Australian Government | acma Australian Communications and Media Authority

# Proposal to remake Broadcasting (Charges) Determination 2017

## Consultation paper

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# Background

Under Part 4 of Chapter 3 of the *Legislation Act 2003*, unless an exemption applies, most legislative instruments 'sunset'. That is, they are automatically repealed on 1 April or 1 October that first occurs 10 years after they are registered. This is an automatic process applying to the legislative instruments affected, regardless of their content.

Among the legislative instruments made by the ACMA that are due to sunset in the near future, is the following instrument:

| Name of instrument | Sunset date |
|---|---|
| Broadcasting (Charges) Determination 2017 | 1 April 2027 |

We have the preliminary view that this instrument is operating effectively and efficiently and, as such, continues to form a necessary and useful part of the legislative framework. We propose to remake it in a new instrument prior to the sunset date referred to above without any significant changes, so that its effect is preserved.

The ACMA proposes to remake the instrument with only such minor, necessary changes as are referred to below and to retitle it the Broadcasting (Charges) Determination 2027.

# Brief details on the Broadcasting (Charges) Determination

The **d**etermination is made under subsection 60(1) of *the Australian Communications and Media Authority Act 2005* and establishes charges for specified broadcasting-related regulatory activities undertaken by the ACMA.

The determination establishes charges for a range of broadcasting-related regulatory activities undertaken by the ACMA. These activities include:

- Assessing and processing applications for the issue and renewal of commercial radio broadcasting licences, including consideration of eligibility requirements and compliance with legislative licensing criteria.
- Assessing and processing applications for the issue and renewal of commercial television broadcasting licences, including consideration of eligibility requirements and compliance with legislative licensing criteria.
- Assessing and processing applications for the issue of subscription television broadcasting licences.
- Assessing and processing applications for the issue of datacasting licences.
- Assessing and processing applications for international broadcasting licences under section 121FA of the *Broadcasting Services Act 1992*.
- Preparing and giving opinions under sections 21 and 74 of the *Broadcasting Services Act 1992*, which assist applicants, existing and prospective licensees, to seek opinions about the category of broadcasting service (section 21) and whether a person is or would be in a position to exercise control of:
  - a commercial television broadcasting licence
  - a commercial radio broadcasting licence
  - a satellite subscription television broadcasting licence
  - a newspaper or a company (section 74).
- Other broadcasting-related licensing and regulatory services specified in the determination.

The charges are designed to recover the costs incurred by the ACMA in undertaking these activities and form part of our broader cost recovery arrangements. The relevant activities and associated charges are reviewed regularly and set out in the ACMA's annual Fees for Services Regulatory Charging Statement.

# Proposed changes to the Broadcasting (Charges) Determination

We are proposing some minor amendments to the determination.

The proposed changes are limited to:

- removing obsolete transitional provisions inserted by the Australian Communications and Media Authority (Charges) Amendment Determination 2025 (No. 1)
- making minor administrative, formatting and drafting updates consistent with current legislative drafting practice
- updating references and presentation where necessary, without changing the substance of the existing charging arrangements

No changes to the existing charges are proposed.

# Invitation to comment

## Making a submission

Comments are sought from the public regarding the ACMA's proposal to remake the legislative instrument referred to above, without any significant changes, on the basis that it is operating effectively and efficiently.

- Online submissions can be made by uploading a document. Submissions in PDF, Microsoft Word or Rich Text Format are preferred.
- Submissions by post can be sent to:

  The Manager
  Revenue Assurance, Cost Recovery and Reporting Section
  Australian Communications and Media Authority
  PO Box 78
  Belconnen ACT 2616

The closing date for submissions is **COB, Friday 11 December 2026**.

Consultation enquiries can be emailed to costrecovery@acma.gov.au.

### Publication of submissions

The ACMA publishes submissions on our website, including personal information (such as names and contact details), except for information that you have claimed (and we have accepted) is confidential.

Confidential information will not be published or otherwise released unless required or authorised by law.

### Privacy

View information about our policy on the publication of submissions, including collection of personal information during consultation and how we handle that information.

Information on the *Privacy Act 1988,* how to access or correct personal information, how to make a privacy complaint and how we will deal with the complaint, is available in our privacy policy.