



Radiocommunications Licence Conditions (Temporary Community Broadcasting Licence) Determination 2015

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Determination under paragraph 108A (1) (e) of the *Radiocommunications Act 1992*.

Dated 6th March

2015

Chris Chapman
[signed]
Member

Richard Bean
[signed]
Member/~~General Manager~~

Australian Communications and Media Authority

Part 1 Preliminary

1 Name of Determination

This Determination is the *Radiocommunications Licence Conditions (Temporary Community Broadcasting Licence) Determination 2015*.

2 Commencement

This Determination commences on the day after it is registered.

Note All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.

3 Revocation

The *Radiocommunications Licence Conditions (Temporary Community Broadcasting Licence) Determination 2003* [F2005B00257] is revoked.

4 Scope

- (1) This Determination sets out conditions to which a transmitter licence issued under section 101A of the Act, for transmission in accordance with a related licence allocated by the ACMA, is subject.

Note Section 101A of the Act provides that the ACMA may issue transmitter licences for the purpose of providing a service under a temporary community broadcasting licence.

- (2) However, if a condition in this Determination is inconsistent with a condition specified in the licence, the condition specified in the licence applies.

5 Interpretation

In this Determination:

Act means the *Radiocommunications Act 1992*.

broadcast service station means a station that is operated to provide a service under a temporary community broadcasting licence.

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

broadcasting services bands has the same meaning as in the *Broadcasting Services Act 1992*.

commercial broadcasting service has the same meaning as in section 14 of the *Broadcasting Services Act 1992*.

community broadcasting service has the same meaning as in section 15 of the *Broadcasting Services Act 1992*.

licence means a broadcast licence (broadcast service station) issued under section 101A of the Act, for transmission in accordance with a related licence allocated by the ACMA.

licence area has the same meaning as in the *Broadcasting Services Act 1992*.

licensee means the holder of a licence including a person authorised by the licensee, to operate a broadcast service station under the licence.

low power open narrowcasting service means an open narrowcasting service operated by a narrowcasting service station using a transmitter power not exceeding the power specified in section 4.8 of the *Radiocommunications Licence Conditions (Broadcasting Licence) Determination No. 1 of 1998*.

national broadcasting service has the same meaning as in section 13 of the *Broadcasting Services Act 1992*.

open narrowcasting service has the same meaning as in section 18 of the *Broadcasting Services Act 1992*.

related licence means a temporary community broadcasting licence allocated by the ACMA in accordance with Part 6A of the *Broadcasting Services Act 1992*.

temporary community broadcasting licence has the same meaning as in the *Broadcasting Services Act 1992*.

Note 1 For the definition of other expressions used in this Determination, see the Act, the *Radiocommunications (Interpretation) Determination 2015* and the *Radiocommunications Regulations 1993*.

Note 2 The definition of ***broadcast service station*** in this Determination is more limited than the definition of ***broadcast service station*** mentioned in the *Radiocommunications (Interpretation) Determination 2015* as this Determination only applies to stations used to provide a service under a temporary community broadcasting licence.

Part 2 Licence conditions

6 Conditions

- (1) For paragraph 108A (1) (e) of the Act, each licence is subject to the conditions in:
 - (a) sections 7 and 8 of this Determination; and
 - (b) Parts 3 and 4 of the *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015* relating to the operation of any transmitter under the licence by the licensee and the keeping and production of records in respect of any transmitter authorised by the licence.
- (2) For the purpose of paragraph (1)(b), a reference, in Parts 3 and 4 of the *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015*, to a licence, shall be read as a licence issued under section 101A of the Act.

7 Permitted communications

The licensee must operate a transmitter only to communicate with a station or receiver with which the licensee is permitted by the terms of the licence to communicate, unless:

- (a) the transmission of a message is in relation to a distress or emergency situation; or
- (b) the licensee is authorised, in writing, by the ACMA, or an inspector, to communicate with another station or receiver in relation to the investigation of interference.

8 Harmful interference

- (1) If the licensee operates a broadcast service station by transmitting on a frequency in the broadcasting services bands, the licensee must not operate the station in the following licence or coverage areas if its operation causes harmful interference to a broadcasting service provided by another station:
 - (a) if the service is a commercial broadcasting service or community broadcasting service – within the licence area of the broadcasting services licence for the station that provides that commercial or community broadcasting service; or
 - (b) if the service is a national broadcasting service – within the coverage area mentioned in the licence for the station that provides that national broadcasting service; or
 - (c) if the service is an open narrowcasting service (other than a low power open narrowcasting service) – within the coverage area mentioned in the licence for the station that provides that open narrowcasting service.
- (2) If the licensee operates a broadcast service station by transmitting on a frequency outside the broadcasting services bands, the licensee must not operate the station if its operation causes harmful interference to a service already provided by another station.