



ABA defers Melbourne community radio hearing

Due to a recent Federal Court judgement, the ABA has decided to defer a public hearing about new community radio licences in Melbourne. The hearing will now be held later in the year.

The ABA had planned to allocate three new Melbourne-wide community radio licences (two FM licences and one AM licence on radiofrequency 1503 kHz) plus a 'sub-metropolitan' licence for the Melbourne City area.

Commercial broadcaster 3AK is currently using 1503 kHz. The ABA had planned to move 3AK to 1116 kHz, making 1503 kHz available for a new community radio licence.

The ABA's decision to move commercial radio service 3AK to 1116 kHz has now been successfully challenged in the Federal Court by two open narrowcast licensees, one of whom had operated a service on radiofrequency 1116 kHz.

The court orders were handed down on 2 April. The ABA plans to drop through 1116 kHz, under section 34 of the Broadcasting Services Act, for use by 3AK on a temporary basis. It is then proposing to vary the Melbourne licence area plan to replan the frequency and undertake wide public consultation as to its ultimate use.

'The ABA had previously decided to conduct a public hearing into the allocation of the Melbourne-wide community licences in early May. On legal advice, the ABA has decided to defer the conduct of a public hearing until later this year,' said Professor Flint.

'It is regrettable that the ABA has had to defer the public hearing, as this will result in some delay in the allocation of the new Melbourne-wide and the Melbourne City community broadcasting licences,' said Professor Flint.

'However, we will now give priority to allocating the other five new sub-metropolitan

community licences planned for Melbourne which have not been affected by this matter, as well as new community licences for Geelong and Colac.'

Further details of the hearing will be advised by letter to all applicants and by public notice later this year.

Background

The ABA determined a licence area plan for Melbourne on 22 June 2000. The plan for radio in Melbourne contains details of all national, commercial, community and open narrowcasting radio broadcasting services that are available in these areas using the broadcasting services bands of the radiofrequency spectrum. These are the parts of the spectrum used by AM and FM radio services.

In the plan, the ABA made a number of community radio licences available, including licences for three high-power Melbourne-wide services and six sub-metropolitan services.

On 27 October last year, the ABA advertised for applications for the community radio licences. The ABA received 18 applications for each of the Melbourne-wide FM licences, and 13 applications for the Melbourne-wide AM licence. All but one of the applicants for the AM licence applied for both of the FM licences. Furthermore, eight applications were received for the Melbourne City licence. Seven of these applicants have also applied for the Melbourne-wide licences.

Community licences will be made available by means of a merit-based system.

Hearings

The ABA may hold hearings for the purposes of the performance or exercise of any of its functions or powers. In August last year, the ABA held a public hearing regarding the allocation of three Sydney-wide community radio broadcasting licences.