



'The ABA has completed the allocation process for permanent community television licences in Sydney and Perth. Decisions about these licences were made after community consultation during the licence area planning and the allocation processes. The ABA also met with each of the applicants as part of the allocation process.'

Community television licences announced

On Thursday 18 March the ABA announced that Television Sydney (TVS) Ltd was the successful applicant for the community television licence for Sydney. However, on Friday 19 March, Community Television Sydney Ltd (CTS) lodged an application in the Federal Court to injunct the ABA's decision pending a review of the decision by the Court. The injunction was granted and then extended by consent prior to the hearing of the review on 25 March. The injunction was again extended by consent pending a decision in the matter by Sackville J. As the effect of the injunction was to stay the allocation decision the ABA was able to continue to make spectrum and an apparatus licence available to CTS during this period.

At the time of publication the decision of the Federal Court had not been handed down.

In the ABA's news release of 18 March announcing the community radio licence allocation for Sydney, Professor David Flint, ABA Chairman said, 'This is an exciting development for

Sydney and for the ABA as this licence, together with the community television licence in Perth, are the first permanent community television licences allocated by the Authority.'

'The ABA carefully considered all of the applications and came to the conclusion that TVS best fulfilled the criteria.'

'TVS proposes to broadcast a variety of innovative and diverse programs aimed at the general community in Sydney. The proposed programming is relevant to local communities, disenfranchised and minority groups, and people from non-English speaking and indigenous Australian backgrounds. The service also intends to focus on Australian content, issues of social justice and provide an open agenda for discussion.'

The ABA was pleased to note that in its application, TVS indicated that program providers to Community Television Sydney Ltd (CTS) (including the many ethnic groups that provide programming) would be welcome to join the TVS consortium partner SLICE TV and apply to broadcast programs

on the new service. The ABA expects TVS to make good on this commitment.

TVS' service offers the opportunity for the Sydney community to provide free programming either directly to the service or through its two current consortium members, the community member, Sydney Local Information Educational Television Inc. and the educational member, Education Training Community Television Ltd, which currently has two members, the University of Western Sydney and Metro Screen Limited. Supporters of the proposed service include the Australian Film Television and Radio School and National Institute of Dramatic Art.

The ABA received six applications for the licence, from: Christian City Church Sydney Ltd (CCCS), Community Television Australia Ltd (CTVA), Community Television Sydney Ltd (CTS), Multicultural Community Radio Association Ltd (MCRA), Television Sydney (TVS) Ltd, and Youth Television (Y?TV) Ltd.

The ABA found that four applicants, CCCS, CTVA, MCRA

and Y?TV, did not meet all the criteria for a community broadcasting service set out in the *Broadcasting Services Act 1992*.

In its assessment of TVS and CTS, the ABA found that the service proposed by TVS would better meet the existing and perceived future needs of a broader cross-section of the Sydney community than that proposed by CTS.

'This has been a particularly difficult decision for the ABA to make in view of the fact that CTS has been operating a trial community television service for many years,' said Professor Flint. 'The ABA acknowledges CTS' lengthy commitment to community television over the years. However, the Authority was of the view that TVS has demonstrated, to a higher degree than CTS, that it has established avenues through which members of the community may participate in the operations and programming of the proposed service.'

TVS is required to commence its service within a maximum one year from the date of allocation of the licence.

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'While there will obviously be some delay while TVS establishes its service, the ABA expects it to be on air as soon as possible and that once it is, every effort will be made to continue to meet the needs and interests of the ethnic communities that have been served by CTS,' said Professor Flint.

The ABA has asked TVS to report monthly on its progress.

Applications in Sydney

The ABA invited applications for the Sydney licence on 17 February 2003. Applications closed on 9 March, and copies of the applications were available for public viewing, from 26 May 2003, on the ABA's web site and in the City of Sydney Library. The ABA received five written submissions from members of the public about the applications.

Community television licences

In 1992, the Government asked the ABA to conduct a trial of community television using the vacant sixth television channel (UHF channel 31 in capital cities) in Australia. As the ABA did not have the power to issue temporary community television licences it made the channel available for fixed periods for non-profit community/educational open narrowcasting services. Community television services have been provided on a trial basis since 1994 under open narrowcasting class licences.

A review of the community television trial, conducted under Schedule 4 to the Broadcasting Services Act, was tabled in Parliament in June 2002. As a result of the issues raised in the review, the Act was amended in 2002. The new framework for community television licences introduced requirements aimed at improving the financial and management capacity and accountability of community television licensees. It also assists the revenue raising ability of the community television sector. The new measures are intended to balance the need for ongoing financial viability of the community television sector with the need to ensure that the sector maintains its community and not-for-profit nature.

A community television service must not be operated for profit or as part of a profit-making enterprise.

Allocation of community broadcasting licences

Part 6 of the Broadcasting Services Act provides for the allocation of community broadcasting licences.

The ABA uses a merit-based allocation process where applicants compete on the basis of merit for the licence. The process includes opportunity for the public to comment on applications received. The ABA must also have regard to:

- the extent to which the proposed service would meet the existing and perceived future needs of the community within the licence area of the proposed services and
- the nature and diversity of the interests of that community and
- the nature and diversity of other broadcasting services (including national broadcasting services) available within that licence area and
- the capacity of the applicant to provide the proposed service and
- the undesirability of one person being in a position to exercise control of more than one community broadcasting licence that is a broadcasting services bands licence in the same licence area and
- the undesirability of the Commonwealth, a State or Territory or a political party being in a position to exercise control of a community broadcasting licence.

Community TV licence allocated for Perth

The ABA has allocated a community television licence for Perth. The successful applicant, Channel 31 Community Educational Television Ltd (Access 31), will provide the service on channel 31.

'Access 31 has held several licences under the community television trial. The allocation of this licence should enable Access 31 to build on its achievements under the trial and further enhance its standing in the Perth community,' said Professor Flint. 'To date, Access 31 has provided a range of local community programs covering such issues as arts and culture, sport, education, ethnic and community information. The Perth community should look forward to a continuation of these local programs with Access 31 making a strong commitment to the provision of local programming.'

The ABA received five applications for the community television licence, from: Channel 31 Community Educational Television Ltd (Access 31), West TV Ltd (West TV), WA Media Group Ltd (WAMG), Community News TV Ltd (CNT) and Community Television Australia (CTVA).

The ABA found that four applicants, West TV, WAMG, CNTV and CTVA, did not meet the criteria for a community broadcasting service.

The ABA is of the view that Access 31 merits a licence on

the basis that it has demonstrated that its proposed service would meet the existing and perceived future needs of a broad cross-section of the Perth community.

'The ABA would like to acknowledge the commitment and experience of other applicants for the licence and hope that they continue to be involved in community television by working with Access 31,' said Professor Flint. 'The ABA would particularly like to acknowledge the active role taken by successive Western Australian governments during the community television trial.'

Access 31 is required to commence the service within one year from the date of allocation of the licence.

Applications in Perth

On 17 February 2003, the ABA invited applications for the community television licence in Perth. From 26 May 2003, copies of the applications were available, on the ABA's web site and in the State Library of Western Australia. The ABA received 15 written submissions from members of the public about to the applications.

