

Temporary community broadcasting licence guidelines for radio

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Contents

| | |
|--|-----------|
| Background | 1 |
| Making spectrum available for temporary community broadcasting | 3 |
| Situations where spectrum may be available for temporary community broadcasting purposes | 3 |
| Eligibility to apply for a TCBL | 6 |
| Applicants for a TCBL | 6 |
| How we decide to allocate a TCBL | 8 |
| Considerations | 8 |
| Allocation of multiple licences | 9 |
| Publication of TCBL information | 9 |
| How the licence area is designated | 10 |
| Duration of TCBLs | 11 |
| Subsequent TCBLs | 11 |
| How timing conditions are determined | 12 |
| Sole TCBL holder | 12 |
| Multiple TCBL holders | 12 |
| Relevant considerations | 12 |
| Varying licence periods and timing conditions | 14 |
| Varying licence periods | 14 |
| Varying timing conditions | 14 |
| Licence conditions for temporary community broadcasting | 16 |
| Complaints | 16 |
| Submitting applications | 17 |
| Further information | 18 |

Background

Community radio broadcasting services are not-for-profit. They are provided by community groups for community purposes. We plan the use of a limited number of frequencies in licence areas for long-term community radio broadcasting under the *Broadcasting Services Act 1992* (the Act).¹

Community radio broadcasting licensees – including temporary community broadcasting licence (TCBL) holders – must represent their specified community interest and meet other licence conditions in the Act. This includes:

- > encouraging community participation in the operations of the service
- > encouraging community participation in the programming of the service.²

You can find information about which [community services operate in local areas](#) on the ACMA website.

In some circumstances, where radiofrequency spectrum can be made available, we may allocate a TCBL to community groups for up to 12 months. The allocation of a TCBL does not guarantee future allocation of TCBLs or a long-term community licence.

The TCBL scheme gives aspirant broadcasters the chance to develop broadcasting skills ahead of the ACMA allocating long-term broadcasting licences.³

We have developed these temporary community broadcasting licence guidelines to:

- > give you information about when we may allocate a TCBL (including when we may make spectrum available)
- > outline the process
- > assist existing TCBL holders to comply with their obligations.

A TCBL application must be made using the ACMA B42 form and a completed apparatus licence application form (B12). You can access the [broadcasting forms](#) on our website.

In considering applications for a TCBL, we are required by the Act to decide whether to:

- > make spectrum available for temporary community broadcasting purposes⁴ (see [Making spectrum available for temporary community broadcasting](#))
- > allocate a licence to an applicant⁵ (see [How we decide to allocate a TCBL](#)).

The Act requires the ACMA to consider different matters for each decision. These guidelines are advisory only and do not replace the requirements of the Act. We may deviate from these guidelines where appropriate.

¹ Section 3 of the Act. The Act can be accessed from the Federal Register of Legislation at <https://www.legislation.gov.au/Latest/C2004A04401>.

² Part 5 of Schedule 2 to the Act.

³ See, for example, page 8 of the explanatory memorandum to the Communications Legislation Amendment Bill (No. 1) 1997.

⁴ Section 34 of the Act.

⁵ Part 6A of the Act.

If in doubt, licensees should approach one of the industry groups representing the community broadcasting sector – such as the Community Broadcasting Association of Australia (CBAA) or First Nations Media Australia (FNMA) – or seek independent legal advice.

Broadcasting Services Act amendments 2022

In December 2022, the Act was amended⁶ to provide greater regulatory clarity and flexibility for community radio broadcasters by simplifying aspects of community broadcasting licensing.⁷

The amendments included measures to clarify what we may consider when allocating a new TCBL, and to allow us discretion to limit the number of TCBLs that can share a frequency.

⁶ [Broadcasting Services Amendment \(Community Radio\) Act 2022](#).

⁷ [Broadcasting Services Amendment \(Community Radio\) Bill 2022](#) and explanatory memorandum to the Broadcasting Services Amendment (Community Radio) Bill 2022.

Making spectrum available for temporary community broadcasting

Available radiofrequency spectrum is scarce in many parts of Australia. Before we allocate a TCBL to a community broadcaster (see [How we decide to allocate a TCBL](#)), we must determine whether to make spectrum available to temporary community broadcasting licensees.⁸

The existence of available spectrum does not automatically mean we will make it available to temporary community broadcasting licensees. The decision to make spectrum available engages sections 34 and 23 of the Act, which are concerned with the planning of radiofrequency spectrum.

Section 34 provides that in determining whether to make spectrum available for alternative uses, we consider the possible future demand for that part of the spectrum and other relevant matters.

Section 23 sets out specific matters the ACMA is to consider when performing planning functions, including functions under section 34. We weigh up the economic and efficient use of spectrum, demographics, social and economic characteristics, technical restraints and other relevant matters.

In all cases – both applications for a new TCBL and applications for a subsequent TCBL – our published broadcast spectrum planning priorities may affect the availability of spectrum for community broadcasting purposes. This includes the priority given to them from a broadcast spectrum planning perspective. These priorities may change over time, with the potential to impact the ongoing availability of a frequency for temporary community radio broadcasting purposes into the future.

Generally, planning new broadcasting services is not a priority activity, as the broader industry has asked us to address more urgent matters such as the conversion of existing AM services to FM. Our broadcast spectrum planning priorities to help support radio were developed following extensive industry consultation. We published them in May 2019 in [The future delivery of radio](#) document.

Situations where spectrum may be available for temporary community broadcasting purposes

In areas where spectrum has been planned

Spectrum may be made available for temporary community broadcasting purposes where:

- > a long-term community radio broadcasting service has been planned in a licence area plan (LAP) covering the proposed service area for the proposed temporary community broadcasting service
- > the long-term licence is not yet, and is not soon to be, allocated (or an allocated licence has been cancelled, not renewed, surrendered or lapsed)
- > the frequency is not identified for use for another possible purpose (for example, AM to FM conversion).

⁸ Section 92F of the Act provides that the ACMA is not to allocate a temporary community broadcasting licence except in accordance with a determination of the ACMA under section 34.

In areas where spectrum is unplanned

Spectrum may be made available for temporary community broadcasting purposes where:

- > a long-term community radio broadcasting service covering the proposed service area of the proposed temporary community broadcasting service has not been planned in a LAP
- > the proposed service area is in a remote commercial radio licence area,⁹ or the service is in a remote Indigenous community¹⁰
- > the applicant represents an identified community interest and there is a clear case as to why that community interest would benefit from the proposed service¹¹
- > spectrum is not scarce.

Exceptional circumstances must be found for spectrum to be made available for temporary community broadcasting purposes where a proposed temporary service meets the latter 2 conditions above, but is not either:

- > in a remote commercial radio licence area
- > from a remote Indigenous community.

These circumstances are expected to be rare and may include, for example, where there are no or limited other radio broadcasting services available in the area that provide local content. This includes commercial and national radio services. We will consider these situations on a case-by-case basis.

Subsequent licences

If a TCBL has been granted, licensees should be aware that making spectrum available again for temporary community broadcasting purposes, or allocating subsequent licences, is not automatic. Before making spectrum available for a subsequent licence, we will consider the individual circumstances of the application. This includes the applicant's record of compliance with the community broadcasting licence conditions and the community radio broadcasting codes of practice. We will also need, in all cases, to be satisfied that:

- > the frequency has not been identified for use for another possible purpose (for example, AM to FM conversion)
- > use of the frequency has not and is not likely to cause interference with other services.

Planning new services or changing technical specifications of planned services happens through a LAP variation. This requires extensive engineering work and public consultation. If a frequency that has previously been made available for temporary community broadcasting purposes is identified for another purpose, we will advise an incumbent TCBL holder before a proposal for a LAP variation is released for public consultation.

⁹ For the purposes of these guidelines, 'remote commercial radio licence area' means one of the following 3 licence areas: Remote Commercial Radio Service Central Zone RA1 and Remote Commercial Radio Service North East Zone RA1 defined in the Remote Central and Eastern Australia Radio LAP, and the Remote Commercial Radio Service Western Zone RA1 defined in Remote Western Australia Radio LAP.

¹⁰ The ACMA may determine remote Indigenous communities under section 8B of the Act. See the [Broadcasting Services \(Remote Indigenous Communities\) Determination 2022](#).

¹¹ For example, where a community interest is not currently represented by a community broadcasting service in the area.

If spectrum is not (or is no longer) available for use for a temporary community licence, community groups may wish to consider other technologies to deliver an audio service (for example, internet radio).

Please note: We retain the discretion to not make a frequency available for temporary community purposes. This includes where a long-term community radio broadcasting service has been planned in a LAP and is not currently allocated.

The current availability of a frequency for a TCBL does not guarantee the long-term availability of that frequency for community broadcasting purposes. This is regardless of whether it has been planned in a LAP.

Eligibility to apply for a TCBL

Applicants for a TCBL

An applicant for a TCBL must:¹²

- > be a company (company includes incorporated association) formed in Australia or in an external territory
- > represent a community interest.

Organisation structure

A range of entities may apply for a TCBL, including incorporated associations and companies limited by shares or by guarantee. Applicants must be able to provide a service on a not-for-profit basis.

Incorporated entities that are locally based and not-for-profit, with clearly defined community purposes and transparent, non-discriminatory membership rules, are more likely to be suited to be community broadcasting licensees.

We encourage incorporated association applicants for TCBLs to:

- > adopt the model rules issued by the relevant state or territory body that administers the legislation under which the applicant is incorporated
- > make amendments to those rules as recommended by CBAA.

CBAA's standard amendments to model rules for each state and territory are available at cbaa.org.au. The amendments are designed to assist community broadcasters to have appropriate corporate structures that promote compliance with the applicable licence conditions.

When applying for a TCBL, applicants must submit a copy of their company's registration and constitution documents, and a completed ACMA B42 form. In some circumstances, additional information may be requested.¹³

Community interest

An applicant for a TCBL must represent a community interest. As part of demonstrating this, applicants for a new TCBL (or for a subsequent TCBL, where there is a change in the community interest represented) are asked to provide evidence of an open structure and transparent procedures. For example:

- > an organisation chart of the company structure, including office holders and membership
- > documented decision-making policies, including for membership and programming.

¹² Subsection 92C(1) of the Act. See also Chapter 3 and Chapter 7 of the ACMA's [Community Broadcasting Participation Guidelines](#) for more information about appropriate organisational structures for licensees and community interests.

¹³ For example, additional information may be requested should the ACMA choose to consider the matters at subsection 92E(2) of the BSA. See 'How we decide to allocate a TCBL' for information about the matters we may consider when deciding to allocate a TCBL.

In the case of applicants for a new TCBL, evidence that the community interest represented by the applicant would benefit from the proposed service may be requested.

Please note: Applicants must submit a copy of their company's registration and constitution documents, and a completed ACMA B42 form.

In some circumstances, additional information may be requested.

How we decide to allocate a TCBL

There are several matters we may consider when deciding whether to allocate a TCBL. The explanatory memorandum to the Broadcasting Services (Community Radio) Bill 2022¹⁴ states the change to the Act allows us to:

- > consider additional matters that provide a better indication of the quality of the proposed temporary community radio service
- > reject the application if there is insufficient evidence that a quality service will be provided.

Considerations

In deciding whether to allocate a TCBL, we may consider:¹⁵

- > the undesirability of one person being in a position to exercise control over more than one community broadcasting licence that is a broadcasting services bands licence in the same licence area
- > the undesirability of the Commonwealth, a state or a territory, or a political party being in a position to exercise control of a TCBL.
- > the extent to which the proposed service would meet the existing and perceived future needs of the community within the licence area
- > the nature and diversity of interests of the local community
- > the extent to which the proposed service would provide material of local significance
- > the nature and diversity of other broadcasting services available within the licence area
- > the capacity of the applicant to provide the proposed service.

In deciding whether to exercise our discretion to allocate a TCBL to an applicant, or to one of a group of applicants, we will consider the objects set out in section 3 of the Act.

We may decide not to allocate a TCBL if an applicant previously held a TCBL but did not provide a broadcasting service under that licence.¹⁶

We may consider the suitability of an applicant. If we choose to do so, we must not allocate a TCBL if we are satisfied that an applicant is not a 'suitable applicant' or a 'suitable licensee'.¹⁷ We may consider an applicant is not a suitable applicant if we are satisfied that allowing an applicant to provide a temporary community broadcasting service would lead to a significant risk of:

- > an offence against the Act or the regulations being committed
- > a breach of a civil penalty provision occurring
- > a breach of the licence conditions occurring.

¹⁴ Explanatory memorandum to the [Broadcasting Services Amendment \(Community Radio\) Bill 2022 \(legislation.gov.au\)](#).

¹⁵ Subsection 92E(1) and 92E(2) of the Act.

¹⁶ Subsection 92C(3) of the Act.

¹⁷ Subsection 92C(2) and section 92D of the Act.

These situations may arise, for example, if an applicant has previously held a licence (either a long-term licence that has not been renewed or a TCBL) and has not previously complied with licence conditions and/or undertaken required compliance measures.

Allocation of multiple licences

Unlike long-term licences, we may allocate multiple TCBLs for shared use of the same frequency in the same licence area. In these cases, we will determine timing conditions for shared use of the frequency (see [How timing conditions are determined](#)). We may determine a maximum number of temporary community broadcasting licenses that can share a particular frequency, and if we do, we must not allocate a TCBL if that number would be exceeded.¹⁸

Please note: The allocation of a TCBL does not mean that the TCBL holder will be allocated a long-term licence. Allocation of a new long-term licence is a public process and may be contested.

In some cases a TCBL may be allocated to a former licensee of a long-term licence where that long-term licence has been cancelled, not renewed, surrendered or lapsed. The allocation of a TCBL in this circumstance does not mean that the former licensee will be allocated a long-term licence if we later decide to allocate a long-term licence.

Publication of TCBL information

Information about TCBL holders, including contact details, their community interest, timing conditions and licence period, are publicly available online through the [Register of Radiocommunications Licences](#). We also publish a list of [TCBL holders and their community interest](#) on the ACMA website.

If we receive an enquiry about providing a community radio broadcasting service in a licence area, we generally provide licence information and contact details of holders of existing temporary and long-term licences to enable members of the local community to seek to participate in those services.

¹⁸ Subsection 92F(2) of the Act.

How the licence area is designated

We designate the licence area of a TCBL using Australian Bureau of Statistics census data, and:

- > the relevant LAP – where there is a planned long-term community radio broadcasting licence that has not been allocated
- > the name of the place to be served, based on the major population centre of the coverage area of the TCBL – where there is no planned long-term community radio broadcasting service. In this case, the licence area for the TCBL is not included in the LAP.

Duration of TCBLs

TCBLs can be allocated for a maximum of 12 months and cannot be renewed.¹⁹

To determine the licence period for a TCBL, we must consider:²⁰

- > any other applications for a TCBL in the licence area of the proposed licence
- > any other TCBLs in the licence area of the proposed licence
- > other matters as we think fit, for example whether:
 - > we will commence an allocation process for a long-term community radio broadcasting licence that has been specified in a LAP
 - > there is a foreseeable need for alternative use of unplanned spectrum.

Depending on demand for use of the frequency, we generally allocate a TCBL for between 3 months to the maximum allowable 12 months.

Subsequent TCBLs

Although TCBLs cannot be renewed, a TCBL holder can apply for a subsequent TCBL.

If we receive an application for a subsequent TCBL for use of a frequency, we first determine whether that frequency remains available for temporary community radio broadcasting purposes (see [Making spectrum available for temporary community broadcasting](#)). If a frequency remains available, we decide whether to allocate a TCBL on the same basis we use to decide to allocate a new TCBL (see [How we decide to allocate a TCBL](#)).

To apply for a new TCBL that commences immediately on expiry of the current TCBL, we ask that the current TCBL holders submit the ACMA B12 and B42 forms at least one month before the expiry of the licence period. The B42 requests that licensees answer only those questions where circumstances have changed since the last application and attach copies of supporting documents. A payment for the further apparatus licence will also be required if the TCBL is allocated. Applications made less than one month before a TCBL expires may not be processed before that TCBL expires.

Please note: TCBL holders wanting to reapply for a TCBL should do so at least one month before the TCBL expires.

¹⁹ Paragraph 92G(1)(c) of the Act.

²⁰ Subsection 92G(2) of the Act.

How timing conditions are determined

Timing conditions are determined by the ACMA. These conditions specify the times when a TCBL holder is permitted to broadcast.²¹

We will seek to determine timing conditions to promote the development of the broadcasting skills and programming expertise of aspirant groups so that they are well-placed to provide a service that meets the needs and interests of the community, including those not being met by other broadcasting services available in a licence area.

Sole TCBL holder

If there is only one TCBL holder in a licence area, we generally determine timing conditions that enable the licensee to broadcast continuously for the duration of the licence period.

Multiple TCBL holders

If there is more than one TCBL holder for a nominated frequency in a licence area, we will determine timing conditions for shared use of the frequency.

We encourage aspirant groups to agree on time-sharing and to notify us of the agreement. If aspirant groups are able to agree on time-sharing, we generally determine timing conditions that reflect the time-sharing agreement.

We will usually give TCBL holders the opportunity to comment on proposed timing conditions.

Relevant considerations

In determining the timing conditions for TCBLs, we must consider:²²

- > any other applications for a TCBL in the licence area of the proposed licence
- > any other TCBLs in the licence area of the proposed licence
- > other matters as we think fit.

Other matters may include:

- > the extent to which the timing conditions will produce stable and predictable regulatory arrangements in the licence area
- > fair access to airtime for all TCBL holders (for example, a balance of peak and non-peak listening periods, including weekends)
- > the provision of quality of service through adequate broadcast periods (for example, broadcast periods of no less than 4 hours duration)
- > practical operational matters (for example, convenient changeover times)
- > the extent to which the timing conditions may affect the viability of the sharing parties to provide a service

²¹ Section 92A of the Act.

²² Subsection 92G(2) of the Act.

- > listener requirements (for example, continuity of service and access to broadcasts of particular relevance to listeners in the licence area)
- > the needs of the community interest represented by a licensee to hear broadcasts at particular times (for example, regular broadcasting on a particular day of the week may be important for some religious communities)
- > submissions by TCBL holders on their particular constraints (for example, periods when they have access to transmission facilities, or their desire to provide programming during particular periods to meet local community needs)
- > the opportunity for TCBL holders to develop their broadcasting skills and programming expertise, as well as to gain an audience base and build community support for their service
- > the broadcasting experience of the TCBL holder, including any prior experience as a long-term or temporary community broadcaster
- > the applicant's history of compliance with codes of practice and licence conditions during previous long-term or temporary community broadcasting licences
- > other matters as relevant on a case-by-case basis.

Please note: Timing conditions are determined by the ACMA, consistent with the above relevant considerations and all available and relevant information.

Varying licence periods and timing conditions

Varying licence periods

We may vary the period of a TCBL²³ to reduce the licence period²⁴ or, in the case of a period of less than 12 months, to extend the licence period to a maximum of 12 months.

Before varying a licence period, we will write to the TCBL holder, advising our intention to vary the licence period and providing a reasonable opportunity to make representations to the ACMA on the proposed action.²⁵

In varying a licence period, we consider the same or similar matters as we did to determine the original licence period.

Please note: The ACMA cannot vary a licence period to exceed the maximum allowable 12 months.

Varying timing conditions

Once a TCBL has been allocated and the timing conditions determined, we may vary the timing conditions to accommodate a change in circumstances since the original timing conditions (see [How timing conditions are determined](#)) were determined.²⁶

In varying timing conditions, we consider the same or similar matters as we did to determine original timing conditions (see [How timing conditions are determined](#)).

Variation requested by a TCBL holder

A TCBL holder may ask the ACMA to vary timing conditions. For example, a TCBL holder may wish to broadcast coverage of an event or occurrence that falls outside its permitted broadcast times but is relevant to its community interest.

Before varying timing conditions, we will write to all TCBL holders sharing broadcast time on the frequency, advising our intention to vary the timing conditions, and giving them a reasonable opportunity to make representations on the proposed action.²⁷ A TCBL holder seeking to vary its timing conditions should bear in mind that it is likely that the ACMA will need to consult the other TCBL holders sharing the same frequency about the proposed changes.

²³ Paragraph 92J(1)(c) of the Act.

²⁴ This may occur, for example, where a long-term licence has been allocated for the frequency occupied by a TCBL.

²⁵ Subsection 92J(4) of the Act.

²⁶ Paragraph 92J(1)(a) of the Act.

²⁷ Subsection 92J(4) of the Act.

As a result, any requests to vary timing conditions should be provided to the ACMA well in advance of the proposed date of effect of the variation.

Variation agreed on by TCBL holders

If a group of TCBL holders sharing broadcast time on a frequency agree to vary the timing conditions, they may write to the ACMA requesting a variation to reflect their agreement.

Please note: The ACMA generally requires at least 2 weeks notice of any request to vary timing conditions.

Licence conditions for temporary community broadcasting

TCBL holders are required to comply with the same licence conditions that apply to long-term community radio broadcasters at Parts 1 and 2, as well as clause 9 in Part 5 of Schedule 2 (except paragraph 9(1)(h)) to the Act. All community radio broadcasters, including TCBL holders, are subject to industry [codes of practice](#).

The licence conditions include requirements of licensees to:

- > continue to represent the community interest
- > encourage members of the community to participate in the operations and programming of the service.

There are a range of enforcement options available if a TCBL holder does not comply with licence conditions or codes of practice or both. Enforcement options for breach of a licence condition may include a remedial direction. Enforcement options for breaches of codes may include the imposition of an additional licence condition.²⁸

Before imposing or varying a licence condition, we will write to the affected TCBL holder, advising our intention to impose or vary the additional licence condition and providing a reasonable opportunity to make representations to the ACMA on the proposed action.²⁹

Complaints

We deal with complaints about TCBLs in the same way as complaints about long-term community radio broadcasters.

Complaints may be made directly to the ACMA if a person believes that a TCBL holder is breaching a licence condition.³⁰

Complaints about a code matter should be made to the TCBL holder first. If the complainant has not received a response within 60 days after making the complaint, or has received a response but considers it to be inadequate, they may then make a complaint to the ACMA about the code matter.³¹

²⁸ See the ACMA's [Compliance and enforcement policy](#).

²⁹ Subsection 92J(4) of the Act.

³⁰ Section 147 of the Act.

³¹ Section 148 of the Act.

Submitting applications

An application for a TCBL must be:

- > in writing, using the ACMA form B42
- > accompanied by a completed ACMA apparatus licence application form B12.³²

Applications should be sent:

By email: communitybroadcasting@acma.gov.au

By mail: Manager, Community Broadcasting and Safeguards Section
Australian Communications and Media Authority
PO Box Q500
Queen Victoria Building
Sydney NSW 1230

Collection of personal information

The [Privacy Act 1988](#) (Cth) (the Privacy Act) imposes obligations on the ACMA in relation to the collection, security, quality, access, use and disclosure of personal information. These obligations are detailed in the [Australian Privacy Principles](#).

We may only collect personal information if it is reasonably necessary for, or directly related to, one or more of the ACMA's functions or activities.

Collection of personal information in the B42 form enables the ACMA to assess your eligibility to provide the temporary community broadcasting service. This information is required under section 92E of the Act.

We will not use the information for any other purpose, nor disclose it, unless the relevant consent has been obtained or we are otherwise permitted to do so under the Privacy Act.

If the information requested in the B42 form is not provided, the application may not be processed.

Further information on the Privacy Act and the ACMA's Privacy Policy is available at acma.gov.au. The policy contains details about how personal information that we hold may be accessed, and how such information may be corrected, where appropriate. It also explains how a complaint about a breach of the Privacy Act may be lodged, and how we will deal with these complaints.

Questions about the privacy of information requested in the B42 form should be directed to the ACMA's Privacy Contact Officer on telephone 1800 226 667 or by email to privacy@acma.gov.au.

³² Subsection 92B(2) of the Act.

Further information

Information on [community broadcasting](#), including TCBLs, is available from the ACMA website.

For queries about these guidelines, email the ACMA Community Broadcasting and Safeguards Section at communitybroadcasting@acma.gov.au or phone (02) 9334 7922.