



# News Update

## ABA finding on News and Telstra not required

SYDNEY: In view of Telstra's sale of its shares in the Seven network, the ABA has decided it is no longer necessary to reach a finding on whether News Corporation and Telstra were associates in relation to control of Seven.

At the time it released its report on Seven, the ABA said it was still considering the relationship between News and Telstra and its implications for the network.

'A finding about the relationship between News and Telstra would have been relevant to their future conduct as major shareholders in Seven,' said ABA Chairman Mr Peter Webb. 'As Telstra has sold out of Seven, such a finding is no longer relevant.'

In its investigation of Seven, the ABA found that whatever view was taken of the relationship between Telstra and News, there was no evidence that News was, together with Telstra, in a position to exercise control of Seven.

The ABA has set out its views on the operation of the 'associate' provisions of the Act in its report into control of Seven Network Limited.

## New commercial radio licences

SYDNEY: The ABA has granted a second commercial radio licence to broadcasters in Goulburn and Gunnedah (NSW), Innisfail, Roma and Charters Towers (Qld), Mt Gambier (SA) and Carnarvon, Karratha and Port Hedland (WA). The licensees are:

- Radio Goulburn Pty Ltd, owner of 2GN in Goulburn, which will broadcast its new service 2SNO on FM 93.5 MHz in Goulburn;

- 2MO Gunnedah Pty Ltd, owner of 2MO, which will broadcast its new service 2GGG on FM 97.5 MHz in Gunnedah; and
- Coastal Broadcasters Pty Ltd, owner of 4KZ, which will broadcast its new service 4ZKZ on FM 98.3 MHz in Innisfail; and
- North Queensland Broadcasting Corporation Pty Ltd, owner of 4GC in Charters Towers, which will broadcast its new service 4HIT on FM 95.9 MHz in Charters Towers;
- Regional Broadcasters Australia Pty Ltd, owner of 4ZR, which will broadcast its new service 4ROM on FM 95.1 MHz in Roma; and
- South Eastern Broadcasters Pty Limited, owner of 5SE, which will broadcast the new commercial radio service 5SEF on FM 96.1 MHz in Mount Gambier;
- Northwest Radio Pty Ltd, owner of 6NW in Port Hedland, which will broadcast its new service 6HED on FM 91.7 MHz in Port Hedland; and
- Northwest Radio Pty Ltd, owner of 6KA, which will broadcast its new service 6RED on FM 106.5 MHz in Karratha; and
- Brailsford Investments Pty Ltd, licensee of 6LN, which will broadcast its new service 6CAR on FM 99.7 MHz in Carnarvon.

The new licence also allows 6LN to transmit its service on 99.7 MHz in Exmouth. Exmouth is currently without a commercial radio service, however, discussions are being held between the ABA, 6LN and the Shire Council.

The new licences follow a change to the Broadcasting Services Act 1992, recommended by the ABA, which allows for early licensing of additional commercial radio licences in single service markets.

A total of 54 single station markets became

Copies of the ABA's report *Investigation into Control: News Corporation Ltd/Seven Network Ltd*, are available from the ABA, price \$10, ph: (02) 334 7700.

## Commercial radio licences

The number of commercial radio licences on issue as at 22-5-96.

	Capital City*		Regional**		s.39††	Total
	FM	AM	FM	AM		
NSW/ACT	6	7	18	29	11	71
Vic.	4	5	5†	12	3§	29
Qld.	2	4	10‡	21	3	40
SA	3	2	0	6	1	12
WA	3	2	4‡	12	7	28
TAS/NT	3	1	2‡	7	2	15
<b>Australia</b>	<b>21</b>	<b>21</b>	<b>39</b>	<b>88</b>	<b>27</b>	<b>196</b>

\* Includes Canberra and Darwin

† Includes commercial radio licence allocated to Lookridge Pty Ltd to serve Mildura—no call sign yet.

‡ Includes former remote satellite commercial radio licences (4SUN, 6SAT and 8SAT) no service commenced.

§ Only two licences allocated under s.39 have commenced service, 3MDA Mildura and 3BBA Ballarat.

\*\* includes Ipswich

†† includes latest s.39 licences issued, for Gunnedah, Roma and Karratha (22-5-96).



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eligible for an additional commercial radio licence under the new licensing arrangements.

'These new FM licences should result in distinctly different services in the respective markets,' said Mr Peter Webb, ABA Chairman.

'The services will cover the same area as the existing AM services and will increase the choice of radio services available to local listeners.'

The fee for each licence was \$10 000. The licensees now have 12 months to get the new services up and running.

## Sydney community television

SYDNEY: The ABA has decided to renew the transmitter licence held by Community Television Sydney Ltd (CTS) for a further period of 90 days, from 8 May to 26 July 1996.

The ABA had previously approved a short term licence renewal to allow CTS time to address serious questions about whether the licence should be renewed at all in light of unresolved issues arising from the contractual relationship between parties involved in providing the CTS service (CTS and Filmpot Pty Ltd/SPN TV).

'The ABA required that CTS provide clear evidence that it is able to provide and maintain community and educational TV services in accord with its licence conditions and with other relevant laws,' said Mr Peter Webb, ABA Chairman.

'CTS has now appointed a voluntary administrator and has terminated its contractual relationship with Filmpot Pty Ltd/SPN TV,' said Mr Webb.

By law, the period of administration must end after 90 days by which time the company will either be wound up or allowed to continue operating.

CTS has been continuing to provide programming and has access to transmission facilities.

'In the circumstances, and at the request of the administrator, the ABA has decided that the public interest would best be served by allowing the administrator the opportunity to get the affairs of CTS in order.'

The ABA will monitor the situation over the next 90 days.

### **Background to 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 making spectrum (channels) available on a temporary basis; and 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.

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 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.

## ABA not investigating 'Today Tonight' broadcast

SYDNEY: The ABA has decided there is no basis, at this stage, for it to investigate the circumstances surrounding the broadcast of the Seven network current affairs program 'Today Tonight' on 14 May 1996.

The ABA's decision follows a letter from Senator Chris Schacht, in which he expressed his concern about possible political interference leading to the withdrawal of a story about the business dealings of Mr Kennett, the Premier of Victoria.

Senator Schacht expressed his belief that the ABA should investigate the incident and report to the Australian parliament.

'It is not an offence under the Act or a breach of a licence condition for a person to seek to influence the decision of a broadcaster over what material it will or will not broadcast. Nor is it an offence or breach of a licence condition for a licensee to acquiesce to such influence,' said ABA Chairman, Mr Peter Webb.

'Unless a breach of the ownership and control rules is in prospect, it is also not the case that such conduct is a matter which the ABA is able to have regard to in deciding whether to renew a commercial television licence. The ABA can only refuse to renew a licence if it decides that to do so