

## PLANNING AND THE ABA

**B**roadcasting services - radio and television - are major sources of information, views and entertainment in this country. Some services are delivered to you over the airwaves, which until now have been regarded as a scarce public resource.

Planning decisions must balance public interest against technical factors. For this reason, planning and management of the broadcasting parts of the radiofrequency spectrum, known as broadcasting services bands, have been assigned to a new regulatory body, the Australian Broadcasting Authority (ABA), to be undertaken in an open and accountable way.

The planning functions of the ABA are set out in Part 3 of the *Broadcasting Services Act 1992* (the Act). The emphasis is on the efficient and effective allocation of the broadcasting bands to meet market and social needs. All of the stages of the planning process must be the subject of wide public consultation.

The Act provides for a three stage planning process. This process is central to the operation of the Act. Unless part of the spectrum is made available by the ABA on a temporary basis, channels cannot be made available for new services until the planning is completed. The three stages are:

- Establishment of priorities for planning the provision of services;
- Preparation of frequency allotment plans that determine the number of channels to be available in particular areas of Australia, to provide services that use the broadcasting services bands; and
- Preparation of licence area plans which determine the number and characteristics, including technical parameters, of the broadcasting services that are to be available in particular areas.

In undertaking these tasks the ABA is to promote the economic and efficient use of the radiofrequency spectrum and to have regard to planning criteria set out in the Act.

### PLANNING PRIORITIES

Once the Minister has determined

the broadcasting bands, the ABA is required to determine a planning priority list. The list is to identify the order in which broadcasting services will be planned. For example, the list may identify FM radio in north-west Queensland as being the immediate priority and AM radio in south-west Victoria as being low on the list.

### FREQUENCY ALLOTMENT PLANS

In accordance with the determined priorities, frequency allotment plans will

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## AUSTRALIAN BROADCASTING AUTHORITY

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be developed progressively to cover all parts of Australia and all portions of the broadcasting services bands (AM and FM radio, VHF and UHF television). These plans will set out the numbers of channels to be made available in each geographic area. The framework within which this work will proceed will be determined after public consultation.

The frequency allotment plans may

need to be varied from time to time to ensure that they continue to reflect the current status of channel capacity in each market. All proposed variations to these plans will be subject to public consultation. The adoption of the frequency allotment plans by the ABA will be notified in the *Australian Government Gazette*. The plans will be published by the ABA.

### LICENCE AREA PLANS

Each licence area plan will set out the number of services to be made available in a specified region. This contrasts with the frequency allotment plan which is based on a broader geographic unit. A licence area plan will contain details of all services using the broadcasting services bands, their licence areas, and technical characteristics. Details of reservations of capacity by the Minister for community or national broadcasting services will also be set out in the relevant licence area plan. The plans will also provide details of licence area populations and overlap populations, including overlaps between radio and television services. The technical parameters for the services will include transmitters necessary to deliver the service to the relevant licence area.

Prior to preparing a draft licence area plan for comment, the ABA will seek submissions from all interested persons about all aspects of planning for broadcasting services in the region. Such submissions might include proposals for new services as well as proposals for changes to the licence areas and/or transmission parameters for existing services.

At any time, licensees may approach the ABA with proposals to vary licence areas or the technical arrangements set out in the licence area plan. Before any such variations are approved, the proposals will be the subject of further public consultation. Where latitude is provided in the technical specifications of the licence area plan, minor variations to site locations and emission parameters, lying within scope of the published licence area plan specification will not require amendment to the licence area plan.

**TECHNICAL PLANNING GUIDELINES**

The ABA will develop technical planning guidelines to establish the parameters of individual services that use the broadcasting bands.

**ALLOCATION OF BROADCASTING SERVICES BAND LICENCES**

With the exception of the capacity

reserved for national and community broadcasters, all other capacity set out in a licence area plan will be available for commercial licences, under a price based allocation scheme. Channels not immediately required for broadcasting services may be allocated for other purposes (such as test transmissions) for a fixed period determined by the ABA. At the end of that

period the spectrum will once again be made available for main-stream broadcasting.

The ABA will issue Radiocommunications Act licences for such alternative uses of the broadcasting services bands.

**COMPLAINTS ABOUT PROGRAMS**

Primary responsibility for handling complaints about program content now rests with the radio or television service itself.

The new complaints procedure is part of a wider shift in responsibility to broadcasters for ensuring that programs reflect community standards. Broadcasters are expected to develop self-regulatory codes of practice on matters relating to program content and how they handle complaints.

If you are offended by racism or sexism in the media, you can complain to the Human Rights and Equal Opportunity Commission or the relevant Anti-Discrimination Board in your State. You can complain about advertising to the Advertising Standards Council.

**COMPLAINTS ABOUT COMMERCIAL AND COMMUNITY BROADCASTERS**

If you have a complaint about program content on commercial radio or television or on community radio, you must make that complaint directly to the broadcaster concerned.

The broadcaster should tell you how it intends to deal with that complaint and what opportunities are available to you to take the matter further, if you are dissatisfied with the response.

If a broadcaster fails to respond to your complaint within 60 days, or you have received a response but are dissatisfied with the response, then you have the right to complain directly to the ABA.

If the ABA does investigate, it is obliged to inform you of the result of its investigation.

**COMPLAINTS ABOUT ABC AND SBS SERVICES**

If you have a complaint about pro-

gram content on the ABC or the SBS it must be made directly to the broadcaster concerned. Like the commercial and community broadcasters, the national

community broadcasters, the ABC and the SBS are charged with the responsibility for developing codes of practice relating to programming matters.

The ABA cannot investigate a complaint about program content on the ABC or SBS which is not covered by a code of practice. If your complaint relates to a matter covered by a code of practice, and if you have complained to the ABC or SBS but received no response within 60 days; or you have received a response to your complaint, but you are not satisfied with it you may pursue the matter with the ABA.

The ABA must investigate such a complaint and inform you of the results of its investigation.

As a result of the investigation, the ABA may recommend to the ABC or SBS that they take action in relation to the complaint, which may include publishing an apology or retraction. If the ABC or SBS fail to act upon a recommendation by the ABA, then the ABA may decide it should report on the matter to the Minister for Transport and Communications, who then has to table the ABA's report in Parliament.

**CONCLUSION**

Under the new system you must complain to the broadcaster concerned and it should deal with your complaint. If it does not respond or you are dissatisfied with the response you can ask the ABA to investigate.

Remember, the ABA is not required to investigate your complaint unless you have first complained to the broadcaster concerned.

**COMPLAINTS ABOUT PROGRAMS**

**The Government has introduced new procedures for complaints about the content of the radio and television programs.**

**AUSTRALIAN BROADCASTING AUTHORITY**

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broadcasters have primary responsibility for dealing with complaints about program content.

In some circumstances you are entitled to take your complaint to the ABA for investigation. Like commercial and com-