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## ABA allocates new non-broadcasting services bands commercial radio licence

The ABA has allocated a new commercial radio broadcasting licence to Worldaudio Communications Pty Ltd to cover the whole of Australia. The licence is restricted to means of delivery that do not use the broadcasting services bands.

Worldaudio Communications must commence its service within 12 months of being allocated the licence, or within a longer period as approved by the ABA.

The ABA allocates non-broadcasting services bands commercial radio licences on application under section 40 of the Broadcasting Services Act. Applicants must pay an application fee, currently \$2400.

### How was the licence allocated?

The broadcasting services bands is that part of the radiofrequency spectrum referred to the ABA for planning by the Minister for Communications, Information Technology and the Arts on which normal AM and FM radio services and free-to-air television services are provided.

Before allocating a section 40 licence the ABA must designate a particular area in Australia as the licence area of the licence. Designating a licence area allows the control provisions of the Act to be applied to the service.

### What is the intention of section 40?

The Broadcasting Services Act sets out significantly different regulatory regimes for commercial broadcasting services that use the broadcasting services bands and those that do not. The intention of the Act in establishing a lighter regulatory regime for non-broadcasting services bands services is to foster and encourage the intro-

duction of a range of new services using alternative technologies.

The reason for the different approaches is that licences for broadcasting services bands broadcasting services also entitle the licensee to radiofrequency spectrum to provide the service. Licences using the broadcasting services bands therefore allow use of a scarce and valuable public resource and because of this, broadcasting services bands licences are limited in supply and have considerable intrinsic value.

Two key areas of difference relate to the planning and allocation of licences for new services (other important provisions of the Act, such as the control provisions, apply to all commercial services, whether or not they are based in the broadcasting services bands).

The Act sets out detailed provisions with which the ABA must comply when planning new commercial services which use the broadcasting services bands. In addition, when the ABA makes a new broadcasting services bands licence available as an outcome of the planning process, it may only be allocated using a price-based allocation system (determined by the ABA under section 36 of the Act).

In contrast to this, there are no requirements in the Act for planning broadcasting services which do not use the broadcasting services bands, and licensing for these services is an 'over the counter' procedure. As a result, the number of non-broadcasting services bands commercial broadcasting licences is potentially unlimited, and hence they are likely to have a low intrinsic value.

## New community radio licence for Campbelltown

The ABA has allocated a new community radio licence for Campbelltown, New South Wales, to Macarthur Community Radio Association Incorporated (MCRA).

The service will broadcast on 100.3 MHz on the FM band. MCRA is currently broadcasting on that frequency under a temporary community broadcasting licence that expires on 31 March 2001. The permanent community radio licence will commence on 1 April 2001.

'The proposed service will add to the range and diversity of services in the Campbelltown region,' said Professor Flint. 'The applicant satisfied the ABA it would meet the existing and perceived future needs of the general community in the Campbelltown region.'

The ABA made this licence available after consulting with the people in the local community to seek their views on what additional broadcasting services were needed in their area.

The ABA sought applications for the new community radio licence in February 2000. MCRA was the only applicant for the licence.

The proposed service will provide programs that will cover a wide range of local issues, news, information and music that appeals to the many different community groups across the Campbelltown licence area.