



Radiocommunications Licence Conditions (Broadcasting Licence) Amendment Determination 2009 (No. 1)

Radiocommunications Act 1992

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Determination under paragraph 107 (1) (f) of the *Radiocommunications Act 1992*.

Dated 2009

Member

Member

[DRAFT ONLY — NOT FOR SIGNATURE]
Australian Communications and Media Authority

1 Name of Determination

This Determination is the *Radiocommunications Licence Conditions (Broadcasting Licence) Amendment Determination 2009 (No. 1)*.

2 Commencement

This Determination commences on the day after it is registered.

DRAFT ONLY

3 Amendment of *Radiocommunications Licence Conditions (Broadcasting Licence) Determination No. 1 of 1998*

Schedule 1 amends the *Radiocommunications Licence Conditions (Broadcasting Licence) Determination No. 1 of 1998*.

Schedule 1 Amendments

(section 3)

[1] Subsection 1.4 (1), notes 1 to 3

substitute

Note 1 The definition of **broadcasting licence** in the *Radiocommunications (Interpretation) Determination 2000* is relevant to an apparatus licence issued under section 100 or 106 of the Act.

Note 2 The definition of **broadcast service station** is different from the definition of **broadcast service station** in the *Radiocommunications (Interpretation) Determination 2000*.

Note 3 For the definitions of other expressions used in this Determination, see the *Radiocommunications Act 1992*, the *Radiocommunications (Interpretation) Determination 2000* and the Radiocommunications Regulations.

[2] After section 5.3

insert

5.4 Narrowband area services operating in the frequency band 1606.5 kHz to 1705 kHz — commercial broadcasting service under subsequent licence

- (1) This section applies to a licensee if all of the following circumstances exist:
 - (a) the licensee holds a broadcasting licence (narrowband area service) issued by the ACMA under section 100 of the Act (the **new licence**);
 - (b) the licensee operated a narrowband area service station on a frequency in the frequency band 1606.5 kHz to 1705 kHz to provide a commercial broadcasting service in accordance with section 5.3;
 - (c) the broadcasting licence (narrowband area service) to which section 5.3 applied (the **former licence**) has expired;
 - (d) the person did not apply for the renewal of the former licence.
- (2) The person may operate the narrowband area service station to provide a commercial broadcasting service under the new licence on the following conditions:
 - (a) the operation of the narrowband area service station under the new licence is authorised only on:
 - (i) the same frequency, in the frequency band 1606.5 kHz to 1705 kHz, which had been authorised by the former licence; or
 - (ii) if the ACMA subsequently varies the new licence to specify another frequency in the frequency band 1606.5 kHz to 1705 kHz — the other frequency;

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- (b) the commercial broadcasting service must be permitted by a commercial licence allocated before 6 November 2002;
 - (c) the licensee must provide any evidence required by the ACMA relating to whether the circumstances mentioned in subsection (1) apply;
 - (d) the location of the station specified in the new licence must be:
 - (i) within 10 kilometres of its location on 6 November 2002; or
 - (ii) if the ACMA is satisfied as to the matters specified in paragraphs 5.3 (2A) (a) and (b) — at another location that is specified by the ACMA;
 - (e) if the licensee intends to operate the narrowband area service station to provide a commercial broadcasting service under the new licence, as permitted by this subsection, the licensee must notify the ACMA of that intention in writing at least 14 days before first operating the narrowband area service station for that purpose.

(3) In this section:

commercial licence has the meaning given by subsection 5 (3).

location has the meaning given by subsection 5 (3).

[3] Further amendments

<i>Provision</i>	<i>omit</i>	<i>insert</i>
Subsection 1.4 (1), definition of <i>licence area plan</i>	ABA	ACMA
Subsection 1.4 (1), definition of <i>Technical Planning Guidelines</i>	ABA	ACMA
Subsection 2.7 (1)	ABA	ACMA
Subsection 2.7 (2)	ABA's	ACMA's
Subparagraph 4.3 (b) (ii)	ABA	ACMA
Subsection 4.11 (3), note	ACA	the ACA (now ACMA)
Subsection 5.1 (2), note	ACA	ACMA
Section 5.2, note	ABA or ACA	ACMA
Sub-subparagraph 5.3 (1) (d) (ii) (B)	ACA	the ACA or ACMA
Subsection 5.3 (2)	ACA	ACMA
Subsection 5.3 (2A)	ACA (twice occurring)	ACMA
Subsection 5.3 (3), definition of <i>commercial licence</i>	ABA	

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>.