



News Update

ABA assists in review of the Broadcasting Services Act

The ABA is assisting the Productivity Commission in its review of the Broadcasting Services Act. The ABA has chosen to adopt a 'friend of the court' role. In this capacity, the ABA will be providing information to the Productivity Commission that will assist it in achieving the objectives of the review.

The Productivity Commission has released an issues paper which explains the purpose of the public inquiry and the scope of the review. In essence, the Productivity Commission is examining the regulatory arrangements for Australia's broadcasting services, having regard to the requirements of the Competition Principles Agreement.

The deadline for submissions is 12 May 1999. Public hearings will be held in May and June 1999.

For more information about this review, go to the Productivity Commission's web site, <www.pc.gov.au>.

Deadline for submissions: 12 May 1999.

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ABA invites applications for new community radio licences in Coffs Harbour, Deepwater, Narrabri and Tamworth

The ABA is seeking applications for four new community radio broadcasting licences to provide services at Coffs Harbour, Deepwater, Narrabri and Tamworth.

'Allocation of new community radio licences has begun as a result of the ABA's public planning process being finalised in these areas,' said Professor David Flint, ABA Chairman. 'The planning process identified demand for new community radio services operated by people living in each of these areas.'

Free-to-air community broadcasting service licences must be allocated on the basis of merit. Under this system, in areas where there is only one applicant for a community broadcasting licence, the ABA need only decide if the applicant merits a licence.

When there is more than one applicant, the ABA may also have to choose on the basis of comparative merit. Alternatively, applicants could combine to present a unified application.

Prospective applicants should obtain a copy of the free application kit, *Allocation of Community Broadcasting Licences*

(*Broadcasting Services Bands*). The kit also contains the application form, *Form ABA 32, Application for the Allocation of a Community Broadcasting Licence (Broadcasting Services Bands)*.

Applications for the licences must be received before 5.00 p.m. on Monday 14 June 1999. Copies of any applications received will be placed in the relevant local public libraries from 23 June.

The ABA welcomes written submissions from members of the public in relation to the applications received.

Licence allocation

Only non-profit community broadcasting organisations that represent a community interest will be eligible for the allocation of a community broadcasting licence.

The ABA's allocation system only applies to services using radio frequency spectrum in the broadcasting services bands, not to community services using cable, satellite or other means of delivery.

Community licences can be allocated only if the ABA makes new community broadcasting services available in an area following its planning process and the release of a licence area plan.

The ABA has advertised for applications in newspapers in the licence area. Applications must be lodged with the ABA by the date advertised. They must be made on the approved form, Form ABA 32.

The ABA will usually publicise the details of applications received and advise when these will be available for public comment. Written comments on applications must be lodged with the ABA within 21 days from the date the ABA publicises their receipt.

The ABA will assess all applications on merit having regard to the Broadcasting Services Act. The ABA will decide if a licence is to be allocated and in the case of competing applicants, to which applicant.

The ABA is not obliged to allocate a community broadcasting licence to an applicant even though the ABA has advertised for and received applications.

The Act provides that the allocation of broadcasting services bands community broadcasting licences is merit based: that is, the ABA will allocate these licences on the basis of the merits of applicants and their proposed services and, where necessary, on the comparative merits of competing applications.

In assessing applications the ABA will have

**Applications
Applications close
5.00 p.m., 7 June 1999.**

For copies of the kit, Allocation of Community Broadcasting Licences (Broadcasting Services Bands), and information about how to apply for a community broadcasting licence, call the ABA's Licensing Section on (02) 9334 7700.



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regard to matters set out in the Act. These include:

- * whether the applicant is a 'company' and represents a community interest;
- * whether the allocation is subject to any Ministerial 'priority direction';
- * the needs and interests of the community and the extent to which the applicant's proposed service would meet those needs and interests;
- * the applicants capacity to provide the proposed service; and
- * matters related to the control of the licence.

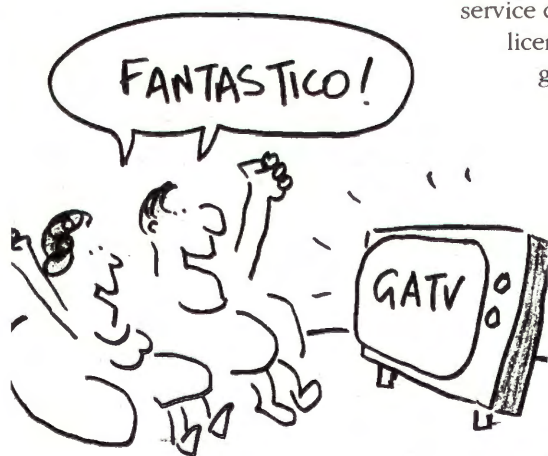
ABA allocates pay TV licence to Dergat

The ABA has allocated a subscription television broadcasting licence to Dergat Pty Ltd.

Dergat has indicated that the licence will be used to provide a bilingual Greek/English service with a mix of Australian and Greek programs using the Optus Vision network. The service will be known as Greek Australian Television (GATV) and started on 25 March 1999.

Unlike apparatus licences or other service delivery permits, this licence does not have geographical limitations.

Therefore, a service licence is valid throughout Australia as long as the programming on that service is the same in all areas of reception. Where the service differs in a location, a separate service licence is required.



Before allocating the licence the ABA examined the foreign holdings in Dergat to establish that allocation of the licence would not lead to a breach of the foreign ownership restrictions on pay TV licences. A foreign person may not have company interests of more than twenty per cent in a pay TV licence, nor may two or more foreign persons hold more than thirty five per cent in aggregate.

The ABA also considered a report from the Australian Competition and Consumer Commission (ACCC) on whether allocation of the licence would be anti-competitive. The ACCC said it was not of the opinion that allocation of the licence would constitute a contravention of section 50 of the Trade Practices Act.

20 years of C programs

The ABA will mount a number of initiatives later this year to celebrate '20 Years of C programs'.

The ABA is planning a number of activities, including:

- a Children's Television Policy Forum to be held on 22 July 1999 in Sydney, exploring current and upcoming general issues facing children's television in Australia;
- co-ordinating and presenting findings from a joint research project into 20 years of C programming; and
- community education initiatives, aimed at raising awareness about C amongst parents and children.

C programs

The (then) Australian Broadcasting Tribunal introduced the first C (children's) classification on 1 July 1979. This C classification required three hours per week of C programs and 30 minutes per weekday of preschool

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Programs granted C or P Classification

Programs granted C and P classification between 20 March and 8 April 1999.

Producers interested in submitting programs for classification should contact Nadia Mencinsky or Belinda Mullen, ABA Children's Television on (02) 9334 7700.

Program title	Origin	Class	New/ renewal	Decision date	Applicant
PIG'S BREAKFAST SERIES 2	Australia	PRC	new	29-3-99	Southern Star Entertainment Pty Ltd

C - children's program, CD - C drama, P - preschool, PRC - provisional C