



Broadcasting Services (Technical Planning) Guidelines (Consequential Amendments) Instrument 2017 (No. 2)

The Australian Communications and Media Authority makes the following instrument under subsection 106(1) and paragraph 107(1)(f) of the *Radiocommunications Act 1992*.

Dated: 22 September 2017

Richard Bean
[signed]
Member

James Cameron
[signed]
Member/~~General Manager~~

Australian Communications and Media Authority

Section 1

1 Name

This is the *Broadcasting Services (Technical Planning) Guidelines (Consequential Amendments) Instrument 2017 (No. 2)*.

2 Commencement

Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table.

Commencement information	
Column 1	Column 2
Provisions	Commencement
1. The whole of this instrument	The later of: (a) the same time as the <i>Broadcasting Services (Technical Planning) Guidelines 2017</i> commence; or (b) the start of the day after this instrument is registered on the Federal Register of Legislation.
	30 September 2017

3 Authority

This instrument is made under subsection 106(1) and paragraph 107(1)(f) of the *Radiocommunications Act 1992*.

4 Amendments to the *Radiocommunications (Allocation of Transmitter Licences – High Powered Open Narrowcasting Licences) Determination 2014*

The instrument that is specified in Schedule 1 is amended as set out in the applicable items in that Schedule.

5 Amendments to the *Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015*

The instrument that is specified in Schedule 2 is amended as set out in the applicable items in that Schedule.

Schedule 1 — Amendments to the *Radiocommunications (Allocation of Transmitter Licences – High Powered Open Narrowcasting Licences) Determination 2014 (F2014L00426)*

(section 4)

1 Subsection 6(1), after definition of *licence area plan*

Insert:

locality means an area designated as such by the Australian Bureau of Statistics at the 2001 Census.

2 Subsection 6(1), definition of *residential area*

Omit the words “has the meaning given by the *Broadcasting Services (Technical Planning) Guidelines 2007*”, substitute the words “means the area bounded by a line that is 20 kilometres outside of an urban centre or locality”.

3 Subsection 6(1), after definition of *successful applicant*

Insert:

urban centre means an area designated as such by the Australian Bureau of Statistics at the 2001 Census.

4 Subsection 6, Note at the end of the subsection

Omit the words “*Legislative Instruments Act*”, substitute the words “*Legislation Act*”.

5 Section 9

Repeal the section, substitute:

9 Application fee

The application fee is the charge fixed by the *Radiocommunications (Charges) Determination 2017*, as in force from time to time, for, or in relation to, considering an application under this Determination.

Schedule 2 — Amendments to the *Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015 (F2015L01489)*

(section 5)

1 Section 1.2, Note at the end of the section

Repeal the note, insert:

Note All legislative instruments and compilations are registered on the Federal Register of Legislation kept under the *Legislation Act 2003*. See <https://www.legislation.gov.au/>.

2 Subsection 1.4, definition of *AM band*

Repeal the definition, substitute:

AM radio band means the frequency range from 526.5 kHz to 1606.5 kHz.

3 Subsection 1.4, definition of *FM band*

Repeal the definition, substitute:

FM radio band means the frequency range from 87.5 MHz to 108 MHz.

4 Subsection 1.4, definition of *Technical Planning Guidelines*

Omit the words “*Broadcasting Services (Technical Planning) Guidelines 2007*”, substitute the words “*Broadcasting Services (Technical Planning) Guidelines 2017*”.

5 Subsection 1.4, Note 1 at the end of the subsection

Omit the words “*Legislative Instruments Act*”, substitute the words “*Legislation Act*”.

6 Section 2.4

Repeal the section, substitute:

2.4 Emission requirements — AM radio

If the licensee operates a broadcasting station on a frequency in the AM radio band, the station must comply with the requirements of guideline 22 in the Technical Planning Guidelines.

7 Section 2.5

Repeal the section, substitute:

2.5 Emission requirements — FM radio

If the licensee operates a broadcasting station on a frequency in the FM radio band, the station must comply with the requirements of guideline 22 in the Technical Planning Guidelines.

8 Section 2.5A

Repeal the section, substitute:

2.5A Emission requirements — television

If the licensee operates a broadcasting station on a frequency in the TV bands to transmit a television broadcasting service, the station must comply with the requirements of guideline 22 in the Technical Planning Guidelines.

9 Paragraph 4.3(c)

Repeal the paragraph, substitute:

- (c) must comply with the start up procedures in Part 2 of the Technical Planning Guidelines as if a reference in the Part to a ‘licensee’ were a reference to a ‘holder of a licence to which section 4.3 of the *Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015* applies’.

10 Section 4.4, including section heading

Omit the words “AM band”, wherever occurring, and substitute the words “AM radio band”, wherever occurring.

11 Paragraph 4.4(b)

Repeal the paragraph, substitute:

- (b) comply with guidelines 11 – 13 (inclusive) in Part 3 and guideline 21 in Part 5 of the Technical Planning Guidelines, as if a reference in those guidelines to:
 - (i) a ‘licensee’ were a reference to a ‘licensee mentioned in subsection 4.4(1) of the *Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015*’;
 - (ii) the ‘licence area’ were a reference to the ‘coverage area’, ‘coverage radius’ or ‘licence area’ of the station authorised by the licensee’s licence; and
 - (iii) matters specified in the LAP or DRCP were a reference to those same matters as specified in the licence conditions or advisory notes in the licensee’s licence authorising the operation of the station.

12 Section 4.5, including section heading

Omit the words “FM band”, wherever occurring, and substitute the words “FM radio band”.

13 Subsection 4.5(2)

Repeal the subsection, substitute

- (2) The licensee must comply with guidelines 11 to 13 (inclusive) in Part 3 and guideline 21 in Part 5 of the Technical Planning Guidelines, as if a reference in those guidelines to:
 - (a) a ‘licensee’ were a reference to a ‘licensee mentioned in subsection 4.5(1) of the *Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015*’;
 - (b) the ‘licence area’ were a reference to the ‘coverage area’, ‘coverage radius’ or ‘licence area’ of the station authorised by the licensee’s licence; and
 - (c) matters specified in the LAP or DRCP were a reference to those same matters as specified in the licence conditions or advisory notes in the licensee’s licence authorising the operation of the station.

14 Subsection 4.6(3)

Repeal the subsection, substitute:

- (3) The licensee must comply with guidelines 11 to 14 (inclusive) in Part 3 of the Technical Planning Guidelines, as if a reference in the guidelines to:

Schedule 2

- (a) a 'licensee' were a reference to a 'licensee mentioned in subsection 4.6(1) of the *Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015*;
- (b) the 'licence area' were a reference to the 'coverage area', 'coverage radius' or 'licence area' of the station authorised by the licensee's licence; and
- (c) matters specified in the LAP or DRCP were a reference to those same matters as specified in the licence conditions or advisory notes in the licensee's licence authorising the operation of the station.

15 Section 5.2

Omit the words "AM band", substitute the words "AM radio band".