Broadcasting Services Amendment (Media Ownership) Bill 2006

(Government)

(1) Schedule 2, item 3, page 40 (after line 10), after section 43B, insert:

43C Local content—regional commercial radio broadcasting licences

(1) The ACMA must ensure that, at all times on and after 1 January 2008, there is in force under section 43 a condition that has the effect of requiring the licensee of a regional commercial radio broadcasting licence to broadcast, during daytime hours each business day, at least the applicable number of hours of material of local significance.

Material of local significance

(2) The condition must define material of local significance for the purposes of the condition. If a regional commercial radio broadcasting licensee is required to comply with section 61CD, the definition of material of local significance must be broad enough to cover material that the licensee must broadcast in order to comply with that section.

Applicable number

(3) For the purposes of the application of subsection (1) to a regional commercial radio broadcasting licence, the applicable number is:

(a) 4.5; or

(b) if the Minister, by legislative instrument, declares that another number is the applicable number for regional commercial radio broadcasting licences generally—the other number; or

(c) if:

(i) the Minister, by legislative instrument, declares that another number is the applicable number for a specified class of regional commercial radio broadcasting licences; and

(ii) the regional commercial radio broadcasting licence is included in that class;

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the other number.

(4) The Minister must not declare a number under paragraph (3)(b) or subparagraph (3)(c)(i) that is less than 4.5 unless:

(a) the Minister has caused to be conducted a review of:
   (i) whether a declaration should be made under paragraph (3)(b) or subparagraph (3)(c)(i) specifying a number that is less than 4.5; and
   (ii) if so, the content of the declaration; and
(b) the Minister has caused to be prepared a report of the review; and
(c) the declaration made by the Minister is in accordance with a recommendation in the report.

Section 43 powers etc.

(5) To avoid doubt, this section does not create any obligations under subsection 43(2) that would not exist apart from this section.

(6) Subsection 43(5) does not apply to the condition.

(7) This section does not limit the powers conferred on the ACMA by section 43 to impose, vary or revoke other conditions.

Definitions

(8) In this section:

daytime hours means the hours:

(a) beginning at 6 am each day or, if another time is prescribed, beginning at that prescribed time each day; and
(b) ending at 6 pm on the same day or, if another time is prescribed, ending at that prescribed time on the same day.

metropolitan licence area means:

(a) a licence area in which is situated the General Post Office of the capital city of:
   (i) New South Wales; or
   (ii) Victoria; or
   (iii) Queensland; or
   (iv) Western Australia; or
   (v) South Australia; or
(b) the licence area known as Western Suburbs Sydney RA1.

regional commercial radio broadcasting licence means a commercial radio broadcasting licence that has a regional licence area.

regional licence area means a licence area that is not a metropolitan licence area.

[local content]