



Discussion paper—open narrowcasting radio categories

The ABA is seeking submissions on its discussion paper on how the criteria for categories of radio services can be clarified. The focus of the ABA's investigation is on the criteria for open narrowcasting services.

The primary aim of the discussion paper is to collect information that will assist in placing services of differing levels of appeal into the correct category, for example, various music formats, racing radio or services that are provided only for limited locations.

The ABA is calling for submissions to its discussion paper on open narrowcasting services and on the issues raised in the paper. Submissions need not be limited to the specific questions raised in the paper.

More generally, the ABA welcomes submissions on the operation of Part 2 of the Broadcasting Services Act in relation to open narrowcasting radio services. Although the criteria for open narrowcasting contained in section 18 of

the Act are of primary importance, they must be seen in context as part of a workable scheme that deals with all the categories of broadcasting services.

Copies of the discussion paper

The discussion paper is available on the ABA web site at www.aba.gov.au/whats_new/index.htm or tel. (02) 9334 7700 for printed copies.

Submissions

The ABA intends to publish comments on its web site and therefore prefers comments in electronic format.

Email: oncradio@aba.gov.au.

Postal address:

ONC Radio Project, Australian Broadcasting Authority
PO Box Q500, Queen Victoria Building NSW 1230.

ABA allocates pay TV licences to Primestar

The ABA has allocated 70 subscription television broadcasting licences to Primestar Communications Australia Pty Ltd

Primestar has indicated that it proposes to deliver a range of programs including subjects

International broadcasting licence scheme and guidelines

International broadcasting is a new category of broadcasting service which applies to any service targeted, to a significant extent, to audiences outside Australia, where the means of delivery involves the use of a radiocommunications transmitter inside Australia.

Recent amendments to the Broadcasting Services Act set out the requirements to be satisfied by an applicant for an international broadcasting licence. These include corporate status, suitability and compliance with the *Broadcasting Services (International Broadcasting) Guidelines 2000*.

These guidelines apply in two specific instances:

- when allocating an international broadcasting licence, the ABA must, under section 121FB of the Act, provide a report to the Minister for Foreign Affairs about whether the proposed international broadcasting service complies with the guidelines. Applicants for an international broadcasting licence must provide the ABA with a written commitment to abide by the guidelines
- under section 121FM of the Act, the Minister for Foreign Affairs may direct the ABA to prepare a report about whether a specified international broadcasting service complies with the guidelines.

More generally, the guidelines ensure that the material broadcast meets the minimum standards applicable to any Australian broadcaster. The guidelines took effect on 22 December 2000.

For more information and electronic copies of the application forms (ABA Form 53, International Broadcasting Licence and ABA Form 54, Nominated Broadcaster Declaration), go to the ABA's web site at www.aba.gov.au/what/broplan/international_guidelines.htm.

Challenge to the Melbourne licence area plan

On 31 January 2001 Sundberg J of the Federal Court of Australia handed down his reasons for judgment in the case of *Nezville Pty Ltd & Stamoulis v Australian Broadcasting Authority*. Two high power open narrowcasters challenged decisions made by the ABA in the determination of the radio licence area plan for Melbourne released in June 2000.

The applicants argued that the ABA had failed



Discussion paper

www.aba.gov.au/whats_new/index.htm

International broadcasting licences

www.aba.gov.au/what/broplan/international_guidelines.htm



to comply with its statutory obligations in preparing the Melbourne licence area plan. Sundberg J held that the ABA had properly performed its planning functions under section 26 of the Broadcasting Services Act. In particular, the judge upheld the ABA's contention that, in carrying out its planning function, section 23 of the Act does not oblige the ABA to have regard to the content of the programs that particular broadcasters offer or that aspirants hope to offer.

His Honour found that the ABA had not satisfied the requirement for wide public consultation in section 27 of the Act. It was held that the decision to transfer 3AK to 1116 kHz and reduce the number of open narrowcasting services in the Melbourne licence area significantly altered one aspect of the licence area plan. The ABA had given the second applicant and 20 other interested persons an opportunity to comment on the proposal to move 3AK. His Honour held wide public consultation on the proposed changes required a general invitation to the public to comment and an opportunity to comment to be afforded to all individuals and associations known to have expressed an interest in open narrowcasting services.

No orders have yet been made by the Court. The first applicant, Nezvile Pty Ltd, holds a

transmitter licence for 1422 kHz in Melbourne. The second applicant, Harry Stamoulis, held a transmitter licence for 1116 kHz in Melbourne until 31 December 2000 when the spectrum drop-through and transmitter licence for that frequency expired. In the licence area plan the ABA moved commercial radio broadcaster 3AK from 1503 kHz to 1116 kHz. After a simulcast period of two months, 1503 kHz was to become available under the licence area plan for a community broadcasting service. Under the licence area plan, 1422 kHz and 1593 kHz were to remain available for open narrowcasting services in Melbourne. At the time the licence area plan was made it was expected that the transmitter licences for these two frequencies would be allocated under a price-based allocation system.

Applications invited: Brisbane and Gold Coast community radio licences

The ABA invites applications for two new community radio broadcasting licences to serve Brisbane and three new community radio broadcasting licences to serve the Gold Coast.

Applications will close at 5.00 p.m. Tuesday 17 April 2001. Late applications will only be accepted under exceptional circumstances.

Temporary community broadcasting licences

Allocated in January 2001

Area served	Licensee	Frequency	Period	Date allocated
New South Wales				
Gosford	Five-O-Plus Public Radio Association Inc.	95.3	1-2-200 to 30-6-2001	25-1-2001
Gosford	Wyong-Gosford Progressive Community Radio Inc.	93.3	16-1-2001 to 30-6-2001	10-1-2001
Sydney	Out FM Sydney Ltd	94.5	1-2-2001 to 4-3-2001	29-1-2001
Victoria				
Gippsland-Warragul	West Gippsland Community Radio Inc.	99.5	14-1-2001 to 15-7-2001	10-1-2001
Melbourne	Nu Country Music Radio Inc.	94.9	22-1-2001 to 4-3-2001	18-1-2001
Melbourne	Triple Seven Communications Inc.	89.9	22-1-2001 to 25-2-2001	18-1-2001
Queensland				
Cairns	Smithfield Community Radio Association Inc.	101.9	24-1-2001 to 30-11-2001	19-1-2001
Gympie	Cooloola Christian Radio Association Inc.	91.5	1-2-2001 to 31-1-2002	25-1-2001
Noosa	Noosa District Community FM Radio Association Inc.	101.3	1-2-2001 to 31-1-2002	29-1-2001
South Australia				
Adelaide	R.P.H. - Adelaide Inc.	1197	31-1-2001 to 31-5-2001	19-1-2001
Mount Gambier	South East Christian Broadcasters Inc.	99.9	1-2-2001 to 30-11-2001	29-1-2001
Western Australia				
Kalamunda	Kalamunda Community Radio (Inc.)	101.1	15-1-2001 to 15-7-2001	10-1-2001