



News Update

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