Analog community radio broadcasting licence for the Millicent RA1 licence area – SL5703

Application pack

DECEMBER 2023

Canberra

Level 3
40 Cameron Avenue
Belconnen ACT

PO Box 78
Belconnen ACT 2616

T +61 2 6219 5555
F +61 2 6219 5353

Melbourne

Level 32
Melbourne Central Tower
360 Elizabeth Street
Melbourne VIC

PO Box 13112
Law Courts
Melbourne VIC 8010

T +61 3 9963 6800
F +61 3 9963 6899

Sydney

Level 5
The Bay Centre
65 Pirrama Road
Pyrmont NSW

PO Box Q500
Queen Victoria Building
NSW 1230

T +61 2 9334 7700
F +61 2 9334 7799

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Written enquiries may be sent to:

Manager, Editorial Services
PO Box 13112
Law Courts
Melbourne VIC 8010
Email: info@acma.gov.au

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# Application overview

The Australian Communications and Media Authority (ACMA) invites applications for the analog community radio broadcasting licence, identified as SL5703, to serve the Millicent RA1 licence area in South Australia.

## Current licensing arrangements

Millicent Community Access Radio Inc has held a temporary community broadcasting licence in Millicent RA1 since June 2023.

In December 2022, the ACMA made the decision to not renew the long-term community broadcasting licence that had operated in the area since 1992.

## Community broadcasting

As defined in section 15 of the *Broadcasting Services Act 1992* (BSA), a community broadcasting service is a service that is provided for community purposes and is not operated for profit, or as part of a profit-making enterprise.[[1]](#footnote-1)

Community radio broadcasting licensees are required to comply with the licence conditions set out in parts 1, 2 and 5 of Schedule 2 to the BSA (provided at the appendix to this application pack). The ACMA may investigate complaints about the licensee’s compliance with these licence conditions and with the Community Broadcasting Association of Australia’s [*Community Radio Broadcasting Codes of Practice*](https://www.cbaa.org.au/resource/community-radio-broadcasting-codes-practice)(2008).

The ACMA has published [guidelines to help community broadcasters](https://www.acma.gov.au/guidelines-community-broadcasters). Applicants should read these guidelines before applying.

## Matters to be considered

Applications may only be lodged by companies (including incorporated associations) formed in Australia or an external territory and that represent a community interest.

In assessing the applications, the ACMA is to have regard to the matters outlined in subsection 84(2) of the BSA,extracted below:

**84 Allocation of community broadcasting licences**

(2)  In deciding whether to allocate a community broadcasting licence that is a broadcasting services bands licence to an applicant or to one of a group of applicants, the ACMA is to have regard to:

(a)  the extent to which the proposed service or services would meet the existing and perceived future needs of the community within the licence area of the proposed licence; and

(b)  the nature and diversity of the interests of that community; and

(ba)  in the case of a community radio broadcasting licence—the extent to which the proposed service or services would provide material of local significance; and

(c)  the nature and diversity of other broadcasting services (including national broadcasting services) available within that licence area; and

(d)  the capacity of the applicant to provide the proposed service or services; and

(e)  the undesirability of one person being in a position to exercise control of more than one community broadcasting licence that is a broadcasting services bands licence in the same licence area; and

(f)  the undesirability of the Commonwealth, a State or a Territory or a political party being in a position to exercise control of a community broadcasting licence.

(3)  For the purposes of paragraph (2)(ba), material is of ***local significance*** if:

(a)  it is hosted in the licence area of the proposed licence; or

(b)  it is produced in the licence area of the proposed licence; or

(c)  it relates to the licence area of the proposed licence.

# How to apply

Applicants must complete the approved application form: ACMA B32A [*Application for a community radio broadcasting licence*](https://www.acma.gov.au/node/1861).

We do not require applicants to submit petitions from the community to support their application.

Given there is only one licence available to be allocated in the area, we encourage interested community and other groups to consider jointly submitting consolidated applications.

Applications should be marked ‘Millicent Community Radio Licence’ and must be lodged by **midnight (AEST), Wednesday 14 February 2024.**

Applications should be sent to:

The Manager

Community Broadcasting Section

Australian Communications and Media Authority

By mail: PO Box Q500
Queen Victoria Building NSW 1230

By email: communitybroadcasting@acma.gov.au

**The ACMA will not accept applications received after the closing date.**

There is no statutory requirement for the ACMA to publish the applications for community radio broadcasting licences. However, we will consider providing the names and contact details of applicants to interested parties so they can contact an applicant directly to obtain a copy of an application.

Following the closing date for applications, we will assess all applications received in accordance with the requirements of the BSAand consider whether to allocate the licence. However, the ACMA is not required to allocate a community broadcasting licence to any applicant.

# Licence area definition

The ACMA has designated the licence area for SL5703 as the area described in Attachments 3.1 and 3.2 to the [Licence Area Plan – Mount Gambier Radio](https://www.legislation.gov.au/Details/F2022C00760) (Federal Register of Legislation reference number F2022C00760). That area is described as follows:

**Licence area: Millicent RA1**

**Licence area ID: 784**

**Community Radio Service Licence Number: SL5703**

The licence area, in terms of areas defined by the [Australian Bureau of Statistics](http://www.abs.gov.au/) at the [Census](http://www.abs.gov.au/Census) of 5 August 2001, is:

| Area description |  |  |  |  |
| --- | --- | --- | --- | --- |
| SA CD 4051105 |  |  |  |  |
| SA CD 4051202 |  |  |  |  |
| SA CD 4051101 |  |  |  |  |
| SA CD 4051203 |  |  |  |  |
| SA CD 4051204 |  |  |  |  |
| SA CD 4051208 |  |  |  |  |
| SA CD 4051210 |  |  |  |  |
| SA CD 4051209 |  |  |  |  |
| SA CD 4051102 |  |  |  |  |
| SA CD 4051201 |  |  |  |  |
| SA CD 4051004 |  |  |  |  |
| SA CD 4051103 |  |  |  |  |
| SA CD 4051207 |  |  |  |  |
| SA CD 4051003 |  |  |  |  |
| SA CD 4050907 |  |  |  |  |
| SA CD 4051206 |  |  |  |  |
| SA CD 4051106 |  |  |  |  |
| SA CD 4051104 |  |  |  |  |
| SA CD 4051205 |  |  |  |  |

Note: Standard terminology used by the Australian Bureau of Statistics.

CD = collection district

# Licence area map



# Technical specifications

**LICENCE AREA PLAN : Mount Gambier Radio**

Category : Community

General Area Served : Millicent (SA)

Service Licence Number : SL5703

**TECHNICAL SPECIFICATION – FM Radio**

Specification Number : TS5703001

**Transmitter Site :-**

Nominal Location : Broadcast site 11 km E of Millicent MT BURR

Nominal Co-ordinates Latitude Longitude
(GDA94) : -37.602350 140.482492

Site Tolerance : Refer to *Broadcasting Services
(Technical Planning) Guidelines 2017*

**Emission :-**

Frequency Band & Mode : VHF-FM

Carrier Frequency : 107.7 MHz

Polarisation : Mixed

Maximum Antenna Height : 35 m

**Output Radiation Pattern :-**

|  |  |
| --- | --- |
| **Bearing or Sector (clockwise direction)** | **Maximum ERP** |
| At all angles of azimuth | 200 W |

Broadcasting services that may be available in Millicent RA1

|  |  |  |
| --- | --- | --- |
| **Overlapping radio and television services** | **Category of broadcasting service** | **Nature of programming** |
| **Television services** |
| ABC | National | General programming including news, information, education, entertainment and arts |
| MGS | Commercial | WIN television – General programming including news, information and entertainment |
| SDS | Commercial | WIN television – General programming including news, information and entertainment |
| SES | Commercial | WIN television – General programming including news, information and entertainment |
| **Radio services** |
| 5JJJ102.5 MHz | National  | Triple J Adelaide |
| 5ABCRN103.3 MHz | National | Radio National Adelaide |
| 5ABCFM104.1 MHz | National | ABC Classic Adelaide |
| 5PA1161 kHz | National | ABC South East SA |
| 5PB105.7 MHz | National | ABC News Radio |
| 5RCB104.9 MHz | Community | Representing the Religious – Christian community interest in Mount Gambier RA1  |
| 5SE963 kHz | Commercial | Triple M |
| 5SEF96.1 MHz | Commercial | Popular music |

# Appendix – Extract from the *Broadcasting Services Act 1992*

**Part 2—Categories of broadcasting services**

**15 Community broadcasting services**

Community broadcasting services are broadcasting services that:

                    (a)  are provided for community purposes; and

     (b)  are not operated for profit or as part of a profit‑making enterprise; and

                    (c)  that provide programs that:

                              (i)  are able to be received by commonly available equipment; and

                             (ii)  are made available free to the general public; and

(d)  comply with any determinations or clarifications under section 19 in relation to community broadcasting services.

**Schedule 2—Standard conditions**

**Part 1—Interpretation**

**1 Definitions**

 (1) In this Schedule:

***Classification Board*** means the Classification Board established by the *Classification (Publications, Films and Computer Games) Act 1995*.

***disclosure entity*** has the meaning given by:

 (a) section 321B of the *Commonwealth Electoral Act 1918*; or

 (b) paragraph (e) of the definition of ***disclosure entity*** in section 110A of the *Referendum (Machinery Provisions) Act 1984*.

***election*** means an election to a Parliament or a local government authority of a State or Territory.

***election advertisement***, in relation to an election, means:

 (a) an advertisement:

 (i) that contains election matter that relates to that election; and

 (ii) in respect of the broadcasting of which the relevant licensee has received or is to receive, directly or indirectly, any money or other consideration; or

 (b) an announcement containing a statement to the effect that a program that is to be or has been broadcast is or was sponsored by a person or persons and indicating that the person is a candidate, or one or more of the persons is or are candidates, at the election; or

 (c) an announcement containing a statement to the effect that a program that is to be or has been broadcast is or was sponsored by a particular political party where a candidate at the election belongs to that party.

***election matter***, in relation to an election, means matter of any of the following kinds:

 (a) matter commenting on, or soliciting votes for, a candidate at the election;

 (b) matter commenting on, or advocating support of, a political party to which a candidate at the election belongs;

 (c) matter commenting on, stating or indicating any of the matters being submitted to the electors at the election or any part of the policy of a candidate at the election or of the political party to which a candidate at the election belongs;

 (d) matter referring to a meeting held or to be held in connection with the election.

***election period*** means:

 (a) in relation to an election to the Legislative Council of Tasmania, or an ordinary election to the Legislative Assembly for the Australian Capital Territory—the period that starts 33 days before the polling day for the election and ends at the close of the poll on that day; and

 (b) in relation to any other election to a Parliament—the period that starts on:

 (i) the day on which the proposed polling day for the election is publicly announced; or

 (ii) the day on which the writs for the election are issued;

 whichever happens first, and ends at the close of the poll on the polling day for the election; and

 (c) in relation to an election to a local government authority—the period that starts 33 days before the polling day for the election and ends at the close of the poll on that day; and

 (d) in relation to a referendum whose voting day is the same as the polling day for an election to the Parliament of the Commonwealth—the election period in relation to that election; and

 (e) in relation to any other referendum—the period that starts 33 days before the voting day for the referendum and ends at the close of voting on that day.

***person*** includes a political party, a corporation and any other association (whether incorporated or unincorporated).

***political matter*** means any political matter, including the policy launch of a political party.

***radiocommunications device*** has the same meaning as in the *Radiocommunications Act 1992*.

***referendum*** means the submission to the electors of a proposed law for the alteration of the Constitution, whether or not the proposal to make the submission has been announced.

***referendum advertisement***, in relation to a referendum, means an advertisement:

                     (a)  that contains referendum matter (within the meaning of the *Referendum (Machinery Provisions) Act 1984*) that relates to that referendum; and

                     (b)  in respect of the broadcasting of which the relevant licensee has received or is to receive, directly or indirectly, any money or other consideration.

***registered political party*** means a political party that is registered under Part XI of the *Commonwealth Electoral Act 1918*.

***relevant period***:

                     (a)  in relation to an election—means the period that commences at the end of the Wednesday before the polling day for the election and ends at the close of the poll on that polling day; and

                     (b)  in relation to a referendum—means the period that commences at the end of the Wednesday before the voting day for the referendum and ends at the close of voting on that voting day.

***relevant town or city*** of an entity that authorised the broadcast of political matter means:

 (a) if the entity has a principal office—the town or city in which the office is located; or

 (b) if the entity does not have a principal office, but does have premises—the town or city in which the premises are located; or

 (c) otherwise—the town or city in which the natural person who was responsible for giving effect to the authorisation lives.

***required particulars*** has the meaning given by subclause (2).

***required period***, in relation to the keeping of a record in relation to political matter, means:

 (a) subject to paragraph (b), the period of 6 weeks commencing on the day on which the matter was broadcast; or

 (b) if the matter relates to an election or referendum and was broadcast during the election period in relation to the election or referendum—the period commencing on the day on which the matter was broadcast and ending:

 (i) at the end of the period referred to in paragraph (a); or

 (ii) if that period ends before the end of the election period in relation to the election or referendum—the day on which that election period ends;

or such longer period as the ACMA, before the end of that period, directs by notice in writing to the broadcaster concerned.

*Meaning of* ***required particulars***

 (2) The ***required particulars*** are:

 (a) the particulars set out in the following table; and

 (b) any other particulars determined under subsection 321D(7) of the *Commonwealth Electoral Act 1918* for the purposes of this paragraph.

| **Required particulars** |
| --- |
| **Item** | **If …** | **the *required particulars* are the following …** |
| 1 | the broadcast is authorised by a disclosure entity that is not a natural person | (a) the particulars of the name of the entity required by subclause (3);(b) the relevant town or city of the entity;(c) the name of the natural person responsible for giving effect to the authorisation |
| 2 | the broadcast is authorised by a disclosure entity who is a natural person | (a) the name of the person;(b) the town or city in which the person lives |
| 3 | the broadcast is authorised by an entity that is not a disclosure entity or a natural person | (a) the name of the entity;(b) the relevant town or city of the entity |
| 4 | the broadcast is authorised by a natural person who is not a disclosure entity | (a) the name of the person;(b) the town or city in which the person lives |

  (3)  For the purposes of item 1 of the table in subclause (2), the required particulars of the name of the entity are:

                     (a)  if the entity is a registered political party—the name of the party (the ***registered name***) that is entered in the Register of Political Parties under the *Commonwealth Electoral Act 1918*or that name omitting any of the following:

                              (i)  if the registered name includes both a word or phrase and its abbreviation—the abbreviation;

                             (ii)  if the registered name includes “Incorporated” or an abbreviation of that word—that word or its abbreviation;

                            (iii)  if the registered name includes “of Australia”—those words;

                            (iv)  if the registered name ends with “Australia”—that word;

                             (v)  if the entity is a registered branch or division of a registered political party—the words indicating the name of the branch or division; or

                     (b)  if the entity is a disclosure entity (but not a registered political party)—the name of the entity entered on the Transparency Register under the *Commonwealth Electoral Act 1918*; or

                     (c)  if the entity is not an entity covered by paragraph (a) or (b) and a return has been given under Part XX of the *Commonwealth Electoral Act 1918* in relation to the entity—the name included in the most recent return given in relation to the entity; or

                     (d)  in any other case—the name of the entity.

Note:          For example, under paragraph (a) the registered name “Quokka Party of Australia Inc.—NSW” may be notified as “Quokka Party”.

             (4)  If an abbreviation (the ***registered abbreviation***) of the name of an entity is entered in the Register of Political Parties under the *Commonwealth Electoral Act 1918*and the entity is:

                     (a)  a registered political party that has a registered branch or division; or

                     (b)  a registered branch or division of a registered political party;

then, for the purposes of item 1 of the table in subclause (2), the required particulars of the name of the entity in paragraph (3)(a) are taken to be either:

                     (c)  the particulars referred to in paragraph (3)(a); or

                     (d)  the registered abbreviation.

**2 Interpretation—certain things do not amount to broadcasting of advertisements**

 (1) For the purposes of this Schedule (other than paragraphs 7(1)(a), 8(1)(a), 9(1)(a), 10(1)(a) and 11(1)(a)), a person is not taken to broadcast an advertisement if:

 (a) the person broadcasts matter of an advertising character as an accidental or incidental accompaniment to the broadcasting of other matter; and

 (b) the person does not receive payment or other valuable consideration for broadcasting the advertising matter.

 (2) For the purposes of this Schedule (other than paragraph 9(1)(a)), the broadcasting by a community broadcasting licensee of:

 (a) community information material or community promotional material; or

 (b) a sponsorship announcement that acknowledges financial support by a person of the licensee or of a program broadcast on a service provided under the licence, whether or not the announcement:

 (i) specifies the name and address of, and a description of the general nature of any business or undertaking carried on by the person; or

 (ii) promotes activities, events, products, services or programs of the person; or

 (c) material that announces or promotes a service provided under the licence, including material (whether by way of the announcement or promotion of activities, events, products, services or otherwise) that is likely to induce public support, whether financially or otherwise, or to make use of, the service or services provided under the licence;

is not taken to be the broadcasting of an advertisement.

**Part 2—Special conditions**

**3 Broadcasting of political or controversial material**

 (1) In this clause, ***broadcaster*** means:

 (a) a commercial television broadcasting licensee; or

 (b) a commercial radio broadcasting licensee; or

 (c) a community broadcasting licensee; or

 (d) a subscription television broadcasting licensee; or

 (e) a person providing broadcasting services under a class licence.

 (2) If, during an election period, a broadcaster broadcasts election matter, the broadcaster must give reasonable opportunities for the broadcasting of election matter to all political parties contesting the election, being parties which were represented in either House of the Parliament for which the election is to be held at the time of its last meeting before the election period.

 (3) This clause does not require a broadcaster to broadcast any matter free of charge.

**3A Broadcasting of election advertisements**

 (1) In this clause, ***broadcaster*** means:

 (a) a commercial television broadcasting licensee; or

 (b) a commercial radio broadcasting licensee; or

 (c) a community broadcasting licensee; or

 (d) a subscription television broadcasting licensee; or

 (e) a person providing broadcasting services under a class licence.

 (2) If:

 (a) a broadcaster has a licence that has a licence area; and

 (b) an election to a Parliament is to be held; and

 (c) the licence area overlaps, contains or is contained in the area of Australia to which the election relates;

the broadcaster must not broadcast under the licence an election advertisement in relation to the election during the relevant period.

 (3) If:

 (a) a broadcaster has a licence that does not have a licence area; and

 (b) an election to a Parliament is to be held; and

 (c) a broadcasting service under the licence is normally received in the area of Australia to which the election relates;

the broadcaster must not broadcast an election advertisement in relation to the election during the relevant period as part of that service.

 (4) If:

 (a) a broadcaster provides a broadcasting service under a class licence; and

 (b) an election to a Parliament is to be held; and

 (c) the broadcasting service is normally received in the area of Australia to which the election relates;

the broadcaster must not broadcast an election advertisement in relation to the election during the relevant period as part of the service.

**3B  Broadcasting of referendum advertisements**

             (1)  In this clause, ***broadcaster*** means:

                     (a)  a commercial television broadcasting licensee; or

                     (b)  a commercial radio broadcasting licensee; or

                     (c)  a community broadcasting licensee; or

                     (d)  a subscription television broadcasting licensee; or

                     (e)  a person providing broadcasting services under a class licence.

             (2)  A broadcaster must not broadcast a referendum advertisement in relation to a referendum during the relevant period for the referendum.

**4 Identification of certain political matter**

*Meaning of* ***broadcaster***

 (1) In this clause, ***broadcaster*** means:

 (a) a commercial television broadcasting licensee; or

 (b) a commercial radio broadcasting licensee; or

 (c) a community broadcasting licensee; or

 (d) a subscription television broadcasting licensee; or

 (e) a person providing broadcasting services under a class licence.

*Announcing required particulars*

 (2) If a broadcaster broadcasts political matter at the request of another person, the broadcaster must ensure that the required particulars in relation to the matter are announced in accordance with any requirements determined under subsection 321D(7) of the *Commonwealth Electoral Act 1918* for the purposes of this subclause.

Note: A broadcaster is taken to have ensured that required particulars are announced in certain circumstances (see subclause (5)).

*Keeping records*

 (3) A broadcaster must, in relation to political matter broadcast at the request of another person, keep a record of the name, address and occupation of the person or, if the person is a company, the name and the address of the principal office of the person for the required period and must give to the ACMA any particulars of the record that the ACMA, by written notice, requires.

*Meaning of* ***authorises***

 (4) For the purposes of this clause, a person authorises the broadcasting of political matter only if the person is responsible for approval of the content of the political matter and the decision to present it for broadcasting.

*Particulars taken to be announced*

 (5) A broadcaster that broadcasts political matter is taken to have ensured that required particulars are announced if:

 (a) particulars were announced in relation to the matter for the purposes of this Act; and

 (b) those particulars purported to be particulars referred to in item 3 or 4 of the table in subclause 1(2); and

 (c) as a result of steps taken by the broadcaster, it was reasonable for the broadcaster to rely on the particulars that were provided for the purposes of this Act.

Note: An example of steps that may be taken by the broadcaster include:

(a) notifying a person wanting to broadcast political matter that the name of the person required to be announced as having authorised the broadcast depends on whether the person is a disclosure entity; and

(b) seeking a verification from that person that the person is or is not a disclosure entity.

**5 Records of matter broadcast**

 (1) In this clause, ***broadcaster*** means:

 (a) a commercial television broadcasting licensee; or

 (b) a commercial radio broadcasting licensee; or

 (c) a community broadcasting licensee; or

 (d) a subscription television broadcasting licensee; or

 (e) a person providing broadcasting services under a class licence.

 (2) If a broadcaster broadcasts matter relating to a political subject or current affairs, being matter that is in the form of news, an address, a statement, a commentary or a discussion, the broadcaster must cause a record of the matter to be made in a form approved in writing by the ACMA.

 (3) Subject to this clause, a broadcaster must retain in his or her custody a record so made for a period of:

 (a) 6 weeks from the date on which the matter was broadcast; or

 (b) if a complaint has been made about the matter—for 60 days from the date on which the matter was broadcast;

or for such longer period as the ACMA, in special circumstances, directs in writing.

 (4) If a person considers that a record so made is admissible in evidence in proceedings instituted, or proposed to be instituted, in a court, being a record that is held under subclause (3), the person may give to the broadcaster a notice in writing informing the broadcaster that the record may be required for the purposes of the proceedings.

 (5) If such a notice is given to a broadcaster in respect of a record, the broadcaster must, subject to this clause, retain the record until the proceedings or the proposed proceedings to which the notice relates have been finally determined.

 (6) If the proceedings are not instituted within a period of 3 months after the notice is given to the broadcaster, subclause (5) ceases to apply to the record at the end of that period.

 (7) The obligation imposed by this clause on a broadcaster to retain a record does not apply at any time when the record is in the custody of a court in connection with proceedings instituted in the court.

 (8) If the ACMA is of the opinion that a matter of which a record has been made under this clause is of sufficient historic interest to justify its being permanently preserved, the ACMA may direct in writing a person who has custody of the record to deliver it for safe keeping to a person or authority specified by the ACMA, and the person to whom the direction is given must comply with the direction but is entitled to fair compensation.

 (9) A broadcaster must, without charge, make available to the ACMA, upon request, any specified record made by the broadcaster under subclause (2) that has been retained by the broadcaster (whether or not the broadcaster is, at the time of the request, under an obligation to retain the record).

**Part 5—Community broadcasting licences**

**9 Conditions applicable to services provided under community broadcasting licences**

 (1) Each community broadcasting licence is subject to the following conditions:

 (a) the licensee will not, in contravention of the *Tobacco Advertising Prohibition Act 1992*, broadcast a tobacco advertisement within the meaning of that Act;

 (b) the licensee will not broadcast advertisements, and the licensee will not broadcast sponsorship announcements otherwise than as mentioned in this clause;

 (c) the licensee will comply with program standards applicable to the licence under Part 9 of this Act;

 (ca) the licensee will comply with standards under section 130A (which deals with technical standards for digital transmission);

 (caa) if the licensee provides a digital community radio broadcasting service under the licence—the licensee will comply with any standards under section 130AA (which deals with technical standards for digital transmission);

 (cb) the licensee will comply with subsection 130V(1) (which deals with industry standards);

 (d) the licensee will, if the Minister, by notice in writing given to the licensee, so requires broadcast, without charge, such items of national interest as are specified in the notice;

 (e) the licensee will, if the Minister notifies the licensee in writing that an emergency has arisen which makes it important in the public interest that persons authorised by the Minister have control over matter broadcast using the licensee’s broadcasting facilities, allow those persons access to and control over those facilities;

 (f) the licensee will not use the broadcasting service or services in the commission of an offence against another Act or a law of a State or Territory;

 (h) the licensee will commence the provision of at least one broadcasting service within one year of being allocated the licence or within such longer period as is notified in writing by the ACMA;

 (i) the licensee will comply with the requirements of clauses 3, 3A, 3B, 4 and 5;

 (j) the licensee will not use the part of the radiofrequency spectrum covered by paragraph (b) of the definition of ***broadcasting services bands*** in subsection 6(1) to provide a community broadcasting service under the licence unless the service is a digital community radio broadcasting service;

 (k) if a television licence area plan applies to the licence area—the licensee will comply with subsection 26AA(3).

 (2) Each community broadcasting licence is also subject to the following conditions:

 (a) the licensee will remain a suitable licensee;

 (b) the licensee will continue to represent the community interest that it represented at the time when the licence was allocated or was last renewed;

 (c) the licensee will encourage members of the community that it serves to participate in:

 (i) the operations of the licensee in providing the service or services; and

 (ii) the selection and provision of programs under the licence;

 (d) the licensee will provide the service or services for community purposes;

 (e) the licensee will not operate the service or services for profit or as part of a profit‑making enterprise.

 (2AA) Paragraph (2)(e) does not prevent a designated community radio broadcasting licensee from holding shares in a digital community radio broadcasting representative company (within the meaning of the *Radiocommunications Act 1992*).

 (2A) Each community broadcasting licence is also subject to the condition that the licensee will not provide community broadcasting services under the licence outside the licence area of the licence unless:

 (a) the provision of those services outside that licence area occurs accidentally; or

 (b) the provision of those services outside that licence area occurs as a necessary result of the provision of community broadcasting services within the licence area; or

 (c) both:

 (i) the licensee satisfies the ACMA that the provision of those services outside that licence area occurs in exceptional circumstances; and

 (ii) the ACMA has given permission in writing; or

 (d) all of the following subparagraphs apply:

 (i) the first‑mentioned licensee satisfies the ACMA that there is a person (the ***eligible person***) who is in a community broadcasting licence area (the ***second licence area***) that is not the same as the first‑mentioned licence area and who is not receiving adequate reception of a community broadcasting service or services provided by a community broadcasting licensee for the second licence area;

 (ii) the provision of the first‑mentioned services outside the first‑mentioned licence area occurs only to the extent necessary to provide adequate reception of the first‑mentioned services to the eligible person;

 (iii) the ACMA has given permission in writing.

 (2B) Each community broadcasting licence that has been transferred is also subject to the condition that the transferee must, within 7 days after the transfer, notify the ACMA of the transfer. A notification must be in accordance with a form approved in writing by the ACMA.

 (3) A community broadcasting licensee may broadcast sponsorship announcements on a particular community broadcasting service. However, they must not run in total for more than:

 (a) if the licensee is a community television broadcasting licensee—7 minutes in any hour of broadcasting on that service; or

 (b) in any other case—5 minutes in any hour of broadcasting on that service.

 (4) A community television broadcasting licensee may broadcast sponsorship announcements only during periods before programs commence, after programs end or during natural program breaks.

 (5) In working out the length of time devoted to the broadcasting of sponsorship announcements, account is not to be taken of the broadcasting by a community broadcasting licensee of any of the following:

 (a) material that publicises programs to be broadcast by the licensee;

 (b) material that promotes the licensee’s products, services or activities for the broadcast of which the licensee does not receive any consideration in cash or in kind;

 (c) community information or community promotional material for the broadcast of which the licensee does not receive any consideration in cash or in kind;

 (d) sponsorship announcements consisting of moving text that is overlaid on a test pattern.

 (6) Paragraph (1)(b) applies to a community broadcasting service targeted, to a significant extent, to one or more remote Indigenous communities as if the words “for which the licensee receives any consideration in cash or in kind” were inserted after “advertisements”.

1. Refer to the appendix for the complete statutory definition of a community broadcasting service. [↑](#footnote-ref-1)