

Commonwealth of Australia

*Australian Communications and Media Authority Act 2005*

**AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY  
(COMMERCIAL RADIO BROADCASTING SERVICES)  
DIRECTION (NO. 1) 2007**

I, HELEN LLOYD COONAN, Minister for Communications, Information Technology and the Arts make the following Direction under section 14 of the *Australian Communications and Media Authority Act 2005*.

Dated 28 February 2007.

HELEN LLOYD COONAN

Minister for Communications, Information Technology and the Arts

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**1 Name of Direction**

This Direction is the *Australian Communications and Media Authority (Commercial Radio Broadcasting Services) Direction No. 1 of 2007*.

**2 Commencement**

This Direction commences on the day Schedule 2 of the *Broadcasting Services Amendment (Media Ownership) Act 2006* commences.

**3 Definitions**

In this Direction:

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

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

**ACMA Act** means the *Australian Communications and Media Authority Act 2005*;

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

**LAP** means licence area plan made under subsection 26(1) of the BSA;

*regional commercial radio broadcasting licence* has the same meaning as in Division 5C of Part 5 of the Act; and

*regional commercial radio broadcasting licensee* means the licensee of a regional commercial radio broadcasting licence.

#### **4 Revocation**

I revoke the *Australian Broadcasting Authority (Revisiting Radio LAPs) Direction No. 1 of 2003*.

#### **5 Direction –ACMA to consider whether to exercise its power to vary a LAP**

I direct ACMA under section 14 of the ACMA Act to consider whether to exercise its power in section 26(2) of the BSA to vary the relevant LAP so as to include one or more additional commercial radio broadcasting licences in the following circumstances:

(a) where:

- (i) a person who was not in a position to exercise control of an existing commercial radio broadcasting licence that is a broadcasting services bands licence has become, at any time after this Direction, a person in a position to exercise control of the licence; and
- (ii) during the three year period following the change in control referred to in paragraph (a)(i) above, the program format of the service provided under the licence has changed from one of broad general appeal to one of more limited appeal; and
- (iii) the change in format has resulted in a reduction in the number of commercial radio broadcasting services that are of broad appeal in the relevant licence area; or

(b) where a regional commercial radio broadcasting licensee has not complied with:

- (i) a licence condition of the kind referred to in section 43B of the Act, which relates to maintaining the existing level of local presence, that ACMA has imposed under section 43 of the BSA and that is in force; or
- (ii) a licence condition of the kind referred to in section 43C of the Act, which relates to broadcasting at least the applicable number of hours of material of local significance during daytime hours each business day, that ACMA has imposed under section 43 of the BSA and that is in force; or
- (iii) the local news and information and local content plan requirements specified in Division 5C of Part 5 of the Act; and

the consequences of the conduct which resulted in that non-compliance make it appropriate to consider the future planning of licences in that area.

**6 Direction –ACMA to consider whether to exercise its power to impose additional licence conditions**

I direct ACMA under section 14 of the ACMA Act to consider whether to exercise its power in section 43(1) of the BSA to impose on a regional commercial radio broadcasting licence additional licence conditions that provide for minimum service standards for local news and information, local content plans and local presence requirements consistent with Subdivisions B and C of Division 5C of Part 5 and section 43B of the Act, where:

- (a) the licensee of that licence has changed the program format of the service provided under the licence from one of broad general appeal to one of more limited appeal; and
- (b) the change in format has resulted in a reduction in the number of regional commercial radio broadcasting services that are of broad appeal in the relevant licence area.