

ABA Update

NEWSLETTER OF THE AUSTRALIAN BROADCASTING AUTHORITY

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ABA RELEASES SPECTRUM FOR SIXTH CHANNEL

The ABA has opened the door for community and educational use of the sixth high power television channel.

The sixth channel is the last high power, free-to-air television channel available in many parts of Australia where other channels are taken up with the ABC, SBS and the three commercial services.

The ABA has made UHF Channel 31 available in Sydney and Melbourne, to providers of open narrowcasting services for community and educational non-profit use, on a temporary basis for one year until 28 February 1994 when the decision will be re-examined by the Authority.

No permanent community licences for the sixth channel can be allocated under the *Broadcasting Services Act 1992*, before a ministerial review of the television broadcasting industry, which must be conducted before 1 July 1997 (see below).

Consequently, the ABA has released the sixth channel for open narrowcasting purposes, which can be licensed on a temporary basis.

ABA Chairman, Mr Brian Johns, said the decision was the ABA's first response to Government recommendations for the sixth channel to be used for community access television on a continuing trial basis.

'In the next few months the ABA expects to make the sixth channel more widely available in other parts of Australia as demand arises,' he said.

Groups wishing to use the sixth channel must apply to the ABA for a radio-communications (transmitter) licence. Some applications have been received and the ABA is handling these on a confidential basis.

In deciding whether to grant a transmitter licence, the ABA will assess applications to ensure consistency with community and educational non-profit purposes.

This assessment will include considering whether the applicant would ensure the service is accessible to community and educational groups within the area being served.

The ABA will allocate transmitter licences for community television use in Sydney and Melbourne during the next few weeks.

BACKGROUND INFORMATION

When the *Broadcasting Services Act 1992* took effect on 5 October 1992, a new service category - community television - was defined for the first time.

Community television groups have long expressed a desire to use the sixth channel for community access television services.

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This Month

- **80 New Tourist Info Licences Issued**
- **ABA Research on Television**
- **New ABA Deputy Chairman**
- **Class Licences - Narrowcasting**
- **The Changing Context of Broadcasting**
- **New Perth Aboriginal Radio Licence**
- **ABA Amends Ad Time Standard**
- **Guide to Subscription Television Broadcasting Services**
- **Indigenous Australians and the Media**
- **ABA Forms**
- **New In the Library**

ABA DEFERS PAY TV APPLICATIONS

The ABA has deferred consideration of applications from Capacity Pty Ltd for pay TV licences delivered using MDS technology.

Capacity Pty Ltd is 100 per cent owned by Australis Media Holdings Ltd, which is associated with Mr Steve Cosser.

The ABA's decision follows recent legal action by Capacity regarding the ministerial direction of 29 January 1993 in which the ABA was instructed not to issue pay TV licences which predominantly use MDS as the means of delivery at this stage.

On 11 February 1993, the ABA was advised that Capacity Pty Ltd had begun legal action in the Federal Court, seeking orders on the ABA to consider applications from Capacity under the *Broadcasting Services Act 1992* and without regard to the ministerial direction.

A directions hearing has been set down for 26 February 1993 at the Federal Court in Sydney.

The Minister for Transport and Communications has been named as the first respondent in this action.



Mr John Martin
President
FARB
P O Box 299
St Leonard's NSW 2065

25 January 1993

Dear Mr Martin

The Chairman has asked me to respond to your letter about narrowcast racing services.

The ABA has worked in a number of different ways with racing services in Queensland, NSW, Victoria, Western Australia, and Tasmania. This has resulted in the use of class licences under the narrowcasting regime for racing services. This has come about in an environ-

ment in which racing services were increasingly narrowing their focus, even under the previous legislation. You will be aware that the government had created a special category of limited licence, specifically to serve the needs of such licensees.

One of these narrowcast services involves radio station 2KY. The station sought a prior opinion from the ABA based on the proposal to provide a service which retains the racing elements of 2KY's format but departs substantially from the remainder. Few of the key elements of a full commercial broadcasting service are present. There are, for example, no breakfast programs, no personalities (except those associated with racing), and no midnight to dawn pro-

gramming. The service does not function at all on Sundays unless there is a racing program to broadcast.

The ABA, in its opinion on the service, regarded all these elements as characteristically different from commercial broadcasting services.

I hope this will assist you to understand the position the ABA took on this racing service. However, should you feel it to be useful, the members would be happy to meet you to discuss the issue, within the bounds of commercial confidentiality.

Yours sincerely

Pat Manser
Director, Licensing



ABA RELEASES SPECTRUM FOR SIXTH CHANNEL (CONTINUED)

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Why has the ABA decided to make the sixth channel available on an area by area basis under open narrowcasting licences for community and educational non-profit purposes?

In September 1992, the House of Representatives Standing Committee on Transport, Communications and Infrastructure (HORSCOTCI) delivered its report on possible uses of the sixth channel and gave priority to its use for educational television, over community access television in the longer term.

It recommended, however, that no decision on permanent use of the sixth channel be made until the completion of the ministerial review of the television broadcasting industry, which the Act says must take place by July 1997.

The committee made this recommendation after finding educational interests were not ready to fully utilise the channel in capital cities, and that by the time they were prepared, alternative technologies might be available for delivering educational television.

The committee recommended that meanwhile, the sixth channel should be made available immediately for community access television, on a continuing

trial basis, pending completion of the ministerial review.

On 22 December 1992, the Minister directed the ABA to:

- reserve the sixth channel for a sixth high power national television channel, for the provision of national broadcasting services or for community broadcasting services;
- give favourable consideration to the second recommendation of the HORSCOTCI report (that the channel be made immediately available for community access television on a continuing trial basis).

As a result, the ABA has decided the HORSCOTCI recommendations can be best accommodated by making the sixth channel available on an area by area basis for open narrowcasting services for community and educational non-profit purposes.

Initially, the sixth channel has been made available for one year in Sydney and Melbourne with other areas to follow in the near future.

It is anticipated the ABA would extend the availability of the sixth channel on the same basis after one year depending on whether the ministerial review has begun.

What action should be taken by groups wanting to use the sixth channel?

A prospective open narrowcasting television service provider (of community and educational non-profit services) must apply for a radiocommunications (transmitter) licence.

Application forms for transmitter licences (form ABA 12) and further information on the technical conditions regarding use of the sixth channel are available from:

Mr Mike Salloom
Assistant Director
Planning Division
PO BOX 34
BELCONNEN ACT 2616
Telephone: (06) 256 2821

How does the ABA intend to ensure ongoing access and participation in community television services once licences are allocated to specific providers?

In assessing licence applications, the ABA will consider whether the applicant would ensure the service is accessible to community and educational groups within the area being served.

