



Full time licences for temporary community radio stations

AUSTRALIA: The ABA has allocated 20 full time temporary community broadcasting licences for periods of up to 12 months. The licences have been allocated to groups in Barham, Casino, Cobar, Deepwater, Lightning Ridge, Narrabri, Newcastle and Queanbeyan, New South Wales; Alexandra, Ballarat, Horsham, Mansfield, and Wangaratta, Victoria; Beaudesert, Brisbane, Dalby, Townsville and Yeppoon, Queensland; and Port Pirie, Tanunda, South Australia.

This ABA expects to allocate additional temporary community broadcasting licences shortly.

'The ABA is pleased to be able to facilitate these temporary community radio services which add diversity and localism to the mix of services in an area,' said Professor David Flint, ABA Chairman.

Some of the licensed groups will be able to offer a continuous full time service, while others may initially only be able to offer a part time service. The option is now there, however, for them to increase to a full time continuous service when they are able to do so.

The ABA was able to consider early applications from aspirant community radio broadcasters which operate in areas which met three criteria. The area must have a radio channel which is likely to be available for a new community radio service in the long-term. A temporary channel which does not cause interference must have been already identified and there must only be one applicant in that area.

The ABA will move shortly to open applications for temporary community broadcasting licences in all other parts of Australia, once it has finalised licensing policy details for markets where there is competition amongst aspirants or there is a scarcity of radio channels.

The ABA anticipates that there may be applications for up to a hundred and forty temporary services over the next three to six months from established and new aspirant community radio broadcaster. Temporary community broadcasting licences allow community radio services to be provided using temporary channels before the ABA finishes permanent licence area planning and allocates full-time licences.

High Court hearing on Australian Content Standard

CANBERRA: On 29 September 1997 the High Court heard an appeal about the validity of the ABA's Australian Content Standard for commercial television.

Project Blue Sky Inc., representing the New Zealand film and television production industry, sought leave to appeal following the judgment of the Full Federal Court handed down on 12 December 1996.

The Full Federal Court determined that the ABA been given the task of implementing two mutually inconsistent Parliamentary instructions, because of an irreconcilable conflict between the special provision to make Australian content standards for television and the general provision to act consistently with the Closer Economic Relations (CER) agreement with New Zealand.

The High Court reserved its decision.

ABA grants extension of time to CanWest

SYDNEY: On 2 October 1997, the ABA granted an extension of time to Canadian company CanWest Global Communications Corp. to remedy its breaches of the foreign ownership provisions of the Broadcasting Services Act. The extension is until 13 February 1998.

The ABA had power to grant an extension of up to six months from 3 October 1997 but decided that 13 February 1998 gave CanWest sufficient time to complete the agreement-in-principle reached between itself and Telecasters North Queensland Ltd (TNQ) announced on 11 September 1997.

'A key consideration in the ABA's decision to grant the extension was TNQ and CanWest executing a binding agreement to give effect to and implement the transactions necessary to complete the restructuring of TNQ and the Ten Group Ltd, which includes a public offering of shares,' said Mr Peter Webb, former ABA Chairman.

The ABA found in April that CanWest was in breach of the foreign ownership provisions of the Act by being in a position to exercise control of the Ten network television licences. The ABA issued a notice to CanWest requiring it to take action to remedy the breach by 3 October 1997.

The ABA has taken into account the endeavours made by CanWest to comply with the ABA's notice, in particular through its negotiations with TNQ. The additional time



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will allow the proposed sale of CanWest's excess company interests in Ten to a restructured TNQ to be completed. The ABA will examine the final transaction documents for compliance with the Act.

The breach must be remedied by midnight, 13 February 1998. No further extensions can be granted.

Investigations into program matters

CANBERRA: There were 49 breaches of codes of practice or licence conditions by broadcasters in 1996-97, according to the ABA's Annual Report tabled in Parliament on 29 October. Of the 49 breaches, 41 related to codes of practice, and 8 were breaches of licence conditions.

'Given the number of codes that are operational, the range of issues they cover and the number of broadcasting services that are covered by codes, the ABA does not consider the number of code breaches it has found to be indicative of any serious problem, either with the performance of broadcasters, or with the operation of the codes,' the report says.

'The issue which resulted in most code breaches was complaints handling,' said Ms Jonquil Ritter, ABA Manager, Codes and Conditions. 'Sixteen of the 41 code breaches related to complaints handling under the relevant industry sector's code of practice. The ABA is working with broadcasters to improve their handling of complaints and their responsiveness to audience concerns.'

Other matters to which code breaches related included accuracy and fairness in news and

current affairs, broadcast of distressing material, distinguishing program content from commercials, invasion of privacy, vilification and incitement of hatred and inappropriate depiction of sex and nudity. Of the 41 code breaches, 20 related to

commercial television services, 9 to commercial radio, 5 to ABC television, 2 to ABC radio and 5 to community radio.

The ABA completed 115 investigations into program related matters in the financial year 1996-97, some of which had carried over from

the previous year. Twenty nine investigations resulted in the ABA finding a breach or breaches had occurred. A total of 42 breaches were found as a result of completed investigations, as some investigations resulted in findings of more than one breach. The other 7 breaches were admitted by the broadcaster concerned while the ABA's investigation was in progress. The ABA found 46 breaches in the previous financial year.

ABA international relations program

SYDNEY: On 30 September 1997, the ABA released a booklet outlining its international program from 1992 to 1997.

'This booklet provides a chronicle of the ABA's international relations program and seeks to promote an understanding of the ABA's bilateral and multilateral activities,' said Mr Peter Webb, former ABA Chairman.

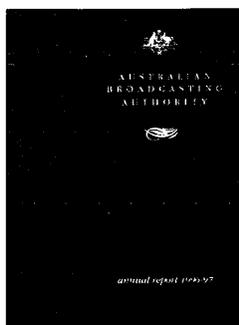
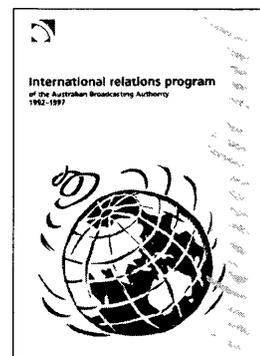
'This week provides an opportune time for its release as we have communications regulators from several countries, such as the Canadian Radio-television and Telecommunications Commission and the Korean Broadcasting Commission, attending the International Institute of Communications Annual Conference in Sydney,' Mr Webb said.

In releasing the booklet, Mr Webb acknowledged the rapid technological changes, coupled with communications and commercial operations, which are becoming increasingly multinational in nature.

'In such a context, international cooperation and regional collaboration on socio-economic and technological issues grow in significance. As regulators, we need to take account of, and be involved in, international developments while pursuing domestic policies,' Mr Webb said.

The ABA has played a lead role in several areas in relation to broadcast regulation, including digital terrestrial television, digital radio broadcasting, children's television and on-line services.

Copies of the publication, which is free, are available by calling (02) 9334 7700.



Copies of the ABA's Annual Report 1996-97 are free. Call (02) 9334 7700