



# Broadcasting Services Amendment Act 1993

No. 1 of 1993

---

## An Act to amend the *Broadcasting Services Act 1992*

[Assented to 14 May 1993]

The Parliament of Australia enacts:

### Short title etc.

5 1.(1) This Act may be cited as the *Broadcasting Services Amendment Act 1993*.

(2) In this Act, "**Principal Act**" means the *Broadcasting Services Act 1992*<sup>1</sup>.

### Commencement

10 2. This Act commences on the day on which it receives the Royal Assent.

### Interpretation

3. Section 6 of the Principal Act is amended by inserting in subsection (1) the following definitions:

"**line**" has the same meaning as in the *Telecommunications Act 1991*;

**'MDS system'** means a system for transmitting radiocommunications on a frequency or frequencies within:

- (a) the frequency band from 2076 Megahertz up to and including 2111 Megahertz; or
- (b) the frequency band from 2300 Megahertz up to and including 2400 Megahertz;".

#### **Transmission system standards**

4. Section 94 of the Principal Act is amended by inserting in subsection (3) "by 1 March 1994" after "agree".

#### **Allocation of other subscription television broadcasting licences**

5. Section 96 of the Principal Act is amended by inserting after subsection (3) the following subsections:

"(3A) In dealing with an application for a licence under subsection (1) for a service that is dependent on an MDS system as its means of transmission or as a part of its means of transmission (whether that application is made before or after the commencement of this subsection), the ABA must not allocate such a licence before services commence under licence A, licence B or licence C.

"(3B) Subsection (3A) ceases to have effect on 31 December 1994."

6. After section 96 of the Principal Act the following section is inserted:

#### **Monitoring of cross-media ownership of licences allocated under section 96**

"96A.(1) The ABA, in consultation with the Trade Practices Commission, must monitor the cross-media ownership of the holders of licences allocated under section 96 in the context of the objects of this Act, particularly paragraph 3(c).

"(2) If, as a result of that monitoring, the ABA is concerned that the objects of this Act are being undermined, the ABA must report that concern to the Minister.

"(3) The Minister must cause a copy of a report under this section to be laid before each House of the Parliament within 15 sitting days of that House after receiving the report."

#### **Matters to which conditions may relate**

7. Section 100 of the Principal Act is amended:

- (a) by omitting from subsection (4) "licensee A, licensee B and licensee C" and substituting "subscription television broadcasting licensees";

- (b) by inserting after subsection (4) the following subsection:  
"(4A) Conditions under subsection (4) may be different for different classes of licensees."

8. Section 215 of the Principal Act is repealed and the following section is substituted:

**Review of television broadcasting industry**

"215.(1) The Minister must, before 1 July 1997, conduct a review of the television broadcasting industry to assess the national benefits that would accrue if more than 3 commercial television broadcasting services were permitted in licence areas.

"(2) The Minister must, as soon as practicable, but in any case before 1 July 1997, conduct a review of the operation of the condition relating to Australian content on subscription television broadcasting licensees, including into the feasibility of increasing to 20% the level of expenditure required under section 102."

---

**NOTE**

1. No. 110, 1992, as amended. For previous amendments, see Nos. 167, 171, 216 and 218, 1992.

---

*[Minister's second reading speech made in—  
Senate on 6 May 1993  
House of Representatives on 14 May 1993 a.m.]*