



to comply with its statutory obligations in preparing the Melbourne licence area plan. Sundberg J held that the ABA had properly performed its planning functions under section 26 of the Broadcasting Services Act. In particular, the judge upheld the ABA's contention that, in carrying out its planning function, section 23 of the Act does not oblige the ABA to have regard to the content of the programs that particular broadcasters offer or that aspirants hope to offer.

His Honour found that the ABA had not satisfied the requirement for wide public consultation in section 27 of the Act. It was held that the decision to transfer 3AK to 1116 kHz and reduce the number of open narrowcasting services in the Melbourne licence area significantly altered one aspect of the licence area plan. The ABA had given the second applicant and 20 other interested persons an opportunity to comment on the proposal to move 3AK. His Honour held wide public consultation on the proposed changes required a general invitation to the public to comment and an opportunity to comment to be afforded to all individuals and associations known to have expressed an interest in open narrowcasting services.

No orders have yet been made by the Court. The first applicant, Nezvile Pty Ltd, holds a

transmitter licence for 1422 kHz in Melbourne. The second applicant, Harry Stamoulis, held a transmitter licence for 1116 kHz in Melbourne until 31 December 2000 when the spectrum drop-through and transmitter licence for that frequency expired. In the licence area plan the ABA moved commercial radio broadcaster 3AK from 1503 kHz to 1116 kHz. After a simulcast period of two months, 1503 kHz was to become available under the licence area plan for a community broadcasting service. Under the licence area plan, 1422 kHz and 1593 kHz were to remain available for open narrowcasting services in Melbourne. At the time the licence area plan was made it was expected that the transmitter licences for these two frequencies would be allocated under a price-based allocation system.

Applications invited: Brisbane and Gold Coast community radio licences

The ABA invites applications for two new community radio broadcasting licences to serve Brisbane and three new community radio broadcasting licences to serve the Gold Coast.

Applications will close at 5.00 p.m. Tuesday 17 April 2001. Late applications will only be accepted under exceptional circumstances.

Temporary community broadcasting licences

Allocated in January 2001

Area served	Licensee	Frequency	Period	Date allocated
New South Wales				
Gosford	Five-O-Plus Public Radio Association Inc.	95.3	1-2-200 to 30-6-2001	25-1-2001
Gosford	Wyong-Gosford Progressive Community Radio Inc.	93.3	16-1-2001 to 30-6-2001	10-1-2001
Sydney	Out FM Sydney Ltd	94.5	1-2-2001 to 4-3-2001	29-1-2001
Victoria				
Gippsland-Warragul	West Gippsland Community Radio Inc.	99.5	14-1-2001 to 15-7-2001	10-1-2001
Melbourne	Nu Country Music Radio Inc.	94.9	22-1-2001 to 4-3-2001	18-1-2001
Melbourne	Triple Seven Communications Inc.	89.9	22-1-2001 to 25-2-2001	18-1-2001
Queensland				
Cairns	Smithfield Community Radio Association Inc.	101.9	24-1-2001 to 30-11-2001	19-1-2001
Gympie	Cooloola Christian Radio Association Inc.	91.5	1-2-2001 to 31-1-2002	25-1-2001
Noosa	Noosa District Community FM Radio Association Inc.	101.3	1-2-2001 to 31-1-2002	29-1-2001
South Australia				
Adelaide	R.P.H. - Adelaide Inc.	1197	31-1-2001 to 31-5-2001	19-1-2001
Mount Gambier	South East Christian Broadcasters Inc.	99.9	1-2-2001 to 30-11-2001	29-1-2001
Western Australia				
Kalamunda	Kalamunda Community Radio (Inc.)	101.1	15-1-2001 to 15-7-2001	10-1-2001

News Update

These new community radio licences were made available in the licence area plans for Brisbane and related areas, released by the ABA in December 2000. The ABA intends to invite applications for the remaining community broadcasting licences in these areas later in 2001.

Any applicant for a licence must be a company formed in Australia and must represent a community interest.

The ABA will send an application form and information kit to all known aspirant community broadcasters in the Brisbane and Gold Coast licence area. However, if you are an existing aspirant and the ABA has not contacted you by 19 March 2001, you should contact the ABA's Licensing Section on 1800 226 667 or (02) 9334 7700.

Copies of all applications received will be available from 27 April 2001:

- on the ABA's web site at www.aba.gov.au/what/broplan/new_licence.htm
- in the Brisbane Central City Library, (Cnr George & Adelaide St, Brisbane), and the Southport Library (level 1, Australia Fair, Marine Parade, Southport).

The ABA welcomes written submissions from the public in relation to the applications received. The closing date for submissions is 5.00 p.m. on Friday, 11 May 2001. Mark submissions, 'Submission re area (Brisbane/Gold Coast) application, Licensing section, ABA, PO Box Q500, Queen Victoria Building NSW 1230 or email at info@aba.gov.au.

Privacy rules still apply

The advent of the digital era in broadcasting does not imply any reduction in the requirement of broadcasters to abide by ethical principles in broadcasting, said Professor David Flint when addressing the Broadcast 2001 conference at Darling Harbour, Sydney on 26 February.

'While we cannot predict the future with any confidence, the advent of a new technology, one which opens up a new broadcasting spectrum, necessarily requires public authorities to act. Now obviously some aspects of regulation will continue into the new digital area. This will be especially true of those rules enunciating ethical principles,' Professor Flint said.

'Just because news or current affairs is being broadcast by radio or television, in analog or digital, does not of course change those principles. For example, we would still expect news to be distinguishable from comment. We would still expect a proper respect for people's privacy. And on that, let me stress that intrusion into people's privacy which cannot be justified in the public interest is not acceptable.'

'If there are loopholes in the codes which seem to permit this, the ABA expects these to be filled. And until they are we expect broadcasters to exercise appropriate restraint in all program areas.'

The full text of his address can be found at www.aba.gov.au/whats_new/index.htm.

Applications closing date:

5 pm 17 April 2001.

Submissions closing date:

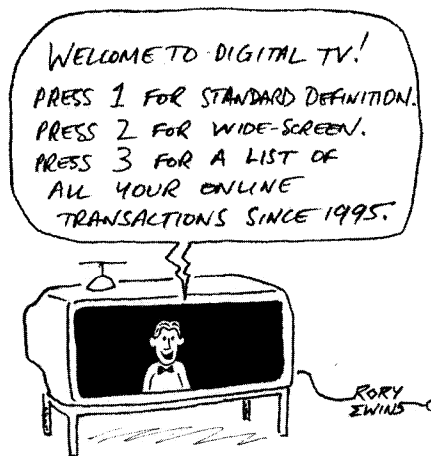
5 pm 11 May 2001.

New licences

www.aba.gov.au/what/broplan/new_licence.htm

Speeches

www.aba.gov.au/whats_new/index.htm



C and P programs					
Programs granted C and P classification between 30 January and 26 February 2001. Producers interested in submitting programs for classification should contact the ABA's Children's Television section on (02) 9334 7700.					
Program title	Origin	Class	New/renewal	Decision date	Applicant
TABALUGA (SERIES 2)	Australia	C Drama	new	21-2-01	Yoram Gross EM.TV
THE LITTLE DRUMMER BOY	Australia	C Drama	new	21-2-01	Burbank Animation Studios
ZIRKOS KIDS (SERIES 3)	Australia	P	new	26-2-01	Wave Entertainment Pty Ltd

C - children's program, C Drama - C Australian drama program, P - preschool program, Class. - Classification