2010-2011

The Parliament of the Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Broadcasting Services Amendment (Review of Future Uses of Broadcasting Services Bands Spectrum) Bill 2011

No.      , 2011

(Broadband, Communications and the Digital Economy)

A Bill for an Act to amend the Broadcasting Services Act 1992, and for related purposes
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\textit{i} Broadcasting Services Amendment (Review of Future Uses of Broadcasting Services Bands Spectrum) Bill 2011 No. , 2011
A Bill for an Act to amend the *Broadcasting Services Act 1992*, and for related purposes

The Parliament of Australia enacts:

1 **Short title**

   This Act may be cited as the *Broadcasting Services Amendment (Review of Future Uses of Broadcasting Services Bands Spectrum) Act 2011*.

2 **Commencement**

   This Act commences on the day after this Act receives the Royal Assent.
3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Broadcasting Services Act 1992

1 At the end of Part 3

Add:

35A Reviews relating to the uses of broadcasting services bands spectrum

Initial review

(1) Before 1 January 2013, the Minister must cause to be conducted a review of:

(a) whether broadcasting services bands spectrum that is, or may become, available for allocation should be used for a particular area or areas of Australia to provide television broadcasting services; and

(b) if so, what variations (if any) should be made to any licence area plans in force under section 26; and

(c) whether broadcasting services bands spectrum that is, or may become, available for allocation should be used for a particular area or areas of Australia to provide services other than television broadcasting services; and

(d) if so, what licensing requirements (if any) should apply in relation to those services.

Note: For available for allocation, see subsection (9).

Subsequent reviews

(2) The Minister may cause to be conducted a review of:

(a) whether broadcasting services bands spectrum that is, or may become, available for allocation should be used for a particular area or areas of Australia to provide television broadcasting services; and

(b) if so, what variations (if any) should be made to any licence area plans in force under section 26; and
(c) whether broadcasting services bands spectrum that is, or may become, available for allocation should be used for a particular area or areas of Australia to provide services other than television broadcasting services; and

(d) if so, what licensing requirements (if any) should apply in relation to those services.

Note: For available for allocation, see subsection (9).

(3) Subsection (2) does not authorise the conduct of a review before the completion of the report of a review conducted under subsection (1).

Conduct of a review

(4) The following matters must be taken into account in conducting a review under subsection (1) or (2):

(a) the objects of this Act;

(b) the matters referred to in paragraphs 23(a) to (f) in so far as they are relevant;

(c) the availability of broadcasting services bands spectrum;

(d) the impact (if any) that introducing new services may have on:

(i) existing uses of the broadcasting services bands spectrum; or

(ii) consumers;

(e) in the case of a review under subsection (2)—the impact (if any) that introducing new services has had on:

(i) existing uses of the broadcasting services bands spectrum; or

(ii) consumers;

(f) any other relevant matters.

(5) A review under subsection (1) or (2) must be conducted in a manner that provides for wide public consultation.

(6) The ACMA must make available such information as is reasonably necessary for the conduct of a review under subsection (1) or (2).
Report of a review

(7) The Minister must cause to be prepared a report of a review under subsection (1) or (2).

(8) The Minister must cause copies of a report to be laid before each House of the Parliament within 15 sitting days of that House after the completion of the report.

Meaning of available for allocation

(9) For the purposes of subsections (1) and (2), broadcasting services bands spectrum is, or may become, available for allocation if the ACMA has made, or may make, a determination under section 34 in relation to the spectrum.

2 Section 35A

Repeal the section.