



The ABA is proposing to impose additional conditions on open narrowcasting radio services by varying the class licence under which the services are provided.

New open narrowcasting conditions proposed

The ABA is proposing to impose additional conditions on open narrowcasting radio services by varying the class licence under which the services are provided.

Interested persons are invited to make submissions on the proposed conditions.

The proposed additional conditions will require certain providers of open narrowcasting radio services to give the ABA a statement explaining how their service meets the requirements for open narrowcasting services described in the *Broadcasting Services Act 1992* (the Act). The conditions will also require a similar statement to be given to the ABA if there is a significant change to the way in which a service is limited after having given the initial statement.

The proposed conditions will apply to anyone providing an open narrowcasting radio service under a high power licence (an 'HPON licence') and anyone providing an open narrowcasting radio service as a networked service.

Background

Open narrowcasting is one of three categories of free-to-air broadcasting services established by the Act; the other two are commercial broadcasting and community broadcasting.

Open narrowcasting services are provided under the class licence provisions of the Act. Class licences are standing authorisations which allow anyone to provide a broadcasting service as long as the person abides by the conditions applicable to the particular category of class licence. Individual broadcasting licences are not required by services provided under class licences. In October 1992 the ABA determined class licences for five categories of services, including open narrowcasting radio services (s.117 of the Act).

Open narrowcasting services are defined in s.18 of the Act as services whose reception is limited:

- (i) by being targeted to a special interest group; or
- (ii) by being intended only for limited locations, for example, arenas or

- business premises; or
- (iii) by being provided during a limited period or to cover a special event; or
- (iv) because it provides programs of limited appeal; or
- (v) for some other reason.

Only one of these criteria needs to be satisfied for a service to be an open narrowcasting service.

Open narrowcasting services and commercial broadcasting services

The open narrowcasting category is intended to encourage the development of niche broadcasting services that might otherwise not be available in a market, thereby increasing the overall diversity of free-to-air broadcasting services.

In contrast to commercial broadcasting services, open narrowcasting services are subject to relatively low levels of regulatory control. This reflects the regulatory policy in s.5 of the Act, which provides that different levels of regulatory control should be applied across the range of broadcasting services according to the degree of

influence that they are able to exert in shaping community views in Australia.

Commercial radio broadcasting services, on the other hand, which are intended to appeal to the general public, are presumed to exert more influence in shaping community views than open narrowcasting services and are consequently subject to higher levels of regulation.



Copies of the class licence and of the proposed conditions are available on the ABA's website www.aba.gov.au/radio/narrowcasting and may also be obtained from the ABA by contacting Gavin Oakes on (02) 9334 7810.