



News Update

be allocated in accordance with the price-based allocation system set out in the *Commercial Broadcasting Licence Allocation Determination No.1 of 1995* made pursuant to section 36 of the *Broadcasting Services Act 1992*. Subject to the requirements of the Determination and the Act being satisfied, the licences will be allocated to the highest bidder at auction-style licence allocation exercises.

Only companies formed in Australia or an external territory with a share capital are eligible for these licences.

A separate application form must be completed for each licence applied for. All application forms must be accompanied by at least one completed form of authority (which authorises an agent to act on behalf of an applicant company at a licence allocation exercise) and a form of indemnity and guarantee (which is to be completed and executed by the applicant company and a director of the applicant company).

Applications must be received *before* Friday 31 October 1997. This means that: applications must be lodged by midnight on Thursday 30 October 1997

Applications must be lodged at:

Tender Box
Purchasing Australia
Department of Administrative Services
Level 7 - Tower 'A'
Zenith Centre
821 Pacific Highway
CHATSWOOD NSW 2067

For more information about these licences or to buy a copy of the information package from the ABA, please contact Leanne Smith on (02) 9334 7824 or Briget O'Brien on (02) 9334 7826.

Apart from satellite pay TV licences A and B, until 1 July 1997 the ABA was not permitted to allocate pay TV licences which used satellite as a means of delivery. Licences A and B were allocated in 1993 and allowed the provision of four services each.

BC TV Pty Ltd has been providing a service known as 'Fox Sports Two', a sports channel devoted to coverage of the Super League, via satellite. BC TV Pty Ltd is permitted to provide this service via satellite as long as it meets the criteria of a subscription television narrowcasting service and not a subscription television broadcasting service.

The ABA has found that 'Fox Sports Two' is a subscription television broadcasting service. The ABA reached this decision at the conclusion of an investigation into a complaint that the 'Fox Sports Two' service was not a narrowcasting service as defined in the Act. A narrowcast service is one which is limited in some way, such as providing programs of limited appeal or which appeal to a special interest group.

The ABA found that 'Fox Sports Two', which is devoted exclusively to Super League and which is transmitted on a non-continuous basis for approximately 30 hours per week, did not satisfy any of the criteria for a narrowcasting service as set out in the Act.

BC TV Pty Ltd was therefore found to be providing a subscription television broadcasting service without a licence and would be contravening section 132(1) of the *Broadcasting Services Act 1992* if it continued to provide the Fox Sports Two service without a licence to do so.

The ABA examined the share holding structure of the Star Vision Pty Ltd and found it complied with the foreign ownership provisions of the Broadcasting Services Act.

ABA finds Australis has been providing Super League pay TV services without a licence

SYDNEY: The ABA has found Australis Media Ltd subsidiary BC TV Pty Ltd has been providing a subscription television broadcasting service without a licence. As a result of this finding the ABA issued BC TV Pty Ltd with a notice directing it to cease providing the service without an appropriate licence.

Also, the ABA allocated 20 licences for pay TV broadcasting services to another Australis subsidiary, Star Vision Pty Ltd. Star Vision has indicated it intends to deliver the services, which include the Fox Sports Two service, via digital satellite broadcast throughout Australia.

ABA allocates pay TV licence to Continental Century

SYDNEY: The ABA has allocated a licence for a pay TV broadcasting service to Continental Century Pay TV Pty Limited.

Continental Century has indicated it intends to deliver the service, a lifestyle programming channel, via digital satellite broadcast throughout Australia.

'The ABA examined the share holding structure of the company and found it complied with the foreign ownership provisions of the Broadcasting Services Act', said Mr Peter Webb, ABA Chairman.