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Sydney community television licence renewed

The ABA has renewed the transmitter licence held by Community Television Sydney Ltd (Administrator Appointed) (CTS). The licence has been renewed to 30 June 1997.

'The renewal of this licence to 30 June 1997 brings CTS into line with the other trial community television services operating on the sixth channel throughout Australia,' said ABA Chairman, Mr Peter Webb.

Earlier this month, the Minister for Communications and the Arts directed the ABA to conduct a public inquiry into the long term use of the sixth television channel. Some of the options specified in the Minister's terms of reference relate to use of the sixth channel for community television, educational television, arts television (including as an additional outlet for independent film producers) and a children's channel (for more details about the inquiry see p 3. of this issue of *ABA Update*)

In examining the options, the Minister has directed the ABA to consider a broad range of objectives, but especially those that further the achievement of diversity, choice, competition and innovation.

'In considering the long term use of the channel, the ABA will take into account the fact that some of the aspirant community broadcasters have had difficulty obtaining the fund-

ing required for their programming needs and have limited capacity to transmit widely,' Mr Webb said.

Renewal of the licence

On 7 May this year, the ABA approved a short term licence renewal to 26 July 1996 as CTS was then under administration and its future was uncertain. The limited renewal was to allow the CTS administrator the opportunity to assess the situation of the company and put together a rescue package for the consideration of creditors.

'The CTS administrator has now gained the approval of creditors for CTS to continue in operation, subject to the ABA renewing its transmitter licence,' said Mr Webb. 'In seeking to have its licence renewed, CTS has satisfied the ABA that it now has real prospects of being able to operate a broadcasting service, and of doing so in compliance with the special licence condition that requires that the service it provides be for community and educational non-profit purposes.'

Since May, CTS has been able to provide limited programming sourced from its member community television groups. The administrator has proposed additional programming under an sale of air-time agreement which will bring

an immediate injection of capital funds and a more reliable ongoing revenue stream.

'In the circumstances the ABA has decided that the public interest would best be served by approving the renewal of the licence for the maximum period available for services presently using the sixth channel,' Mr Webb said.

Community television

When the *Broadcasting Services Act 1992* took effect a new service category—community television—was defined for the first time.

As the Act contains no specific provision for temporary licensing of community broadcasting, the ABA has created a temporary licensing regime using the provisions of the Act for:

1. making spectrum (channels) available on a temporary basis, and
2. allowing services to operate for community and educational purposes under the open narrowcast television 'class licence'.

Aspirant community television broadcasters have access to the sixth channel under a temporary licensing scheme by which the ABA issues a single apparatus licence to a representative non-profit community organisation in each television licence area to be served.

Licence conditions

To receive an apparatus licence, an applicant organisation must satisfy the ABA it could meet the definition of a community broadcasting service as outlined at s.15 of the Act.

An applicant must also satisfy the ABA that it is legally constituted and governed in such a manner as to ensure fair access to decision making processes and allocation of air time. The ABA has promulgated a set of allocation criteria (referred to as an access statement) which it uses when assessing compliance with the licensing requirements. ABA practice has been to issue licences for a year at a time. The relevant spectrum is presently available until 30 June 1997 on an area-by-area basis.

It is a special condition on the licence that it can only be used to provide an open narrowcasting television service for community and educational non-profit purposes.

The ABA is responsible for making the spectrum available, administering program standards and deciding issues relating to community access to the CTS service. The ABA has the power, delegated to it by the Spectrum Management Agency, to issue, renew, suspend and cancel transmitter licences. ☐