

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

**Do not delete : Division Placeholder**

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 relatedlicence 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

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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.