



Broadcasting Services Amendment (Community Television) Act 2024

No. 15, 2024

**An Act to amend the law relating to
communications, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

Contents

1	Short title.....	2
2	Commencement	3
3	Schedules	3

Schedule 1—Amendments 4

Part 1—Amendments relating to access to spectrum 4

Broadcasting Services Act 1992 4

Radiocommunications Act 1992 4

Part 2—Amendments relating to codes of practice 7

Broadcasting Services Act 1992 7



Broadcasting Services Amendment (Community Television) Act 2024

No. 15, 2024

An Act to amend the law relating to communications, and for related purposes

[Assented to 8 April 2024]

The Parliament of Australia enacts:

1 Short title

This Act is the *Broadcasting Services Amendment (Community Television) Act 2024*.

2 Commencement

- (1) Each provision of this Act 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 Act	The day after this Act receives the Royal Assent.	9 April 2024

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments relating to access to spectrum

Broadcasting Services Act 1992

1 Section 89

Before “A community”, insert “(1)”.

2 At the end of section 89

Add:

(2) However, if:

- (a) the community broadcasting licence is a related licence for the purposes of subsection 102(1) of the *Radiocommunications Act 1992*; and
 - (b) each transmitter licence issued under that subsection in relation to the community broadcasting licence is cancelled by force of paragraph 103(4A)(c) of that Act;
- the community broadcasting licence is cancelled at the same time by force of this subsection.

Radiocommunications Act 1992

3 Before section 96A

Insert:

Division 1A—Use of spectrum for community broadcasting

4 Subsection 96A(1)

Repeal the subsection, substitute:

- (1) It is the intention of the Parliament that, until the day determined by the ACMA under subsection 96D(1), access to the broadcasting services bands be available to provide the following services in a prescribed area:
 - (a) community broadcasting services provided under a CTV licence;

- (b) open narrowcasting television services provided for community or educational non-profit purposes that are transmitted from one or more radiocommunications transmitters, the operation of which is authorised under an apparatus licence issued under section 100.

5 After section 96B

Insert:

96C Declaration to make spectrum available for alternative uses

- (1) The ACMA may, by notifiable instrument, declare that the parts of the spectrum used as mentioned in subsection 96A(1) are to be made available for alternative uses.

Note: The alternative uses could include the following:

- (a) transitioning of other technologies;
 - (b) consolidation of the spectrum to achieve a digital dividend;
 - (c) setting aside parts of the spectrum for future demand.
- (2) In making the declaration, the ACMA must have regard to possible future demand for use of those parts of the spectrum.

96D Determination of specified day

- (1) The ACMA may, by legislative instrument, determine a specified day for the purposes of subsection 96A(1).
- (2) The instrument must not be made within the period of 6 months after the declaration made under section 96C is registered on the Federal Register of Legislation.
- (3) The day specified in the instrument must be at least 6 months after the instrument is registered on the Federal Register of Legislation.

Note: For licences cancelled at the end of the specified day, see:

- (a) subsection 89(2) of the *Broadcasting Services Act 1992*; and
- (b) subsection 103(2A) and paragraph 103(4A)(c) of this Act.

6 Subsection 103(2A)

Omit “does not have effect after 30 June 2024”, substitute “is cancelled, by force of this subsection, at the end of the day determined by the ACMA under subsection 96D(1)”.

Schedule 1 Amendments

Part 1 Amendments relating to access to spectrum

7 Paragraph 103(4A)(c)

Omit “does not have effect after 30 June 2024”, substitute “is cancelled, by force of this paragraph, at the end of the day determined by the ACMA under subsection 96D(1)”.

8 Subsection 103(4B)

Repeal the subsection.

Part 2—Amendments relating to codes of practice

Broadcasting Services Act 1992

9 After subsection 123(1)

Insert:

- (1A) For the purposes of a code of practice developed under this section, the licensee who holds the apparatus licence mentioned in subsection 103(2A) of the *Radiocommunications Act 1992* is taken to be:
- (a) part of the section of the industry referred to in paragraph (1)(b); and
 - (b) not part of the section of the industry referred to in paragraph (1)(e).

[Minister’s second reading speech made in—
House of Representatives on 15 February 2024
Senate on 21 March 2024]

(13/24)
