



The ABA has invited applications for a new commercial radio broadcasting licence to serve Gosford NSW, operating on 104.5 MHz on the FM band.

Applications open for Gosford commercial radio licence

The ABA has invited applications for a new commercial radio broadcasting licence to serve Gosford, NSW. The proposed service will operate on 104.5 MHz on the FM band.

The licence will be allocated in accordance with the price-based allocation system set out in the Determination made pursuant to section 36 of the *Broadcasting Services Act 1992* (the Act). Subject to the requirements of the Determination and the Act being satisfied, the licence will be allocated to the highest bidder at an auction-style licence allocation exercise. The reserve price for the licence is \$100,000.

The application period will close at midnight on Thursday 14 March 2002. Companies interested in applying for the available licence must purchase an information package titled *Price-based Allocation of Commercial Broadcasting Licences* from the ABA. The cost of the package is \$50.00 (inclusive of GST).

The information package explains how to apply for a licence, provides technical

specifications for the proposed service and contains copies of the forms to be completed by intending applicants. The package also contains details of the price-based system determined by the ABA, the conditions that apply to commercial broadcasting licences and other information relating to the licence area of the licence being offered for allocation.

Background

The new Gosford licence allocation follows the High Court decision on 20 November 2001 to dismiss with costs the special leave application filed by RG Capital Pty Limited (RG Capital).

RG Capital applied to the Federal Court of Australia on 3 October 2000, seeking judicial review of the ABA's decision to plan one new commercial radio broadcasting service in the Gosford licence area. A preliminary legal question, concerning whether a licence area plan (LAP) is a decision of a legislative or administrative character, was referred to the Full Court of the

Federal Court of Australia for determination. On 6 July 2001, the Full Court found in favour of the ABA. On 3 August 2001, RG Capital filed an application for special leave to appeal to the Court from the decision of the Full Court of the Federal Court.

The successful outcome before the High Court meant that the ABA was able to proceed with auctioning the new commercial radio licence in Gosford.

The application period will close at midnight on Thursday 14 March 2002.

The information package *Price-based Allocation of Commercial Broadcasting Licences* costs \$50.00 (inc GST) and is available by calling Gina Herro on (02) 9334 7827.

