

This Month:

- 2 No extension of temporary permit for HITZ-FM**
- 2 3MP/3EE report**
- 3 Cable TV licences**
- 3 ABA siphoning investigation**
- 3 Pay TV litigation ends**
- 4 Q&A — cable TV**
- 6 The effect of urban development on television and radio reception**
- 9 Commercial television revenue grows**
- 11 Snapshot of Australian and imported programming**
- 14 ABA proposal for self regulation of low power information services**
- 16 C and P programs**
- 16 New in the library**
- 17 Seminar and conference news**
- 17 Call sign changes**
- 18 Proposed AFL broadcasts**
- 18 ABA publications**
- 20 Briefing notes**

ABA  Update**ISSN No. 1039-2750****EDITOR: ANNE HEWER****SUBSCRIPTIONS: \$36****FREQUENCY: 12 ISSUES PER ANNUM***Illustrations by Greg Smith***NO EXTENSION OF TEMPORARY PERMIT**

The ABA had no grounds to extend HITZ-FM's temporary transmission permit, which expired on Saturday 12 March.

HITZ-FM is an aspiring community broadcaster which had been testing across Melbourne since 8 December last year.

It applied for an unlimited extension to its permit in February and the ABA met representatives of the group on 9 March to explain the provisions of the Broadcasting Services Act affecting aspirant community broadcasters.

'Test broadcasts of limited duration by community aspirants are permitted under the Act,' said ABA Member, Mr Tim O'Keefe. 'Extending the permit could place HITZ-FM in breach of the law.'

The ABA issues temporary permits to aspiring community broadcasting groups to enable them to test their equipment and build community support for their proposed service.

Last year, after wide consultation with the commercial and community radio sectors, the ABA increased the temporary transmission period from 28 to 90 days in each 12 months. This was done to give aspirants a better opportunity to demonstrate the need for a community licence in their area.

The ABA is currently aware of 14 aspirant community broadcasting groups in Melbourne. These are groups who have either conducted tests already, who are doing them now or plan to in the future. The ABA has set aside five FM radio channels for Melbourne-wide test broadcasts over the next 18 months. One other channel has been earmarked for low power tests.

'While we understand the enthusiasm being shown for the new service, we have to be fair to everyone,' said Mr O'Keefe.

As part of a national planning process, the ABA is likely to consider the allocation of new radio licences for Melbourne in late 1995.

FREQUENCIES AVAILABLE FOR TEST TRANSMISSIONS

Three FM radio frequencies are pres-

ently unassigned in Melbourne (89.9MHz, 90.7MHz and 91.5MHz).

A Geelong frequency (94.7MHz) is also available for testing in the Melbourne area. However, in the long term this frequency is likely to be needed for a Geelong-based broadcaster. The ABA has also 'borrowed' a frequency from Hamilton in western Victoria (89.3 Mhz) for testing.

Any one of these channels can be temporarily given to an aspirant broadcaster for high power, metropolitan coverage. In addition, the ABA has set aside a sixth frequency (95.7Mhz) for low powered testing.

Four Melbourne community groups have conducted Melbourne-wide temporary transmissions to date. They are HITZ-FM, Joy FM (a gay and lesbian broadcasting group), 777 (a Christian broadcasting group) and Golden Days Radio (whose target audience is senior citizens).

HITZ-FM completed its recent temporary transmission period on 89.9MHz on 12 March 1994. HITZ-FM originally applied for a 60 day permit covering the period 8 December 1993 to 12 February 1994. It applied for an extension of this permit in January to cover the period from 13 February to 12 March 1994. The ABA granted this extension.

HITZ-FM can apply for another temporary transmission permit to cover 90 days in the 12 months commencing on 8 December 1994.

A temporary transmission for 777 on 89.9MHz is scheduled from 1 April to 26 June 1994.

Joy FM is scheduled for a test on 90.7MHz from 2 April to 26 June 1994

continued next page

REPORT ON 3MP/3EE SIMULCASTING

The ABA has released a report on its investigation into the simulcasting of programming on Melbourne commercial radio stations 3MP and 3EE.

For copies of the report please contact Belinda Spouncer on (02) 334 7882.

FOR HITZ-FM

(weekends only), while Golden Days is scheduled for a test on 89.3MHz for various dates between 18 March and 23 June 1994.

GB Radio (targeting expatriates from Great Britain) is scheduled for a temporary transmission on 94.7MHz from 5 April to 5 July 1994 (weekends only). They have previously had temporary transmissions from 25 December 1993 to 27 March 1994, also weekends only.

OTHER INTERESTED GROUPS

There are other interested community broadcasting groups who have conducted test transmissions in and around Melbourne or who wish to do so. They are RMIT Student Radio, Whitehorse FM, Swinburne, Bulla FM, Bacchus Marsh, Werribee Radio FM, Radio Port Phillip, Southern Victoria Community Radio (Geelong) and 3CR (an existing community broadcaster which wants to convert to FM).

Most tests are for short periods spread throughout a year. HITZ-FM is the first group in Melbourne to use its full annual allowance of 90 days in one block.

ALLOCATION PROCESS FOR COMMUNITY RADIO LICENCES

The ABA is holding public meetings and calling for public submissions on the mix of television and radio services to be available in various parts of Australia. In the last six months, the ABA has visited all the areas given top priority in its planning process. These are areas where there are few existing services, such as remote Australia, Darwin and the Top End, and areas where there is only one commercial television service (including Mildura, Griffith, the Riverland and Spencer Gulf in SA and regional WA).

Areas where there are many services, such as Melbourne and the other metropolitan areas, have been given a lower priority. It is anticipated the ABA will be looking at radio planning for Melbourne in late 1995.

continued p.8

ABA ALLOCATES PAY TV LICENCES TO CABLE TELEVISION SERVICES

The ABA has allocated licences for pay TV broadcasting services to Cable Television Services Pty Ltd (CTS).

CTS has indicated it intends to deliver pay TV services via Telecom's Laser Cast hybrid cable system to Brisbane, Gold Coast, Sydney, Melbourne, Canberra, Adelaide and Perth.

'The ABA examined the shareholding structure of CTS and found it complied with the foreign ownership provi-

sions of the Broadcasting Services Act', said Mr Brian Johns, ABA Chairman. 'In addition, the ABA found no reason to regard CTS as unsuitable to be allocated pay TV licences.'

CTS has received 10 licences from the ABA, as the Broadcasting Services Act requires a separate licence for each service. The ABA takes a service to be a single stream of programming material.



ABA 'SIPHONING' INVESTIGATION

On 10 and 11 March 1994, as part of the consultation process for the 'siphoning' investigation, the ABA met with a number of sporting bodies based in Melbourne. While in Melbourne the ABA spoke with Tennis Australia, the Australian Cricket Board, the Victorian Racing Club, the Confederation of Australian Motor Sport, Motorcycle Australia, the National Basketball League and the Australian Football League.

The ABA is investigating which events the television of which, or live televising of which, should be available free to

the general public.

Further meetings are planned with broadcasters, pay TV operators, consumer groups and sporting bodies in Sydney during the period up until the close of submissions on 25 March. The ABA is required to present its report and recommendations to the Minister by 26 April 1994. The report will provide options for the Minister's consideration before he finalises a list of events the rights to which should, in the first instance, be available to free-to-air television services.



PAY TV LITIGATION ENDS

Two legal actions seeking review of the ABA's decision to allocate subscription satellite television licences A and B were commenced in the Federal Court on 25 February 1994 and dismissed by the consent of all parties on 11 March 1994.

The ABA and other respondents had sought and were granted an expedited timetable for the hearing of the matters. Both matters were to be heard on March 28 1994.

One action was brought by Austral-

ian Pay Television Pty Ltd against the ABA, Mr Lenfest and the satellite subscription broadcasting licensees, New World Telecommunications Pty Ltd (Licence B) and UCOM PAY TV Pty Ltd (Licence A) and the other by Claybon Pty Ltd against the ABA.

The end of the legal action occurred as a result of the applicants in both matters indicating to the ABA and the other respondents that they no longer wished to pursue their applications.



continued from p.7

cumstances is a natural consequence of urban development, as long as frequencies can be found for them.

A more difficult problem arises where development leads to loss of quality in services. Who should pay in this case?

Already there have been cases where the developer has paid for facilities to restore lost reception. In other cases the local council has provided facilities to restore services and in other cases the affected community has provided and paid for the necessary facilities. There is no hard and fast rule; common sense prevails.

Usually, the area affected is quite small and it is practical to install a cable system, with the receiving antenna on a nearby high point. In cases where the effect is more general, due to large scale development, translators might be a better solution. Provision of, and payment for, those facilities might be agreed among all affected broadcasters, including the Government with respect to ABC and SBS services.

The ABA has tried, with assistance from local government and councils, to develop an acceptable procedure to ensure that viewers and listeners who lose their services because of urban development can have them restored. So far, no solution has been found which might be acceptable to all parties concerned.

In one or two local government areas, the local authorities considered applying a small levy on all property developers. This would create a fund from which to pay for the broadcasting facilities necessary to restore lost reception as a result of urban development. But the imposition of a general levy is seen by many as iniquitous because some developments do not spoil television and radio reception. It may be a single developer, responsible for just one large development, who causes the reception problems. Those that have not caused problems do not consider that they should have to pay for what they see as someone else's problem.

Local planning authorities are becoming quite concerned about the effect of urban and suburban development on reception of broadcasting serv-

ices. Only now are people beginning to think of their access to all of the broadcasting services in an area as part of their essential services. Clear television and radio reception is just like water, electricity, the telephone and gas, and kerbing and guttering. Broadcasting services form an essential part of everyone's lives and any lack of access to them is a matter of concern to those affected.

Developers of new residential suburbs, or planners of high rise developments should perhaps think about the impact of their projects on the lifestyles of those people whose reception of broadcasting services may be affected by the development.

The thorny question is, 'who pays?'

One way to do this is to consider whether adequate television and radio reception was available in an area before the development started, and what quality of reception is available after its completion. To do this, a developer would take measurements at representative receiving sites before the de-

velopment started and again, at those same sites, after the development was finished. If a problem has arisen, then developers should negotiate with the community, the council, and possibly the broadcasters, to see what can be done to fix the problem.

Before developing new suburbs it would seem logical for property developers to discuss with broadcasters the possibility of additional facilities to provide a service in the area. That way, property buyers could be advised about the availability of broadcasting services in that area.

THE ABA'S PLANNING PROCESS

As part of its planning for broadcasting services throughout Australia, the ABA is seeking to identify areas where reception is inadequate. It will then plan for the provision of facilities to improve reception where this is practical. This article might help you to focus on issues you think we need to know about when we do come to your area and ask, 'what do you think about the broadcasting services in your area?'

BOOKLET ON RADIO AND TELEVISION RECEPTION

A helpful booklet on radio and television reception was published by the Department of Transport and Communications in 1990, it is called, *Better Television and Radio Reception Your Self Help Guide* and is available from offices of the Spectrum Management Agency throughout Australia.



HITZ-FM

continued from p.3

Once the ABA has sought public input, it will draft a licence area plan (LAP). This will set out the number and characteristics of existing services and vacant channels in an area. The ABA will inform the Minister for Communications and the Arts of the expressed public demand for community and national services and the Minister may reserve channels for these purposes.

There are at least three unassigned Melbourne-wide FM radio frequencies

which are likely to be available for permanent licences after planning is completed.

If the Minister reserves a channel or channels for community radio and there are more aspirant groups than reserved channels, the ABA will conduct a public inquiry to select the service which would be best for the community. That decision will be taken on the basis of the application, the demand for the service and the manner in which the applicant has acted during its temporary broadcasts.

