

GUIDE TO TEMPORARY TRANSMISSIONS FOR ASPIRANT COMMUNITY BROADCASTERS

All temporary transmissions are open narrowcast services operating under a class licence. The conditions relating to those services are contained in Part 7 of Schedule 2 - *Standard Conditions of the Broadcasting Services Act 1992* (see below).

The ABA may make spectrum available for temporary transmissions. There is no definition in, or guidance from, the *Broadcasting Services Act 1992* about how long a temporary transmission might be. Senior staff of the ABA's Planning Division have a general delegation, from the members of the ABA, to make spectrum available for up to 90 days in a 12 month period. Applications for access to spectrum for temporary transmissions for periods of time longer than 90 days will have to be considered on a case by-case basis.

1. Weekend only transmissions (or any other combination of days) will be permitted for the specific periods in which transmissions are authorised

which will be indicated in the transmitter licence. Weekend only or day(s) only transmissions are usually issued for calendar quarters (January-March, April-June, July-September, October-December).

2. In a market where a frequency has already been allocated for weekend only or day(s) only transmissions, transmitter licences authorising continuous use of a transmitter on the same frequency can only be issued following expiry of the licence for the weekend only or day(s) only transmissions.
3. In order to accommodate special events and longer-term temporary transmissions, priority will be given to applications for continuous transmissions of 7 days or more, over applications for one day (or similar) per week.
4. The earliest date that the ABA will register applications for temporary transmissions is eight weeks before

the intended commencement of transmission.

5. If applications are received less than six weeks before the proposed commencement of transmission, the ABA can give no guarantee that they will be processed.
6. Licences will generally be issued not later than 10 days before the intended date of transmission.
7. A standard licence fee shall be payable in advance for each transmitter licence.
8. Enquiries about these guidelines, as well as temporary transmissions generally, should be directed to:
Station Administration Section
Planning Division
Australian Broadcasting Authority
PO Box 34
BELCONNEN ACT 2616
Telephone (06) 256 2840
Facsimile (06) 253 3277.
Planning Division March 1993
Effective 1 April 1993

EXCERPTS FROM SCHEDULE 2 TO THE BROADCASTING SERVICES ACT 1992

The excerpt, Part 7, is referred to in *Guide to Temporary Transmissions for Aspirant Community Broadcasters*, above. Clauses 3, 4, 5 and 6, Part 2, are mentioned in Part 7.

PART 7 - SERVICES PROVIDED UNDER CLASS LICENCES

Conditions applicable to broadcasting services provided under class licences

- 11 (1) The following conditions apply to the provision by a person of a broadcasting service under a class licence:
- (a) the person will not broadcast an advertisement or sponsorship announcement for, or for the use of, cigarettes, cigarette tobacco or any other tobacco product;
 - (b) the person will comply with program standards applicable under Part 9 of the Act;
 - (c) the person will not use the broadcasting service in the commission of an offence

against another Act or a law of a State or Territory;

- (d) the person will comply with the special conditions outlined in Schedule 2, Part 2, clauses 3, 4, 5 and 6 in relation to the broadcasting of political or controversial material, the identification of certain political matter, records of matter broadcast, and advertisements relating to medicines.
- (2) The provision by a person of a subscription broadcasting service or a subscription narrowcasting service under a class licence is also subject to the condition that subscription fees will continue to be the predominant source of revenue for the service.

STANDARD CONDITIONS APPLICABLE TO CLASS LICENCES

Part 2 - Special conditions

Broadcasting of political or controversial material

- 3 (2) If, during an election period, a broadcaster broadcasts election matter, the broadcaster must give reasonable opportunities for the broadcasting of election matter to all political parties contesting the election, being parties which were represented in either House of the Parliament for which the election is to be held at the time of its last meeting before the election period.
- (3) This clause does not require a broadcaster to broadcast any matter free of charge.

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Identification of certain political matter

- 4 (2) If a broadcaster broadcasts political matter at the request of another person, the broadcaster must, immediately afterwards, cause the required particulars in relation to the matter to be announced in a form approved in writing by the ABA.
- (3) A broadcaster must, in relation to political matter broadcast at the request of another person, keep a record of the name, address and occupation of the person or, if the person is a company, the name and the address of the principal office of the person for the required period and must give to the ABA any particulars of the record that the ABA, by written notice, requires.
- (4) For the purposes of this clause, a person authorises the broadcasting of political matter only if the person is responsible for approval of the content of the political matter and the decision to present it for broadcasting.

Records of matter broadcast

- 5 (2) If a broadcaster broadcasts matter relating to a political subject or current affairs, being matter that is in the form of news, an address, a statement, a commentary or a discussion, the broadcaster must cause a record of the matter to be made in a form approved in writing by the ABA.
- (3) Subject to this clause, a broadcaster must retain in his or her custody a record so made for a period of:
- (a) 6 weeks from the date on which the matter was broadcast; or
- (b) if a complaint has been made about the matter - for 60 days from the date on which the

matter was broadcast; or for such longer period as the ABA, in special circumstances, directs in writing.

- (4) If a person considers that a record so made is admissible in evidence in proceedings instituted, or proposed to be instituted, in a court, being a record that is held under subclause (3), the person may give to the broadcaster a notice in writing informing the broadcaster that the record may be required for the purposes of the proceedings.
- (5) If such a notice is given to a broadcaster in respect of a record, the broadcaster must, subject to this clause, retain the record until the proceedings or the proposed proceedings to which the notice relates have been finally determined.
- (6) If the proceedings are not instituted within a period of 3 months after the notice is given to the broadcaster, subclause (5) ceases to apply to the record at the end of that period.
- (7) The obligation imposed by this clause on a broadcaster to retain a record does not apply at any time when the record is in the custody of a court in connection with proceedings instituted in the court.
- (8) If the ABA is of the opinion that a matter of which a record has been made under this clause is of sufficient historic interest to justify its being permanently preserved, the ABA may direct in writing a person who has custody of the record to deliver it for safe keeping to a person or authority specified by the ABA, and the person to whom the direction is given must comply with the direction but is entitled to fair compensation.
- (9) A broadcaster must, without charge, make available to the ABA,

upon request, any specified record made by the broadcaster under subclause (2) that has been retained by the broadcaster (whether or not the broadcaster is, at the time of the request, under an obligation to retain the record).

Advertisements relating to medicines

- 6 (2) A broadcaster must not broadcast an advertisement relating to a medicine unless the text of the proposed advertisement has been approved:
- (a) by the Secretary to the Department of Community Services and Health under subclause (3); or
- (b) by the Minister on appeal to the Minister under this clause.
- (3) A person may apply, in writing, to the Secretary to the Department of Community Services and Health for approval of the text of a proposed advertisement relating to a medicine.
- (4) If an application is made, the Secretary to the Department of Community Services and Health may, in writing, approve or disapprove the text.
- (5) The Secretary to the Department of Community Services and Health must give the applicant written notice of the approval or disapproval.
- (6) If:
- (a) an application is made under subclause (2); and
- (b) the Secretary to the Department of Community Services and Health does not notify the applicant of the Secretary's approval or disapproval of the text within 60 days after the day on which the application was made;
- the Secretary is taken to have approved the text under subclause (3) at the end of that period.

