels to holders in a licence area if a television licence area plan for the licence area has come into force.

*Note* Clause 7AA of Schedule 4 to the Act provides that this Scheme, and a digital channel plan, to the extent to which they allot channels for a particular licence area, cease to have effect when the television licence area plan for that licence area comes into force.

[18] Subsection 98(1)

omit  
  
, and sections 143B and 145 do not apply

[19] Paragraph 142(1)(a)

*substitute*

(a) paragraph 7(1)(ma) of Schedule 2 to the Act; or

[20] After paragraph 142(1)(a)

*insert*

(aa) paragraph 7(1)(mb) of Schedule 2 to the Act; or

[21] Section 143A

omit the section

[22] Section 143B

omit the section

[23] Subsection 143C(1)

after

in analog mode

insert

made using a transmitter located

[24] Subsections 143C(2), 143C(3) and 143C(4)

omit the subsections

[25] Section 143D

omit the section

[26] Section 144

omit the section

[27] Section 145 (including the note)

omit the section

[28] Section 146

omit the section

[29] Subsections 147(2) and 147(3)

omit the subsections

[30] Section 148 (including the note)

omit the section

**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003.* See http://www.frli.gov.au.