



The ABA will only make channel 37 available for a trial if it is satisfied that an applicant has adequately demonstrated that it meets the relevant criteria in the Access and Compliance Statement for a trial community television service.

Call for expressions of interest to conduct a community television trial in Mt Gambier

The ABA has called for expressions of interest from groups interested in conducting a community television trial in Mt Gambier, South Australia.

The ABA is proposing to make UHF channel 37 available for 12 months for the trial. If the ABA decides to authorise a trial, the service will operate under an open narrowcasting television class licence and must be for community and educational non-profit purposes only.

An organisation called BushVision has already been in contact with the ABA seeking to trial community television for Mount Gambier.

'Community television can play a valuable role in meeting local needs, providing an outlet for innovative and niche programming and opening opportunities for enthusiastic volunteers to train in television production, programming and management,' said Ms Maddock.

The ABA will only make channel 37 available for a trial if it is satisfied that an applicant has adequately demonstrated that it meets the relevant criteria in

the Access and Compliance Statement for a trial community television service. If no applicant can adequately demonstrate such compliance, then no trial licence will be allocated for Mount Gambier.

The conduct of a community television trial does not mean there has been a decision to make spectrum available for a permanent community television licence in Mount Gambier. Such a decision would depend on a number of relevant factors, including whether the ABA is satisfied that a trial has been successful.

Trial community television

In 1992, the Government asked the ABA to conduct a trial of community television using the vacant sixth television channel (channel 31) in Australia. Community television trials have operated in some locations since 1994 under the open narrowcasting television 'class licence' for community and educational non-profit purposes.

Permanent community televi-

sion licences were allocated in Sydney, Melbourne, Brisbane and Perth in 2004. The ABA expects to make allocation decisions for a permanent community television licence in Lismore and Adelaide some time next year, bringing an end to all current community television trial licences.

The ABA has decided not to make additional community television licences available in areas where spectrum has not been planned. However, it may consider making licences using available analog channels in exceptional circumstances and on a case-by-case basis. This decision has been made primarily on the basis that analog channels are likely to be exhausted in most parts of Australia, including the more densely settled parts of regional Australia, following the introduction of digital television. The ABA is concerned that it may be difficult to commence and sustain a *bona fide* community television service in markets other than those where trials have already commenced,

which are generally the largest markets in Australia.

Who may operate a trial?

The ABA issues an apparatus licence to operate a trial community television broadcasting service on the condition that it be used only for community and educational non-profit purposes. The ABA must also be satisfied that the service will provide for participative management and programming practices.

It is desirable that the operator of the trial service be a company formed in Australia or an external territory (including companies limited by guarantee and incorporated associations) that represents a community interest, even though, under the *Radiocommunications Act 1992* an apparatus licence may be held by an individual.

What information will the ABA take into account when making a decision?

Expressions of interest will need to address in detail all of the



criteria in the Access and Compliance Statement. They will also need to include other relevant supporting documentation, including a business plan which demonstrates that the applicant has the necessary funds to commence and sustain a successful 12 month trial.

Access and compliance statement

Community television trials operate under the open narrowcasting television class licence. An open narrowcasting service is a service whose reception is limited in one of the ways identified in section 18 of the Broadcasting Services Act.

Class licences are not separately issued in the same manner as service licences (such as permanent community or commercial licences). However, to operate an open narrowcasting television service using the broadcasting services bands, a service provider must obtain, from the ABA, an apparatus licence (under the Radiocommunications Act).

A condition is placed on apparatus licences that they be used only 'to provide an open narrowcasting television service for community and educational non-profit purposes'. In exercising its discretion to issue apparatus licences to applicants proposing to provide trial community television services, the ABA will have regard to the following matters in order to determine whether a service is likely to comply with the licence condition:

- a. the capacity (management, technical and financial capacity) of the applicant to provide the proposed service, or to continue to provide the service
- b. the corporate structure and constituting documents of the



- applicant (i.e. is it profit-making?)
- c. the nature of any agreements, or proposed agreements, between the applicant and any third party
- d. the level of openness or non-exclusivity in membership and membership policy and the existence and fairness of any grievance mechanisms relating to membership exclusions
- e. the equity of access for members to programming air-time and the existence of structures including a grievance mechanism, designed to allocate air-time fairly
- f. the flexibility of the applicant's programming policy and format so as to allow new sources of programming to be incorporated
- g. the diversity and currency of programming to meet the needs of the local community and
- h. the right of the community to take part in a broad range of activities involved in the operation and management of the service.

Trial community television services are generally licensed to operate for 12 months. If at the end of a 12 month trial the ABA decides to extend the trial, it may require a trial operator to demonstrate continued compliance with the condition that the licence only be used 'to provide an open narrowcasting television service for community and educational non-profit purposes', and the matters set out in (a) to (h) above. ☐

To lodge an application

Those wishing to lodge an expression of interest should contact the ABA's Licensing Section on 1800 226 667 or (02) 9334 7700 for copies of the Mt Gambier information kit. General information is also available on the ABA's web site at <http://www.aba.gov.au/tv/licensing/community/trial.htm>

Closing date

Expressions of interest must be lodged before midnight on Friday 11 February 2005. The ABA will assess all expressions of interest on merit and only one licence will be issued. ☐

TPS revoked

The ABA has revoked those parts of the Television Program Standards (TPS) that applied to community television broadcasters.

The TPS were originally determined by the Australian Broadcasting Tribunal in 1989. In 1994, the ABA determined that certain TPS would continue to apply to community television licensees.

The TPS were replaced by the Community Television Industry Code of Practice, which was registered by the ABA on 23 September 2004.

The only TPS still in force following this revocation is TPS 23, relating to Australian content in advertising, which applies to commercial television licensees. ☐