



permitting GWN to do this for the following reasons. Whilst this would have made a marginal improvement to reception in south west Western Australia, it would not have corrected the reception problem. The power increase would have had to have been significant to return reception in affected areas to levels previously enjoyed. This would have severely limited the development of new FM radio services to the region and would have caused interference to the FM services already operating in the area.

The best solution to the problem would be for GWN to clear its channel 3 television service from the FM radio band and commence operation on the UHF television band. Accordingly, the ABA has made provision (in the licence area plan released in February 1997) for GWN to transmit a high powered television service (600 kW) on UHF channel 42 from Mount Lennard. It also made provision for the ABC channel 5 service to move to UHF so that the entire FM radio band would become available for FM radio broad-

casting in Perth and south west Western Australia. In its February 1997 licence area planning decision for Bunbury television, the ABA decided to give GWN and the ABC a transition period of at least ten years to move from channels 3 and 5 respectively

Other than GWN commencing a high power UHF service at Mt Lennard, as above, the only remaining solution is for GWN (or the communities themselves) to establish local UHF translators for its current service for viewers at Manjimup (population 4353), Pemberton (population 934), Bridgetown (population 1009), Margaret River (population 1725) and Nannup (population 472).

The ABA included technical specifications for local UHF translator facilities at the above localities in the licence area plan of February 1997. This would provide coverage for the GWN service which would be comparable to ABC television coverage in these centres and would overcome the reception difficulties now being experienced by GWN viewers.

Legal framework

The Broadcasting Services Act provides the ABA with power to impose conditions on commercial television broadcasting licences which are relevant to the services to which those licences relate.

43.(1) The ABA may, by notice in writing given to a commercial television broadcasting licensee or a commercial radio broadcasting licensee, vary or revoke a condition of the licence or impose an additional condition on the licence.

The main limitation on the imposition of conditions is that conditions must not vary or revoke a condition set out in Part 3 or 4 of Schedule 2 of the Act.

Of particular importance is clause 7(2)(a) of Part 3 of Schedule 2 which provides:

the licensee will provide a service 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 adequate and comprehensive range of broadcasting services in that licence area.

New commercial radio licence for Kingaroy

The ABA has allocated a second commercial radio licence to Forsby Pty Ltd, owner of 4SB Kingaroy. This is the fifty-first commercial radio licence allocated by the ABA to a regional operator providing the only commercial service in a market.

The new service, 4KRY, will cover the same area as the existing AM service and will broadcast on FM 89.1 MHz in Kingaroy.

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

Section 39 licences

Section 39 of the *Broadcasting Services Act 1992* provides for the allocation of an additional commercial radio broadcasting licence to licensees in markets where there is currently only one such service.

Section 39 was amended on 8 December 1995 and the changes have effect from 5 January 1996.

Section 39 applies where there is only one commercial radio broadcasting service licensed in a market and applies only to licensees providing a service.

Suitable broadcasting services bands spectrum must be available for providing another commercial radio broadcasting service in the same licence area.

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.

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

Atherton, 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