



Broadcasting Services (Regional Commercial Radio Trigger Event Exemptions) Regulations 2023

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 14 September 2023

David Hurley
Governor-General

By His Excellency's Command

Michelle Rowland
Minister for Communications

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1 Name

This instrument is the *Broadcasting Services (Regional Commercial Radio Trigger Event Exemptions) Regulations 2023*.

2 Commencement

- (1) 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. 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 instrument	The day after this instrument is registered.	16 September 2023

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *Broadcasting Services Act 1992*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) control;
- (b) shares.

In this instrument:

Act means the *Broadcasting Services Act 1992*.

control event has the meaning given by subsection 61CB(1A) of the Act.

controller has the same meaning as in Division 5A of Part 5 of the Act.

regional commercial radio broadcasting licence means a regional commercial radio broadcasting licence in relation to which Division 5C of Part 5 of the Act applies.

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registrable media group has the same meaning as in Division 5A of Part 5 of the Act.

relevant event means:

- (a) a control event; or
- (b) the coming into existence of a registrable media group; or
- (c) a change of controller of a registrable media group.

trigger event has the same meaning as in Division 5C of Part 5 of the Act.

wholly-owned subsidiary has the same meaning as in the *Corporations Act 2001*.

6 Exemptions from trigger events

- (1) For the purposes of subsections 61CB(1D), (2C) and (5) of the Act, this section sets out exemptions from subsections 61CB(1A), (2) and (3) of the Act (which set out trigger events).

Change in control of licence

- (2) Subsection 61CB(1A) of the Act does not apply to a control event if the control event occurs in the following circumstances:
 - (a) a person (the **first person**) ceases to be in a position to exercise control of the regional commercial radio broadcasting licence concerned;
 - (b) another person (the **second person**) starts to be in a position to exercise control of that licence;
 - (c) the second person is controlled in the same way as the first person was controlled;
 - (d) either:
 - (i) the other persons who are in a position to exercise control of that licence do not otherwise change; or
 - (ii) any other change to the other persons who are in a position to exercise control of that licence is not a trigger event for that licence.

Note: An example for paragraph (c) is that the first person and second person are, or were, wholly-owned subsidiaries of the same parent company.

Change of controller of registrable media group

- (3) Subsection 61CB(3) of the Act does not apply to a change of controller (the **first controller**) of a registrable media group if the change occurs in the following circumstances:
 - (a) the first controller ceases to be a controller of the group;
 - (b) a person (the **second controller**) who was not a controller of the group becomes a controller of the group;
 - (c) a regional commercial radio broadcasting licence is in the group;
 - (d) the second controller is controlled in the same way as the first controller was controlled;
 - (e) either:
 - (i) the persons who are in a position to exercise control of the licence do not otherwise change; or

- (ii) any other change to the persons who are in a position to exercise control of the licence is not a trigger event.

Note: An example for paragraph (d) is that the first controller and second controller are, or were, wholly-owned subsidiaries of the same parent company.

Change of directors

- (4) Subsection 61CB(1A) or (3) of the Act does not apply to a relevant event if the relevant event occurs solely because of a change of directors of a company.

Sale or transfer of shares between companies

- (5) Subsection 61CB(1A), (2) or (3) of the Act does not apply to a relevant event if the relevant event occurs in the following circumstances:
 - (a) there is a sale or transfer of shares between 2 or more companies;
 - (b) the companies are wholly-owned subsidiaries of the same company (the **parent company**);
 - (c) both before and after the sale or transfer of the shares, the parent company is in a position to exercise control of the regional commercial radio broadcasting licence concerned;
 - (d) either:
 - (i) the persons who are in a position to exercise control of that licence do not otherwise change; or
 - (ii) any other change to the persons who are in a position to exercise control of that licence is not a trigger event for that licence.

Formation of new company

- (6) Subsection 61CB(1A), (2) or (3) of the Act does not apply to a relevant event if the relevant event occurs in the following circumstances:
 - (a) a new company is formed;
 - (b) the new company is a wholly-owned subsidiary of another company (the **parent company**);
 - (c) the new company starts to be in a position to exercise control of the regional commercial radio broadcasting licence concerned;
 - (d) both before and after the new company is formed, the parent company is in a position to exercise control of that licence;
 - (e) either:
 - (i) the persons who are in a position to exercise control of that licence do not otherwise change; or
 - (ii) any other change to the persons who are in a position to exercise control of that licence is not a trigger event for the licence.

Subsidiary company ceases to exercise control

- (7) Subsection 61CB(1A), (2) or (3) of the Act does not apply to a relevant event if the relevant event occurs in the following circumstances:
 - (a) a company ceases to be in a position to exercise control of the regional commercial radio broadcasting licence concerned;

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- (b) the company is a wholly-owned subsidiary of another company (the *parent company*);
- (c) both before and after the event mentioned in paragraph (a) of this subsection occurs, the parent company is in a position to exercise control of that licence;
- (d) either:
 - (i) the persons who are in a position to exercise control of that licence do not otherwise change; or
 - (ii) any other change to the persons who are in a position to exercise control of that licence is not a trigger event for the licence.

Schedule 1—Repeals

Broadcasting Services (Regional Commercial Radio) Regulation 2013

1 The whole of the instrument

Repeal the instrument.