



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 |