



ABA seeks comment on proposed variations to Australian content standard

SYDNEY: The ABA is undertaking a process of public consultation on proposed variations to the Australian Content Standard and the Children's Television Standards which apply to Australian commercial television services.

The variations are being developed by the ABA in line with the recent Federal Court decision that the Australian Content Standard for commercial television is invalid in so far as it fails to be consistent with the Protocol on Trade in Services to the Australia New Zealand Closer Economic Relations Trade—Agreement (the CER Agreement).

The Court ordered that unless the ABA revokes or varies the standard to accord with the CER Agreement on or before 31 December 1996, the standard will be set aside with effect from that date. The ABA's appeal against the decision was heard by the full Federal Court on 1 November.

The court has reserved its decision and has granted a stay of the previous order which required the ABA to vary or replace the standard by 31 December 1996.

Pending the outcome of the appeal the ABA has drafted variations to implement the Federal Court decision and is seeking public comment on them concurrently with its appeal.

The ABA has invited interested parties to comment on the proposed variations and has prepared a brief information paper to assist submitters.

The Australian Content Standard for commercial television, which was implemented in January this year, requires the transmission of Australian made programs and minimum levels of Australian preschool programs, children's drama, adult drama, and documentaries.

Project Blue Sky, representing the New Zealand film and television production industry, challenged the validity of the standard on the basis that it was not determined in a manner consistent with Australia's obligations under the CER Agreement.

New community radio licences

SYDNEY: The ABA has advertised for applications for new community radio broadcasting licences in the Broome, Fitzroy Crossing, Halls Creek and Derby areas of Western Australia. One licence is available in each area.

'These are the first new community radio broadcasting licences to be offered in these areas under the ABA's new merit-based allocation system', said ABA Chairman Mr Peter Webb.

The Broadcasting Services Act says free-to-air community broadcasting service licences must be allocated on the basis of merit. In areas where there is only one applicant for a community broadcasting licence, the ABA need only decide if the applicant merits a licence.

When there is more than one applicant, the ABA may choose on the basis of comparative merit. Alternatively, applicants could combine to present a unified application.

'Allocation of new community broadcasting licences has begun in these areas as a result of the ABA's public planning process being finalised in this area,' said Mr Webb. 'The planning process determines how much spectrum is available for commercial, community and national (ABC, SBS) broadcasting purposes. Licences are being offered because the planning process identified a demand for a new community service that is operated by people living in the Broome, Fitzroy Crossing, Halls Creek and Derby communities,' he said.

Prospective applicants should obtain a copy of a free information booklet, *Allocation of Community Broadcasting Licences (Broadcasting Services Bands)*. The booklet also contains the application form, Form ABA 32, *Application for the Allocation of a Community Broadcasting Licence (Broadcasting Services Bands)*. For copies of the booklet and further information, call the Allocations and Renewals Section on (02) 9334 7711.

Applications on 16 December 1996.

New ABA guide to pay TV anti-siphoning rules

SYDNEY: The ABA has released a *Guide to Pay TV Anti-siphoning Provisions* which explains how the provisions work and sets out the ABA's monitoring role.

The anti-siphoning provisions empower the Minister for Communications and the Arts to list in a formal notice (known as the anti-siphoning list) events which should be available on free-to-air television for viewing by the general public.

The anti-siphoning list covers the period up until 31 December 2004 and contains sporting events within 11 different sports categories. The aim of the anti-siphoning list is to prevent these events from being siphoned off by pay TV to the detriment of free-to-air viewers.



News Update

The ABA guide describes how the provisions (contained in the *Broadcasting Services Act 1992*) work and explains some of the issues which have arisen since the anti-siphoning list took effect on 6 July 1994.

'The guide reflects the ABA's experience in working with the rules during the first two years of their operation,' said Mr Peter Webb, ABA Chairman. 'During the past two years, the ABA reported to the Minister every six months on what events have been acquired by free to air broadcasters and what coverage they have provided of those events.'

On 30 September 1996 the Minister for Communications and the Arts, Senator Richard Alston, directed the ABA to report to him as necessary rather than every six months. The ABA is required to report if rights to events on the anti-siphoning list are not made available to free-to-air broadcasters; if the ABA considers that, over time, there has been a sustained reduction in the extent to which free-to-air broadcasters televise listed events; or if the ABA considers there are grounds for the Minister to add to or remove an event from the anti-siphoning list.

Also available, following its release by the Minister, is the ABA's third six monthly report to the Minister on *Anti-siphoning: the Availability, Acquisition and Use of Broadcast Rights*. This report was provided to the Minister in June 1996.

The Guide to Pay TV Anti-siphoning Provisions and the report Anti-siphoning: the Availability, Acquisition and Use of Broadcast Rights can be obtained from the ABA by calling freecall 1800 810 241.

Commercial radio

The ABA has reserved AM radio channels (1359 kHz in Katanning and 1251 kHz in Narrogin) for the new commercial services.

The ABA is prepared, however, to vary these LAPs to assign FM channels for the new commercial radio services at Katanning and Narrogin, if it can be demonstrated via test transmissions that FM channels are available suitable for use in Katanning and Narrogin.

The fee for each licence is \$10 000, and each broadcaster now has 12 months to get the new services up and running.

The new licences follow a change to the *Broadcasting Services Act 1992* which allows for early licensing of additional commercial radio licences in single station markets. A total of 54 single station markets became eligible for an additional commercial radio licence under the new licensing arrangements.

Community radio

'The licences for community radio services at Katanning, Wagin and Narrogin will not be available for allocation for at least two years. This will give existing aspirant groups time to consolidate and new aspirant groups the opportunity to emerge,' Mr Webb said.

Any new community radio licences will be made available by means of a merit-based allocation process.

New commercial radio services

SYDNEY: The ABA has allocated three new commercial radio licences, two to Radio West Broadcasters Pty Ltd, the licensee of commercial radio services 6WB Katanning, and 6NA Narrogin (one licence is to serve Katanning and the other is to serve Narrogin) and one to Northern Tasmania Broadcasters Pty Ltd, owner of 7AD. Northern Tasmanian Broadcasters will broadcast its new service 7DDD on FM 107.7 MHz in Devonport, Tasmania.

The ABA has also made channels available for three new community radio services, at Katanning, Wagin and Narrogin, WA. A channel has also been made available for an open narrowcasting service at Wagin and channels have been reserved for two additional national radio services to serve the Katanning and Narrogin region.

The ABA's decisions are contained in its licence area plans (LAPS) for radio in the Katanning and Narrogin regions of Western Australia.

Fellowship award

SYDNEY: The ABA's Director of Policy and Communications, Ms Pat Manser, has been awarded a Senior Executive Fellowship by the Public Service and Merit Protection Commission. Seven fellowships were awarded this year and are designed to enable senior executives in the Australian Public Service to study overseas and to look into issues affecting the service and their own agency.

Ms Manser intends to look into ways in which the international community deals with the globalisation of industries and the accompanying dilution of effect of domestic legislation. The tensions between commercial directions and government policy in this environment will also be explored.

The Fellowship will take Ms Manser to the United Kingdom, France, the European Community and Singapore. Each fellowship winner also builds into the program a course of study, and Pat will join a program for Senior Management at INSEAD in France, studying strategies for South-East Asia.