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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

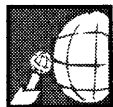
SYDNEY: The ABA has decided there is no basis, at this stage, for it to investigate the circumstances surrounding the broadcast of the Seven network current affairs program 'Today Tonight' on 14 May 1996.

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



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would lead to a significant risk of an offence against the Act or breach of a licence condition,' he said.

Senator Schacht indicated in his letter that he had also lodged a complaint with the Seven network about the incident, alleging a breach of the television industry code of practice. If Senator Schacht's complaint is not resolved by the network, the ABA can then investigate.

Networked news coverage in the Melbourne area

MELBOURNE: The networking of the news service on Melbourne AM radio services does not constitute a breach of a licence condition, the ABA has decided.

The ABA received five formal complaints relating to commercial radio station's 3AW news service being broadcast on four other Melbourne commercial AM radio stations: 3MP, Magic 693, 3AK and 3UZ.

'The notion of what constitutes an adequate and comprehensive service must be considered in relation to the licence area to be served and the contributions made by all other broadcasting services in the area,' said ABA Chairman, Mr Peter Webb.

'The ABA considers the diversity of services being provided in the Melbourne area contributes an "adequate and comprehensive range of broadcasting services". After careful consideration of the complaints and the information available to it, the ABA therefore does not propose to take any action regarding this matter.'

The ABA assessed this aggregation of news services in terms of a licence condition under the *Broadcasting Services Act 1992* which states:

'the licensee will provide a service that, when considered together with other broadcasting

services available in the licence area of the licence (including another service operated by the licensee), contributes to the provision of an adequate and comprehensive range of broadcasting services in that area'.

This condition considers the broadcasting services provided in a market as a whole, taking into account all radio and television services in the licence area. The adequacy and comprehensiveness of the service provided by the licensee must be measured in the context of all broadcasting services available in that licence area. Melbourne enjoys a complementary mix of commercial, community narrow-casting and national radio and television services. In addition to five commercial AM radio stations, Melbourne has four commercial FM radio stations, 14 community radio stations, two high power narrowcasting radio services, five ABC radio services and an SBS radio service. The market also enjoys access to three commercial television services, ABC TV, SBS TV and a trial community television service.

Decision

In considering the complaints, the ABA took into account the fact that there is no obligation on each individual licensee to provide an 'adequate and comprehensive' service, as there was under the former *Broadcasting Act 1942*. Nor is there a requirement for a commercial radio station to provide a news service.

Asian Children's TV Summit

MANILA: An Asian Summit on Child Rights and the Media will be held in Manila from 2 to 5 July 1996 as a follow-up to the World Summit on Children and Television held in Melbourne in March 1995.

Philippines President Ramos has welcomed the Summit to Manila and has pledged his government's support. The summit will examine the range of issues raised in Melbourne in a distinctly Asian context and is looking to adopt the principles of the Children's Charter, a major outcome of the World Summit, into firm commitments by Asian practitioners, broadcasters and policy-makers.

The event is being organised by UNICEF's East Asia and Pacific Office, the Asia-Pacific Broadcasting Union (ABU), the Asia Mass Communication Research and Information Centre and the Philippine Children's TV Foundation.

Issues to be considered include the importance of local indigenous programming and merchandising associated with imported programs.

