



**Australian Government**

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**Department of Broadband,  
Communications and the Digital Economy**

**2009–10 Annual Regulatory Plan**

*As at 1 July 2009*

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## **Purpose of this Annual Regulatory Plan**

The Department of Broadband, Communications and the Digital Economy (the Department), like other Australian Government agencies with responsibility for business regulation, is required to publish an annual regulatory plan early each financial year. The Department's 2009–10 regulatory plan contains information on:

- completed regulatory activities ie. changes to business regulation that occurred during the previous financial year (1 July 2008 to 30 June 2009); and
- planned regulatory activities ie. details of legislative or other action planned for the current financial year (1 July 2009 to 30 June 2010) that could lead to changes in business regulation.

### *What regulation does an annual regulatory plan cover?*

A regulatory plan provides business and the community with access to information about past and planned changes to Government regulation and makes it easier for business to take part in the development of regulation that affects business.

Regulation includes primary legislation, subordinate legislation, quasi-regulation or treaties that directly affect business; have a significant indirect effect on business; or restrict competition.

A regulatory plan does not include information on:

- regulations that are likely to have no or a low impact on business and individuals or the economy
- regulations that involve consideration of specific Government purchases
- regulations of a state or self-governing territory that apply in a non-self-governing territory, or
- anticipated activity about which it would be inappropriate to publish information.

In addition, there may be some regulatory activities that the Department is unable to forecast.

In view of these exclusions, readers should not take this regulatory plan to be a comprehensive source of information on past or potential changes to business regulation.

### *How up to date is information in this regulatory plan?*

This plan was published on 1 July 2009.

## **Section 1: Completed Regulatory changes**

This section outlines the Department's past regulatory activities during the period 1 July 2008 to 30 June 2009.

## Broadcasting & Digital Switchover

Type of entry	Completed regulatory change
Title	<i>Broadcasting Legislation Amendment (Digital Television Switch-over) Act 2008</i>
Description of issue	<p>This Act amends the <i>Broadcasting Services Act 1992</i> (BSA) to allow the Government to determine a staggered, region-by-region digital television switch-over timetable, allowing the Minister for Broadband, Communications and the Digital Economy to:</p> <ul style="list-style-type: none"> <li>determine, by legislative instrument, a timetable for the switch-off of analog television transmission in “local market areas” and to vary that date up to three months before or after the date originally determined, and</li> <li>determine, by legislative instrument, the length of the simulcast period for metropolitan and non-remote regional licence areas (previously the simulcast period for such licence areas could be extended, by regulations made under the BSA, but not shortened); and vary that date to a date up to three months before or after the date originally determined.</li> </ul> <p>A switch-over date for a particular local market area or licence area can be put back more than three months, but only in exceptional circumstances. The Act confirms 31 December 2013 as the final date on which transmission of analog signals must cease, except in exceptional circumstances.</p> <p>The Act amends the timing of two statutory reviews in the BSA:</p> <ul style="list-style-type: none"> <li>a review into the allocation of new commercial television broadcasting licences, and</li> <li>a review into content and captioning rules applicable to multi-channelled commercial television broadcasting services.</li> </ul> <p>The Act also requires the Minister to table in both Houses of Parliament quarterly reports on transmission blackspots.</p> <p>The Act is available at:  <a href="http://www.comlaw.gov.au/ComLaw/Legislation/Act1.nsf/asmade/bytitle/FDF5E84FE0A63739CA257524000D05E7?OpenDocument">http://www.comlaw.gov.au/ComLaw/Legislation/Act1.nsf/asmade/bytitle/FDF5E84FE0A63739CA257524000D05E7?OpenDocument</a></p> <p>The Explanatory Memorandum, along with the Bill, are available at:  <a href="http://www.comlaw.gov.au/ComLaw/legislation/bills1.nsf/bills/bytitle/B1B4B4BD05700FA9CA2574CE000EB5A8?OpenDocument">http://www.comlaw.gov.au/ComLaw/legislation/bills1.nsf/bills/bytitle/B1B4B4BD05700FA9CA2574CE000EB5A8?OpenDocument</a></p>
Date of effect	18 December 2008 in relation to sections 1–3; 19 December 2008 in relation to the statutory reviews, 16 February 2009 for other provisions.
Contact details	<p>Ann Campton  A/g Assistant Secretary  Broadcasting &amp; Switchover Policy Branch  Tel: 02 6271 1545  Email: <a href="mailto:ann.campton@dbcde.gov.au">ann.campton@dbcde.gov.au</a></p>

Type of entry	Completed regulatory change
Title	<i>Australian Communications and Media Authority (MF NAS Transmitter Licences) Direction No. 1 of 2009</i>
Description of issue	<p>The Direction requires the Australian Communications and Media Authority (ACMA) to amend the <i>Radiocommunications Licence Conditions (Broadcasting Licence) Determination No. 1 of 1998</i>. The amendments will permit certain licence holders to provide a commercial radio broadcasting service under their apparatus licence, where they were previously providing such a service prior to the Determination but are no longer able to do so because they now fall outside a grandfathering provision in that Determination.</p> <p>Specifically the Direction preserves the application of the grandfathering provision, which gives the right to holders of MF NAS licences at 6 November 2002, to continue to provide a commercial broadcasting service. It also has the effect of allowing the licensees to maintain the benefit of section 40 broadcasting licences that they may hold.</p> <p>The Direction and related explanatory material can be found at:  <a href="http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/asma de/bytitle/BDA4B18966554732CA25756200168AE1?OpenDocument">http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/asma de/bytitle/BDA4B18966554732CA25756200168AE1?OpenDocument</a></p>
Date of effect	24 February 2009
Contact details	<p>Greg Cox  Assistant Secretary  National, Community &amp; Radio Broadcasting Branch  Tel: 02 6271 1712  Email: <a href="mailto:greg.cox@dbcde.gov.au">greg.cox@dbcde.gov.au</a></p>

Type of entry	Completed regulatory change
Title	<i>Broadcasting Services (Anti-Siphoning Monitoring) Direction 2005 (Amendment No. 1 of 2008)</i>
Description of issue	<p>The Direction amends the <i>Broadcasting Services (Anti-Siphoning Monitoring) Direction 2005</i> which requires the Australian Communications and Media Authority (ACMA) to investigate the operation of the anti-siphoning provisions of the <i>Broadcasting Services Act 1992</i> and to periodically report its findings to the Minister.</p> <p>The Government has decided that it does not wish ACMA to be subject to the investigation or reporting requirements imposed by the 2005 Direction, and this Direction amends the 2005 Direction accordingly.</p> <p>The Direction and related explanatory material can be found at:  <a href="http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/all/w hatsnew/4B0F9C5B09907F14CA2574B700057788?OpenDocument">http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/all/w hatsnew/4B0F9C5B09907F14CA2574B700057788?OpenDocument</a></p>
Date of effect	3 September 2008
Contact details	<p>James Penprase  Manager  Commercial Broadcasting Policy  Broadcasting and Switchover Policy Branch  Tel: 02 6271 1113  Email: <a href="mailto:james.penprase@dbcde.gov.au">james.penprase@dbcde.gov.au</a></p>

Type of entry	Completed regulatory change
Title	<i>Broadcasting Legislation Amendment (Digital Radio) Act 2008</i>
Description of issue	<p>The Act amends the <i>Broadcasting Services Act 1992</i> and the <i>Radiocommunications Act 1992</i> to extend the deadline for commercial broadcasters to commence digital radio services in the mainland state capital cities by six months to 1 July 2009, to remove the requirement for commercial broadcasters to commence digital radio services in Hobart by the extended deadline of 1 July 2009, and to retain an option for community radio stations to take up shares in the joint venture companies managing the transmission of digital radio services.</p> <p>The Act can be found at:  <a href="http://www.comlaw.gov.au/ComLaw/Legislation/Act1.nsf/asmade/bynumber/2B75254E98ECA733CA2574FC0080072B?OpenDocument">http://www.comlaw.gov.au/ComLaw/Legislation/Act1.nsf/asmade/bynumber/2B75254E98ECA733CA2574FC0080072B?OpenDocument</a></p> <p>The Bill and Explanatory Memorandum can be found at:  COMLAW Bills - Broadcasting Legislation Amendment (Digital Radio) Bill 2008</p>
Date of effect	1 November 2008
Contact details	Kathryn Reis Manager Radio Broadcasting Section National, Community & Radio Broadcasting Branch Tel: 02 6271 1172 Email: <a href="mailto:kathryn.reis@bdcde.gov.au">kathryn.reis@bdcde.gov.au</a>

## Infrastructure

Type of entry	Completed regulatory change
Title	<i>Telecommunications Amendment (Integrated Public Number Database) Act 2009</i>
Description of issue	<p>The <i>Telecommunications Amendment (Integrated Public Number Database) Act 2009</i> amends the <i>Telecommunications Act 1997</i> (Telecommunications Act) to allow information contained in the Integrated Public Number Database (IPND) to be disclosed and used in connection with the provision of telephony-based emergency warnings, and for the supply of Location Dependent Carriage Services (LDCSs).</p> <p>The Act is available at: <i>ComLaw Acts - Telecommunications Amendment (Integrated Public Number Database) Act 2009</i></p> <p>The Bill and Explanatory Memorandum are available at: <i>COMLAW Bills - Telecommunications Amendment (Integrated Public Number Database) Bill 2009</i></p>
Date of effect	26 March 2009
Contact details	<p>Brenton Thomas Assistant Secretary Spectrum and Wireless Services/Networks Policy and Regulation Tel: 02 6271 1044 Email: <a href="mailto:brenton.thomas@dbcde.gov.au">brenton.thomas@dbcde.gov.au</a></p>

Type of entry	Completed regulatory change
Title	Instruments issued pursuant to Part 27A of the <i>Telecommunications Act 1997</i> to specify network information to be provided by carriers for the purposes of the National Broadband Network and rules relating to the disclosure of network information to recipients and the arrangements for the secure storage, handling and destruction of that information.
Description of issue	<p>The Government decided that to enable robust proposals to be developed for the National Broadband Network Request for Proposal process and to facilitate a competitive process, proponents should have access to relevant information about existing telecommunications networks. The following instruments were developed to support these actions.</p> <p>The Telecommunications (National Broadband Network Designated Information) Determination 2008 (No. 1), which specifies the network information selected telecommunications carriers are required to collect and provide to the Government, was made on 6 August 2008 and commenced on 8 August 2008. The Determination is available at:  <a href="http://www.dbcde.gov.au/policy_and_legislation/acts_regulations_and_legislative_instruments">http://www.dbcde.gov.au/policy_and_legislation/acts_regulations_and_legislative_instruments</a></p> <p>The Telecommunications (National Broadband Network) Determination under subsection 531(4) 2008 (No. 1), which sets out pre-conditions that recipients of the network information must meet prior to protected carrier information being disclosed to them, was made on 6 August 2008 and commenced on 8 August 2008. The Determination and the Explanatory Statement are available at:  <a href="http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/1C4A4DEC6BBC5A51CA25749D0022ACF6?OpenDocument">http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/1C4A4DEC6BBC5A51CA25749D0022ACF6?OpenDocument</a></p> <p>The Telecommunications (National Broadband Network Restricted Recipients and Storage, Handling and Destruction of Protected Carrier Information) Rules 2008 (No. 1), which sets out the rules that the recipients of the network information must comply with to ensure that the information is managed securely, was made on 6 August 2008 and commenced on 8 August 2008. The Determination and the Explanatory Memorandum are available at  <a href="http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/D9C2285F1C55540ACA25749D0023C9C7?OpenDocument">http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/D9C2285F1C55540ACA25749D0023C9C7?OpenDocument</a></p>
Date of effect	8 August 2008
Contact details	<p>Philip Mason  Assistant Secretary  National Broadband Network and Fibre Rollout Regulation  Tel: 02 6271 1579  Email: <a href="mailto:philip.mason@dbcde.gov.au">philip.mason@dbcde.gov.au</a></p>

Type of entry	Completed regulatory change
Title	<i>Telstra Carrier Charges–Price Control Arrangements, Notification and Disallowance Determination No. 1 of 2005 (Amendment No. 1 of 2009)</i>
Description of issue	<p>The <i>Telstra Carrier Charges–Price Control Arrangements, Notification and Disallowance Determination No. 1 of 2005</i> (as amended) imposed price controls on certain telecommunications services provided by Telstra during the period from 1 January 2006 to 30 June 2009. Price control determinations are made by the Minister.</p> <p>The Government’s discussion paper on regulatory reform released on 7 April sought submissions on an appropriate framework for retail price controls. Given submissions were not received until 3 June, it was not possible to undertake the necessary analysis of the detailed arrangements to apply for the next period of price controls prior to the scheduled expiry of the determination.</p> <p>The Minister has amended the expiry date for the determination, which has the affect of continuing all of the provisions in the current price control arrangements until 30 June 2010. These changes were implemented via a disallowable instrument. The Determination and explanatory statement are available at: <a href="http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/all/w hatsnew/9D09E2303FE4EF6ACA2575CA000F5ACC?OpenDocument">http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/all/w hatsnew/9D09E2303FE4EF6ACA2575CA000F5ACC?OpenDocument</a></p>
Date of effect	5 June 2009
Contact details	<p>Mr Joseph Sheehan  Manager  Competition Policy Section  Networks Regulation Branch  Tel: 02 6271 1623  Email: <a href="mailto:joseph.sheehan@dbcde.gov.au">joseph.sheehan@dbcde.gov.au</a></p>

Type of entry	Revocation of the Digital Data Service Obligation and removal of Telstra's obligation to provide data speeds at a minimum of 64 kbps to 96 per cent of the Australian population
Title	<i>Digital Data Service Provider Declaration Revocation 2008 (No. 1) and Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2008)</i>
Description of issue	<p>The Minister for Broadband, Communications and the Digital Economy:</p> <ul style="list-style-type: none"> <li>• revoked the instrument under which Telstra had been determined to be the general digital data service provider and the special digital data service provider (refer <i>Digital Data Service Provider Declaration Revocation 2008 (No. 1)</i>), and</li> <li>• removed the obligation to provide digital data capability, as part of its obligations as the service provider for general and special digital data, from Telstra's carrier licence conditions. (refer <i>Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2008)</i>).</li> </ul> <p>The Digital Data Service Obligation had become obsolete due to improvements in broadband technology and coverage. In addition, under the NBN initiative, the Government has committed to establish a new company that will invest up to \$43 billion over eight years to build and operate a national broadband network delivering super fast broadband to Australian homes and workplaces.</p> <p>Below are the links for these legislative amendments:</p> <p><i>Digital Data Service Provider Declaration Revocation 2008 (No. 1)</i>: ComLaw Legislative Instruments - Digital Data Service Provider Declaration Revocation 2008 (No. 1)</p> <p><i>Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2008)</i>: ComLaw Legislative Instruments - Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2008)</p>
Date of effect	19 December 2008
Contact details	<p>Mr Mark Dunstone  Manager  Universal Access Section  Networks Policy and Regulation Branch  Tel: 02 6271 1259  Email: <a href="mailto:mark.dunstone@dbcde.gov.au">mark.dunstone@dbcde.gov.au</a></p>

Type of entry	Completed regulatory change
Title	<i>Telecommunications Legislation Amendment (National Broadband Network Measures No. 1) Bill 2009</i>
Description of issue	The <i>Telecommunications Legislation Amendment (National Broadband Network Measures No. 1) Bill 2009</i> (the Bill) amends the <i>Telecommunications Act 1997</i> (the Act) to provide for network information to be provided by telecommunications carriers and other utilities to the Commonwealth for purposes related to the planning and roll-out of the National Broadband Network (NBN) in accordance with the Government's announcement of 7 April 2009.
Date of effect	Legislation was introduced into Parliament on Thursday 25 June 2009.
Contact details	Philip Mason Assistant Secretary NBN & Fibre Rollout Regulation Branch Networks Policy and Regulation Division Tel: 02 6271 1579 Fax: 02 6271 1850 Email: <a href="mailto:philip.mason@dbcde.gov.au">philip.mason@dbcde.gov.au</a>

## Digital Economy & Services

Type of entry	Completed regulatory change
Title	<i>Australian Postal Corporation Amendment Regulations 2009 (No. 1)</i>
Description of issue	<p>The amendment enables the Australian Competition and Consumer Commission to inquire into a broader range of disputes involving bulk mail interconnection services (reflecting the amendments made to the <i>Australian Postal Corporation Act 1989</i> by the <i>Postal Services Legislation Amendment Act 2004</i>) and streamlines the dispute process. The amendment also corrects a drafting error in the <i>Australian Postal Corporation Amendment Regulations 208 (No. 1)</i>.</p> <p>The Regulations and supplementary material can be obtained at:  <a href="http://www.comlaw.gov.au/comlaw/Legislation/LegislativeInstrument1.nsf/0/33377A32B18ADBBFCA2575A6007925E3?OpenDocument">http://www.comlaw.gov.au/comlaw/Legislation/LegislativeInstrument1.nsf/0/33377A32B18ADBBFCA2575A6007925E3?OpenDocument</a></p>
Date of effect	16 May 2009
Contact details	<p>Kelly Mudford  Manager  Postal Policy  Consumer Policy &amp; Post Branch  Tel: 02 6271 1322  Email: <a href="mailto:kelly.mudford@dbcde.gov.au">kelly.mudford@dbcde.gov.au</a></p>

## **Section 2: Planned Regulatory Activity**

This section outlines the Department's planned regulatory activities for the period 1 July 2009 to 30 June 2010.

## Broadcasting & Digital Switchover

Type of entry	Planned regulatory change
Title	<i>National Broadcasting Legislation Amendment Bill 2009</i>
Description of issue	<p>The <i>National Broadcasting Legislation Amendment Bill 2009</i> amends the <i>Australian Broadcasting Corporation Act 1983</i> (the ABC Act) and the <i>Special Broadcasting Service Act 1991</i> (the SBS Act).</p> <p><i>Australian Broadcasting Corporation Act 1983</i> to be amended to:</p> <ul style="list-style-type: none"> <li>- require a staff-elected Director on the ABC Board and specify the means of appointment and obligations on the staff-elected Director in performing the role</li> <li>- establish a merit-based selection process for the appointment of non-executive directors to the ABC Board whereby an independent nomination panel will provide the Government with a shortlist of candidates suitable for appointment as non-executive directors to the ABC Board (excludes Managing Director and staff-elected Director)</li> <li>- allow for the appointment to the ABC Board of non-executive directors who are not on the shortlist provided by the independent nomination panel but require the tabling of a statement of reasons for doing so to Parliament.</li> <li>- require the Prime Minister to recommend to the Governor-General the person to be appointed Chair of the ABC Board following consultation with the Leader of the Opposition, and</li> <li>- prohibit the appointment of current or former politicians or senior political staff to the ABC Board (this rule will not apply to the Managing Director of the ABC or the staff-elected Director).</li> </ul> <p><i>Special Broadcasting Service Act 1991</i> to be amended to:</p> <ul style="list-style-type: none"> <li>- Establish a merit-based selection process for the appointment of non-executive directors to the SBS Board whereby an independent nomination panel will make recommendations for the appointment of non-executive directors to the SBS Board (excludes Managing Director).</li> <li>- Allow for the appointment to the SBS Board of non-executive directors who are not on the shortlist provided by the independent nomination panel but require the tabling of a statement of reasons for doing so to Parliament</li> <li>- Prohibit the appointment of current or former politicians or senior political staff as non-executive Directors of the SBS Board (this rule will not apply to the Managing Director of the SBS).</li> </ul> <p>The introduction of a merit-based selection process for the appointment of non-executive Directors to the ABC and SBS Boards, and the reinstatement of the position of staff-elected Director on the ABC Board were Government commitments in the context of the 2007 election.</p>

	Part III of the ABC Act will be amended to reinstate the positions of staff-elected Director and deputy staff-elected Director by restoring the provisions repealed by the <i>Australian Broadcasting Corporation Amendment Act 2006</i> . The amendments will also reinstate the power to make regulations that set out procedures for the conduct and particulars of elections for the ABC staff-elected Director.
Consultation opportunities	N/A
Expected timetable	The bill is expected to be introduced during the Winter 2009 parliamentary sittings
Contact details	Andrew Madsen Director National and Community Broadcasting Section National, Community & Radio Broadcasting Branch Tel: 02 6271 1695 Email: <a href="mailto:andrew.madsen@dbcde.gov.au">andrew.madsen@dbcde.gov.au</a>
Date last modified	19 May 2009

Type of entry	Planned regulatory activity
Title	Legislative instrument to determine local market areas for the purposes of digital television switch-over, and when those areas become digital-only local market areas
Description of issue	<p>The <i>Broadcasting Legislation Amendment (Digital Television Switch-over) Act 2008</i> amended the <i>Broadcasting Services Act 1992</i> (BSA) to enable the Government to implement a phased, region-by-region switch-over to digital television. Subclause 5F(1) of Schedule 4 to the BSA gives the Minister for Broadband, Communications and the Digital Economy the power to determine that a specified area is a local market area, and when that area becomes a digital only local market area.</p> <p>This instrument will determine all local market areas for the purposes of the digital television switch-over timetable. These areas are within larger television licence areas, and have been identified to enable a more flexible switch-over timetable that is responsive to local market conditions.</p> <p>The digital television switch-over timetable announced by the Minister on 19 October 2008 is available on the Government's Digital Ready website: <a href="http://www.digitalready.gov.au/">http://www.digitalready.gov.au/</a></p>
Consultation opportunities	Subclause 5F(11) of Schedule 4 to the BSA requires the Minister to consult with the Australian Communications and Media Authority before making any determination under subclause 5F(1).
Expected timetable	The Determination is expected to be registered on the Federal Register of Legislative Instruments in the second half of 2009.
Contact details	<p>Jason Potkins  Manager  Digital Television Section  Broadcasting and Switchover Policy Branch  Tel: 02 6271 1328  Email: <a href="mailto:jason.potkins@dbcde.gov.au">jason.potkins@dbcde.gov.au</a></p>
Date last modified	7 May 2009

Type of entry	Planned regulatory activity
Title	Determination to set the end of the simulcast period for metropolitan television licence areas
Description of issue	<p>The <i>Broadcasting Legislation Amendment (Digital Television Switch-over) Act 2008</i> amended the <i>Broadcasting Services Act 1992</i> (BSA) to enable the Government to implement a phased, region-by-region switch-over to digital television. Subclause 6A(1) of Schedule 4 to the BSA gives the Minister for Broadband, Communications and the Digital Economy the power to make determinations for the length of the simulcast period in specific metropolitan television licence areas.</p> <p>This determination will set the length of the simulcast period in all five metropolitan television licence areas (ie Adelaide, Brisbane, Melbourne, Perth and Sydney).</p> <p>The digital television switch-over timetable announced by the Minister on 19 October 2008 is available on the Government's Digital Ready website: <a href="http://www.digitalready.gov.au/">http://www.digitalready.gov.au/</a></p>
Consultation opportunities	Subclause 6A(13) of Schedule 4 to the BSA requires the Minister to consult with the Australian Communications and Media Authority before making any determination under subclause 6A(1).
Expected timetable	The Determination is expected to be registered on the Federal Register of Legislative Instruments in the second half of 2009.
Contact details	<p>Jason Potkins  Manager  Digital Television Section  Broadcasting and Switchover Policy Branch  Tel: 02 6271 1328  Email: <a href="mailto:jason.potkins@dbcde.gov.au">jason.potkins@dbcde.gov.au</a></p>
Date last modified	14 April 2009

Type of entry	Planned regulatory activity
Title	Determination to set the end of the simulcast period for the Mildura/Sunraysia television licence area
Description of issue	<p>The <i>Broadcasting Legislation Amendment (Digital Television Switch-over) Act 2008</i> amended the <i>Broadcasting Services Act 1992</i> (BSA) to enable the Government to implement a phased, region-by-region switch-over to digital television. Subclause 6A(2) of Schedule 4 to the BSA gives the Minister for Broadband, Communications and the Digital Economy the power to make determinations for the length of the simulcast period in specific regional television licence areas.</p> <p>This determination will set the length of the simulcast period for the Mildura/Sunraysia television licence area. The Mildura/Sunraysia licence area will be set separately from the remaining regional licence areas, as it is the pilot switch-over region for the Government's digital television switch-over program.</p> <p>The digital television switch-over timetable announced by the Minister on 19 October 2008 is available on the Government's Digital Ready website: <a href="http://www.digitalready.gov.au/">http://www.digitalready.gov.au/</a></p>
Consultation opportunities	Subclause 6A(13) of Schedule 4 to the BSA requires the Minister to consult with the Australian Communications and Media Authority before making any determination under subclause 6A(2).
Expected timetable	The Determination is expected to be registered on the Federal Register of Legislative Instruments by the third quarter of 2009.
Contact details	<p>Jason Potkins  Manager  Digital Television Section  Broadcasting and Switchover Policy Branch  Tel: 02 6271 1328  Email: <a href="mailto:jason.potkins@dbcde.gov.au">jason.potkins@dbcde.gov.au</a></p>
Date last modified	7 May 2009

Type of entry	Planned regulatory activity
Title	Determination to set the end of the simulcast period for regional television licence areas
Description of issue	<p>The <i>Broadcasting Legislation Amendment (Digital Television Switch-over) Act 2008</i> amended the <i>Broadcasting Services Act 1992</i> (BSA) to enable the Government to implement a phased, region-by-region switch-over to digital television. Subclause 6A(2) of Schedule 4 to the BSA gives the Minister for Broadband, Communications and the Digital Economy the power to make determinations for the length of the simulcast period in specific regional television licence areas.</p> <p>This determination will set the length of the simulcast period for non-remote regional television licence areas, other than the Mildura/Sunraysia licence area. The Mildura/Sunraysia licence area will be set separately as it is the pilot switch-over region for the Government's digital television switch-over program.</p> <p>The digital television switch-over timetable announced by the Minister on 19 October 2008 is available on the Government's Digital Ready website: <a href="http://www.digitalready.gov.au/">http://www.digitalready.gov.au/</a></p>
Consultation opportunities	Subclause 6A(13) of Schedule 4 to the BSA requires the Minister to consult with the Australian Communications and Media Authority before making any determination under subclause 6A(2).
Expected timetable	The Determination is expected to be registered on the Federal Register of Legislative Instruments in the second half of 2009.
Contact details	<p>Jason Potkins  Manager  Digital Television Section  Broadcasting and Switchover Policy Branch  Tel: 02 6271 1328  Email: <a href="mailto:jason.potkins@dbcde.gov.au">jason.potkins@dbcde.gov.au</a></p>
Date last modified	7 May 2009

## Infrastructure

Type of entry	Planned regulatory activity
Title	Regulatory Changes relating to the National Broadband Network (NBN) Initiative and Other Matters
Description of issue	<p>Development of legislation, including potential amendments to the <i>Telecommunications Act 1997</i>, the <i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i> and the <i>Trade Practices Act 1974</i>, to:</p> <ul style="list-style-type: none"> <li>• provide stronger separation arrangements for Telstra</li> <li>• establish a streamlined process to determine terms and conditions of access to regulated telecommunications services and facilities generally</li> <li>• improve the telecommunications-specific competition arrangements</li> <li>• improve the operation of consumer safeguards</li> <li>• improve code development processes</li> <li>• enhance enforcement mechanisms</li> <li>• provide for the roll-out of fibre optic cable for telecommunications services in greenfield estates</li> <li>• facilitate access, as required, to information held by telecommunications carriers and other utilities that could facilitate planning, design and roll out of the National Broadband Network</li> <li>• establish relevant governance, ownership and operating arrangements for the National Broadband Network provider, including the regulatory framework for the delivery of wholesale services, and</li> <li>• streamline carrier powers and immunities to facilitate the roll-out of fibre optic infrastructure.</li> </ul> <p>The proposed legislation may be introduced in two or more tranches.</p>
Consultation opportunities	<p>The Department has released a discussion paper on regulatory issues in the transition to the NBN for public comment. Stakeholders and others with a potential interest in the discussion paper have been contacted and provided with the discussion paper. The closing date for submissions was 3 June 2009. As of 29 June 2009, 138 submissions had been received.</p> <p>The Department released an issues paper and undertook targeted consultations with stakeholders in relation to greenfield estates. The closing date for submissions was 12 June 2009. As of 29 June 2009, around 80 submissions had been received.</p> <p>An issues paper was released on the Review of Consumer Code Processes. The closing date for submissions was 15 May 2009. As of 29 June 2009, 17 submissions had been received. Targeted consultation is also being undertaken with stakeholders.</p> <p>Consultations with stakeholders will take place in relation to measures to regulate the NBN company and to facilitate the roll-out of fibre.</p>

Expected timetable	<p>Legislation on accessing network information was introduced into the Parliament in the Winter 2009 parliamentary sittings.</p> <p>Legislation on other proposed measures is proposed for introduction in the Spring 2009 parliamentary sittings.</p>
Contact details	<p>Rohan Buettel  Assistant Secretary  Networks Regulation Branch  Networks Policy and Regulation Division  Tel: 02 6271 1932  Fax: 02 6271 1850  Email: <a href="mailto:rohan.buettel@dbcde.gov.au">rohan.buettel@dbcde.gov.au</a></p> <p>Philip Mason  Assistant Secretary  NBN &amp; Fibre Rollout Regulation Branch  Networks Policy and Regulation Division  Tel: 02 6271 1579  Fax: 02 6271 1850  Email: <a href="mailto:philip.mason@dbcde.gov.au">philip.mason@dbcde.gov.au</a></p>
Date last modified	29 June 2009

Type of entry	Planned regulatory activity
Title	New Price Control Arrangements, Notification and Disallowance Determination
Description of issue	<p>The <i>Telstra Carrier Charges–Price Control Arrangements, Notification and Disallowance Determination No. 1 of 2005</i> (as amended) imposed price controls on certain telecommunications services provided by Telstra during the period from 1 January 2006 to 30 June 2009. Price control determinations are made by the Minister.</p> <p>The Minister has amended the expiry date for the determination, which has the affect of continuing all of the provisions in the current price control arrangements until 30 June 2010. These changes were implemented via a disallowable instrument.</p> <p>Prior to the making of new price controls, a thorough review is required, including a full econometric analysis to establish appropriate price cap settings. The last review of this nature was carried out by the Australian Consumer and Competition Commission (ACCC) from April 2004-February 2005. It is expected that the Government will ask the ACCC to commence this review after it has considered submissions to the regulatory discussion paper.</p>
Consultation opportunities	The Government will consult stakeholders prior to the making of the determination.
Expected timetable	The details of future price controls will be confirmed by April 2010.
Contact details	<p>Mr Joseph Sheehan  Manager  Competition Policy Section  Networks Regulation Branch  Tel: 02 6271 1623  Email: <a href="mailto:joseph.sheehan@dbcde.gov.au">joseph.sheehan@dbcde.gov.au</a></p>
Date last modified	22 May 2009

## Digital Economy & Services

Type of entry	Planned regulatory activity
Title	Amendments to the <i>Ombudsman Regulations 1977</i>
Description of issue	In accordance with the provisions of the <i>Postal Industry Ombudsman Act 2006</i> , the regulations will detail the proposed methodology for calculating the investigation fees charged by the Postal Industry Ombudsman and prescribe the time by which the fee is payable.
Consultation opportunities	It is proposed to consult with: Australia Post; Australia Air Express Pty Ltd; Cheque-Mates Pty Ltd; D&D Mailing Services; Dependable Couriers & Taxi Trucks Sydney Pty Ltd; Federal Express (Australia) Pty Ltd; The Mailing House; MRE Sydney Pty Ltd; and Universal Express Australia Pty Ltd.
Expected timetable	It is expected that amendments to the regulations will be made in the second half of 2009.
Contact details	Kelly Mudford Manager Postal Policy Consumer Policy & Post Tel: 02 6271 1322 Fax: 02 6271 1780 Email: <a href="mailto:kelly.mudford@dbcde.gov.au">kelly.mudford@dbcde.gov.au</a>
Date last modified	19 May 2009

Type of entry	Planned regulatory change for 2009-2010
Title	<i>Do Not Call Register Legislation Amendment Bill 2009</i>
Description of issue	<p>The Do Not Call Register (the Register) allows individuals to opt-out of certain telemarketing calls by registering their telephone numbers. At present the Register does not protect fax users or most businesses.</p> <p>The bill will extend the protections of the Register by allowing the registration of all telephone and fax numbers, including the numbers used by business and emergency numbers.</p> <p>The bill will also include a flexible mechanism that makes allowance for legitimate business-to-business calls.</p>
Consultation opportunities	<p>The community, including the telemarketing and fax marketing industries, have been consulted through a departmental discussion paper released in late 2008.</p> <p>It is expected that industry will be consulted again before the introduction of the bill into Parliament in 2009.</p>
Expected timetable	It is expected that the amending bill will be introduced into Parliament in 2009.
Contact details	<p>Kelly Mudford  Director  Postal Policy  Consumer Policy &amp; Post Branch  Tel: 02 6271 1322  Email: <a href="mailto:kelly.mudford@dbcde.gov.au">kelly.mudford@dbcde.gov.au</a></p>
Date last modified	18 May 2009