



Broadcasting Services Amendment (Community Radio) Act 2022

No. 91, 2022

An Act to amend the *Broadcasting Services Act 1992*, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

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No. 91, 2022

An Act to amend the *Broadcasting Services Act 1992*, and for related purposes

[Assented to 13 December 2022]

The Parliament of Australia enacts:

1 Short title

This Act is the *Broadcasting Services Amendment (Community Radio) Act 2022*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day this Act receives the Royal Assent.	13 December 2022

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Community broadcasting licences

Broadcasting Services Act 1992

1 Section 80 (heading)

Repeal the heading, substitute:

80 Allocation of BSB community broadcasting licences

2 Before subsection 80(1)

Insert:

- (1A) The ACMA may decide to allocate one or more community broadcasting licences that are broadcasting services bands licences.

3 Subsection 80(1)

Omit “Where the ACMA is going to allocate one or more community broadcasting licences”, substitute “If the ACMA decides under subsection (1A) to allocate one or more community broadcasting licences”.

4 Section 89

Repeal the section, substitute:

89 Duration of community broadcasting licences

A community broadcasting licence:

- (a) comes into force on a day determined by the ACMA; and
- (b) subject to subsection 90(1E) and Part 10, remains in force for 5 years from that day.

5 Paragraph 90(1C)(a)

Repeal the paragraph, substitute:

- (a) the licensee makes the application before the earlier of the following:
 - (i) the time when the licence is due to expire;

- (ii) the time (if any) notified to the licensee by the ACMA under subsection (1CA); and

6 After subsection 90(1C)

Insert:

- (1CA) The ACMA may, by notice in writing given to a licensee, specify a time after which a late application lodged by the licensee will not be accepted.

7 Subsection 91(2A)

Repeal the subsection, substitute:

- (2A) The ACMA may refuse to renew a community broadcasting licence that is a broadcasting services bands licence if, having regard to the following, the ACMA considers that the licence should not be renewed:
- (a) the extent to which the service or services provided under the licence, if renewed, would continue to meet the existing and perceived future needs of the community within the licence area;
 - (b) the nature and diversity of the interests of that community;
 - (c) the extent to which the service or services provided under the licence, if renewed, would continue to provide material of local significance;
 - (d) the nature and diversity of other broadcasting services (including national broadcasting services) available within that licence area;
 - (e) the capacity of the licensee to continue to provide the service or services;
 - (f) the undesirability of one person being in a position to exercise control of more than one community broadcasting licence that is a broadcasting services bands licence in the same licence area;
 - (g) the undesirability of the Commonwealth, a State or a Territory or a political party being in a position to exercise control of a community broadcasting licence.

8 Application provisions

- (1) The amendment of section 89 of the *Broadcasting Services Act 1992* made by this Schedule applies in relation to licences allocated on or after the commencement of this item, if the application for the licence was made on or after that commencement.
- (2) The amendments of sections 90 and 91 of the *Broadcasting Services Act 1992* made by this Schedule apply in relation to applications for renewal of licences made on or after the commencement of this item, regardless of when the licences were allocated.

Schedule 2—Temporary community broadcasting licences

Broadcasting Services Act 1992

1 After subsection 34(2)

Insert:

- (2A) If a determination made under subsection (1) determines that a part or parts of the radiofrequency spectrum concerned is or are available for allocation to temporary broadcasting licensees for a period, the ACMA may also specify, in the determination, the maximum number of temporary community broadcasting licences that may be allocated to part or parts of the spectrum for the period.

2 Subsection 92E(2)

Omit “is not to have”, substitute “may also have”.

3 After paragraph 92E(2)(b)

Insert:

- (ba) the extent to which the proposed service would provide material of local significance (within the meaning of subsection 84(3)); and

4 Section 92F

Before “The”, insert “(1)”.

5 At the end of section 92F

Add:

- (2) If the ACMA specifies in the determination a maximum number of temporary community broadcasting licences for the purposes of subsection 34(2A), the ACMA is not to allocate a temporary community broadcasting licence if that number would be exceeded.

6 Paragraph 92G(1)(c)

Repeal the paragraph, substitute:

- (c) determine a period:
 - (i) starting on a day determined by the ACMA; and
 - (ii) ending not later than 12 months after that day;as the licence period.

7 Application provisions

- (1) The amendment of section 92E of the *Broadcasting Services Act 1992* made by this Schedule applies in relation to applications made on or after the commencement of this item.
 - (2) The amendments of sections 92F and 92G of the *Broadcasting Services Act 1992* made by this Schedule apply in relation to licences allocated on or after the commencement of this item, if the application for the licence was made on or after that commencement.
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*[Minister's second reading speech made in—
House of Representatives on 27 October 2022
Senate on 1 December 2022]*

(110/22)
