



The ABA has now allocated 50 commercial radio licences to regional operators providing the only commercial service in a market. The fiftieth allocation was to Tablelands Broadcasting Limited, owner of 4AM Atherton.

## New commercial radio licence for Atherton

The ABA has allocated a second commercial radio licence to Tablelands Broadcasting Pty Limited, owner of 4AM Atherton. This is the fiftieth commercial radio licence allocated by the ABA to a regional operator providing the only commercial service in a market.

The new service, 4AMM, will cover the same area as the existing AM service and will broadcast on FM 97.9 MHz in Atherton.

The fee for the licence was \$10 000. Tablelands Broadcasting now has 12 months to get the new service up and running.

Allocation of the new licence follows the release of the radio licence area plan for the Atherton region. This plan included a change to the licence area of the 4AM service which made the licensee of the service eligible to apply for a second commercial radio licence.

The radio licence area plan for Atherton was determined on 27 November 1997. The licence area plan determines the number and characteristics of radio services to be made available in a region. A channel was made available in the licence area plan for a second commercial radio service for Atherton, and the licence area of the existing AM service was decreased. These decisions made the licensee

of the service eligible to apply for a second commercial radio service under section 39 of the *Broadcasting Services Act 1992*.

Section 39 of the Act provides for the allocation of an additional commercial radio broadcasting licence to licensees in markets where there is currently only one such service.

### When can a section 39 licence be allocated?

There are five eligibility criteria for a section 39 licence:

- section 39 applies where there is only one commercial radio broadcasting service licensed in a market.
- section 39 applies only to licensees providing a service, ie, not to licensees who hold a licence but do not currently provide a service.
- the licence area for the parent licence must not have an excessive overlap.
- the entitlement to a section 39 licence only arises on written application from the licensee.
- suitable broadcasting services bands spectrum must be available for providing another commercial radio broadcasting service in the same licence area.

### What will happen if the ABA decides there is no suitable spectrum?

If there is no suitable spec-

trum available at the time a section 39 application is lodged, the application is not rejected but deferred.

If suitable frequency subsequently becomes available, then the ABA can allocate the additional licence.

### Some important features of licences allocated under section 39

The ABA must not allocate a licence to an applicant if the applicant is not a company formed in Australia with a share capital or if the ABA decides that the applicant is not a suitable applicant in the terms set out in section 41(2) of the Act.

The applicant for the additional licence must be the same

company as the licensee of the existing service.

The licence areas of the additional and existing services will be identical.

Both services must continue to be operated together for a minimum period of two years. It is not possible to transfer one of these licences without the other during this period.

It is a condition of the licence that the licensee will commence providing a commercial radio broadcasting service within one year of being allocated the licence, or within such longer period as is notified in writing by the ABA. The ABA is not obliged to grant an extension of time for the commencement of the service.

### Previous allocations of section 39 licences:

#### NSW

Armidale, Bathurst, Bega, Coffs Harbour, Cooma, Dubbo, Griffith, Goulburn, Grafton, Gunnedah, Inverell, Lithgow, Mudgee, Orange, Parkes, Taree, Young

#### Vic

Ballarat, Colac, Horsham, Mildura, Swan Hill, Wangaratta

#### Qld

Charleville, Charters Towers, Emerald, Gympie, Innisfail, Longreach, Nambour, Roma

#### SA

Bridgetown, Mt Gambier, Renmark

#### WA

Albany, Bunbury, Carnarvon, Esperance, Kalgoorlie, Katanning, Karratha, Mandurah, Merredin, Narrogin, Northam, Port Hedland

#### Tas

Devonport, Queenstown

#### NT

Darwin