



Communications Legislation Amendment (Regional Broadcasting Continuity) Act 2024

No. 113, 2024

**An Act to amend the law relating to
communications, 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. 113, 2024

An Act to amend the law relating to communications, and for related purposes

[Assented to 10 December 2024]

The Parliament of Australia enacts:

1 Short title

This Act is the *Communications Legislation Amendment (Regional Broadcasting Continuity) Act 2024*.

No. 113, 2024

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Continuity) Act 2024*

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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 after this Act receives the Royal Assent.	11 December 2024

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Amendments

Part 1—Declared service-deficient areas

Broadcasting Services Act 1992

1 Paragraph 130ZH(1)(a)

Omit “less than the number of commercial television broadcasting services required by clauses 7B and 7C of Schedule 2 to be provided under a commercial television broadcasting licence allocated under section 38C”, substitute “deficient”.

2 Paragraph 130ZH(1)(c)

Omit “the section 38C licence”, substitute “a commercial television broadcasting licence allocated under section 38C”.

3 After subsection 130ZH(1)

Insert:

- (2) For the purposes of determining whether the number of services provided to persons in a particular area is deficient as mentioned in paragraph (1)(a) or (4)(d), the ACMA may have regard to the following:
 - (a) the current applicable terrestrial digital commercial television broadcasting services provided to persons in:
 - (i) the relevant area; and
 - (ii) other licence areas;
 - (b) the history of such services having been provided to persons in the relevant area;
 - (c) the extent to which there has been a reduction in the number of such services provided to persons in the relevant area;
 - (d) any other matters that the ACMA considers relevant.

4 Paragraph 130ZH(4)(d)

Omit all the words after “relevant area is”, substitute “deficient”.

5 Subsection 130ZH(5)

Repeal the subsection.

6 Saving provision

To avoid doubt, a declaration made under subsection 130ZH(1) of the *Broadcasting Services Act 1992* that was in force immediately before the commencement of this Schedule continues in force on and after that commencement.

7 Application provision

Subsection 130ZH(4) of the *Broadcasting Services Act 1992*, as amended by this Part, applies in relation to a declaration made under subsection 130ZH(1) of that Act before, on or after the commencement of this Schedule.

Part 2—Consolidating transmitter licences for certain broadcasting services

Radiocommunications Act 1992

8 Subsection 102(1)

After “(2AB)”, insert “and section 102AE”.

9 At the end of subsection 102(1)

Add:

Note: Section 102AE provides for the consolidation of transmitter licences issued under this subsection, with the effect that multiple broadcasting services bands licences may relate to a single consolidated transmitter licence.

10 Subsection 102(2)

Omit “If”, substitute “Subject to subsection 102AE(4), if”.

11 After section 102AD

Insert:

102AE Consolidating transmitter licences for certain broadcasting services

Consolidation requests

- (1) The licensee of a transmitter licence issued under subsection 102(1) and the licensee of another such licence (together the ***relevant licences***) may request, by written notice given to the ACMA, that the ACMA make a declaration under subsection (3) of this section in relation to the relevant licences.
- (2) The licensee of each of the relevant licences may be the same licensee.

Consolidation declarations

- (3) If the ACMA is satisfied that it is appropriate in all the circumstances to do so, the ACMA may make a declaration under this subsection providing that:
- (a) the transmitter licence (the **consolidated licence**) specified in the declaration, being one of the relevant licences, is taken to authorise:
 - (i) the operation of the one or more radiocommunications transmitters specified in the consolidated licence; and
 - (ii) the transmission, using those transmitters, of the broadcasting service or services concerned in accordance with each of the broadcasting services bands licences to which either of the relevant licences relates; and
 - (b) the consolidated licence is taken to be held:
 - (i) if the licensee of each of the relevant licences is the same licensee—by that licensee; or
 - (ii) if the licensee of each of the relevant licences is different—jointly by those licensees; and
 - (c) the consolidated licence is taken to continue to be issued under section 102 and each of the broadcasting services bands licences mentioned in paragraph (a) of this subsection are taken to be the related licences, as referred to in section 102, of the consolidated licence; and
 - (d) the other of the relevant licences is taken to have been surrendered, and the ACMA is taken to have accepted that surrender, at the time the declaration is made.

Transfer of related licences

- (4) If one of the related licences referred to in paragraph (3)(c) is transferred by the licensee (the **first licensee**) of that related licence to another person (the **second licensee**), then:
- (a) unless the first licensee holds one of the other related licences—the first licensee is taken to cease to hold the consolidated licence; and
 - (b) the consolidate licence is taken to be held:

- (i) if the licensee of each of the related licences is the second licensee—by the second licensee; or
- (ii) if the licensee of each of the related licences is different—jointly by the second licensee and each licensee of the other related licences.

Rules

- (5) The ACMA may, by legislative instrument, make rules prescribing the following matters:
 - (a) the types of licensees that may make a consolidation request;
 - (b) the information that must be included in a consolidation request;
 - (c) the circumstances in which a consolidation request or consolidation declaration may be made;
 - (d) the matters that may be provided for in a consolidation declaration;
 - (e) the effects of making a consolidation declaration;
 - (f) the circumstances in which a consolidation declaration may be varied or revoked, and the effects of such a variation or revocation;
 - (g) any other matters that the ACMA considers necessary or convenient to give effect to this section.
- (6) The Minister may, by legislative instrument, give directions to the ACMA in relation to the exercise of the ACMA's powers in making rules under subsection (5).

Note: Section 42 (disallowance) and Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003* do not apply to directions given under this subsection (see regulations made for the purposes of paragraphs 44(2)(b) and 54(2)(b) of that Act).

- (7) The ACMA must comply with a direction given under subsection (6).

Definitions

- (8) In this section:

consolidation declaration means a declaration made under subsection (3).

consolidation request means a request made under subsection (1).

12 Subsection 103(4A)

Omit “A transmitter licence”, substitute “Subject to subsection (5), a transmitter licence”.

13 After subsection 103(4A)

Insert:

(5) If:

- (a) a transmitter licence is issued under subsection 102(1); and
- (b) a declaration made under subsection 102AE(3) is in force in relation to the transmitter licence; and
- (c) as a result of that declaration:
 - (i) the transmitter licence continues in force; and
 - (ii) multiple broadcasting services bands licenses are taken to be the related licences, as referred to in paragraph 102AE(3)(c), of the transmitter licence;

then the transmitter licence continues in force until all of the related licenses cease to be in force.

14 Application provision—general

The amendments of the *Radiocommunications Act 1992* made by this Part apply in relation to a consolidation request made under subsection 102AE(1) of that Act, as inserted by this Part, after the commencement of this Schedule, whether or not the transmitter licences to which the request relates were issued before, on or after that commencement.

15 Transitional provision—consolidation declarations

The ACMA may, in a consolidation declaration made under subsection 102AE(3) of the *Radiocommunications Act 1992*, provide that the consolidation declaration is taken to have effect from a day that is before the day on which the consolidation declaration is made, or before the commencement of this Schedule, or both.

Part 3—Preparation of licence area plans

Broadcasting Services Act 1992

16 After subsection 26(1E)

Insert:

- (1F) To avoid doubt, and without limiting the operation of this section, a television licence area plan may allot, or empower the ACMA to allot, a channel to 2 or more particular commercial television broadcasting licensees.

17 Application provision—general

Subsection 26(1F) of the *Broadcasting Services Act 1992*, as inserted by this Part, applies in relation to a television licence area plan prepared before, on or after the commencement of this Schedule.

18 Transitional provision—variation of television licence area plans

- (1) This item applies to a television licence area plan prepared by the ACMA under subsection 26(1B) of the *Broadcasting Services Act 1992* if:
- (a) the television licence area plan was in force immediately before the commencement of this Schedule; and
 - (b) on or after that commencement, the television licence area plan is varied by the ACMA under subsection 26(2) of that Act; and
 - (c) the television licence area plan is varied only to the extent necessary in order to allot, or empower the ACMA to allot, a channel to 2 or more particular commercial television broadcasting licensees.
- (2) The ACMA may provide that the television licence area plan, as varied in accordance with paragraph (1)(c), is taken to have effect from a day that is before the day on which the variation is made, or before the commencement of this Schedule, or both.

[Minister's second reading speech made in—
House of Representatives on 26 June 2024
Senate on 2 July 2024]

(79/24)

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