



News Update

change. 2LVR also wants to extend its licence area to include Cowra which does not have a community radio service.

The ABA is asking for public comment from the Cowra community about these proposals as part of the feedback it has requested from people across the Central NSW region on its planning proposals for radio services.

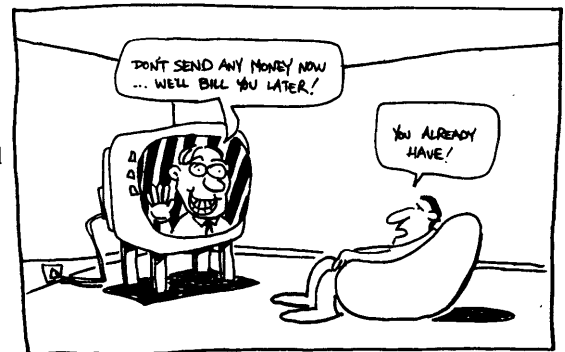
'We have recently released our draft licence area plan for new radio services in Central NSW. These proposals by 2BS and 2LVR relate just to Cowra, so we'd particularly like to hear from people in this area as part of the feedback we're seeking on our Central NSW licence area plans,' said Mr Bob Scott, ABA Acting Chairman.

In relation to the 2BS proposal, the ABA invites comment on the social and economic links between Bathurst and Cowra, Orange and Cowra, and Young and Cowra; the topography of the area; current reception of 2LF and 2GZ in Cowra; and possible detrimental effects on the profitability of the stations serving, or wanting to serve the community.

In relation to the 2LVR proposal, the ABA seeks comment from any Cowra-based groups interested in providing a community radio service. The ABA is also interested in the level of support for community broadcasting in Cowra, and what local people think of 2LVR providing a service to Cowra. 2LVR has not yet indicated to the ABA whether it intends to provide programs of local interest for the community of Cowra.

The application of this licence condition appears to the ABA to generate unintended consequences for subscription service providers who receive no part of the consideration paid by subscribers for access to other services with which they are packaged.

The ABA has decided to undertake this process in the interests of regulatory predictability and stability. For the same reason, the ABA has decided to release the text of the opinion provided to subsidiaries of International Media Management (Holdings) Ltd (IMM) concerning The Value Channel.



One of the criteria for defining subscription broadcasting services is that they are services that are made available only on the payment of subscription fees.

The ABA proposes to clarify this criterion or to determine new definitional criteria which would incorporate the concept that subscription fees would not be regarded as having been paid unless they are paid to the actual service provider.

The ABA will undertake consultation with industry peak groups and other stakeholders in the near future based on draft wording changes which reflect this concept.

In 1994 the ABA gave an opinion that The Value Channel service, as then proposed, would be an open narrowcasting service. The 1994 opinion was based on information provided by the applicant that the service would be unencrypted and therefore potentially freely available to viewers with the appropriate equipment. Since then, in packaging with Galaxy and Optus Vision, circumstances changed to include encryption.

Clarification: categories of broadcasting services

SYDNEY: The ABA has decided to clarify the definition of subscription broadcasting and subscription narrowcasting services.

The move follows an opinion by the ABA that the home shopping service The Value Channel, carried on Galaxy and Optus Vision, is a subscription narrowcasting service. All services presently being carried and delivered by Optus Vision and Galaxy are being encrypted and are only available to Galaxy and Optus Vision subscribers.

A licence condition for subscription narrowcasting and broadcasting services requires subscription fees to be the predominant source of revenue for the service.

The ABA is aware that The Value Channel receives no portion of subscription payments made to Optus Vision and Galaxy, the present carriers of the service.

Planning for new commercial radio services in solus markets

CANBERRA: Eligible licensees in solus commercial regional radio markets have until 5 March to apply for a licence for a second

Written submissions should be sent to: Planning Officer for Central NSW ABA PO Box 34 Belconnen ACT 2616 by 1 March 1996.

Copies of The Value Channel opinion are available by calling Kevin O'Brien on (02) 334 7879.



commercial radio service in their licence area(s.39 licence).

Eligible licensees have been able to apply for their s.39 licences since 5 January 1996. The statutory period for applications is 60 days, which ends on 5 March 1996 for the 54 licensees currently eligible. After that they lose the right to apply for a second licence under s.39 of the Broadcasting Services Act, forever.

For any licensees who become eligible in the future, the statutory period of 60 days will begin on the date from which the conditions of s.39(1)(a), (b) and (c) are satisfied in relation to the parent licence. Again, they must apply for their s.39 licence within the statutory period.

Once an application is received by the ABA, what happens next will depend to some extent on how far advanced licence area planning is in that area.

If there is already a licence area plan (LAP) for the area, the ABA can offer the eligible licensee a licence for the second commercial radio service straight away. An allocation fee of \$10 000 is payable on allocation of the licence.

If draft LAPs have already been determined but not finalised, any commercial radio services shown in the draft LAP will be used as the starting point in consultations with the applicant and other potentially affected broadcasters on whether suitable spectrum can be found and what the appropriate technical

specifications will be.

If no suitable spectrum has been determined to be available, and no specification has been published in a LAP or in a draft LAP, on receipt of an application from an eligible licensee the ABA will try to find suitable spectrum and to prepare appropriate specifications for the proposed s.39 service.

When eligibility has been established in terms of s.39(1), the ABA must allocate a licence to the applicant. Under the Act, where an eligible licensee does not take up the allocation of a licence under s.39, that licensee loses any further right to a second commercial radio service licence under that section of the Act. The spectrum remains for inclusion as an available channel at such time as the relevant LAP is completed.

As at 14 February, the ABA had received 29 applications from eligible licensees. The remaining 25 eligible licensees have until 5 March 1996 to apply for their s.39 licence, or they lose their entitlement to apply for that additional licence for all time.

It may not be possible to find suitable spectrum until licence area planning for the area is completed. In such an event, the offer of a s.39 licence, if the applicant applied before 5 March 1996, remains open until suitable spectrum is determined by the ABA to be available. ☐

Temporary transmission of programs by aspirant community broadcasters

from 4 December 1995 to 21 January 1996, in order of date signed.

APPLICANT	AREA	FREQ.	PERIOD	DATE SIGNED
Dalby Broadcasting Association	Dalby, Qld	104.3 MHz	13/1/96 - 8/2/96	4/12/95
Muslim Community Radio	Bankstown, NSW	94.5 MHz	22/1/96 - 20/2/96	20/12/95
Canberra Stereo Public Radio Inc.	Curtin, ACT	103.1 MHz	10/2/96 - 31/3/96	9/1/96
Ballarat Gospel Radio	Ballarat, Vic.	103.9 MHz	3/2/96 - 23/2/96	9/1/96
Bulla FM Broadcasters	Sunbury, Vic.	99.4 MHz	27/1/96 - 4/2/96	10/1/96
Bumma Bippèra Media	Mount Yarrabah, Qld	101.9 MHz	3/2/96 - 25/3/96	10/1/96
Port Stephens FM Radio Inc.	Nelson Bay, NSW	99.7 MHz	27/2/96 - 10/3/96	17/1/96
Port Stephens FM Radio Inc.	Nelson Bay, NSW	99.7 MHz	5/2/96 - 11/2/96	17/1/96
Golden Days Radio	Melbourne, Vic.	99.9 MHz	3/2/96 - 31/3/96	17/1/96
Toowoomba Christian Broadcasters Assoc.	Toowoomba, Qld	98.1 MHz	3/2/96 - 31/3/96	17/1/96
Orange Community Radio	Orange, NSW	107.5 MHz	1/2/96 - 31/3/96	17/1/96
North East Broadcasters Pty Ltd	Wangaratta, Vic.	96.5 MHz	22/1/96 - 5/2/96	17/1/96
Melbourne Gospel Radio	Melbourne, Vic.	89.9 MHz	3/2/96 - 17/2/96	22/1/96
Mara Mara Community Inc.	Tamworth, NSW	96.3 MHz	23/1/96 - 28/1/96	22/1/96
Newcastle Christian Broadcaster	Newcastle, NSW	99.7 MHz	12/2/96 - 25/2/96	24/1/96
Geelong Gospel Radio	Geelong, Vic.	98.3 MHz	4/2/96 - 24/2/96	25/1/96
Townsville Christian Broadcasters	Townsville, Qld	100.7 MHz	8/2/96 - 30/3/96	25/1/96
New-Gen Radio Inc.	Clayton, Vic.	91.5 MHz	10/2/96 - 10/3/96	25/1/96