

Commonwealth of Australia

*Broadcasting Services Act 1992*

**BROADCASTING SERVICES (LOCAL CONTENT ON  
REGIONAL COMMERCIAL RADIO) DIRECTION (NO. 1)  
2006**

I, HELEN LLOYD COONAN, Minister for Communications, Information Technology and the Arts make the following Direction under subsection 171(1) of the *Broadcasting Services Act 1992*.

Dated 27 October 2006.

HELEN LLOYD COONAN  
Minister for Communications, Information Technology and the Arts

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**1 Name of Direction**

This Direction is the *Broadcasting Services (Local Content on Regional Commercial Radio) Direction No. 1 of 2006*.

**2 Commencement**

This Direction commences on the day after it is registered on the Federal Register of Legislative Instruments.

**3 Definitions**

In this Direction:

*Act* means the *Broadcasting Services Act 1992*;

*ACMA* means the *Australian Communications and Media Authority*;

*Bill* means the Broadcasting Services Amendment (Media Ownership) Bill 2006;

*proposed*, when used to refer to provisions of the Act, means proposed to be inserted into the Act by the Bill;

*registrable media group* has the same meaning as that in proposed Division 5A of Part 5 of the Act; and

*trigger event* has the same meaning as that in proposed section 61CB of the Act.

**4 Direction – Investigation relating to Local Content on Regional Commercial Radio – Trigger Events**

- (1) I direct the ACMA, under subsection 171(1) of the Act, to investigate the matters outlined in this clause, and provide me with a final report of the investigation by 31 March 2007.
- (2) The investigation must address, in accordance with subclauses (3) and (4), whether the definition of trigger event may lead to unintended consequences for regional commercial radio licensees. In particular, it must address whether, for small or family-owned regional commercial radio licences, circumstances such as an intergenerational transfer (which did not amount to a significant change or transfer of control) could be unintentionally caught by the definition of a trigger event.
- (3) The intention of the definition is to ensure that transfers of control of regional commercial radio licences to independent parties, the formation of new registrable media groups and changes to the control of registrable media groups should lead to the imposition of local content and presence requirements under proposed section 43B and proposed Division 5C of Part 5 of the Act.
- (4) It is not intended that circumstances where there has been no significant change or transfer of control within a group of related parties should be a trigger event.
- (5) The investigation must address whether any amendments to the definition of trigger event are desirable to address any unintended consequences identified.

**5 Direction – Investigation relating to Local Content on Regional Commercial Radio – Local Content Levels**

- (1) I direct the ACMA, under subsection 171(1) of the Act, to investigate the matters outlined in this clause, and provide me with a final report of the investigation by 30 June 2007.
- (2) The investigation must address the extent to which providers of commercial radio services in regional licence areas are providing coverage of matters of local significance in their respective licence areas (consistent with paragraph 3(1)(g) of the Act), including identifying the levels of news and non-news content broadcast.
- (3) The investigation must address the extent to which the level of coverage of matters of local significance specified in proposed paragraph 43C(3)(a) of the Act, that is 4.5 hours per business day, is appropriate for commercial radio licensees in

regional licence areas, or particular licence areas, taking into account all relevant matters, including:

- (a) the cost of producing local content;
  - (b) current levels of local news and non-news content; and
  - (c) the profitability of regional licensees.
- (4) The investigation must address, if 4.5 hours is found not to be appropriate, whether a declaration should be made by the Minister (under proposed paragraph 43C(3)(b) of the Act) to determine an applicable number of hours of material of local significance to be broadcast during daytime hours by regional commercial radio broadcasting licences generally.
- (5) The investigation must address whether one or more declarations should be made by the Minister (under proposed paragraph 43C(3)(c) of the Act) to determine an applicable number of hours of material of local significance, other than the applicable number applying to regional commercial radio licences generally, to be broadcast during daytime hours for a specified class of regional commercial radio broadcasting licences.
- (6) The investigation must address whether the appropriate minimum level(s) of material of local significance required to be broadcast by all regional commercial radio licensees, or specified licensees, should include a minimum of 12.5 minutes of local news per business day, taking into account all relevant matters, including:
- (a) the cost of producing local content;
  - (b) current levels of local news and non-news content; and
  - (c) the profitability of regional licensees.