



**The ABA is proposing to impose new licence conditions on the three Sydney community radio licences that were allocated in May 2001.**

# Proposed new community radio licence conditions

The ABA is proposing to impose new licence conditions on the three Sydney community radio licences that were allocated in May 2001. The licences were allocated to Free Broadcast Incorporated (FBI), Gadigal Information Service Aboriginal Corporation (Gadigal) and Muslim Community Radio (MCR). If imposed, the conditions would require each licensee to provide the broadcasting service for community purposes and not to operate the service for profit or as part of a profit-making enterprise.

In making this proposal, the ABA is seeking to implement the recommendations of its investigation report earlier this year into two of the aspirants for Sydney community licences, Sydney Youth Radio Inc and Sydney Gay and Lesbian Broadcasters Inc.

Under section 15 of the *Broadcasting Services Act 1992* (the Act), two of the defining criteria of 'community broadcasting services' are that they must be provided for community purposes and must

not operated for profit or as part of a profit-making enterprise. These requirements are not automatically made conditions of a community broadcasting service licence. The investigation report recommended that they be imposed as conditions by the ABA.

Commercial exploitation of a community broadcasting service brings the risk that the service will tend to operate in the interests of the commercial activity rather than in the interests of the community that the association has been licensed to serve. In the ABA's investigation report, Sydney Youth Radio Inc was found to be an integral part of an enterprise relating to the production and sale of compact discs bearing the WILD FM name and logo and was therefore considered to have been operated as part of a profit-making enterprise.

'The proposed licence conditions would enhance the ABA's enforcement powers if the licensees were found, in the future, to be operating their broadcasting services for

commercial purposes instead of serving the communities they were licensed to serve,' said Professor David Flint, ABA Chairman.

The ABA has written to FBI, Gadigal and MCR to inform them of its intention to impose the licence conditions. The licensees have until 7 December 2001 to make representations to the ABA in relation to the proposal.

## **Background**

### **First licence condition**

The first licence condition would require the licensees to operate the broadcasting service for the purpose of serving the community that the licensee purported to represent at the time the licence was allocated. For FBI, this community is the youth, arts and 'emerging culture' community. In the case of Gadigal it is the Aboriginal and Torres Strait Islander community and in the case of MCR it is the Muslim community.

### **Second licence condition**

The second licence condition would require that the licensees not operate the service for profit or as part of a profit-making enterprise.

Section 15 of the Act defines community broadcasting services as broadcasting services that:

- (a) are provided for community purposes; and
- (b) are not operated for profit or as part of a profit-making enterprise; and
- (c) that provide programs that:

- (i) are able to be received by commonly available equipment; and
- (ii) are made available free to the general public; and
- (d) comply with any determinations or clarifications under section 19 in relation to community broadcasting services.

