

COMMONWEALTH OF AUSTRALIA

Australian Communications Authority Act 1997

AUSTRALIAN COMMUNICATIONS AUTHORITY (HPON TRANSMITTER LICENCES) DIRECTION NO. 1 OF 2001

I, RICHARD KENNETH ROBERT ALSTON, Minister for Communications, Information Technology and the Arts, give the following Direction to the Australian Communications Authority under subsection 12(1) of the *Australian Communications Authority Act 1997*.

Dated 22 January 2001

RICHARD ALSTON

Minister for Communications, Information Technology and the Arts

1. Name of Direction

This Direction may be cited as the Australian Communications Authority (HPON Transmitter Licences) Direction No. 1 of 2001.

2. Commencement

This Direction commences on 1 March 2001.

3. Definitions

In this Direction:

ABA means the Australian Broadcasting Authority.

ACA means the Australian Communications Authority.

broadcasting services bands spectrum has the same meaning as in the BSA.

BSA means the *Broadcasting Services Act 1992*.

HPON radio licence means a transmitter licence issued under section 100 of the Radcom Act which authorises the operation of a transmitter:

- (a) for the provision of an open narrowcasting radio service in a part of the broadcasting services bands which is, at the time the licence is issued, available for allocation under a section 34 open narrowcasting determination; and
- (b) at a maximum power which exceeds:
 - (i) if the transmitter is operated in a residential area – 1 watt;
 - (ii) if the transmitter is operated in a non-residential area – 10 watts.

open narrowcasting radio service has the same meaning as in the BSA.

open narrowcasting service has the same meaning as in the BSA.

Radcom Act means the *Radiocommunications Act 1992*.

section 34 open narrowcasting determination means any determination under subsection 34(1) of the BSA, under which the ABA has determined that a specified part or parts of the radiofrequency spectrum is or are available for allocation, for a period or periods specified by the ABA, to providers of open narrowcasting services.

transmitter means a radiocommunications transmitter within the meaning of the Radcom Act.

transmitter licence has the same meaning as in the Radcom Act.

4. Direction – renewal of HPON radio licences

The ACA must not refuse to renew an HPON radio licence under section 130 of the Radcom Act on the basis of a general policy that such licences should be issued under a price-based allocation system determined under subsection 106(1) of the Radcom Act.

5. Direction – period of renewal of HPON radio licences

Where the ACA decides to renew an HPON radio licence under section 130 of the Radcom Act, the ACA must, subject to subsection 103(3) of the Radcom Act, specify a period under subsection 103(2) of the Radcom Act that ends at the same time as the period specified by the ABA under the relevant section 34 open narrowcasting determination, or the relevant part of that determination.

6. Application to ABA when acting as delegate of ACA

To avoid doubt, this Direction also applies to the ABA in its capacity as delegate of the ACA under section 238 of the Radcom Act.