



ABA seeks comment on proposed variations to Australian content standard

SYDNEY: The ABA is undertaking a process of public consultation on proposed variations to the Australian Content Standard and the Children's Television Standards which apply to Australian commercial television services.

The variations are being developed by the ABA in line with the recent Federal Court decision that the Australian Content Standard for commercial television is invalid in so far as it fails to be consistent with the Protocol on Trade in Services to the Australia New Zealand Closer Economic Relations Trade—Agreement (the CER Agreement).

The Court ordered that unless the ABA revokes or varies the standard to accord with the CER Agreement on or before 31 December 1996, the standard will be set aside with effect from that date. The ABA's appeal against the decision was heard by the full Federal Court on 1 November.

The court has reserved its decision and has granted a stay of the previous order which required the ABA to vary or replace the standard by 31 December 1996.

Pending the outcome of the appeal the ABA has drafted variations to implement the Federal Court decision and is seeking public comment on them concurrently with its appeal.

The ABA has invited interested parties to comment on the proposed variations and has prepared a brief information paper to assist submitters.

The Australian Content Standard for commercial television, which was implemented in January this year, requires the transmission of Australian made programs and minimum levels of Australian preschool programs, children's drama, adult drama, and documentaries.

Project Blue Sky, representing the New Zealand film and television production industry, challenged the validity of the standard on the basis that it was not determined in a manner consistent with Australia's obligations under the CER Agreement.

New community radio licences

SYDNEY: The ABA has advertised for applications for new community radio broadcasting licences in the Broome, Fitzroy Crossing, Halls Creek and Derby areas of Western Australia. One licence is available in each area.

'These are the first new community radio broadcasting licences to be offered in these areas under the ABA's new merit-based allocation system', said ABA Chairman Mr Peter Webb.

The Broadcasting Services Act says free-to-air community broadcasting service licences must be allocated on the basis of merit. In areas where there is only one applicant for a community broadcasting licence, the ABA need only decide if the applicant merits a licence.

When there is more than one applicant, the ABA may choose on the basis of comparative merit. Alternatively, applicants could combine to present a unified application.

'Allocation of new community broadcasting licences has begun in these areas as a result of the ABA's public planning process being finalised in this area,' said Mr Webb. 'The planning process determines how much spectrum is available for commercial, community and national (ABC, SBS) broadcasting purposes. Licences are being offered because the planning process identified a demand for a new community service that is operated by people living in the Broome, Fitzroy Crossing, Halls Creek and Derby communities,' he said.

Prospective applicants should obtain a copy of a free information booklet, *Allocation of Community Broadcasting Licences (Broadcasting Services Bands)*. The booklet also contains the application form, Form ABA 32, *Application for the Allocation of a Community Broadcasting Licence (Broadcasting Services Bands)*. For copies of the booklet and further information, call the Allocations and Renewals Section on (02) 9334 7711.

Applications on 16 December 1996.

New ABA guide to pay TV anti-siphoning rules

SYDNEY: The ABA has released a *Guide to Pay TV Anti-siphoning Provisions* which explains how the provisions work and sets out the ABA's monitoring role.

The anti-siphoning provisions empower the Minister for Communications and the Arts to list in a formal notice (known as the anti-siphoning list) events which should be available on free-to-air television for viewing by the general public.

The anti-siphoning list covers the period up until 31 December 2004 and contains sporting events within 11 different sports categories. The aim of the anti-siphoning list is to prevent these events from being siphoned off by pay TV to the detriment of free-to-air viewers.