



Expression of interest for a new digital television service in Mildura

Mildura Digital Television Pty Ltd has expressed interest in providing a third commercial television service in the Mildura/Sunraysia licence area.

The Broadcasting Services Act provides for the allocation of an additional commercial television broadcasting licence to licensees in markets where there are two commercial television licences.

Mildura Digital Television Pty Ltd is jointly owned by the existing commercial television licensees in Mildura, WIN Television Mildura Pty Ltd and Prime Television (Victoria) Pty Ltd.

Mildura Digital Television Pty Ltd has 12 months to apply for the additional commercial television licence from the designated time of 19 January 2004, set by the ABA.

The proposed new commercial television service will cover the same area as the current licensees' existing television services.

Second commercial television licences

Section 38B Broadcasting Services Act streamlines the process of allocating a second commercial television licence to licensees in markets where there are two commercial television licences, as long as neither of the existing licences

was allocated under section 38A of the Act. The existing licensees may apply for a licence either as a joint venture company or separately.

Licence allocation

There are two steps in applying for a section 38B licence.

First, the existing licensees may give the ABA a single or joint 'written notice' stating that they will apply for an additional licence in the licence area within 90 days after the designated time for the licence area.

Second, the joint-venture company or single applicant may apply in writing to the ABA for an additional licence within 12 months after the designated time for the licence area.

In accordance with the legislation, the ABA must allocate an additional licence to a joint venture company under section 38B if the ABA is satisfied that the company is jointly owned by the existing licensees.

If the ABA receives applications from both of the existing licensees, it must allocate the licence under a price-based allocation system determined by the ABA.

If the ABA receives only one application from an existing licensee, it must allocate the additional licence to that licensee.



Investigation into adult satellite services

The ABA has released terms of reference for an investigation into 'adult services' being broadcast into Australia from overseas via satellite. The ABA has received complaints concerning the apparent availability of 'pornography' on these adult services.

'The broadcasting of program material that has been refused classification, or has been classified as 'X' by the Office of Film and Literature Classification is prohibited,' said Professor Flint. 'A formal investigation will enable the ABA to consider all relevant material and reach a view on whether there has been a breach of the Broadcasting Services Act.'

The 'adult services' being investigated include: Free-XTV and Backroom, Sexz.TV and BlueKiss.

The investigation will be conducted into the following matters:

- Into which category of broadcasting service, listed in section 11 of the Broadcasting Services Act, do these adult services fall?
- What person or persons provide these adult services?
- Do these services comply with the Broadcasting Services Act and any applicable licence conditions and codes of practice, or any international cooperative agreements, particularly with regard to program content?
- What action, if any, should the ABA take in relation to its findings on the matters listed in paragraphs (a) to (c) above?

The ABA will seek further information from service providers before finalising a report.

The terms of reference are available on the ABA web site, www.aba.gov.au.

