



## **Broadcasting Services (Regional Commercial Radio — Material of Local Significance) Licence Condition 2024**

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The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this condition under subsection 43(1) of the *Broadcasting Services Act 1992*.

Dated: 19 September 2024

Creina Chapman  
[signed]  
Member

Autumn Field  
[signed]  
~~Member~~/General Manager

Australian Communications and Media Authority

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## **PART 1            PRELIMINARY**

### **1        Name of Instrument**

This instrument is the *Broadcasting Services (Regional Commercial Radio – Material of Local Significance) Licence Condition 2024*.

### **2        Commencement**

This instrument commences at the start of the day after the day it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation may be accessed free of charge at [www.legislation.gov.au](http://www.legislation.gov.au).

### **3        Authority**

This instrument is made under subsection 43(1) of the Act.

### **4        Repeal of the *Broadcasting Services (Regional Commercial Radio– Material of Local Significance) Licence Condition 2014***

The *Broadcasting Services (Regional Commercial Radio– Material of Local Significance) Licence Condition 2014* (F2014L01263) is repealed.

### **5        Purpose and Application**

(1) For subsection 43(1) of the Act:

(a) the purpose of this instrument is, pursuant to subsection 43C(1) of the Act, to impose conditions on a regional commercial radio broadcasting licence; and

(b) those conditions create obligations on the person who holds the licence.

(2) This instrument does not apply to a regional commercial radio broadcasting licence that is:

(a) a remote area service radio licence;

(b) a regional racing service radio licence; or

(c) a licence allocated under subsection 40(1) of the Act.

## **PART 2            TERMS USED IN THIS INSTRUMENT**

### **6        Definitions**

In this instrument:

*Act* means the *Broadcasting Services Act 1992*.

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**licensee** means a person who holds a regional commercial radio broadcasting licence other than a remote area service radio licence, a regional racing service radio licence or a licence allocated under subsection 40(1) of the Act.

**material of local significance** has the meaning given by section 8.

**relevant business day** means, in respect of a licensee, a business day other than a business day that falls within a local content exemption period for the licensee.

*Note:* The following terms used in this instrument are defined in the Act and have the same meaning as in that Act: the ACMA, applicable number, community service announcement [see Division 5C of Part 5], daytime hours, emergency service agency, licence, licence area, local content exemption period (see section 8AE), regional commercial radio broadcasting licence, regional racing service radio licence [see section 8AF], remote area service radio licence, trigger event [see Division 5C of Part 5].

## 7 References to other instruments

In this instrument, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument is a reference to that other instrument as in force at the commencement of this instrument.

*Note 1:* For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

*Note 2:* All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

## 8 Meaning of **material of local significance**

- (1) Material that is broadcast by a licensee is **material of local significance** if:
  - (a) it complies with subsection (2) or (3); and
  - (b) subsection (4) does not apply.

### **General rule**

- (2) Material is material of local significance if it:
  - (a) is hosted in; or
  - (b) is produced in; or
  - (c) relates to;

the licence area of the regional commercial radio broadcasting licence.

### **Local news and information**

- (3) Material is also material of local significance if it is broadcast by a licensee in compliance with obligations under Subdivision B of Division 5C of Part 5 of the Act.

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*Note:* The obligations under Subdivision B of Division 5C of Part 5 of the Act apply after a trigger event has occurred for a regional commercial radio broadcasting licence.

### **Announcements about material**

- (4) An announcement (including a station promotion) that material of local significance will be broadcast at a later time is not itself material of local significance.

## **9 Definitions relating to material of local significance**

### **Meaning of *produced in the licence area***

- (1) Material is *produced in the licence area* if:
- (a) one or more individuals in the licence area direct the creative and administrative aspects of the production of the material; and
  - (b) two or more of the following activities occur in the licence area:
    - (i) compilation;
    - (ii) developing and implementing programming concepts;
    - (iii) editing;
    - (iv) researching;
    - (v) scripting;
    - (vi) technical operation;
    - (vii) any other activity relating to the creative and administrative aspects of the production of the material.

### **Meaning of *hosted in the licence area***

- (2) Material is *hosted in the licence area* if each announcer of the material, including an announcer of a particular item of music that forms part of the material, is in the licence area when the material is broadcast.

### **Meaning of *relates to the licence area***

- (3) Material *relates to the licence area* if it relates to any of the following matters:
- (a) an economic issue as it affects the licence area;
  - (b) a government or political issue as it affects the licence area;
  - (c) a social issue as it affects the licence area;
  - (d) an education issue as it affects the licence area;
  - (e) a health issue as it affects the licence area;
  - (f) an employment issue as it affects the licence area;
  - (g) an event in the licence area, including an event that has not yet occurred;
  - (h) a person or organisation associated with the licence area;
  - (i) the views of a person or organisation associated with the licence area;

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- (j) weather conditions in the licence area;
  - (k) a cultural interest, or an issue relating to culture, as it affects the licence area;
  - (l) the natural or built environment in the licence area;
  - (m) a body, operating in the licence area, that deals with community, welfare, religious, educational or other community service;
  - (n) an emergency warning broadcast at the request of an emergency service agency.
- (4) Material of any kind that is not described in subsection (3) *relates to the licence area* if a direct and substantial relationship between the material and the licence area exists.

## **PART 3 LICENCE CONDITIONS**

### **10 Licensee must broadcast material of local significance**

- (1) During daytime hours on a relevant business day, a licensee must broadcast the applicable number of hours of material of local significance.
- (2) For subsection (1), if:
  - (a) material of local significance is advertising or sponsorship matter; and
  - (b) the licensee has received, or is entitled to receive, a payment or other consideration for broadcasting that material;the advertising or sponsorship matter must comprise not more than 25% of the applicable number of hours on a relevant business day.

*Note:* For the applicable number of hours see section 4 of the *Broadcasting (Hours of Local Content) Declaration No. 1 of 2017*.

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## PART 4 RECORD KEEPING

### 11 Records

- (1) For each relevant business day after the commencement of this instrument, a licensee must make a record, in audio form, of the applicable number of hours of material of local significance that it has broadcast in its licence area during daytime hours on that relevant business day.

*Note:* A licensee may keep a record for this subsection by making an audio recording of a whole day of material, of material broadcast during daytime hours (ie 5.00 am to 8.00pm) or of material that is the duration of the applicable hours only.

- (2) The licensee must keep a record made for subsection (1) for the longest of the following periods:
  - (a) 30 days from the date on which the material was broadcast;
  - (b) if a complaint has been made in relation to material contained in the broadcast – 60 days from the date on which the material was broadcast; or
  - (c) a longer period specified by the ACMA, in writing.

*Note:* This subsection does not affect any other requirement of the licensee to retain records in relation to material that it broadcasts (see, for example, Part 2 of Schedule 2 to the Act).

- (3) If the ACMA asks the licensee in writing for access to a record kept under this section, the licensee must comply with the request as soon as practicable.

#### Transitional provision

- (4) If, before the commencement of this instrument, a licensee was required to make a record under section 9 of the *Broadcasting Services (Regional Commercial Radio – Material of Local Significance) Licence Condition 2014*, the licensee must keep that record for the period specified in that section as if that instrument had not been revoked.

### 12 Material of local significance—local content statements

- (1) For each relevant business day after the commencement of this instrument, a licensee must compile a **local content statement** in relation to the material of local significance that is to be broadcast in its licence area during daytime hours on that relevant business day.
- (2) A **local content statement** must record the material of local significance to be broadcast on a relevant business day by setting out the regular program schedule for each day of the week.
- (3) A local content statement made under subsection (2), must state:
  - (a) which programs or parts of programs are material of local significance;
  - (b) whether the material was produced in, hosted in, or relates to the licence area; and
  - (c) the date or time period covered by the statement.

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*Note:* For paragraph (3)(c), the time period covered by a local content statement might be indicated by a reference such as ‘July to September 2024’ or ‘week commencing 8 July 2024’.

- (4) The licensee must make its current local content statement available to the public by either:
  - (a) publishing local content statements on its website; or
  - (b) providing copies of local content statements to any person, on request.
- (5) If the ACMA asks the licensee in writing for access to a local content statement kept under this section, the licensee must comply with the request as soon as practicable.
- (6) The licensee must keep a copy of a local content statement for the greater of:
  - (a) 18 months starting on the day after the broadcast; and
  - (b) another period specified by the ACMA, in writing.

*Note:* This subsection does not affect any other requirement of the licensee to retain records in relation to material that it broadcasts (see, for example, Part 2 of Schedule 2 to the Act).

### **Transitional provision**

- (7) If, before the commencement of this instrument, a licensee was required to make, keep and publish a local content statement under section 10 of the *Broadcasting Services (Regional Commercial Radio – Material of Local Significance) Licence Condition 2014*, the licensee must comply with that section as if that instrument had not been revoked.