Low power open narrowcasting

Licence conditions guide

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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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LPON licence conditions guide

If you are a low power open narrowcasting (LPON) licensee, this guide is for you.

LPON transmitter licences can be used to provide niche radio broadcasting services.

LPON transmitter licences allow you (as the licensee) the ability to deliver LPON services to specific locations or at certain times, or to be targeted to special interest groups such as tourist information and ethnic and religious programming.

We issue LPON transmitter licences and regulate them to ensure compliance with licence conditions.

LPON licence conditions are set out in the [Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015](https://www.legislation.gov.au/F2015L01489/latest/text) (LPON LCD). Other conditions may be attached to the licence.

## Why is understanding licence conditions important?

Breaching licence conditions can result in the ACMA undertaking compliance and enforcement activities against you as licensee. This can include warning notices, fines, licence cancellation and court proceedings. To avoid this, it’s important that you operate your transmitter in compliance with its licence conditions. This guide explains some key things that you need to know.

# About this guide

This guide has been developed and published following the completion of 3 years of LPON audit programs by ACMA staff. Through the audits, we have identified a number of common compliance issues and licence condition misunderstandings among   
LPON licensees.

This guide should assist you as a LPON licensee to better understand your obligations about record keeping, operating your transmitter with reasonable regularity, commencement of a service, service location and power and coverage.

## Important note

The information contained in this paper is provided as a guide for LPON licensees. It should not be relied on as the only source of information, nor does it constitute legal advice. Compliance examples provided in this paper are not prescriptive; rather, they are intended to assist licensees in understanding how to comply with their obligations.

LPON licences are subject to regulatory provisions in the following legislation:

[*Broadcasting Services Act 1992*](https://www.legislation.gov.au/Details/C2017C00201)

[*Radiocommunications Act 1992*](https://www.legislation.gov.au/Details/C2018C00336)

[Australian Communications Authority (LPON Transmitter Licences) Direction No. 2 of 2000](https://www.legislation.gov.au/Details/F2006B00135)

[Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015](https://www.legislation.gov.au/F2015L01489/latest/text).

Other helpful links are also given in the [More information](#_More_information) section of this paper.

# Introduction

Transmitters used to provide low power open narrowcasting (LPON) services are subject to a range of [licence conditions](https://www.acma.gov.au/low-power-open-narrowcasting-licences), including:

exclusion zones

power and coverage limitations

limited protection from interference

no security of tenure

minimum separation distance requirements

not being operated as a community or commercial radio broadcasting service

use it or lose it requirements (UIOLI).

The guide aims to assist LPON licensees by increasing regulatory awareness and explaining how to meet your obligations as an LPON licensee.

The guide focuses on the conditions contained in the [Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015](https://www.legislation.gov.au/Details/F2017C01145) and the [Australian Communications Authority (LPON Transmitter Licences) Direction No. 2 of 2000](https://www.legislation.gov.au/F2015L01489/latest/text).

It is not intended to provide guidance in relation to compliance with the [*Broadcasting Services Act 1992*](https://www.legislation.gov.au/C2004A04401/2017-06-23/text).

In the course of recent audits conducted by the ACMA, identified compliance   
concerns included:

transmitter power levels

field strength limitations

the requirements and form of a logbook (part of the UIOLI requirements)

the commencement and regularity of service (as above)

the location of the transmitter and other technical characteristics.

These requirements ensure that services are provided to the public under LPON licences, risks of interference are mitigated and that licences are used for intended purposes. This supports the primary objects of the [*Radiocommunications*](https://www.legislation.gov.au/Details/C2017C00201) *Act 1992,* one of which is to maximise the overall public benefit derived from using the radiofrequency spectrum by ensuring the efficient allocation and use of the spectrum.

You can find the relevant provisions in the Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015 and the Australian Communications Authority (LPON Transmitter Licences) Direction No. 2 of 2000 in [Appendix A](#_Appendix_A).

## LPON compliance

We may investigate when:

we become aware a licensee may be in breach of a licence condition

a valid complaint is made to the ACMA

where we suspect non-compliance.

We undertake all compliance and enforcement activities in accordance with our [compliance and enforcement policy](https://www.acma.gov.au/compliance-and-enforcement-policy) and have a graduated strategic and risk-based approach to compliance and enforcement.

This means that in the first instance, we seek to work with licensees and educate them on their regulatory obligations prior to undertaking compliance actions. Where licensees remain non-compliant, we will take appropriate compliance and enforcement actions. This can start with a warning notice, and progress to fines and prosecutions in court if non-compliance continues.

# Power and coverage

LPON licences are subject to conditions that limit the transmitter output power and coverage area of the relevant radio station. These conditions are designed to ensure LPON services are limited in their coverage as low-powered services and do not cause interference to other LPON services or other licensed users of the spectrum.

As a LPON licensee, it is your obligation to ensure your LPON radio station remains compliant with each of these conditions.

LPON licences are allocated in accordance with the ACMA’s [LPON planning model](https://www.acma.gov.au/low-power-open-narrowcasting-licences#lpon-licence-conditions), which provides limitations on the frequency of LPON services, the proximity to other FM broadcasting services and the separation requirements from other LPON services.

The transmitter output power condition is distinct from the field strength condition. However, both conditions are designed to limit coverage to no more than 2 km in   
any direction (or 10 km in a non-residential area) in accordance with the ACMA’s planning models.

The transmitter output power condition:

In a residential area, permits you (as licensee) to operate the station using a maximum transmitter power not exceeding 1 watt

In a non-residential area, permits you (as licensee) to operate the station using a maximum transmitter power not exceeding 10 watts.[[1]](#footnote-1)

In both instances, the condition is limiting the power output of the transmitter. Separately, the equivalent isotropic radiated power (EIRP) is usually permitted to   
be 1.64 watts or 16.4 watts in a non-residential area.[[2]](#footnote-2)

The field strength condition is also designed to ensure that a LPON service is   
not covering more than 2 km in a residential area or more than 10 km in a non-residential area.[[3]](#footnote-3)

The licence conditions state that:

If the licensee operates a narrowcasting service station to provide a low power open narrowcasting service in a residential area, the field strength must not exceed 48 decibels microvolt per metre squared (dBµV/m2) when measured at 10 m above ground level at any location more than 2 km from the station’s antenna.

If the licensee operates a narrowcasting service station to provide a low power open narrowcasting service in a non-residential area, the field strength must not exceed 48 dB above one microvolt per metre squared (dBµV/m2) when measured at 10 m above ground level at any location more than 10 km from the station’s antenna.

Example:

An LPON station with a transmitter output power of 2 watts and cable losses of   
3 dB and a folded dipole antenna breaches the transmitter output power condition but may not breach the field strength condition.

An LPON station with a transmitter output power of 1 watt and advantageous topographical conditions with low clutter loss may be compliant with the transmitter output power condition but breach the field strength condition.

These examples demonstrate that each licence provides for coverage of no more than 2 km, or 10 km in a non-residential area, but licensees are not guaranteed that coverage distance from their licensed site. Licensees are not permitted to exceed power limits to achieve certain coverage distances.

# UIOLI conditions

The UIOLI conditions are important for the operation of an LPON licence and prevent systemic compliance issues such as licence hoarding.

There are 3 important criteria in the UIOLI conditions:

you must start broadcasting within six months of getting your licence

you need to use it regularly

you must keep records.

## You must start a service within 6 months

Unless you have a reasonable excuse for not doing so, you must commence the service within 6 months from the day the licence was issued.[[4]](#footnote-4) This is intended to allow enough time to set up infrastructure for broadcasting.

You must have evidence of:

* transmitter set up at the specified location
* technical details of the frequency the service is being provided on.

If you are unable to commence a service within the 6 months, you can ask the ACMA in writing to extend the 6-month period. To be considered, your request must be supported by reasons and evidence, and be received by the ACMA before the   
6-month period elapses. Requests for extensions can be sent via email   
to [info@acma.gov.au](mailto:info@acma.gov.au).

Financial reasons are not a valid reason for delay. In making an application for an extension, you need to provide evidence that you have made genuine steps towards establishing a service. You will also need to indicate how much additional time you are seeking to commence the service. We consider that commercial impediments – including being unable to negotiate a lease or access the licensed location – do not constitute a valid reason for delay. This is the case even where you acquire the licences by transfer. You should conduct your due diligence about a licence and its site arrangements prior to acquiring it.

All relevant circumstances will be considered in determining whether to exercise our discretion to extend the period beyond 6 months.

## You must use the service with reasonable regularity

You must provide the service with reasonable regularity for the duration of the licence.[[5]](#footnote-5)

To meet the ‘reasonable regularity’ requirement, there are key factors you should consider.

### **Services should be happening on a frequent or habitual basis**

The phrase ‘reasonable regularity’ is not defined in the legislative scheme. The   
ACMA takes the view that there is no fixed minimum number of hours making up ‘reasonable regularity’.

What ‘reasonable regularity’ is will be informed by all the circumstances and by the purpose of the condition, which is to ensure that people are making meaningful use of the licence.

There have been two recent cases before the Administrative Appeals Tribunal that have considered what ‘reasonable regularity’ means.

In the decision by the Administrative Appeals Tribunal (AAT), [Futrends Pty Ltd and Australian Communications and Media Authority](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AATA/2020/987.html)in April 2020, the ACMA’s interpretation of ‘with reasonable regularity for the duration of the licence’ was considered and upheld.

The AAT found that the context in which the term ‘regularity’ is used in subsection paragraph 4.11(1)(b) of the [Australian Communications Authority (LPON Transmitter Licences) Direction No. 2 of 2000](https://www.legislation.gov.au/F2015L01489/latest/text) is:

Used, done, or happening on a frequent or habitual basis.[[6]](#footnote-6)

This reflects the purpose of the UIOLI conditions in ensuring LPON services are not hoarded or unused.

This meaning of reasonable regularity was further supported by the AAT’s decision in July 2020 in the case of [W&A Willmington and Australian Communications and Media Authority](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AATA/2020/2102.html?context=1;query=W%20&%20A%20Willmington%20Pty%20Ltd%20;mask_path=au/cases/cth/AATA).It again agreed with the ACMA’s cancellation of LPON licences not being used with reasonable regularity, and defined ‘reasonable regularity’ as meaning ‘a frequent or habitual service’.

### Services need to be occurring more than once a year

The decision in the case of ‘Futrends Pty Ltd and Australian Communications and Media Authority’notes that the provision in paragraph 4.11(1)(a) of the Direction (requiring commencement of a service within 6 months of the issue of the licence) strongly suggests that services provided at intervals of longer than 6 months would not meet the ‘reasonable regularity’ requirement.[[7]](#footnote-7)

The decision by the AAT in [W&A Willmington and Australian Communications and Media Authority](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AATA/2020/2102.html?context=1;query=W%20&%20A%20Willmington%20Pty%20Ltd%20;mask_path=au/cases/cth/AATA)notes that transmissions a year apart ‘cannot be considered to have been provided with reasonable regularity’.[[8]](#footnote-8)

### Services must be provided for listeners

The previous decisions by the AAT also demonstrate that transmissions for short periods maynot satisfy the requirement of ‘reasonable regularity’[[9]](#footnote-9), as transmitting for short periods or making test transmissions to meet licence conditions is not a provision of a service to listeners.

The requirement of ‘reasonable regularity’ is for the licensee to provide the service to which the licence relates.[[10]](#footnote-10)

## You must keep service records

As the licensee, you must maintain records of the commencement, hours of operation and provision of the service.[[11]](#footnote-11)

This means that, for each licence held, you must:

* keep a logbook of the hours/events of operation
* keep visual and audio broadcast recordings
* document the nature of the service being provided, whether daily or for special events.

The decisions by the AAT in the cases of [Futrends Pty Ltd and Australian Communications and Media Authority](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AATA/2020/987.html)and [W&A Willmington and Australian Communications and Media Authority](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AATA/2020/2102.html?context=1;query=W%20&%20A%20Willmington%20Pty%20Ltd%20;mask_path=au/cases/cth/AATA)demonstrate to LPON licensees the importance of record keeping. Records are critical evidence of when the service commenced, its hours of operation and what types of services are being provided.

Following our recent LPON audits it has become clear that significant confusion exists about the content, form and time periods which apply to the record keeping requirements for LPON radio stations.

Logbooks should provide us with sufficient information to easily identify:

which licence the log relates to

what the nature of that service is

on what date the service commenced

its times of use (hours and dates)

any periods of downtime.

The requirement to maintain a logbook is linked to an individual transmitter licence and therefore each licence held by a licensee must have a logbook. A logbook is not limited in duration and should contain the entire period from the commencement of the service to the present day.

If you have authorised a third party to use your licence, you have not contracted out of your obligations to maintain records. If the third party fails to maintain records, compliance action may be taken against you as the licence holder.

If you re-transmit another service for part or all your regular programming, your logbook must contain details of that service.

For LPON stations that are used to provide music (e.g., genres of limited appeal), a stand-alone song list that is randomly shuffled does not constitute a logbook. However, a logbook that refers to a song list broadcast by the LPON station over a specific period of time can be compliant.

A record of times a transmitter is turned on and off also falls short of the record keeping requirements.

The following is an example of an appropriate form of a logbook, which in this case would be supplemented by a song list. Note this is not prescriptive and is only provided to assist you with understanding how to comply with the requirements.

Example week of LPON logbook



# Other licence conditions: technical characteristics

Licensees are required to comply with all the conditions on a licence, including the technical characteristics, which includes antenna type and transmitter location. If a licensee transmits outside these parameters, it is illegally transmitting in contravention of the Radiocommunications Act.

The Radiocommunications Act prohibits the use of a radiocommunications device otherwise than as authorised by a licence.[[12]](#footnote-12) As the recent decision by the Federal Court in [ACMA v Phaze Broadcasting [2024] FCA 473](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.austlii.edu.au%2Fcgi-bin%2Fviewdoc%2Fau%2Fcases%2Fcth%2FFCA%2F2024%2F473.html%3Fcontext%3D1%3Bquery%3Dphaze%2520broadcasting%3Bmask_path%3D&data=05%7C02%7CMelissa.Moroney%40acma.gov.au%7Cf57fb942e1cf4132220208dc7e967665%7C0dac7f39d20c4e718af371ee7e268a2b%7C0%7C0%7C638524431914072881%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=yG1fWyjwJtCsDLjZ9FAx8qPlZ2yp0fWqxfu%2BAm7xxlA%3D&reserved=0) demonstrates, the technical characteristics on a licence form part of these licence conditions and LPON licensees are only authorised to operate transmitters from the site indicated on their licence.

LPON licences are assigned licences, meaning each licence specifies a transmitter location. If your transmitter is not at that location, you are not licensed, even if the transmitter is within 2 km of the licensed site (or 10 km in non-residential areas), or you own all the licences in the surrounding geographic area.

This also means that if you are planning to relocate a transmitter, you should ensure that you have completed a [licence variation request](https://www.acma.gov.au/apply-vary-lpon-conditions#apply-to-change-the-location-of-an-existing-lpon-site), and the request has been approved by the ACMA before the transmitter is moved.

We encourage you to familiarise yourself with all conditions of your licence to ensure you can comply with them. If you need to request changes to your licence, further information is available on [our website](https://www.acma.gov.au/apply-vary-lpon-conditions).

# Conclusions

Our LPON audit program, along with previous AAT decisions and the recent Federal Court decision in the Phaze FM case, are useful to assist LPON licensees to better understand how to comply with LPON licence conditions.

The ACMA wishes to assist LPON licensees in maintaining a compliant service and has published this guide in an effort to explain the requirements and limitations for:

LPON services power and coverage

UIOLI and record keeping requirements

the technical characteristics on a licence which form part of the licence conditions, including the requirement to only transmit from the licensed site.

We provide a range of information to LPON licensees, including this guide, to make it easy to understand and comply with the licence conditions. If you have any questions, you can contact us on the details below.

# More information

LPON licence information

* go to [www.acma.gov.au/low-power-open-narrowcasting-licences](https://www.acma.gov.au/low-power-open-narrowcasting-licences).

The Administrative Appeals decision reports

[W&A Willmington and Australian Communications and Media Authority](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AATA/2020/2102.html?context=1;query=W%20&%20A%20Willmington%20Pty%20Ltd%20;mask_path=au/cases/cth/AATA)

* [Futrends Pty Ltd and Australian Communications and Media Authority](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AATA/2020/987.html).

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* email: [info@acma.gov.au](mailto:info@acma.gov.au)
* phone: 1300 850 115.

# Appendix A

[Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015](https://www.legislation.gov.au/Details/F2017C01145)

**4.11 Certain low power open narrowcasting services — other conditions**

         (1)   A licence that authorises the operation of a narrowcasting service station at a carrier frequency within the range 87.5 to 88.0 MHz (inclusive) to provide a low power open narrowcasting service is subject to the following conditions:

                (a)    if the licence is issued otherwise than upon renewal under section 130 of the Act – unless the licensee has a reasonable excuse for not doing so, the licensee must commence the service within 6 months beginning on the day the licence is issued;

               (b)    subject to paragraph (a), the licensee must provide the service with reasonable regularity for the duration of the licence;

                (c)    the licensee must maintain records of the commencement, hours of operation and provision of the service.

*Note*   See clauses 6 and 9 of the *Australian Communications Authority (LPON Transmitter Licences) Direction No. 2 of 2000*.

         (2)   The ACMA may extend the 6-month period referred to in paragraph 4.11(1)(a) if, in the ACMA’s opinion, there is a valid reason for a delay by a licensee in complying with that paragraph.

*Note*   See subclause 8(1) of the *Australian Communications Authority (LPON Transmitter Licences) Direction No. 2 of 2000*.

         (3)   For the purposes of subsection (2), valid reason for a delay does not include:

                (a)    that the licence was obtained within the 6-month period within which to comply with the condition, pursuant to a transfer from a relative or associate of the licensee;

               (b)    financial reasons;

                (c)    that the licence is subject to an arrangement contingent on the disposal of another licence held by the licensee.

*Note*   See subclause 8(2) of the *Australian Communications Authority (LPON Transmitter Licences) Direction No. 2 of 2000*.  Subclause 8(3) provides that this list of matters that are not valid reasons for a delay “is not exhaustive and there may be other reasons that do not constitute valid reasons for a delay”.

         (4)   In this section:

***associate*** means:

                (a)    in relation to a body corporate:

                          (i)    a director or secretary of the body corporate; or

                         (ii)    a related body corporate; or

                        (iii)    a director or secretary of a related body corporate; or

                        (iv)    a business partner of the body corporate; or

                         (v)    an individual who controls at least 15% of the voting power in, or holds at least 15% of the issued shares of, the body corporate; and

               (b)    in relation to an individual:

                          (i)    a business partner of the individual; or

                         (ii)    a body corporate in which the individual controls at least 15% of the voting power or of which the individual holds at least 15% of the issued shares; or

                        (iii)    a body corporate of which the individual is a director or secretary; or

                        (iv)    a body corporate that is a related body corporate of a body corporate of which the individual is a director or secretary.

***related body corporate*** has the same meaning as in the *Corporations Act 2001*.

***relative***, in relation to a person, means:

                (a)    the person’s spouse; or

               (b)    the person’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child; or

                (c)    the spouse of a relative mentioned in paragraph (b).

***spouse***, in relation to a person, includes a de facto partner of the person, within the meaning given by section 2D of the *Acts Interpretation Act 1901*.

*Note*  On 20 December 2000, the Minister gave to the Australian Communications Authority the *Australian Communications Authority (LPON Transmitter Licences) Direction No. 2 of 2000* (***Direction***), under subsection 12 (1) of the *Australian Communications Authority Act 1997*.  The Direction is continued in force under item 8 of Schedule 4 to the *Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005*.  The Direction makes provision for how the ACMA exercises its powers and performs its functions in relation to imposing conditions on certain licences.

[Australian Communications Authority (LPON Transmitter Licences) Direction No. 2 of 2000](https://www.legislation.gov.au/Details/F2006B00135)

7. Direction – renewal of LPON licences within 6 months

The ACA must make any apparatus licence for a low power open narrowcasting service issued upon renewal within 6 months of the commencement of this Direction subject to conditions that have the effect of requiring a licensee of a low power open narrowcasting service to:

(a) commence to provide a service using a transmitter authorised under the licence within 6 months of the renewal of the licence unless the licensee has a reasonable excuse for not doing so; and

(b) continue to provide a service throughout the term of the licence with reasonable regularity; and

(c) maintain records of the commencement, hours of operation and provision of a service under the licence.

**8. Direction – extension of 6-month start-up period**

(1) The ACA may allow for an extension of the 6-month period referred to in clause 5(a), 6(a) or 7(a) if in the ACA's opinion there is a valid reason for a delay by a licensee complying with those clauses.

(2) The following, inter alia, shall not constitute valid reasons for a delay:

(a) the licence has been obtained within the 6-month period pursuant to a transfer to a relative or associate; or

(b) financial reasons; or

(c) the licence is subject to an arrangement contingent on the disposal of another licence held by the licensee.

(3) To remove any doubt, subsection (2) is not exhaustive and there may be other reasons that do not constitute valid reasons for a delay in commencing to provide a service.

**10. Direction – cancellation of LPON licences**

(1) The ACA may consider cancelling an apparatus licence for a low power open narrowcasting service for contravention of any conditions included in the licence because of section 5, 6, 7 or 9 where it has received a written statement from any person (“***the complainant***”) specifying the following details:

1. the name and contact details of the complainant and their interest in the matter; and
2. the purported breach of condition and the supporting evidence.

(2) The statement must be made on the form approved by the ACA for this purpose *(****the complaint form****)* and must be accompanied by a statutory declaration as to the truth of the contents of the statement.

(3) The ACA must give the licensee written notice that it has received a complaint and must provide details of what is contained in the complaint which gives the licensee a clear understanding of the substance of the complaint. The licensee must be given 30 days from the date on which the licensee is advised of the complaint in which to respond.

(4) ￼In considering whether or not to cancel an apparatus licence for a low power open narrowcasting service for contravention of any conditions included in the licence because of sections 5, 6, 7 and 9 of this Direction, the ACA must have regard to:

1. arrangements made by the licensee for access and use of a site for the purpose of providing the service;
2. ownership, purchase, lease or hire, or other arrangements made by the licensee for the use of a transmitter on the site for the purpose of providing the service;
3. arrangements made by the licensee to obtain programs for use in providing the service;
4. the regularity and continuity of programs broadcast by the licensee from the site;
5. the nature of the service to which the licence relates, and which is being provided by the licensee;
6. the maintenance of records of the commencement, hours of operation and provision of a service under the licence; and
7. other such matters as the ACA considers relevant.

(5) ￼In considering whether a condition included in an apparatus licence because of clauses 5(b), 6(b), 7(b) or 9(b) requiring continued provision of a service has been complied with, the ACA must have regard to:

1. the period for which a service has not been provided in relation to the period in which it could have been provided;
2. whether any circumstances existed which gave rise to a failure to continue to provide a service that were beyond the reasonable control of the licensee or persons with whom arrangements existed under paragraph 10(4)(b);
3. the number of other apparatus licences for low power open narrowcasting services held by the licensee and the level of services provided under those licences;
4. such other matters as the ACA considers relevant.

**11. Direction – no issue of a licence on similar terms**

The ACA must not grant an apparatus licence for a low power open narrowcasting service on similar terms or including similar details to that of an existing licence during the period in which a complaint is being assessed in relation to the existing licence. This applies to an application by any person.

1. Subsection 4.9 and 4.10 of the [Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015](https://www.legislation.gov.au/Details/F2017C01145). [↑](#footnote-ref-1)
2. Calculated on the basis that the antenna gain is 2.2 dbi (gain over an isotropic antenna). [↑](#footnote-ref-2)
3. A residential area is an area within 20 km of the boundary of an urban centre or locality. – [Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015](https://www.legislation.gov.au/Details/F2017C01145). [↑](#footnote-ref-3)
4. Subsection 4.11(1)a) of the [Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015](https://www.legislation.gov.au/Details/F2017C01145). [↑](#footnote-ref-4)
5. Refer subsection 4.11(1)b) of the [Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015](https://www.legislation.gov.au/Details/F2017C01145). [↑](#footnote-ref-5)
6. [Futrends Pty Ltd and Australian Communications and Media Authority](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AATA/2020/987.html). [↑](#footnote-ref-6)
7. [Futrends Pty Ltd and Australian Communications and Media Authority](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AATA/2020/987.html). [↑](#footnote-ref-7)
8. [W&A Willmington and Australian Communications and Media Authority](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AATA/2020/2102.html?context=1;query=W%20&%20A%20Willmington%20Pty%20Ltd%20;mask_path=au/cases/cth/AATA). [↑](#footnote-ref-8)
9. [Futrends Pty Ltd and Australian Communications and Media Authority](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AATA/2020/987.html). [↑](#footnote-ref-9)
10. [W&A Willmington and Australian Communications and Media Authority](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AATA/2020/2102.html?context=1;query=W%20&%20A%20Willmington%20Pty%20Ltd%20;mask_path=au/cases/cth/AATA). [↑](#footnote-ref-10)
11. Subsection 4.11(1)c) of the [Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015](https://www.legislation.gov.au/Details/F2017C01145). [↑](#footnote-ref-11)
12. Section 46 of the Radiocommunications Act. [↑](#footnote-ref-12)