



### Discussion paper—open narrowcasting radio categories

The ABA is seeking submissions on its discussion paper on how the criteria for categories of radio services can be clarified. The focus of the ABA's investigation is on the criteria for open narrowcasting services.

The primary aim of the discussion paper is to collect information that will assist in placing services of differing levels of appeal into the correct category, for example, various music formats, racing radio or services that are provided only for limited locations.

The ABA is calling for submissions to its discussion paper on open narrowcasting services and on the issues raised in the paper. Submissions need not be limited to the specific questions raised in the paper.

More generally, the ABA welcomes submissions on the operation of Part 2 of the Broadcasting Services Act in relation to open narrowcasting radio services. Although the criteria for open narrowcasting contained in section 18 of

the Act are of primary importance, they must be seen in context as part of a workable scheme that deals with all the categories of broadcasting services.

#### Copies of the discussion paper

The discussion paper is available on the ABA web site at [www.aba.gov.au/whats\\_new/index.htm](http://www.aba.gov.au/whats_new/index.htm) or tel. (02) 9334 7700 for printed copies.

#### Submissions

The ABA intends to publish comments on its web site and therefore prefers comments in electronic format.

Email: [oncradio@aba.gov.au](mailto:oncradio@aba.gov.au).

Postal address:

ONC Radio Project, Australian Broadcasting Authority  
PO Box Q500, Queen Victoria Building NSW 1230.

### ABA allocates pay TV licences to Primestar

The ABA has allocated 70 subscription television broadcasting licences to Primestar Communications Australia Pty Ltd

Primestar has indicated that it proposes to deliver a range of programs including subjects

### International broadcasting licence scheme and guidelines

International broadcasting is a new category of broadcasting service which applies to any service targeted, to a significant extent, to audiences outside Australia, where the means of delivery involves the use of a radiocommunications transmitter inside Australia.

Recent amendments to the Broadcasting Services Act set out the requirements to be satisfied by an applicant for an international broadcasting licence. These include corporate status, suitability and compliance with the *Broadcasting Services (International Broadcasting) Guidelines 2000*.

These guidelines apply in two specific instances:

- when allocating an international broadcasting licence, the ABA must, under section 121FB of the Act, provide a report to the Minister for Foreign Affairs about whether the proposed international broadcasting service complies with the guidelines. Applicants for an international broadcasting licence must provide the ABA with a written commitment to abide by the guidelines
- under section 121FM of the Act, the Minister for Foreign Affairs may direct the ABA to prepare a report about whether a specified international broadcasting service complies with the guidelines.

More generally, the guidelines ensure that the material broadcast meets the minimum standards applicable to any Australian broadcaster. The guidelines took effect on 22 December 2000.

For more information and electronic copies of the application forms (ABA Form 53, International Broadcasting Licence and ABA Form 54, Nominated Broadcaster Declaration), go to the ABA's web site at [www.aba.gov.au/what/broplan/international\\_guidelines.htm](http://www.aba.gov.au/what/broplan/international_guidelines.htm).

### Challenge to the Melbourne licence area plan

On 31 January 2001 Sundberg J of the Federal Court of Australia handed down his reasons for judgment in the case of *Nezville Pty Ltd & Stamoulis v Australian Broadcasting Authority*. Two high power open narrowcasters challenged decisions made by the ABA in the determination of the radio licence area plan for Melbourne released in June 2000.

The applicants argued that the ABA had failed



#### Discussion paper

[www.aba.gov.au/whats\\_new/index.htm](http://www.aba.gov.au/whats_new/index.htm)

#### International broadcasting licences

[www.aba.gov.au/what/broplan/international\\_guidelines.htm](http://www.aba.gov.au/what/broplan/international_guidelines.htm)