



Applications for extensions of time must now be made to the ABA's Licensing Section within a reasonable period (8 to 12 weeks) before the commencement date. Licensees must also provide reasons and supporting documentation.

For more information please contact Paul Newton, Assistant Manager, Licensing, tel: (02) 9334 7927 or Deb Farina, Project Officer, Licensing, tel: (02) 9334 7878.

New arrangements for extensions of time

Applications for extensions of time before the start of a broadcasting service must now be made to the ABA's Licensing Section. This should be done within a reasonable period before the commencement date, typically 8 to 12 weeks. Licensees must also provide reasons and supporting documentation.

The ABA wishes to ensure that extensions are granted only when the licensee can demonstrate that any delay in commencing a service is due to factors outside the licensee's control. The ABA will ordinarily grant an extension only for a maximum period of six months. If a licensee requires an extension for longer than six months, or requests a further extension of time, the application will be referred to a full meeting of the ABA for consideration.

The same arrangement applies for open narrowcasting services under the *Radiocommunication Act 1992*. Open narrowcasting services must ordinarily commence within six months of the issue of the relevant licence.

The ABA seeks to promote the efficient use of the radiofrequency spectrum by encouraging licensees to commence broadcasting services as soon as practicable after a licence is allocated. The *Broadcasting Services Act 1992* allows licensees 12 months from the date the ABA allocates a licence to commence a service. Schedule 2 to the Act gives the ABA the power to grant an extension of the commencement date.

Pay TV licences for:

APT

The ABA has allocated 30 subscription television broadcasting licences to Access1 Pay Television Pty Ltd (APT).

APT has indicated that the licences will be used to provide a range of services including finance, commerce, shopping, sport, adult material, education/training, technology, lifestyle, nature documentaries, movies, children's cartoons and educational material aimed at pre-teenagers. The services will be provided via satellite directly to home using digital transmission technologies. APT also intends to provide the services over third party networks.

TPG TV

The ABA has allocated 22 subscription television broadcasting licences to TPG TV Pty Ltd.

TPG has indicated that the licences will be used to provide a range of services including news, business information, sport, cartoons, nature documentaries, Sky racing and movies. The services will be provided via satellite direct to the home using digital transmission. The video signal will be converted to digital form, modulated and transmitted to the satellite at the up-link station.

Challenges to LAPs

Two challenges to ABA decisions on analog radio planning have recently commenced in the Federal Court.

The first legal challenge concerns the Melbourne, Geelong and Colac licence area plans, determined by the ABA on 22 June 2000. The proceedings have been brought by Nezvile Pty Limited, which holds a high-power open narrowcasting transmitter licence for 1422 kHz, and Harry Stamoulis, who holds a high-power open narrowcasting transmitter licence for 1116 kHz. They have applied for a declaration that the ABA has acted unlawfully and/or in contravention of sections 23, 26 and 160 of the Broadcasting Services Act in the production of the licence area plans. The applicants are seeking declarations that decision 2 and decision 8 in the Melbourne licence area plan and decision 3 in the Colac licence area plan were unlawfully made, and that the licence area plans or those parts of them which relate to 1116 kHz and 1422 kHz are invalid.

They are also seeking an injunction to restrain the ABA from implementing the licence area plans or alternatively, those parts of the plans that relate to 1116 kHz and 1422 kHz. The case has been listed for hearing in the Federal Court in Melbourne on 9 November 2000.

The second legal challenge is to the Gosford licence area plan, determined by the ABA on 31 August 2000. The applicant is R G Capital Radio Pty Limited which holds two commercial radio broadcasting licences for the Gosford licence area. The applicant is seeking an order to review the decision to make available an additional commercial radio service for the Gosford licence area, on 104.5 MHz. The matter is listed for a directions hearing in the Federal Court in Sydney on 14 November 2000.