

NEW PROCEDURES FOR LICENCE RENEWALS

The *Broadcasting Services Act 1992* radically streamlined the process for the renewal of commercial and community broadcasting licences.

Sections 46 (commercial television/radio broadcasting) and 90 (community broadcasting) of the Act set out the circumstances in which the ABA may renew these licences. The Act replaces the previous costly and resource-intensive hearing process under the old regime with an automatic renewal system, except when the ABA has some doubt as to the suitability of the licensee. In these instances the ABA may conduct investigations or hearings.

Pursuant to the Act, the ABA must refuse to renew a licence if it decides that the licensee is not suitable, i.e. if it is satisfied that allowing a particular company to continue to provide a broadcasting service under a licence would lead to a significant risk of:

- (a) an offence against the Act or the Regulations being committed; or
- (b) a breach of the conditions of the licence occurring.

The criteria governing whether or not

a commercial broadcasting licensee is considered suitable to hold a broadcasting licence are set out in section 41(3) of the Act. This section provides that the ABA is to take into account such matters as:

- (a) the business record of the company; and
- (b) the company's record in situations requiring trust and candour; and
- (c) the business record of each person who is, or would be, if a licence were allocated to the applicant, in a position to control the licence; and
- (d) the record in situations requiring trust and candour of each such person; and
- (e) whether the company, or a person referred to in paragraph (c) or (d), has been convicted of an offence against this Act or regulations.

The Act heralds a change in emphasis from the regular assessment of a licensee at the time of renewal of its licence, to a regime where the ABA monitors the licence on an on-going basis. Having regard to the intention of the legislation the ABA has instituted greatly simplified li-

cence renewal procedures.

At a period of approximately six weeks prior to the date upon which a renewal application is due, a copy of the current Renewals Application Form and information about its lodgement will be forwarded to the licensee.

The licensee is required to complete this form and return it to the ABA at a period of *no later than 20 weeks* prior to the expiry of its licence. A licensee may choose to forward the application to the ABA prior to this 20 week period but not more than one year before the licence is due to expire.

In the case of a commercial radio licence the application form must be accompanied by a renewal fee (currently determined by the ABA to be \$200).

At the conclusion of each month the ABA will publish a notice in the *Australian Commonwealth Gazette* giving details of all the applications it has received during that month.

The licensee will be formally advised in writing, upon the ABA making a decision about the renewal of its licence.



NEW LISMORE FM RADIO SERVICE

Lismore residents will soon have a choice of commercial radio stations, following the recent decision of the Australian Broadcasting Authority ABA to grant a supplementary radio licence to Richmond River Broadcasters, licensee of radio 2LM.

Richmond River's successful application stated that the new FM service will be music-based and mainly targeted to listeners aged between 18 and 39. It envisaged that interruptions to the music (mainly adult contemporary and classic gold) will be minimised, apart from regu-

lar national news bulletins.

In its application for the licence, Richmond River Broadcasters also detailed its commitment to revamp 2LM's AM service format to complement the new FM service. The 2LM AM service will be altered to better serve the over-40 age group, and will adopt a news/talk/music program format with various initiatives in talkback and magazine programs.

In their report on the grant of the licence, ABA members Tim O'Keefe and Peter Webb said 'We note that Richmond

River Broadcasters has committed itself to operating two complementary commercial radio services in Lismore. These services will be tailored to appeal to the different listening habits and preferences of people aged both above and below 40, and which it considers will allow advertisers to target particular demographics more effectively than they are currently able to do'.

Richmond River Broadcasters has estimated it can start the new FM service within six months.

