

ALLOCATION AND BROADCASTING SERVICES SPECTRUM PLANNING

THIS SPEECH WAS GIVEN BY GILES TANNER, PRINCIPAL LEGAL OFFICER, ABA, AT THE IIR CONFERENCE, 1993 BROADCASTING SUMMIT, 11-12 NOVEMBER, SYDNEY.

A MORE STREAMLINED LICENSING PROCESS

Last year, the Government promised Australia a more streamlined licensing process for broadcasting. The Broadcasting Services Act, said the Minister in his Second Reading Speech to the Bill, would allow 'new types and greater numbers of services to emerge.'

Thirteen months on, only pieces of the new broadcasting licence allocation regime are in place. With few exceptions, allocation of new broadcasting services using the AM or FM radiofrequency bands or VHF and UHF television bands must await the completion by the ABA of spectrum planning. The highest priority areas will not be planned until the first half of next year. In markets where there are already three commercial television services, allocation of further commercial television licences must await a Ministerial review 'to assess the benefits that would accrue if more than three commercial television broadcasting services were permitted in licence areas'. This review must take place before 1 July 1997. The two

satellite pay television licences, intended to inaugurate the era of pay television in Australia, have not yet found an owner despite months of cascading bids. In the wake of these delays, the Government has intervened to delay the introduction of other pay television services using MDS transmitters to deliver their programs.

Meanwhile, on the positive side of the ledger, visible achievements include the proliferation of niche broadcasting services both on and off the airwaves, the number of pay television licences that have been issued already to groups proposing to use cable to deliver their programs and, pending completion of the Minister's review, the offer of the vacant sixth television channel to community and educational groups.

We are in the middle of an evolving process, a process whose few, relatively simple ground rules will permit an enormous variety of possible outcomes. Those outcomes are difficult to predict. Just how difficult is well illus-

trated by recent Government amendments to protect the satellite pay television licensing process from an unexpected market interest in that 'inferior technology', MDS. You might say that it took the markets scarcely two months, working within the new allocation rules, to produce an outcome that confounded early expectations.

So I will not try to predict outcomes but will instead concentrate on some interesting features of the new allocation process.

How an aspiring broadcaster enters the industry under the present regulatory scheme will depend on:

- what type of service it wants to provide (i.e. radio or television, broadcasting or narrowcasting, if broadcasting then what kind of broadcasting, and whether the service can be characterised as a retransmission); and
- whether it wishes to use broadcasting services bands spectrum as a means of delivering its service.

Some of the things I want to show you are:

- how allocation decisions might flow out of the ABA's public planning process and how the three processes of planning, Ministerial reservation of spectrum for national or community uses and the ABA's own discretionary powers will combine to shape future opportunities for using broadcasting services bands spectrum;
- how, with few exceptions, the Broadcasting Services Act has removed the barriers to the exploitation by broadcasters and aspiring broadcasters of new technologies such as cable.

THE NEW ALLOCATION PROCEDURE

The new allocation procedure wid-
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ABA'S PLANNING MEETINGS

The ABA has held the first of its public meetings to canvass community views on planning radio and television services. The first meetings were in Griffith, NSW and Darwin, NT. The ABA will also hold meetings in Mildura, Vic. and Berri, SA in November. December meetings are planned Geraldton, Northam and Albany in Western Australia and the Mt Gambier/Spencer Gulf regions of South Australia.

The ABA wants to hear from all members of the community with an interest in shaping the mix of services to

be available in their area. Members of organisations who would like to meet with ABA staff separately from the public meeting should phone the Planning Officer on 008 810 241.

Written submissions are also invited. They should be addressed to the Planning Officer, Australian Broadcasting Authority, PO Box 34, Belconnen, ACT 2616. An information booklet is available to help prepare written submissions and can be obtained by writing to the above address or phoning 008 810 241. This booklet will also be available at the public meetings.

