



The ABA has allocated its first commercial radio licence, in the Mildura/Sunraysia region of NSW and Victoria.

## New commercial radio licence for Mildura/Sunraysia

The ABA has allocated a new commercial FM radio licence in the Mildura/Sunraysia area to Radio 3MA Pty Ltd, licensee of the existing AM service in the area.

'This is the first new commercial radio licence to be allocated as a result of the ABA's national planning process,' said Mr Peter Webb, ABA Chairman.

The new service will be on the FM band at 99.5 MHz, with a programming format yet to be announced. The new venture must start up in 12 months, unless 3MA requests an extension from the ABA.

Under s.39 of the *Broadcasting Services Act 1992*, Radio 3MA is entitled to one of the two new commercial radio services listed in the ABA's Mildura licence area plan (released in July 1995), because 3MA is a sole operator in the market. Radio 3MA paid an allocation fee of \$10 000 to the ABA for the extra service.

The second radio licence will be auctioned via a price-based allocation process currently being finalised by the ABA.

'The ABA may decide to auction commercial licences from more than one area at the same time. This suggests we will start auctioning the first commercial licences in early 1996,' Mr Webb said.

### Television

The ABA has received an application for permission to operate a second commercial television broadcasting service in the area from WIN TV

Mildura Pty Ltd, licensee of local commercial television service, STV.

'This is the first such application the ABA has received as a result of its nationwide planning process and was made under section 73 of the Act. WIN TV is entitled to apply because it is the sole commercial television operator in the market,' said Mr Webb.

Allocation is not automatic because of the 'one station to a market rule' for television. Under s.73, the ABA will allow STV to provide an extra service only if it is satisfied 'that it is unlikely that another person would be interested in, and likely to be in a position to, operate another commercial television broadcasting service in the licence area.'

The ABA must make a decision about whether or not to give WIN permission within 45 days after receiving the application. This date will be 5 November 1995.

In order to meet this deadline, persons other than WIN who are interested in operating a commercial television broadcasting service in the area, should contact the ABA as soon as possible.

### Community

The ABA also expects to call for licence applications in the next few months for the two new community radio services listed in the Mildura licence area plan. These will be allocated via a new merit-based process, being completed by the ABA.

### Section 39 of the Broadcasting Services Act 1992 - main points

If:

- there is only one commercial radio broadcasting licensee providing services in a licence area;

- there are at least two other commercial radio broadcasting licences available for allocation in the licence area; and

- the licensee requests the ABA, in writing, to allocate another commercial radio licence to the licensee;

- then the ABA must allocate an additional licence to an eligible applicant, as long as they are a company formed in Australia with a share capital and they are not found by the Authority to be unsuitable (see ss.37, 41 of the Act).

Suitability need not be considered before allocating a licence as the Act contains a 'presumption of suitability'.

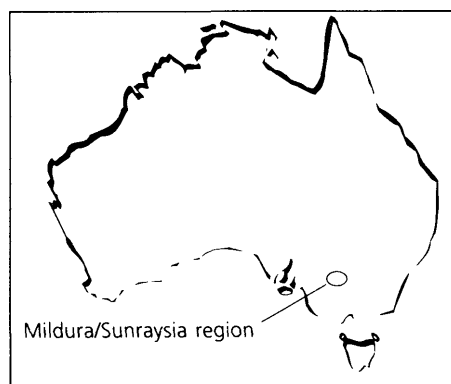
### When can an eligible applicant apply for an additional licence under s.39?

A licensee in a single licence market may apply for an additional licence only after the ABA has released a final licence area plan (LAP).

As soon as a relevant LAP is released, the ABA will notify the eligible licensee of their eligibility to apply for a s.39 licence.

### How is the allocation fee set?

The ABA has determined a fee



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of \$10 000 for the allocation of s.39 licences. The fee has been calculated on the estimated costs incurred by the ABA in planning and allocating the additional licence.

### What happens if the ABA does not grant permission to WIN under s.73?

The licence will be offered for allocation under the price-based allocation system currently being finalised by the ABA.

### Where would the new TV service be on the dial?

The additional service would operate on UHF channel 32, with the nominal transmitter site at Yatpool. It will have the same licence area as the existing commercial television service STV. ☎

For copies of the information package which includes a schedule of questions to be answered please call:

Leanne Smith,  
ABA Allocations Officer, on  
(02) 334 7824

The closing date for return of the completed schedule to the ABA is 12 October 1995.