


New policy fine tunes

RADIO



TEMPORARY TRANSMISSIONS

THE ABA HAS ANNOUNCED ITS NEW POLICY FOR TEMPORARY TRANSMISSIONS BY ASPIRANT COMMUNITY RADIO GROUPS. RADIO FREQUENCIES WILL CONTINUE TO BE AVAILABLE ON A TEMPORARY BASIS TO ASPIRANTS WHO INTEND TO APPLY FOR PERMANENT COMMUNITY RADIO LICENCES WHEN THESE ARE AVAILABLE.

Under its new policy, the ABA will distinguish between first-time applicants and those with a previous record of temporary transmissions. First-time applicants will be eligible for temporary transmissions up to a maximum of 30 days in the first year. Others will continue to be eligible for up to 90 days in a year.

In both cases continuous temporary transmissions will be limited to no more than 30 days. Transmissions may continue to be on a weekend-only or other intermittent basis.

Only applications from organisations who can show evidence of constituting documents appropriate to an aspirant community broadcaster will be considered by the ABA. Where necessary, the ABA will examine the structure and management of the service and any record of previous temporary transmissions.

In assessing applications for temporary transmissions the ABA will consider any relevant planning issues, such as demand for spectrum and whether any new community services have been planned in a licence area.

On-air requirements under the new policy include a prohibition on advertising, a limit of four minutes per hour on promotional sponsorship and acknowledgements that the broadcast is temporary.

'In framing this new policy, the ABA

has sought to achieve a necessary balance between preserving opportunities for genuine aspirant community broadcasters to hone their skills and build community support while preserving the essentially temporary nature of these broadcasts,' said ABA Chairman Brian Johns. 'The ABA is also concerned to curb any unrealistic expectations about future licensing decisions or services.'

The ABA's policy is the outcome of a review in which all interested parties were consulted. A discussion paper was circulated to both aspirant broadcasters and industry bodies for comment in July. As a result of submissions received the ABA has modified some of the proposals flagged in its paper.

The policy is detailed in the ABA's *Guide to Temporary Transmissions for Aspirant Community Radio Broadcasters* and an accompanying application form.

DEVELOPING COMMUNITY RADIO

Temporary transmissions by aspirant community broadcasters foster the development of community radio by allowing aspirant groups to develop their radio operating skills and programming schedules and encourage community support for a permanent community radio broadcasting licence.

Under the Broadcasting Services Act,

temporary radio transmissions are an example of open narrowcasting radio services. They are facilitated by the ABA making radio spectrum available for a specified period after an application has been made for a transmitter licence.

The ABA sees temporary transmissions by aspirant community broadcasters as instrumental in positioning groups to apply for permanent community licences in the event that such licences become available. For this reason the ABA's new policy emphasises the need for aspirants to be structured and to operate their proposed services in a manner consistent with a community broadcaster.

PREVIOUS APPROACHES TO TEMPORARY TRANSMISSIONS

The former *Broadcasting Act 1942* provided explicitly for temporary transmissions by aspirant public radio groups of up to 28 days a year. The current *Broadcasting Services Act* does not have such a provision.

However, temporary transmissions are permitted under s.34 of the *Broadcasting Services Act*. As long as these services are sufficiently limited in duration, they fall within the open narrowcasting category, for which no broadcasting service licence is required.

In 1993, following consultation with broadcasting industry representatives, ▷

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the ABA determined a limit of 90 days in a 12 month period for temporary transmissions by aspirant community radio broadcasters.

In July 1994 the ABA announced a review of this policy and associated procedures. A discussion paper, which highlighted problems with the policy and outlined possible features of a new policy, was circulated to aspirant community broadcasters and industry bodies for comment. The ABA has taken into account all comments received in framing its new policy.

ALLOCATION OF PERMANENT COMMUNITY RADIO LICENCES

Until planning is complete the ABA cannot allocate permanent community broadcasting licences.

Planning of vacant broadcasting spectrum, following wide public consultation, is currently proceeding in the least well served areas of Australia. Planning in all parts of the country is expected to be completed by the end of 1996.

Allocation of any additional community broadcasting licence shown in a licence area plan will be by a merit-based selection process following a public call for applications from interested groups.

The ABA will weigh the relative merits of the applications against the criteria set out in s. 84 of the Act, in particular the extent to which each proposed service would meet existing and future community needs, and the capacity of an applicant to provide a service. The ABA will have regard to any Ministerial direction under s. 84 to give priority to a particular community interest or interests.

The *Guide to Temporary Transmissions for Aspirant Community Radio Broadcasters* contains more detailed information about temporary transmissions. Copies are available by telephoning (02) 334 7700, (06) 256 2800 or freecall 1800 226 667. ☐

PROMISING SIGNALS FOR

Provided here is a brief summary of key elements of this policy, particularly those elements which differ from the ABA's previous policy.

TEMPORARY TRANSMISSION

Temporary transmissions foster the development of community radio by allowing aspirant community broadcasting groups to develop their radio operating skills and programming schedules and encourage support for a permanent community radio broadcasting licence.

Under the *Broadcasting Services Act 1992*, the ABA may make vacant broadcasting services bands spectrum available for allocation, for a specified period, for the temporary transmission of programs (s.34(1)(e)).

Aspirant community broadcasting groups conducting temporary transmissions are providing a service under an open narrowcast radio class licence. Such services are considered to have limited reception because they are provided during a limited period (among other possible limitations).

This temporary transmission policy should be seen as an interim policy. The continuation of this policy in any given licence area is subject to the ABA's planning process and the content of the licence area plan for radio services for the relevant area.

ASPIRANT COMMUNITY BROADCASTER

The ABA regards an aspirant community radio broadcaster to be an organisation with real intentions of applying for a permanent community radio broadcasting licence upon completion of the ABA's planning process.

The ABA will consider several criteria in assessing whether an applicant is eligible for a temporary transmission permit.

MANDATORY CRITERIA

The ABA requires an aspirant community broadcaster at minimum to:

- be a company (including an incorporated association) formed in Australia or in an external Territory;
- have a constitution or articles of association relevant to, and appropriate for, the provision of a community broadcasting service.

OTHER CRITERIA

The ABA may also have regard to the following in assessing applications from aspirant community groups:

- the structure, management and administrative operations of the service (including community interest, community participation and support, programming, personnel, relationships with other groups or individuals associated with the group and future intentions);
- the record of any previous temporary transmissions broadcast by the group (including complaints, level of compliance with program standards, conditions and limits on sponsorship announcements, and management problems); and
- ABA planning issues (including designated channel policy (see below), availability of, and demand for, vacant spectrum, and competing applicants).

In addition, the ABA has decided to allocate temporary transmission licences only to aspirant community groups who are willing to meet certain other requirements as referred to in 'Conduct' below.

TEMPORARY TRANSMISSION LICENCE CONDITIONS

A temporary transmission is considered an open narrowcast service operating under a class licence. The conditions relating to open narrowcast services are contained in Parts 2 and 7 of Schedule 2 to the Act.

CONDUCT

The ABA has specified other requirements for temporary transmissions by aspirant community groups over and above compliance with narrowcast conditions. These include a limit on sponsorship announcements and requirements for on air acknowledgements of temporary status).