

# Explanatory Statement

Issued by the authority of the Australian Communications and Media Authority

*COMMERCIAL TELEVISION CONVERSION SCHEME VARIATION 2011 (No. 2)*

*Broadcasting Services Act 1992*

## Background, purpose and legislative basis

This document provides an explanation of the *Commercial Television Conversion Scheme Variation 2011 (No. 2)* (the Variation), made under subclause 6(1) of Schedule 4 to the *Broadcasting Services Act 1992* (the BSA).

In 1998, the *Television Broadcasting Services (Digital Conversion) Act 1998* inserted Schedule 4 into the BSA. Schedule 4 provides for the conversion of transmission of broadcasting services from analog mode to digital mode.

Subclause 6(1) of Schedule 4 required the Australian Broadcasting Authority (ABA) to formulate a scheme for the gradual conversion of the transmission of commercial television broadcasting services from analog mode to digital mode.

Consequently, in 1999 the ABA made the *Commercial Television Conversion Scheme 1999* (the Commercial Scheme) applicable to commercial television broadcasting services (as defined in clause 2 of Schedule 4 to the BSA) throughout Australia. An equivalent conversion scheme applying to national television broadcasting services, the *National Television Conversion Scheme 1999* (the National Scheme), was also made in the same year.

From 1 July 2005 the Australian Communications and Media Authority (ACMA) was formed, and took over the performance of the powers and functions under the BSA previously performed by the ABA, including all powers and functions in relation to the two schemes.

The Commercial Scheme is divided into two Parts (Part A and Part B). Part A applies to commercial television broadcasting services in non-remote (i.e. regional and metropolitan) licence areas, and Part B applies to remote licence areas. Each part contains rules for:

- the creation of digital channel plans (DCPs) by the ACMA, which allot digital channels to commercial television broadcasters for the transmission of television services in digital mode;
- the creation of implementation plans by commercial broadcasters which outline the roll-out process for digital services by commercial television broadcasters;
- test transmissions of digital services; and
- other matters necessary for the conversion of the transmission of broadcasting services from analog to digital mode.

Over time, both Schedule 4 to the BSA and the Commercial Scheme have been varied in response to the changing broadcasting environment.

## **Commercial Scheme variations – Commercial Television Conversion Scheme Variation 2011 (No. 2)**

The amendments made by this Variation are intended to update the Commercial Scheme to reflect amendments to the BSA by the *Broadcasting Legislation Amendment (Digital Television) Act 2010* (the Amendment Act), which commenced on 30 June 2010.

The Amendment Act made a number of amendments to provisions in the BSA including amendments to provisions that relate to the Commercial Scheme. These provisions relate to:

- the allocation of new digital television licences in under-served regional markets (markets with only two commercial television services)
- the provision by commercial television broadcasters of digital-only services in areas that do not currently receive analog services during a simulcast period
- the application of the Commercial Scheme to gap-filler and satellite services
- the digital switchover of 'self-help' services, such as those run by local governments, that retransmit commercial or national television services.

However, provisions relating to the digital switchover of 'self-help' services were repealed by a later Amendment Act (the *Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Act 2011*). For this reason, amendments to the Commercial Scheme for those provisions are not included in this Variation.

In addition, variations have been made that are intended to improve the operation of the Commercial Scheme and to clarify parts of the Scheme.

The ACMA has made an equivalent set of variations to the National Scheme (*National Television Conversion Scheme Variation 2011 (No. 2)*).

### **Consultation**

Section 17 of the *Legislative Instruments Act 2003* (the LIA) states that where a legislative instrument is likely to have a direct, or substantial indirect, effect on business, or to restrict competition, the ACMA must be satisfied that any consultation it considers to be appropriate and that is reasonably practicable to undertake has been undertaken. Additionally, under clause 18 of Schedule 4 to the BSA the ACMA must make provision for consultation with the public, commercial television broadcasting licensees, national broadcasters and owners and operators of broadcasting transmission towers when varying the Commercial Scheme.

On 22 December 2010 the ACMA released a consultation paper on the proposed amendments to the Commercial Scheme for public comment on its web site.

Additionally, on this date the ACMA emailed commercial television broadcasting licensees, national broadcasters and the owners and operators of broadcasting transmission towers informing them of the variations as proposed in the consultation paper and inviting comment.

The closing date for submissions as part of this process was 4 February 2011.

The ACMA received written submissions from Broadcast Australia and Free TV Australia, which have been placed on the ACMA website. Comments made in those submissions were taken into account in finalising the Variation.

### **Regulatory Impact**

The ACMA has considered whether a regulatory impact analysis process is required by undertaking a preliminary assessment for this Variation, and based on this preliminary assessment the Office of

Best Practice Regulation (OBPR) has determined that the proposed regulatory change is minor or machinery in nature and has therefore verified that no further regulatory impact analysis is required – OBPR reference number 2011/12493.

**Commencement**

In accordance with section 2 of the Variation, sections 1, 2 and 4, and Schedule 2 of the Variation will commence the day after it is registered on the Federal Register of Legislative Instruments. Section 3 and Schedule 1 will commence immediately after Schedule 2 commences.

## **Notes on the Instrument**

### **Section 1 – Name of Instrument**

This section sets out the title of the Variation which is the *Commercial Television Conversion Scheme Variation 2011 (No. 2)*.

### **Section 2 – Commencement**

This section provides that Sections 1, 2 and 4, and Schedule 2 of the Variation commence the day after it is registered on the Federal Register of Legislative Instruments. Schedule 1 commences immediately after Schedule 2 commences.

### **Section 3 – Variation of the Scheme**

This section sets out that Schedules 1 and 2 to the Variation vary the Commercial Scheme.

### **Schedule 1 – General Variations**

#### **Part 1 – Multi-channelling amendments**

##### **Item [1] – After subsection 7(3)**

Item [1] amends the Commercial Scheme to clarify that the ACMA may allot a 7 MHz television channel in a DCP for a non-remote licence area to holders of commercial television broadcasting licence allocated under section 38B of the BSA (a section 38B licence).

A section 38B licence is a commercial television broadcasting licence that may be allocated to one of the incumbent commercial television broadcasting licensees in a regional licence area that has only two existing commercial television broadcasting licences. The effect of such an allocation is that the regional licence area is subsequently served by three commercial television broadcasting licences. A section 38B licence is only authorised to deliver a commercial television broadcasting service in digital mode.

Although a service provided under a section 38B licence is not subject to a conversion from analog to digital mode, it is intended that television channels can be allotted to such services in a DCP.

##### **Item [2] – Subsection 8(4)**

Item [2] relates to the allotment of 7 MHz channels in a DCP to the holder of multiple commercial television broadcasting licences in a regional licence area to which a 'multi-channelling election' applies. It varies subsection 8(4) of the Commercial Scheme to allow the ACMA to allot more than one channel to such a holder for the purpose of transmitting all of the standard definition television (SDTV) services of the commercial television broadcasting licenses to which a multi-channelling election applies.

The BSA provides that, where an incumbent commercial television broadcasting licensee in a regional licence area is allocated a second licence under section 38A or 38B of the BSA, the licensee is allowed to make a 'multi-channelling election' under paragraph 6(5A)(d) or (5AA)(d) of Schedule 4 to the BSA. This election applies to both commercial television broadcasting services provided under the two commercial television broadcasting licences held by the licensee. The election allows the licensee to transmit both services in digital mode on one or more 7 MHz television channels using the multi-channelling capacity of each channel. Where such an election is in force, a licence condition requiring the transmission of a high-definition television (HDTV) multi-channelled service by the licensees does not apply. Whilst such an election was in force, services provided under the two licences could be transmitted from a single transmitter at any given site.

Following the passage of the Amendment Act, certain incumbent commercial broadcasting licensees in regional licence areas that hold a second commercial television broadcasting licence under section 38A of the BSA may apply for a third commercial television broadcasting licence under section 38B of the BSA (this was not permitted prior to the passage of the Amendment Act). In these circumstances the licensee can make a multi-channelling election covering the services provided in digital mode under all three licences.

However, so that the licensee in these areas can provide all of the extra digital television multi-channels currently available in metropolitan areas, the multi-channelling election would permit the licensee to provide digital services under three licences over *two* 7 MHz channels (thereby requiring two transmitters at each site). In order to ensure that there is sufficient capacity over two channels, the commercial television broadcasting licensee in these markets may choose to transmit a HDTV multi-channelled service in standard definition television (SDTV) mode.

Previously, where a multi-channelling election was in force, subsection 8(4) of the Commercial Scheme only allowed the ACMA to allot one digital television channel in a DCP between all of the commercial television broadcasting licensees to which the election applies.

This reflects the previous purpose of the multi-channelling policy objectives in subclause 6(5B) of Schedule 4 to the BSA which, prior to the passage of the Amendment Act, required Part A of the Commercial Scheme to authorise the provision of only two commercial television broadcasting services using the multi-channelling capacity of a channel. The implication of this, combined with the HDTV exemption, was that only one channel would be required to meet this policy objective.

Following the passage of the Amendment Act, a multi-channelling election is intended to facilitate the transmission of several SDTV services which may be provided under up to three licences, requiring more than one 7 MHz channel.

#### **Item [3] – Subsection 8(5)**

#### **Item [4] – Subsection 8(6)**

Items [3] and [4] set out the circumstances in which the ACMA may remove the reservation of a 7 MHz channel in a DCP previously included in the event that a multi-channelling election is revoked.

Item [3] varies subsection 8(5) of the Commercial Scheme to allow the ACMA, after the end of a simulcast period for a licence area, to remove from a DCP any 7MHz channels that had previously been reserved for services provided under a commercial television broadcasting licence to which a multi-channelling election applies, in the event that the election is revoked.

Prior to the passage of the Amendment Act, paragraph 6(5B)(c) of Schedule 4 to the BSA provided for the Commercial Scheme to facilitate the continuation of a multi-channelling election after the end of a simulcast period. The policy objective effectively required the Commercial Scheme to ensure that the ACMA planned channels for these services into the future. However, the Amendment Act repealed this policy objective and the Commercial Scheme is no longer required to provide for the planning of channels for each commercial television broadcasting licensee subject to a multi-channelling election after the end of the simulcast period.

Item 93 of the Explanatory Memorandum to the bill for the Amendment Act notes that the effect of removing this objective means that if a multi-channelling election is revoked ‘there is no guarantee that the licensee will get additional transmission capacity (an extra 7 MHz spectrum channel).’

Item [4] varies the Commercial Scheme to repeal subsection 8(6). This item is consequential to the variation made at item [3].

**Item [5] – Paragraph 13(4)(a)**

Item [5] corrects a cross-referencing error in paragraph 13(4)(a) of the Commercial Scheme..

**Item [6] – After subsection 13(5)**

Item [6] inserts subsection 13(5A) into the Commercial Scheme. This item is consequential to the variation at item [1]. Subsection 13(5A) requires the ACMA to have regard to the policy objectives at subclause 6(5B) of Schedule 4 to the BSA (relating to multi-channelling elections) when varying a DCP that relates to a commercial television broadcasting licensee to which a multi-channelling election continues to apply.

**Item [7] – Subsection 14(3), note**

Item [7] substitutes the previous note after subclause 14(3) with a new note referring to subsection 111(5) of the *Radiocommunications Act 1992* (RA), which provides for the variation of transmitter licence conditions under the Commercial and National Schemes.

**Item [8] – Subsection 45(1) (including the note)**

**Item [9] – Subsection 45(2)**

**Item [10] – After subsection 45(2) (after the note)**

**Item [11] – Subsection 69(2)**

**Item [12] – After subsection 69(2) (after the note)**

**Item [13] – Subsection 71(1)**

**Item [14] – After subsection 71(1) (after the note)**

**Item [15] – Subsection 74(2)**

**Item [16] – After subsection 74(2) (after the note)**

**Item [17] – Subsection 83(1)**

**Item [18] – After subsection 83(1) (after the note)**

Items [8] to [18] make a series of technical variations to the Commercial Scheme. These items each amend provisions relating to the issue of transmitter licences in non-remote licence areas so that the ACMA is not required to issue a transmitter licence to a commercial television broadcasting licensee if it is not necessary to do so due to a multi-channelling election being in force.

**Item [19] – After subsection 92(3) (after the note)**

Item [19] amends the Commercial Scheme to clarify that the ACMA may allot a 7 MHz television channel in a DCP for a remote licence area to holders of commercial television broadcasting licences allocated under section 38B of the BSA (section 38B licences). The item makes the equivalent variation to Part B of the Commercial Scheme to that made to Part A by Item [1].

**Item [20] – Subsection 93(4)**

**Item [21] – Subsection 93(5)**

#### **Item [22] – Subsection 93(6)**

#### **Item [23] – Subsection 93(7)**

Items [20] to [23] relate to the allotment of 7 MHz channels in a DCP to the holder of multiple commercial television broadcasting licences in a remote licence area to which a ‘multi-channelling election’ (made under subclause 6(7B) of Schedule 4 to the BSA) applies.

Item [20] varies subsection 93(4) of the Commercial Scheme to allow the ACMA to allot more than one channel to such a holder for the purpose of transmitting all of the SDTV services of the commercial television broadcasting licensees to which a multi-channelling election applies.

Subsection 93(4) of the Commercial Scheme previously allowed the ACMA to allot only one channel to a remote area commercial television broadcasting licence allocated under section 38B of the BSA where a multi-channelling election is in force. The provision was intended to replicate the equivalent provision in subsection 8(4) of Part A of the Commercial Scheme (set out at item [2]).

Subsection 93(4) was previously inconsistent with the policy objective at subclause 6(7H) of Schedule 4 to the BSA to which Part B of the Commercial Scheme must be directed to achieve. This policy objective requires that each commercial television broadcasting service provided both by a section 38B licensee and by the parent licensees<sup>1</sup> in a remote licence area should be authorised to be transmitted in SDTV digital mode using multi-channelling transmission capacity whilst a multi-channelling election is in force. The implication of this policy objective (noting that several multi-channelled commercial television services may be provided under a single licence) is that more than one channel would be required to provide all of the services that each licence is authorised to provide.

Items [21] to [23] make amendments to the provisions setting out how the ACMA may reserve channels in a DCP for commercial television broadcasting services to which a multi-channelling election applies in the event that the election is revoked. Item [21] substitutes a new provision at subsection 93(5) that allows the ACMA to reserve channels in a DCP in the event that a multi-channelling election is revoked. The variation would also permit the ACMA to vary a DCP to remove a channel reservation after the end of the simulcast period if the election is not revoked by that time, but does not prevent the ACMA from removing it during the simulcast period. This variation is consequential to the variation at Item [20].

Item [22] repeals subsection 93(6) of the Commercial Scheme, and item [23] repeals subsection 93(7). These variations are consequential to the variation at item [21].

#### **Item [24] – After subsection 98(5)**

Item [24] inserts subsection 98(5A) into the Commercial Scheme. This item is consequential to the variation at item [19], and makes an equivalent variation to Part B of the Commercial Scheme to that made to Part A by Item [6]. Subsection 98(5A) requires the ACMA to have regard to the policy objectives at subclause 6(7H) of Schedule 4 to the BSA (relating to multi-channelling elections) when varying a DCP for a remote area that relates to a commercial television broadcasting licensee to which a multi-channelling election continues to apply.

---

<sup>1</sup> In this context, the ‘parent licensees’ are the two remote area commercial television broadcasting service licensees that jointly own the company that holds a section 38B licence.

**Item [25] – Subsection 127(1) (including the note)**

**Item [26] – Subsection 127(2)**

**Item [27] – After subsection 127(2) (after the note)**

Items [25] to [27] make a series of technical variations to the Commercial Scheme that amend provisions relating to the issue of transmitter licences in remote licence areas so that the ACMA is not required to issue a transmitter licence to a commercial television broadcasting licensee if it is not necessary to do so due to a multi-channelling election being in force.

**Part 2 – Miscellaneous amendments**

**Item [28] – Section 3A**

**Item [29] – After paragraph 3A(1)(a)**

Item [29] inserts a provision at paragraph 3A(1)(aa) of the Commercial Scheme. The effect of this is to exclude the operation of the Scheme from SDTV multi-channelled commercial television broadcasting services. This is consistent with the provision at subclause 6(7JA) of Schedule 4 to the BSA. The clause specifies that where a SDTV multi-channelled commercial television broadcasting service is a commercial television broadcasting licensee's primary service (for example after the end of the simulcast period for a licence area), the Commercial Scheme will apply to that service. Item [28] makes a change consequential to item [29].

**Item [30] – Paragraph 3A(1)(b)**

**Item [31] – Paragraph 3A(1)(c)**

Items [30] and [31] make minor amendments to paragraphs 3A(1)(b) and (c) of the Commercial Scheme to correct a drafting error in each provision.

**Item [32] – After paragraph 3A(1)(c)**

Item [32] inserts a provision at paragraph 3A(1)(d) of the Commercial Scheme to exclude the operation of the Commercial Scheme from commercial television broadcasting services provided under a commercial television broadcasting licence allocated under section 38C of the BSA (a section 38C licence). Section 38C licences relate to satellite television services provided to ensure that all audiences have access to commercial television broadcasting services when not served by terrestrial transmitters.

This variation is intended to reflect the provision at subclause 6(7KA) of Schedule 4 to the BSA which specifies that the clause requiring the ACMA to make the Commercial Scheme does not apply to a section 38C licence.

**Item [33] – After subsection 3A(1)**

Item [33] inserts a provision at subsection 3A(2) of the Commercial Scheme. The provision specifies that commercial television broadcasting services provided under a section 38C licence or under a transmitter licence issued under section 100 of the RA (a section 100 transmitter licence) are to be disregarded when considering whether a service in SDTV digital mode achieved the same level of coverage and potential reception quality as was achieved by the transmission of the service in analog mode as set out in paragraphs 6(3)(f), (j) and (ja) of Schedule 4 to BSA (the same level of coverage objectives). For example, when the ACMA is considering whether an implementation plan provided by a commercial television broadcasting licensee is suitable for approval under section 28 of the



Commercial Scheme, it is not to consider transmissions made under a section 100 transmitter licence or a section 38C licence.

This item is intended to reflect the provision at subclause 6(5CA) of Schedule 4 to the BSA which specifies that a commercial television broadcasting service provided under a section 38C licence is to be ignored with respect to the achievement of the same level of coverage objectives.

#### **Item [34] – After paragraph 4(1)(c)**

Item [34] relates to the publication of notices by the ACMA under the Commercial Scheme.

The Commercial Scheme provides that where the ACMA is required to publish a 'notice' under a scheme, it must do so by publishing it in at least one of a set of ways specified in subsection 4(1).

Item [34] extends the categories of publication under the Commercial Scheme to include publication on the ACMA's internet site.

#### **Item [35] – Subsection 17(2), note**

Item [35] makes a minor correction to the drafting of the note after subsection 17(2) of the Commercial Scheme.

#### **Item [36] – Subsection 36(1)**

Item [36] corrects a cross-referencing error in subsection 36(1) of the Commercial Scheme.

#### **Item [37] – Section 44**

Item [37] corrects a drafting error in section 44 of the Commercial Scheme. Section 44 provides for the variation of a transmitter licence following the variation of an implementation plan. Item [37] amends the provision to remove a requirement for the ACMA to issue a new transmitter licence (which is not required following the variation of a licence).

#### **Item [38] – After subsection 49(2)**

Item [38] relates to the application of analog/digital simulcasting requirements to commercial television broadcasting services transmitted under section 100 transmitter licences from sites which did not previously transmit those services in analog mode.

Part 3 of Schedule 2 to the BSA contains licence conditions that apply to commercial television broadcasting licensees. These licence conditions include requirements at paragraphs 7(1)(k) and (m) of Schedule 2 that a commercial television broadcasting licensee must comply with the requirements of the Commercial Scheme (with some exceptions), and not broadcast a SDTV television program during the simulcast period for a licence area unless the program is broadcast simultaneously in analog mode (or it is in a part of the licence area that has not been determined by the Minister to be a digital-only local market area).

On the basis that the services provided under section 100 transmitter licences are new digital-only services, rather than conversions of pre-existing analog services, the Amendment Act inserted subclause 7(4A) of Schedule 2 to the BSA which specifies that these services do not fall within the scope the licence conditions at paragraphs 7(1)(k) and (m).

Consequent to the enactment of subclause 7(4A), item [38] inserts subsection 49(2A) of the Commercial Scheme which provides that transmissions of commercial television broadcasting services in SDTV digital mode authorised under a section 100 transmitter licence are to be disregarded when determining whether a commercial television broadcasting licensee has complied

or is complying with the requirement to transmit simultaneously in both analog and SDTV digital mode during the simulcast period for so much of a licence area that is not a digital-only local market area.

**Item [39] – Subsection 50(1), note 2**

Item [39] makes a correction to note 2 after subsection 50(1) of the Commercial Scheme. The note has been corrected to refer to sections 47 and 48 of the Commercial Scheme as being sections that relate to the start of digital transmission in metropolitan and regional licence areas.

**Item [40] – Paragraph 91(3)(a)**

**Item [41] – Paragraph 91(3)(b)**

Items [40] and [41] relate to the application of technical documents that are made under Part A of the Commercial or National Schemes to DCPs made or prepared under Division 3 of Part B of the Commercial Scheme. The items vary paragraphs 91(3)(a) and (b) of the Commercial Scheme so that the ACMA may publish a notice stating that a document prepared under subsection 6(1) of either the Commercial or National Schemes is taken to be a document prepared for section 91, irrespective of whether the document was in force at the commencement of section 91.

**Item [42] – Subsection 98(5)**

Item [42] corrects a cross-referencing error in subsection 98(5) of the Commercial Scheme.

**Item [43] – After subsection 107(5)**

Item [43] inserts a note after subsection 107(5) of the Commercial Scheme to clarify that in addition to the matters set out in subsection 107(5) to which the ACMA must have regard when considering whether to approve an implementation plan, there is a matter in section 108 of the Commercial Scheme to which the ACMA must have regard in some circumstances.

**Item [44] – Subsection 112(7)**

**Item [45] – Subsection 121(4)**

**Item [46] – Paragraph 122(6)(a)**

Items [44] to [46] amend drafting in subsections 112(7) and 121(4) and paragraph 122(6)(a) of the Commercial Scheme to clarify that a reference to 'sections 107 to 111' in those provisions refers to those sections on an inclusive basis.

**Item [47] – After subsection 139(2)**

Item [47] relates to the application of analog/digital simulcasting requirements to commercial television broadcasting services transmitted under section 100 transmitter licences from remote area sites which did not previously transmit those services in analog mode. The item makes an equivalent amendment to Part B of the Commercial Scheme as is made with respect to Part A of the Commercial Scheme at Item [38].

**Item [48] – Paragraph 139(3)(b)**

Item [48] relates to the date on which the simulcast period for a remote licence area is to end.

Subclause 6(7) of Schedule 4 to the BSA specifies that Part B of the Commercial Scheme may make provision for the establishment of a simulcast period for a remote licence area. Paragraphs 6(7A)(a)

and (b) of Schedule 4 further specify that the simulcast period is to commence on the digital television commencement date for the remote licence area (as specified in the Commercial Scheme) and is to run for such period as the ACMA determines under the Scheme. Subclause 6B(1) of Schedule 4 provides that the ACMA must not determine a simulcast period if the period ends after 31 December 2013, unless the Minister makes a legislative instrument under subclause 6B(2) that specifies that subclause 6B(1) does not apply.

Pursuant to paragraph 6(7A)(b) of Schedule 4, paragraph 139(3)(b) of the Commercial Scheme previously specified that the simulcast period was to run for a period determined by the ACMA (and subject to a consultation process set out in subsection 139(4) of the Commercial Scheme).

Paragraph 139(3)(b) now provides that the simulcast period for a remote licence area ends either on the date determined by the ACMA that is before 31 December 2013, or, if the Minister makes a legislative instrument under subclause 6B(2) of Schedule 4 to the BSA, any other date determined by the ACMA. Item [48] also provides that in any other case (i.e. if the ACMA does not determine a date), pursuant to subparagraph 139(3)(b)(ii) of the Commercial Scheme the simulcast period for a remote licence area ends on 31 December 2013.

**Item [49] – Subsection 159(3)**

**Item [50] – Subsection 161(2)**

**Item [51] – Subsection 164(3)**

**Item [52] – Subsection 173(5)**

Items [49] to [52] make a series of minor amendments to a number of provisions concerned with the issue of transmitter licences to commercial television broadcasting licensees for the purpose of conducting test transmissions (subsections 159(3), 161(2), 164(3) and 173(5)). The Items amend these provisions to specify that the transmitter licences are issued on a test basis.

**Item [53] – After subsection 174(2)**

**Item [54] – After subsection 175(4)**

**Item [55] – After subsection 176(5)**

Items [53] to [55] make minor amendments to a number of provisions that are intended to require the surrender of digital transmitter licences by remote area commercial television broadcasting licensees in certain circumstances when they are found not to be complying with Part B of the Commercial Scheme.

The items insert provisions into each of sections 174, 175 and 176 of the Commercial Scheme to provide that where the ACMA gives a remote area commercial television licensee a notice under that section, the licensee must surrender the digital transmitter licences for the licence area and comply with any requirements for surrendering the licence.

### **Part 3 – Dictionary Amendments**

**Item [56] – Dictionary, definition of *exempt remote area licence***

**Item [57] – Dictionary, after definition of *exempt remote area licence***

**Item [58] – Dictionary, after definition of *licence area***

**Item [59] – Dictionary, definition of *\*multi-channelled national television broadcasting service***

**Item [60] – Dictionary, definition of *national television conversion scheme***

**Item [61] – Dictionary, after definition of *SDTV digital mode***

**Item [62] – Dictionary, definition of *simulcast period***

**Item [63] – Dictionary, after definition of *simulcast period***

Items [56] to [63] make a series of variations to the Dictionary inserted at the end of the Commercial Scheme pursuant to section 3 of the Scheme. These variations correct or clarify amendments to existing terms, remove references to terms that are not (or are no longer) referred to in the Commercial Scheme, and insert definitions to terms that were not previously defined.

### **Schedule 2 – Variations to references**

**Item [1] – Amendment of Scheme – changing references to ACMA into references to the ACMA**

Item [1] makes a global variation throughout the Commercial Scheme. It changes all instances of “ACMA” to “the ACMA”.

**Item [2] – Amendment of Scheme – changes to headings to sections and subsection**

Item [2] makes a global variation to the headings to sections and subsections in the Commercial Scheme. It changes all instances of “ACMA” to “the ACMA”. Item [2] also makes minor alterations to the headings to sections 10 and 54 of the Commercial Scheme.

**Item [3] – Amendment of Scheme – changes to notes**

Item [3] makes a global variation to the notes to the Commercial Scheme. It changes instances of “ACMA” to “the ACMA”.