

## COMPLAINTS ABOUT NARROWCASTING SERVICES

Complaints can be made to the ABA if a complainant believes that the Act or a condition of a class licence has been breached. The ABA investigates all such complaints and has powers under the Broadcasting Services Act to enforce compliance.

The ABA has recently investigated a complaint made against a low powered tourist information service. The complaint identified a shift away from the service proposed in the application for a service category opinion (s.21) early in 1993. The narrowcast service could be heard in an area greater than that specified in its application for an opinion. In addition, percentage of music broadcast had increased substantially from that stated in its application, thereby altering its proposed programming mix.

The investigation revealed that the transmitter power was higher than specified in the licence. The power was promptly reduced after consultation with the Spectrum Management Agency and the ABA.

The ABA also advised the narrowcaster that an increase in the music content of a tourist information service would constitute a change in circumstances from those outlined in the original application for an opinion. Such an increase in music content could be regarded as broadening the appeal of the service beyond that originally envisaged in the application for an opinion.

The ABA's opinion is binding only so long as the circumstances under which service is provided remain substantially the same. Moving away from the format proposed when applying for a service category opinion places the service provider at risk of committing an offence under s.133 of the Act, namely providing a commercial broadcasting service without a licence.

The ABA warned the narrowcaster that the penalties for such a breach are serious, amounting to \$200 000 should it fail to comply with a notice issued by the ABA.



## PAY TV 'NEW AUSTRALIAN DRAMA' GUIDELINES

The ABA has released *Guidelines for the Implementation of the pay TV 'New Australian Drama Licence Condition'*. Copies of the guidelines are available from Deb Sims, (02) 334 7838.



## SEMINAR AND CONFERENCE NEWS

### PACIFIC TELECOMMUNICATIONS COUNCIL CONFERENCE: BRIDGING NATIONAL AND BUSINESS CULTURES - STRATEGIC ALLIANCES IN COMMUNICATIONS

29 June to 1 July 1994. Key speakers include the Hon. Michael Lee MP, Minister for Communications and the Arts, Brian Johns, Chairman, Australian Broadcasting Authority and Frank Blount, Chief Executive Officer, Telstra Corporation Limited. Venue: Regent of Sydney, Hotel, Sydney. Contact: PTC Sydney Conference Tel: (03) 370 6470. Fax: (03) 370 6452.

### SMPTE '94 (SOCIETY OF MOTION PICTURES AND TELEVISION ENGINEERS) 6TH INTERNATIONAL CONFERENCE AND EXHIBITION: FUTURE HORIZONS

5 to 8 July 1994. Venue: Darling Harbour, Sydney. Contact: Conference Organiser Tel: (02) 977 0888. Fax: (02) 977 0336.

### MEDIA FUTURES: POLICY AND PERFORMANCE CONFERENCE

6 to 8 July 1994. Co-hosted by the Institute for Cultural Studies and the Centre for Multimedia Research and Development, Griffith University, Brisbane. Venue: ANA Hotel, Gold Coast, Queens-

land. Contact: Conference Co-ordinator, Faculty of Humanities, Griffith University. Tel: (07) 875 7772. Fax: (07) 875 5511.

### BROADCAST ASIA '94 - THE THIRD ASIA PACIFIC SOUND, FILM AND VIDEO EXHIBITION AND CONFERENCE

1 to 4 June 1994. Venue: World Trade Centre, Singapore. Contact: Conference Organiser Tel: (03) 867 4500. Fax: (03) 867 7981.

### SUBSCRIPTION TELEVISION: PLANNING THE 500 CHANNEL UNIVERSE - VISIONS AND REALITIES

20 to 21 June, 1994. Venue: British Academy of Film and Television Arts, London. Contact: IBC Technical Services Ltd. London. Tel: 44 71 637 4383. Fax: 44 71 631 3214.

### COMMUNICATION IN THE NEW MILLENNIUM: COMMUNICATION TECHNOLOGY FOR HUMANITY INTERNATIONAL ASSOCIATION FOR MASS COMMUNICATION RESEARCH XIX CONFERENCE

3 to 8 July, 1994. Venue: Seoul, South Korea. Contact: Robin Mansell, IAMCR, CTP Section. Tel: 44 273 678 165. Fax: 44 273 685 865.



Continued from *Narrowcasting Discussion Paper*, p.13

#### ATTACHMENT A SCHEDULE 2, PART 7, BROADCASTING SERVICES ACT 1992 SERVICES PROVIDED UNDER CLASS LICENCES

#### CONDITIONS APPLICABLE TO BROADCASTING SERVICES UNDER CLASS LICENCES

- 11 (1) The following conditions apply to the provision of a broadcasting services under a class licence;
  - (a) the licensee will not, in contravention of the *Tobacco Advertising Prohibition Act 1992*, broadcast a tobacco advertisement within the meaning of the Act;
  - (b) the person will comply with program standards applicable to the licence under Part 9 of this Act;
  - (c) the person will not use the broadcasting service in the commission of an offence against another Act or a law of the State or Territory;
  - (d) the person will comply with the requirements of clauses 3, 3A, 4, 5 and 6.
  
- (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.