

EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Variation to Licence Area Plan – Ipswich Radio – No.1 of 2013

Broadcasting Services Act 1992

In accordance with the *Australian Communications and Media Authority Act 2005*, the Australian Communications and Media Authority (ACMA) exercises powers and functions under the *Broadcasting Services Act 1992* (BSA).

The ACMA has made a variation to the licence area plan (LAP) for Ipswich radio (the Ipswich LAP). The variation was made under subsection 26(2) of the BSA and is referred to in this explanatory statement as “the variation”.

The LAP and variations to the LAP

The ACMA prepares LAPs under subsection 26(1) of the BSA. LAPs determine the number and characteristics, including technical specifications, of broadcasting services that are to be available in particular areas of Australia with the use of the broadcasting services bands.

The ACMA may, by legislative instrument, vary LAPs under subsection 26(2) of the BSA.

The Ipswich LAP was determined on 21 December 2000.

Intended impact and effect

The variation varies the characteristics, including technical specifications, of radio broadcasting services in the Ipswich area by changing the site and modifying the licence area of the community radio broadcasting service 4RIM Boonah.

The instrument also deletes some material, included for reference only, that does not form part of the LAP and which may create confusion, and makes some minor amendments to revise the drafting of the Ipswich LAP. It also updates each of the licence area definitions so that they are defined in terms of the Australian Bureau of Statistics (ABS) 2006 census data.

The intended impact and effect of this variation is to clarify the characteristics, including technical specifications, of radio broadcasting services in the Ipswich area. The ACMA does not intend the variation to alter any existing rights and obligations, except as set out above.

Regulatory Impact Analysis

The ACMA’s Best Practice Coordinator has considered the matter and referred it to the Office of Best Practice Regulation (OBPR). The OBPR formed the opinion that the proposed regulation is likely to have no or low impact on business or the economy; and neither a regulation impact statement nor a business cost calculator report is necessary in relation to the regulatory proposal.

The OBPR has issued an exemption reference number: ID 14190.

Consultation

Before making a decision to vary the Ipswich LAP, the ACMA undertook the following consultation:

- On 17 November 2012, the ACMA published the following papers on its web site:
 - Draft variation;
 - an explanatory paper outlining the changes proposed in the draft variation and inviting public comment by 14 December 2012;
 - draft licence area maps; and
 - a media release announcing the draft variation.
- On 15 November 2012, the ACMA wrote to the licensees providing radio broadcasting services in the Ipswich area to advise them of the release of the draft variation and to invite their comments by 14 December 2012.
- On 17 November 2012, the ACMA placed an advertisement in the “Ipswich Queensland Times” newspaper announcing the draft variation. The advertisement provided details of how and where to obtain copies of the draft variation and invited public comment by 14 December 2012.

Submissions

No submissions were received on the proposed draft variation.

Description of the provisions of the instrument

Clause 1

Clause 1 identifies that the ACMA makes the variation under subsection 26(2) of the BSA.

Clause 2

Clause 2 names the variation the *Variation to Licence Area Plan – Ipswich Radio – No. 1 of 2013*.

Clause 3

Clause 3 provides that the variation commences the day after it is registered on the Federal Register of Legislative Instruments.

Paragraph 4(a)

Paragraph 4(a) renames the Ipswich LAP as *Licence Area Plan – Ipswich Radio*.

Paragraph 4(b)

Sub-clause (4)(b) amends the heading on the title page of the Ipswich LAP so that it reads “Licence Area Plan – Ipswich Radio”.

Sub-paragraph 4(c)(i)

Sub-paragraph 4(c)(i) amends the heading on page one of the Ipswich LAP so that the heading now reads “Licence Area Plan – Ipswich Radio”.

Sub-paragraph 4(c)(ii)

Sub-paragraph 4(c)(ii) omits the sub-heading “Determination” on page one of the Ipswich LAP.

Sub-paragraph 4(c)(iii)

Sub-paragraph 4(c)(iii) omits the four paragraphs of text on page one of the Ipswich LAP and substitutes new clauses (1), (2), (3), (4) and (5).

The new clause (1) modifies the existing first paragraph to better reflect that the Ipswich LAP is for radio broadcasting services in the Ipswich area of Queensland, and is made under subsection 26(1) of the BSA.

The new clauses (2), (3) and (4) modify the existing second, third and fourth paragraphs to replace the word “Determination” with the word “plan”.

The new clause (5) ensures that the Ipswich LAP refers to schedules and attachments that have been amended from time to time by the ACMA.

Paragraph 4(d)

Paragraph 4(d) omits all text appearing immediately before Schedule One under the heading “SCHEDULE” in the Ipswich LAP (including the heading itself). This material was originally included for reference only and is no longer considered relevant or necessary.

Paragraph 4(e)

Paragraph 4(e) omits Schedules One and Three of the Ipswich LAP and substitutes Schedules One and Three of the variation.

Schedule One sets out the details of the commercial radio broadcasting service that is to be available on a particular frequency in the Ipswich RA1 licence area. Schedule Three sets out the details of the community radio broadcasting service that is to be available with a particular frequency in the Boonah RA1 licence area.

In particular, the Schedules provide the transmitter specification numbers for each transmitter to be used by the services in the licence areas, and specify the Attachments which contain the technical specifications for each of those transmitters.

Schedule One has been updated to include remove reference to Attachment 1.2. This Attachment was automatically replaced by Attachment 1.3 one year after the determination of the Ipswich LAP. Its continued inclusion is seen as redundant. Schedule Three has been updated to update the transmitter specification number.

Schedules One and Three have also been updated so that their headings read “Licence Area Plan : Ipswich Radio”. This modification will ensure consistency with other recently varied radio LAPs.

Paragraph 4(f)

Paragraph 4(f) omits the heading “Licence Area Plan – Ipswich – (Radio) – February 1996” from Schedule Two and substitutes the heading “Licence Area Plan : Ipswich Radio”. This modification will ensure consistency with other recently varied radio LAPs.

Paragraph 4(g)

Paragraph 4(g) omits all text appearing immediately after Schedule Three under the heading “DISCLAIMER” in the Ipswich LAP (including the heading itself). This material was originally included for reference only and is no longer considered relevant or necessary.

Paragraph 4(h)

Paragraph 4(h) omits Attachment 1.2 from the Ipswich LAP. This Attachment was replaced by Attachment 1.3 one year after the determination of the Ipswich LAP. Its continued inclusion is seen as redundant.

Paragraph 4(i)

Sub-paragraph 4(i)(i) amends Attachments 1.3 and 2.2 so that their headings read “Licence Area Plan : Ipswich Radio”. This modification will ensure consistency with other recently varied radio LAPs.

Sub-paragraph 4(i)(ii) amends Attachments 1.3 and 2.2 to refer to the *Broadcasting Services (Technical Planning) Guidelines 2007*. This information has been updated for ease of reference only and does not signify a change to the planned performance of the transmitters.

Paragraph 4(j)

Paragraph 4(j) omits Attachments 1.1, 2.1, 3.1 and 3.2 from the Ipswich LAP and substitutes Attachments 1.1, 2.1, 3.1 and 3.2 of the variation.

The new Attachments 1.1 and 2.1 contain the definitions of the Ipswich RA1 and Esk RA1 licence areas in terms used by the ABS in the 2006 census, but otherwise remain unchanged.

The new Attachment 3.1 contains the definition of the Boonah RA1 licence area, updated to reflect the coverage achieved by the 4RIM service if operated optimally from the proposed new transmission site, in terms used by the ABS in the 2006 census.

The new Attachment 3.2 contains the technical specifications of the existing community radio broadcasting service 4RIM at Boonah, Queensland, updated so that it now operates on 100.1 MHz from Telstra Site 2 Footes Hill Boonah with a maximum effective radiated power of 1 kilowatt omni-directional with mixed polarisation and a maximum antenna height of 30 m.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

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This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

This legislative instrument varies the characteristics, including technical specifications, of radio broadcasting services in the Ipswich area by changing the site and modifying the licence area of the community radio service 4RIM Boonah.

This legislative instrument also deletes some material, included for reference only, that does not form part of the LAP and which may create confusion, and makes some minor amendments to revise the drafting of the Ipswich LAP. It also updates each of the licence area definitions so that they are defined in terms of the Australian Bureau of Statistics (ABS) 2006 census data.

The intended impact and effect of this instrument is to clarify the characteristics, including technical specifications, of radio broadcasting services in the Ipswich area. The ACMA does not intend the instrument to alter any existing rights and obligations, except as set out above.

Human rights implications

This legislative instrument does not engage any of the applicable rights or freedoms.

Conclusion

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

Australian Communications and Media Authority