



Darwin commercial television licence

The ABA has decided to refuse permission to Territory Television Pty Ltd, the licensee of commercial television service NTD 8, to operate a second commercial television service in the Darwin area.

'The ABA refused permission because, applying the Broadcasting Services Act, it was not satisfied that it was unlikely that another person would be interested in, and likely to be in a position to, operate the second commercial television licence,' said Mr Peter Webb, ABA Chairman.

The ABA received several expressions of interest in operating a commercial television service in Darwin: one of which was subsequently withdrawn (the party has asked for commercial-in-confidence status), one from Meridian Media Pty Ltd and one from another party (which also has commercial-in-confidence status). After considering these, the ABA decided to refuse Territory Television's application.

Solicitors for the licensee of NTD had previously informed the ABA that NTD would seek a review of the ABA's decision by the Administrative Appeals Tribunal (AAT).

'The licensee would be exercising a legitimate right to seek an AAT review. The proposed legal action however, doesn't stop the ABA inviting licence applications from potential competitors,' Mr Webb said.

In December, the ABA had

called for applications for the commercial television licence in Darwin. Applications close on Friday, 16 February 1996 at 12.00 midnight.

Prospective licence applicants will need to purchase a copy of the information package *Price-based Allocation of Commercial Broadcasting Licences* from the ABA, \$50.

Single licence markets

Section 73 of the *Broadcasting Services Act 1992* allows an existing commercial television licensee in a single licence market to apply to the ABA for permission to operate a second service in its licence area if an additional commercial television broadcasting licence can be allocated in that licence area.

The ABA may grant permission 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.

On 17 October 1995, the ABA finalised a licence area plan (LAP) for Darwin which among other things made a second commercial television service available in this licence area.

The additional service would operate on UHF channel 34, with nominal transmitter sites at Deloraine Road, Darwin and would have the same coverage area as NTD.

Submissions

In deciding whether or not to grant permission to Territory Television, the ABA called for expressions of interest from other parties interested in providing a commercial television service in the Darwin

licence area. Submissions consisted of responses to a schedule of questions which had been prepared by the ABA and provided to interested persons.

Copies of submissions received by the ABA were provided to Territory Television for comment, and Territory Television's comments on each of the submissions were provided to the relevant submitters for comment. Ter-



ritory Television was afforded right of reply to any substantive comments received by the ABA as a result of this exchange.

Under section 73(4), the ABA was required to make a decision about whether or not to give Territory Television permission within 45 days after receiving the application. Territory Television's application was received by the ABA on 1 December 1995. ☐

Applications

Applications for the Darwin licence close on:

Friday, 16 February 1996 at 12.00 midnight.

For more information

Copies of the information package *Price-based Allocation of Commercial Broadcasting Licences* (\$50) are available from the ABA.

General information about the ABA's price-based allocation system is contained in the free information guide *Licensing of new free-to-air broadcasting services - the planning and allocation processes*, available from the ABA.

For further information, call Gavin Oakes on (02) 334 7927 or Leanne Smith on (02) 334 7824 of ABA Allocations and Renewals Section.