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# ABA allocates first international broadcasting licences

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The category of international broadcasting applies to any service substantially targeted at audiences outside Australia, where the means of delivery is a radiocommunications transmitter located in Australia.

Before allocating international broadcasting licences, the ABA must ensure that applicants satisfy requirements in areas such as corporate status, the suitability of the applicant and the business record of controlling persons.

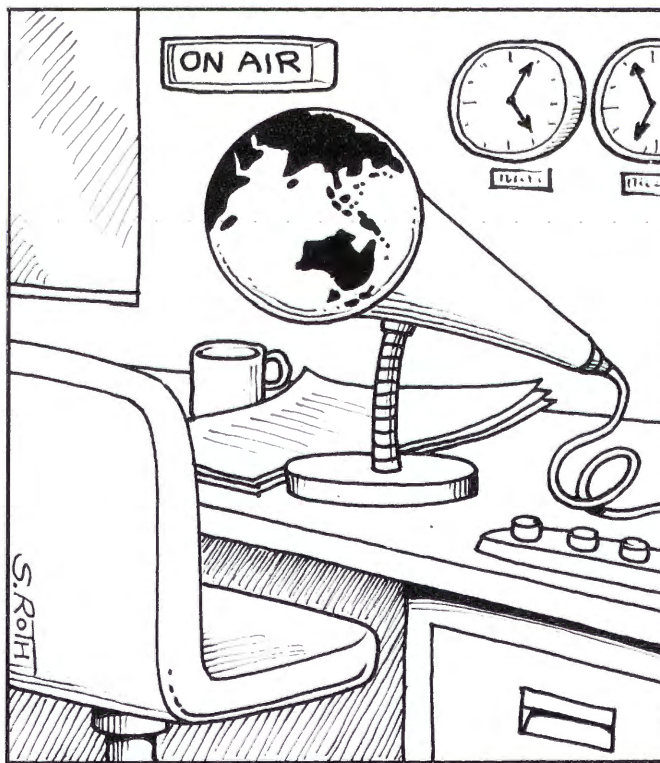
The Minister for Foreign Affairs, Alexander Downer is also required to consider whether an applicant's proposed international broadcasting service is likely to be contrary to Australia's national interest.

Applicants for international broadcasting licences commit to abide by the *Broadcasting Services (International Broadcasting) Guidelines 2000*.

'The International Broadcasting Guidelines are based on the transborder satellite television broadcasting principles developed by the Asia-Pacific Regulatory Roundtable,' said Professor Flint. 'Australia is a member of the Roundtable, and in discussions on the transborder principles, it was clear that any transborder broadcasts should meet the minimum standards of the country from which the broadcast is made, and the Guidelines reflect this approach.'

The Guidelines provide guidance on matters such as privacy and programs that might cause offence or hatred. In addition, they cover techniques such as the simulation of events in a way that is likely to cause alarm or is misleading, and subliminal perception. General guidance is also provided in relation to matter broadcast for children, including advertisements produced for children and promotions in children's programs. There is also a part that applies to news and current affairs.

The Guidelines contain principles applicable to programs,



including the accurate presentation of matter; representing opinions fairly; clearly distinguishing between factual material, simulation, and commentary and analysis; and treating with sensitivity images of, or interviews with, bereaved people and survivors and witnesses of traumatic incidents.

In addition, the Guidelines specify that programs should be impartial and balanced. Also, that warnings should be given before matter is broadcast if it is likely to offend or cause distress.

Christian Voice (Australia) Ltd proposes to deliver a range of programs including subjects



such as music, entertainment, news, health, education and general-interest programs alongside Christian training and teaching. Christian Voice will broadcast from the Cox Peninsula, near Darwin, with a footprint that includes Southeast Asia, India and China. Broadcasts will be in Hindi, Mandarin Chinese and English.

HCJB Australia will broadcast Christian services alongside a variety of news, music, lifestyle and documentary programming, from a purpose-built site near Kununurra, WA. HCJB proposes covering South Asia (Bangladesh, India, Pakistan and Sri Lanka) and the South Pacific (Fiji, New Zealand, Papua New Guinea and 'other island states'); with possible expansion to East and Southeast Asia at a later date.

### **International broadcasting licences**

The *Broadcasting Services Amendment Act 2000* amended the *Broadcasting Services Act 1992* and includes a new Part 8B, international broadcasting. This category applies to any service targeted, to a significant extent, to audiences outside

Australia, whose means of delivery uses a radiocommunications transmitter inside Australia. In allocating international broadcasting licences, the ABA must ensure that applicants satisfy the requirements set out in section 121 of the Act.

Section 121FP of the Act requires the ABA to formulate written guidelines relating to the international broadcasting services. The *Broadcasting Services (International Broadcasting) Guidelines 2000* commenced on 22 December 2000.

The Guidelines are an important part of the regulatory framework and are applicable in two instances:

(a) In allocating an international broadcasting licence, the ABA must, under section 121FB of the Act, provide a report to the Minister for Foreign Affairs on 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.

(b) The Minister for Foreign Affairs may, under section 121FM of the Act, direct the

ABA to prepare a report on whether a proposed international broadcasting service complies with the Guidelines.

The ABA also assesses whether the applicant meets the following criteria:

(a) application requirements (section 121FA);

(b) corporate status and suitability (section 121FB(1)(a));

(c) unsuitable applicant (sections 121FC and 121FB(1)(b));

(d) business record of controlling persons (section 121FC(2)(c),(d) and (e)); and

(e) compliance with the Guidelines (section 121FP(13.1)(1) and (2)).

Under section 121FA of the Act, the ABA is required, within 30 days of receiving an application for an international broadcasting licence, to present a report on the applicant to the Minister for Foreign Affairs. The report is intended to inform the Minister's deliberations on whether the applicant's proposed international broadcasting service is likely to be contrary to Australia's national interest; the Minister is required to provide a response within 60 days (Section 121FD).



### **International broadcasting licences**

**Those interested in applying for an international broadcasting licence must complete Form ABA 53. Transmission providers may apply for a Nominated Broadcaster Declaration and must complete Form ABA 54. These forms are available on the ABA website at [www.aba.gov.au/forms](http://www.aba.gov.au/forms)**

**The Broadcasting Services (International Broadcasting) Guidelines 2000 are on the ABA web site at: [www.aba.gov.au/what/broplan/international\\_guidelines.htm](http://www.aba.gov.au/what/broplan/international_guidelines.htm)**