

**Commonwealth of Australia**

*Australian Communications Authority Act 1997*

**Australian Communications Authority (MF NAS Transmitter Licences) Direction No. 1 of 2003**

I, RICHARD KENNETH ROBERT ALSTON, Minister for Communications, Information Technology and the Arts, make the following Direction under subsection 12(1) of the *Australian Communications Authority Act 1997*.

Dated 29 August 2003.

RICHARD ALSTON  
Minister for Communications, Information Technology and the Arts

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**1 Name of Direction**

This Direction is the *Australian Communications Authority (MF NAS Transmitter Licences) Direction No. 1 of 2003*.

**2 Commencement**

This Direction commences when the ACA is given written notice of it.

**3 Revocation**

The *Australian Communications Authority (MF NAS Transmitter Licences) Direction No. 1 of 2002* is revoked.

**4 Definitions**

In this Direction:

**ABA** means the Australian Broadcasting Authority;

**ACA** means the Australian Communications Authority;

**Act** means the *Radiocommunications Act 1992*;

**Broadcasting LCD** means the *Radiocommunications Licence Conditions (Broadcasting Licence) Determination No. 1 of 1998* made by the ACA under paragraph 107(1)(f) of the Act;

**commercial broadcasting service** has the same meaning as in the *Broadcasting Services Act 1992*;

**licensee** has the same meaning as in the Broadcasting LCD;

**location**, of a station, means the latitude and longitude of the station site as recorded in the register kept by the ACA under section 143 of the Act;

**MF NAS transmitter licence** means a “broadcasting licence (narrowband area service)” (within the meaning of the Broadcasting LCD) that authorises the operation of a station at a frequency in the range 1606.5 kHz to 1705 kHz;

**station** has the same meaning as in the *Radiocommunications (Interpretation) Determination 2000*.

## 5 Direction – MF NAS transmitter licences

I direct the ACA to exercise its powers under sections 107 and 111 of the Act, as soon as practicable, to ensure that conditions are imposed on all MF NAS transmitter licences which have the effect that the licensee must not operate a station under the licence to provide a commercial broadcasting service unless:

- (a) the licence was:
  - (i) issued under section 100 of the Act before 6 November 2002; or
  - (ii) issued under section 130 of the Act on or after 6 November 2002 by way of renewal of a licence referred to in subparagraph (i);
- (b) the commercial broadcasting service is provided under a licence which was allocated under section 40 of the *Broadcasting Services Act 1992* before 6 November 2002;
- (c) the commercial broadcasting service is provided before the date 12 months after the commencement of this Direction; and
- (d) the location of the station is:
  - (i) within 10 km of its location on 6 November 2002; or
  - (ii) a location outside the 10 km radius referred to in subparagraph (i) that is determined by the ACA in accordance with clause 6 of this Direction and notified to the licensee in writing.

## **6 Conditions for ACA approval of relocation of station more than 10 km**

For the purposes of subparagraph 5(d)(ii) of this Direction the ACA must not determine a location (the ‘new location’) unless it is satisfied that:

- (a) transmissions from the new location would provide a service to substantially the same intended audience as the audience that was intended to be covered from the location of the station on 6 November 2002; and
- (b) transmissions from the new location would not significantly interfere with any existing radiocommunications services.