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The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Broadcasting Legislation Amendment  
(Digital Radio) Bill 2015**

**No.     , 2015**

*(Communications and the Arts)*

**A Bill for an Act to amend legislation relating to  
broadcasting, and for related purposes**



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# **A Bill for an Act to amend legislation relating to broadcasting, and for related purposes**

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Broadcasting Legislation Amendment (Digital Radio) Act 2015*.

## **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.

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**Commencement information**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	The day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Restricted datacasting licences**

### ***Broadcasting Services Act 1992***

**1 Subsection 6(1) (paragraph (b) of the definition of *broadcasting services bands*)**

Omit “and restricted datacasting services”.

**2 Subsection 6(1) (definition of *restricted datacasting licence*)**

Repeal the definition.

**3 Subsection 6(1) (definition of *restricted datacasting service*)**

Repeal the definition.

**4 Subdivision C of Division 2 of Part 5**

Repeal the Subdivision.

**5 Subsections 63(2A) and (2B)**

Repeal the subsections.

**6 Paragraph 63(5)(a)**

Omit “, (2A)”.

**7 Subsections 64(2A) and (2B)**

Repeal the subsections.

**8 Paragraph 64(5)(a)**

Omit “, (2A)”.

**9 Paragraph 130A(1)(f)**

Omit “(other than restricted datacasting services)”.

**10 Paragraph 130AA(1)(f)**

Omit “class licence;”, substitute “class licence.”.

**11 Paragraph 130AA(1)(g)**

Repeal the paragraph.

**12 Subsection 130AA(3) (note 4)**

Repeal the note.

**13 Paragraph 130BA(1)(f)**

Omit “class licence;”, substitute “class licence.”.

**14 Paragraph 130BA(1)(g)**

Repeal the paragraph.

**15 At the end of subparagraph 130BA(2)(c)(vi)**

Add “and”.

**16 Subparagraph 130BA(2)(c)(vii)**

Repeal the subparagraph.

**17 At the end of subparagraph 130BA(3)(a)(vi)**

Add “and”.

**18 Subparagraph 130BA(3)(a)(vii)**

Repeal the subparagraph.

**19 Paragraph 130F(1)(f)**

Omit “(other than a restricted datacasting licence)”.

**20 Paragraph 130F(1)(fa)**

Repeal the paragraph.

**21 Subclause 1(1) of Schedule 1**

Omit “, restricted datacasting licences”.

**22 Paragraph 2(1)(b) of Schedule 1**

Omit “or a restricted datacasting licence”.

**23 Paragraph 2(1)(bb) of Schedule 1**

Repeal the paragraph.

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**24 Subclause 2(2B) of Schedule 1**

Repeal the subclause.

**25 Paragraph 4(2)(b) of Schedule 1**

Omit “or a restricted datacasting licensee”.

**26 Paragraph 4(2)(bb) of Schedule 1**

Repeal the paragraph.

**27 Subclause 4(4) of Schedule 1 (paragraph (bc) of the definition of *media company*)**

Repeal the paragraph.

**28 Clause 1 of Schedule 6**

Omit:

- Datacasting licensees (other than restricted datacasting licensees) will be allowed to provide the following types of content:

substitute:

- Datacasting licensees will be allowed to provide the following types of content:

**29 Clause 1 of Schedule 6**

Omit:

- Restricted datacasting licensees will not be allowed to provide content in a form that is specified in a legislative instrument made by the Minister.

**30 Subclause 7(3) of Schedule 6**

Repeal the subclause.

**31 Clause 12 of Schedule 6 (heading)**

Repeal the heading, substitute:

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**12 ACMA to maintain Register of datacasting licences**

**32 Paragraph 12(1)(a) of Schedule 6**

Omit “(other than restricted datacasting licences)”.

**33 Clause 12A of Schedule 6**

Repeal the clause.

**34 Paragraph 24(1)(ca) of Schedule 6**

Omit “if the licence is not a restricted datacasting licence—”.

**35 Paragraph 24(1)(i) of Schedule 6**

Omit “if the licence is not a restricted datacasting licence—”.

**36 Clause 24A of Schedule 6**

Repeal the clause.

**37 Subclause 52(1A) of Schedule 6**

Repeal the subclause.

**38 Subclause 52(2) of Schedule 6**

Omit “or (1A)”.

**39 Subclause 52A(1A) of Schedule 6**

Repeal the subclause.

**40 Subclause 52A(2) of Schedule 6**

Repeal the subclause, substitute:

(2) Subclause (1) is a civil penalty provision.

**41 Subclause 52A(3) of Schedule 6**

Omit “or (1A)”.

**42 Subclauses 54(2A) and (3A) of Schedule 6**

Repeal the subclauses.

**43 Subclause 54(4) of Schedule 6**

Omit “(2), (2A), (3) or (3A)”, substitute “(2) or (3)”.

***Radiocommunications Act 1992***

**44 Section 5 (definition of *category 1 digital radio multiplex transmitter licence*)**

Omit “any or all”, substitute “either or both”.

**45 Section 5 (paragraph (b) of the definition of *category 1 digital radio multiplex transmitter licence*)**

Omit “services;”, substitute “services.”.

**46 Section 5 (paragraph (c) of the definition of *category 1 digital radio multiplex transmitter licence*)**

Repeal the paragraph.

**47 Section 5 (paragraph (c) of the definition of *category 2 digital radio multiplex transmitter licence*)**

Omit “services;”, substitute “services.”.

**48 Section 5 (paragraph (d) of the definition of *category 2 digital radio multiplex transmitter licence*)**

Repeal the paragraph.

**49 Section 5 (definition of *category 3 digital radio multiplex transmitter licence*)**

Repeal the definition, substitute:

*category 3 digital radio multiplex transmitter licence* means a transmitter licence for one or more multiplex transmitters that are for use for transmitting one or more digital national radio broadcasting services in a designated BSA radio area.

**50 Section 5 (definition of *restricted datacasting licence*)**

Repeal the definition.

**51 Section 5 (definition of *restricted datacasting service*)**

Repeal the definition.

**52 Paragraph 31(1)(a)**

Omit “or restricted datacasting services, or both”.

**53 Paragraph 31(1A)(a)**

Repeal the paragraph, substitute:

- (a) designate a part of the spectrum as being partly for the purpose of digital radio broadcasting services; and

**54 Subparagraph 109B(1)(f)(ii)**

Omit “or”.

**55 Subparagraph 109B(1)(f)(iii)**

Repeal the subparagraph.

**56 Subparagraph 109B(1)(g)(iii)**

Omit “or”.

**57 Subparagraph 109B(1)(g)(iv)**

Repeal the subparagraph.

**58 Paragraph 109B(1)(h)**

Repeal the paragraph, substitute:

- (h) if the licence is a category 3 digital radio multiplex transmitter licence—a condition that the licensee, and any person so authorised, must not operate, or permit the operation of, a multiplex transmitter under the licence for transmitting a service unless the service is a digital national radio broadcasting service;

**59 Section 118NB (paragraph (a) of the definition of *content service*)**

Omit “, (ii) or (iii)”, substitute “or (ii)”.

**60 Section 118NB (paragraph (b) of the definition of *content service*)**

Omit “, (iii) or (iv)”, substitute “or (iii)”.

## Schedule 2—Start-up day

### *Broadcasting Services Act 1992*

**1 Subsection 8AC(3)**

Repeal the subsection.

**2 Subsection 8AC(8) (definition of *metropolitan licence area*)**

Repeal the definition.

**3 Subsection 8AC(8) (definition of *regional licence area*)**

Repeal the definition (not including the note).

## **Schedule 3—Digital radio moratorium period**

### ***Broadcasting Services Act 1992***

**1 Subsection 6(1) (definition of *digital radio moratorium period*)**

Repeal the definition.

**2 Subsection 26C(2)**

Repeal the subsection.

**3 Section 35C**

Repeal the section.

**4 Section 35D**

Repeal the section.

**5 Subsection 36A(7)**

Repeal the subsection.

**6 Subsection 41D(6)**

Repeal the subsection.

**7 Subsection 204(1) (table item dealing with subsection 35D(2))**

Repeal the item.

### ***Radiocommunications Act 1992***

**8 Section 5 (definition of *digital radio moratorium period*)**

Repeal the definition.

**9 Subsections 109D(1) and (2)**

Repeal the subsections, substitute:

*Scope*

- (1) This section applies to a foundation digital radio multiplex transmitter licence for a designated BSA radio area if the licence was issued otherwise than in accordance with a price-based allocation system determined under section 106.

**10 Subsection 118NQ(3)**

Omit “subsections (5), (6) and (7)”, substitute “subsections (5) and (6)”.

**11 Subsections 118NQ(7), (8) and (9)**

Repeal the subsections.

**12 Paragraph 118NX(2)(a)**

Omit “118NQ(7) or”.

**13 Paragraph 118NY(2)(a)**

Omit “118NQ(7) or”.

**14 Subsection 131AA(8)**

Repeal the subsection.



## **Schedule 4—Non-foundation digital radio multiplex transmitter licence**

### ***Radiocommunications Act 1992***

#### **1 Section 5 (definition of *non-foundation digital radio multiplex transmitter licence*)**

Repeal the definition, substitute:

***non-foundation digital radio multiplex transmitter licence*** means:

- (a) a category 1 digital radio multiplex transmitter licence; or
  - (b) a category 2 digital radio multiplex transmitter licence;
- that is not a foundation digital radio multiplex transmitter licence.

## **Schedule 5—Repeals of spent provisions**

### ***Broadcasting Services Act 1992***

#### **1 Section 215B**

Repeal the section.

### ***Radiocommunications Act 1992***

#### **2 Section 313B**

Repeal the section.