



**Australian  
Broadcasting  
Authority**

# Allocation of four community radio broadcasting licences for Melbourne

A report of the Australian Broadcasting Authority on the allocation of three community radio broadcasting licences to serve the Melbourne-wide licence area and one community radio broadcasting licence to serve the Melbourne City licence area, including a report, pursuant to section 199 of the *Broadcasting Services Act 1992*, on hearings held in August 2001 in relation to the allocation of the licences.



**Australian  
Broadcasting  
Authority**

Report of the Australian Broadcasting Authority  
on the allocation of three Community Radio Broadcasting  
Licences to serve the Melbourne-wide licence area and  
one Community Radio Broadcasting Licence to serve the  
Melbourne City licence area.

including a report, prepared pursuant to s199 of the *Broadcasting Services Act 1992*, on hearings held in August 2001 in relation to the allocation of the licences

December 2001

ISBN 0 642 27039 2

© Commonwealth of Australia 2001

This work is copyright. Apart from any fair dealing for the purpose of private study, research, criticism or review, as permitted under the *Copyright Act 1968*, no part may be reproduced or transmitted, in any form, or by any means of process, without the written permission of the publisher.

Published by  
Australian Broadcasting Authority  
201 Sussex Street  
Sydney NSW 2001

Printed by Kwik Kopy, NSW

## CONTENTS

DECISIONS .....	8
CHAPTER 1: BACKGROUND .....	9
Melbourne Licence Area Plan .....	9
Commencement of the licence allocation process .....	9
CHAPTER 2: LEGAL FRAMEWORK.....	12
Objects & regulatory policy of the Act .....	12
Role of the ABA .....	12
Community broadcasting services under the Act .....	13
Application process.....	14
Allocation of community radio licences .....	14
Information gathering powers of the ABA.....	15
The reasoning process .....	16
Section 84(2)(b): nature and diversity of the interests of the community .....	16
Section 84(2)(c): nature and diversity of other broadcasting services (including national broadcasting services) available within the licence area.....	16
Section 84(2)(a): the extent to which the proposed service would meet the existing and perceived future needs of the community within the licence area .	17
Section 84(2)(d): capacity of the applicant to provide the proposed service .....	18
Section 84(2)(e): the undesirability of one person being in control of more than one community broadcasting licence that is a broadcasting services bands licence in the same licence area .....	19
Section 84(2)(f): the undesirability of the Commonwealth, a State or a Territory or a political party being in a position to exercise control of a community broadcasting licence .....	19
CHAPTER 3: ASSESSMENT OF THE APPLICANTS .....	21
MELBOURNE-WIDE LICENCES .....	21
Executive summary.....	21
Discussion of matters at s.84(a)-(d) .....	23
Nature and diversity of the interests of the community within the Melbourne-wide licence area.....	23
<i>Aboriginal and Torres Strait Islanders</i> .....	23
<i>Christian community</i> .....	24
<i>Country music community</i> .....	25
<i>Dance music community</i> .....	25

<i>Disadvantaged community</i> .....	25
<i>Gay, lesbian, bisexual and transgender community</i> .....	26
<i>General community who enjoy comedy recordings</i> .....	26
<i>Muslim community</i> .....	27
<i>Students</i> .....	27
<i>Youth</i> .....	27
Nature and diversity of other broadcasting services (including national broadcasting services) available within the Melbourne-wide licence area .....	28
<i>Aboriginal and Torres Strait Islanders</i> .....	28
<i>Christian community</i> .....	28
<i>Country music community</i> .....	29
<i>Dance music community</i> .....	29
<i>Disadvantaged community</i> .....	29
<i>Gay, lesbian, bisexual and transgender</i> .....	30
<i>General community who enjoy comedy recordings</i> .....	30
<i>Muslim</i> .....	30
<i>Students</i> .....	30
<i>Youth</i> .....	31
Capacity of the applicants to provide the proposed services .....	31
<i>Management capacity</i> .....	31
<i>Financial capacity</i> .....	42
<i>Technical capacity</i> .....	45
Extent to which the proposed services would meet the existing and perceived future needs of the community within the Melbourne-wide licence area .....	46
<i>Catholic Broadcasting Ltd</i> .....	46
<i>Hitz FM Broadcasters Inc</i> .....	46
<i>Joy Melbourne Inc</i> .....	48
<i>KISS FM Inc</i> .....	49
<i>Laughtertainment Community Radio Inc</i> .....	50
<i>New-Gen Radio Inc</i> .....	51
<i>Nu Country Music Radio Inc</i> .....	52
<i>Student Youth Network Inc</i> .....	53
<i>The South Eastern Indigenous Media Association Inc</i> .....	55
<i>The Victorian Muslim Community Information Service Inc</i> .....	56
<i>Triple Seven Communications Inc</i> .....	57
Conclusion .....	59
Which licence should be allocated to which successful applicant .....	67
Assessment of the applicants who failed to demonstrate sufficient capacity and/or a community need for the proposed service .....	67
<i>3AC Australian Melbourne Chinese Radio Inc</i> .....	67

<i>3CCFM Association Inc</i> .....	69
<i>Hot FM Current Chart Radio Inc</i> .....	71
<i>Melbourne Gospel Radio Inc</i> .....	72
<i>Radio 3SA Suburban Radio Inc</i> .....	74
<i>Showbiz Radio Inc</i> .....	75
MELBOURNE CITY LICENCE .....	77
Executive Summary .....	77
Discussion of matters at s.84(a)-(d) .....	78
Nature and diversity of the interests of the community within the Melbourne City licence area .....	78
<i>Country music community</i> .....	78
<i>Dance music community</i> .....	79
<i>Disadvantaged community</i> .....	79
<i>Gay, lesbian, bisexual and transgender community</i> .....	79
<i>General Community</i> .....	80
<i>Muslim community</i> .....	80
Nature and diversity of other broadcasting services (including national broadcasting services) available within the Melbourne City licence area .....	80
<i>Country music community</i> .....	80
<i>Dance music community</i> .....	81
<i>Disadvantaged community</i> .....	81
<i>Gay, lesbian, bisexual and transgender</i> .....	81
<i>General community</i> .....	81
<i>Muslim community</i> .....	82
Capacity of the applicants to provide the proposed service .....	82
<i>Management capacity</i> .....	82
<i>Financial</i> .....	87
<i>Technical capacity</i> .....	87
Extent to which the proposed services would meet the existing and perceived future needs of the community within the Melbourne City licence area .....	88
<i>Joy Melbourne Inc</i> .....	88
<i>KISS FM Inc</i> .....	89
<i>Melbourne Pulse Radio Inc</i> .....	90
<i>Nu Country Music Radio Inc</i> .....	91
<i>The Victorian Muslim Community Information Service Inc</i> .....	92
Conclusion .....	94
Assessment of the applicants who failed to demonstrate sufficient capacity and/or a community need for the proposed service .....	98

<i>3CCFM Association Inc</i> .....	98
<i>Central Melbourne FM Inc</i> .....	99
APPENDIX A Summaries of evidence received in relation to each applicant	102
APPENDIX B Census data relating to the Melbourne-wide licence area .....	155
APPENDIX C Census data relating to the Melbourne City licence area .....	157
APPENDIX D Existing broadcasting services in the Melbourne licence area	159
APPENDIX E Community Broadcasting Code of Practice .....	164
APPENDIX F Application for a community broadcasting licence (broadcasting services bands) Form ABA 32.....	171

## DECISIONS

Under Part 6 of the *Broadcasting Services Act 1992*, the Australian Broadcasting Authority has decided to:

- allocate community radio broadcasting licence SL1150694 (90.7 MHz) to Student Youth Network Inc for a period of five years commencing on 1 January 2002;
- allocate community radio broadcasting licence SL1150695 (89.9 MHz) to Triple Seven Communications Inc for a period of five years commencing on 1 January 2002;
- allocate community radio broadcasting licence SL1150722 (1503 kHz) to The South Eastern Indigenous Media Association Inc for a period of five years commencing on 1 January 2002; and
- allocate community radio broadcasting licence SL1150683 (94.9 MHz) to Joy Melbourne Inc for a period of five years commencing on 1 January 2002.

## REPORT OF HEARING

Pursuant to s199 of the *Broadcasting Services Act 1992* [the Act], if the ABA has completed a hearing it is obliged to prepare and publish a report setting out its findings as a result of the hearing.

Between 13 and 17 August 2001, the ABA conducted a hearing concerning the applications it received for the three available Melbourne-wide community radio broadcasting licences and the available Melbourne City community radio broadcasting licence.

This report contains the ABA's findings as a result of the hearing.

Australian Broadcasting Authority

18 December 2001

## CHAPTER 1: BACKGROUND

### Melbourne Licence Area Plan

On 22 June 2000, the Australian Broadcasting Authority [ABA] determined the radio Licence Area Plan [LAP] for the Melbourne area. The ABA made one Melbourne City and three Melbourne-wide community radio licences available for allocation in the LAP as follows:

<i>Service licence number</i>	<i>Frequency</i>	<i>Maximum ERP/CMF</i>
SL 1150694	90.7 MHz	56 kW
SL 1150695	89.9 MHz	56 kW
SL 1150722	1502 kHz	1.285 kW
SL 1150683	94.9 MHz	250 W

### Commencement of the licence allocation process

On 27 October 2001 the ABA invited applications for the above four community radio broadcasting licences. Twenty one applications were received. The 21 applicants, and the licences for which they applied in preferential order are:

- 3AC Australian Melbourne Chinese Radio Inc (SL1150694, SL1150695, SL1150722)
- 3CCFM Association Inc (SL1150694, SL1150695, SL1150722, SL1150683)
- Catholic Broadcasting Ltd (SL1150695, SL1150694, SL1150722)
- Christian Community Broadcasting Ltd (SL1150694\*, SL1150695\*)
- Central Melbourne FM Inc (SL1150683, SL1150694\*, SL1150695\*, SL1150722\*)
- Hitz FM Broadcasters Inc (SL1150695, SL1150694)
- Hot FM Current Chart Radio Inc (SL1150695, SL1150694)
- Joy Melbourne Inc (SL1150694, SL1150695, SL1150683)
- Kiss FM Inc (SL1150695, SL1150694, SL1150683)
- La Trobe Union Radio Inc (SL1150694\*, SL1150695\*, SL1150694\*, SL1150722\*)
- Laughtertainment Community Radio Inc (SL1150695, SL1150694, SL1150722)
- Melbourne Gospel Radio Inc (SL1150694, SL1150695, SL1150722)
- Melbourne Pulse Radio Inc (SL1150683)
- New-Gen Radio Inc (SL1150694, SL1150695)
- Nu Country Music Radio Inc (SL1150683, SL1150695, SL1150694)
- Radio 3SA Suburban Radio Inc (SL1150722)
- RPW Consultants Pty Ltd. (SL1150722\*)
- Showbiz Radio Inc (SL1150694, SL1150695, SL1150722)
- Student Youth Network Inc (SL1150695, SL1150694, SL1150683, SL1150722)

- The South Eastern Indigenous Media Association Inc (SL1150694, SL1150695, SL1150722)
- The Victorian Muslim Community Information Service Inc (SL1150694, SL1150695, SL1150722, SL1150683)
- Triple Seven Communications Inc (SL1150695, SL1150694, SL1150722)

\* Application later withdrawn

The application made by RPW Consultants Pty Ltd was withdrawn on the basis that the applicant organisation was neither an incorporated association nor a company limited by guarantee pursuant to s80(1) of the Act. Another application was lodged by Radio 3SA Suburban Radio Inc to replace RPW Consultants Pty Ltd's application.

The ABA invited written submissions from the public on the applications received. A number of submissions were received. Where submissions contained comments about a particular applicant, the ABA provided the applicant with a copy and invited their response to any of the issues raised. These submissions and any responses have been considered in the ABA's assessment of each applicant. All submissions and responses considered by the ABA were made available for public perusal on the ABA's website.

On 25 January 2001, the ABA decided to conduct a public hearing in May 2001 to assist it to make its allocation decision regarding the Melbourne licences. The hearing was then deferred in March 2001 pending the outcome of a legal challenge against the Melbourne LAP. Following the resolution of that matter, the ABA decided on 21 June 2001 to hold the hearing in August 2001. A panel, comprising the ABA Chairman, Professor David Flint (presiding), ABA Deputy Chair Ms Lyn Maddock and Mr Robert Le Tet, Member of the ABA, was appointed to conduct the hearing.

On 13 July 2001, the ABA sent a notice of hearing to each applicant. The ABA issued a direction to the applicants to attend a pre-hearing conference to finalise arrangements for the hearing. The conference was held in Melbourne on 27 July 2001 and was attended by all 19 applicants for the licences.

On 19 July 2001, the ABA placed an advertisement in the Melbourne press advising of the hearing and inviting members of the public to make written submissions to the ABA about matters to be considered at the hearing.

Prior to the hearing, Christian Community Broadcasting Ltd and La Trobe Union Radio Inc both withdrew their applications for all of the licences for which they had applied. Christian Community Broadcasting Ltd joined Triple Seven Communication Inc's application for the Melbourne-wide licences. Central Melbourne FM Inc also withdrew its application for the licences SL1150694, SL1150695 and SL1150722.

The hearing was held at the Melbourne Town Hall from 13 to 17 August 2001. Applicants were given until 31 August 2001 to make closing submissions in relation to their applications.

## CHAPTER 2: LEGAL FRAMEWORK

The ABA is an independent statutory authority established in 1992 under s154 of the *Broadcasting Services Act 1992* [the Act].

### **Objects & regulatory policy of the Act**

The objects of the Act, which are set out at s3, specify the outcomes Parliament intended from the regulation of broadcasting in Australia. They are designed to facilitate decision-making consistent with the regulatory policy of the Act and to guide its administration.

The objects relevant to this Report are:

- (a) to promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information;
- (e) to promote the role of broadcasting services in developing and reflecting a sense of Australian identity, character and cultural diversity;
- (f) to promote the provision of high quality and innovative programming by providers of broadcasting services.

The regulatory policy of the Act [s4] relevantly states that:

- (1) The Parliament intends that different levels of regulatory control be applied across the range of broadcasting services, datacasting services and Internet services according to the degree of influence that different types of broadcasting services, datacasting services and Internet services are able to exert in shaping community views in Australia.
- (2) The Parliament also intends that broadcasting services and datacasting services in Australia be regulated in a manner that, in the opinion of the ABA:
  - (a) enables public interest considerations to be addressed in a way that does not impose unnecessary financial and administrative burdens on providers of broadcasting services and datacasting services; ...

### **Role of the ABA**

In order to achieve the objects of the Act in a way that is consistent with the regulatory policy, the ABA has had conferred on it by Parliament [s5]:

- (1)(b) ...a range of functions and powers to be used in a manner that, in the opinion of the ABA, will:
  - (i) produce regulatory arrangements that are stable and predictable; and

- (ii) deal effectively with breaches of the Rules established by this Act.

The primary functions of the ABA [s158] relevant to this report are to:

- (b) to plan the availability of segments of the broadcasting services bands on an area basis; and
- (c) to allocate, renew, suspend and cancel licences and to take other enforcement action under this Act; and
- (d) to conduct investigations or hearings relating to the allocating of licences for community radio and community television services;...

### **Community broadcasting services under the Act**

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.

Under s123 of the Act, the community broadcasting sector is required to develop, in consultation with the ABA, a code of practice that is applicable to the broadcasting operations of the sector. The matters covered by the *Community Broadcasting Code of Practice* are the responsibilities associated with broadcasting to the community; complaints handling procedures; general programming guidelines; Australian music content; sponsorship; volunteers and conflict resolution. A copy of the *Community Broadcasting Code of Practice* is at Appendix E of this report.

Part 5 of Schedule 2 of the Act sets out the conditions which are applicable to services provided under community broadcasting licences. Amongst other conditions, clause 2 requires that the licensee will continue to represent the community interest that it represented at the time the licence was allocated, and must encourage members of the community that it serves to participate in:

- (i) the operations of the licensee in providing the service; and
- (ii) the selection and provision of programs under the licence.

## **Application process**

Section 80 of the Act requires the ABA to advertise for applications for community broadcasting licences which use the broadcasting services bands:

- (1) Where the ABA is going to allocate one or more community broadcasting licences that are broadcasting services bands licences, the ABA is to advertise, in a manner determined by the ABA, for applications from companies that:
  - (a) are formed in Australia or in an external territory; and
  - (b) represent a community interest.
- (2) The advertisements are to include:
  - (a) the date before which applications must be received by the ABA; and
  - (b) a statement specifying how details of:
    - (i) the conditions that are to apply to the licence; and
    - (ii) the licence area of the licence; and
    - (iii) any priorities that the Minister has, under subsection 84(1), directed the ABA to observe in the allocation of that licence or licences; can be obtained.
- (3) Applications must be in accordance with a form approved in writing by the ABA.

The ABA has developed ABA Form 32 for the purposes of licence applications. A copy of the ABA 32 completed by the applicants for the Melbourne licence allocation is found at Appendix F.

## **Allocation of community radio licences**

Section 84 of the Act states:

- (1) The minister may give directions to the ABA to give priority to a particular community interest or interests, whether generally or in a particular licence area, in allocating community licences that are broadcasting services bands licences.
- (2) In deciding whether to allocate a community broadcasting licence that is a broadcasting services bands licence to an applicant or to one of a group of applicants, the ABA is to have regard to:
  - (a) the extent to which the proposed service would meet the existing and perceived future needs of the community within the licence area; and
  - (b) the nature and diversity of the interests of that community; and
  - (c) the nature and diversity of other broadcasting services (including national broadcasting services) available within that licence area; and

- (d) the capacity of the applicant to provide the proposed service; and
- (e) the undesirability of one person being in a position to exercise control of more than one community broadcasting licence that is a broadcasting services bands licence in the same licence area; and
- (f) the undesirability of the Commonwealth, a State or a Territory or a political party being in a position to exercise control of a community broadcasting licence.

The Minister has not given directions to the ABA pursuant to subsection 84(1).

The ABA, in making its allocation decisions, took each of the matters set out in subsection 84(2) into account as well as additional relevant matters specified in this report. When determining other additional relevant matters, the ABA was guided by the scope and purpose of the Act.

The ABA has made separate comparative assessments of competing applicants for the Melbourne-wide and Melbourne City licences and decided which amongst the applicants will be allocated a community radio licence. The process has required the ABA to assess a wide range of evidence pertaining to those matters and to give appropriate weight to those matters.

### **Information gathering powers of the ABA**

The information gathering powers of the ABA are set out in Part 13 of the Act, which makes particular reference to the use of hearings and investigations, for the purpose of the ABA exercising its powers and functions under the Act.

Subsection 168(1) relevantly states that:

- (1) in informing itself on any matter relevant to its functions, the ABA:
  - (a) may consult with such persons, bodies and groups as it thinks fit, and may form consultative committees for that purpose;
  - (b) may conduct investigations and hold hearings; and
  - (c) may otherwise inform itself in any manner it thinks fit.

Section 169 of the Act states:

In making a decision on any matter, the ABA is not limited to a consideration of material made available through an investigation or hearing conducted in relation to the matter, but may take into account such other matters as it considers relevant, including the knowledge and experience of the members.

Division 2 deals with investigations. At section 170 it is stated that:

The ABA may conduct investigations for the purposes of the performance or exercise of any of its functions and powers

## **The reasoning process**

In the first place, the ABA made an assessment of the matters under paragraphs 84(2)(b), (c) and (d). The ABA did so because it took the view that the applicants' claims in relation to s.84(2)(a) should be considered in the context of the findings made by the ABA in relation to s.84(2)(b) to (d).

### **Section 84(2)(b): nature and diversity of the interests of the community**

The ABA understands 'community' in s.84(2)(b) to refer to the whole community within the licence area. The ABA considered the nature and diversity of the community within the Melbourne-wide and Melbourne City licence areas in order to assess the nature and diversity of the interests of the community.

The Explanatory Memorandum states that paragraph 84(2)(b)

... recognises that a community's needs generally are reflections of the nature of that community, and whether, and how well, the diverse interests in the community are served.

The ABA informed itself about the interests of the community from a variety of sources, including:

- the Census data set out at Appendices B and C;
- information provided by applicants for the available licences;
- information contained in the Melbourne LAP, and the draft Melbourne LAP and Discussion Paper;
- public submissions to the Melbourne community licence allocation process;
- ABA research monograph 8: *Youth and Music in Australia and Headbanging or Dancing*; and
- ABA study *Listening to the Listeners: Radio Research*.

### **Section 84(2)(c): nature and diversity of other broadcasting services (including national broadcasting services) available within the licence area**

The Explanatory Memorandum indicates that paragraph 84(2)(c)

... enables the ABA to consider the whole range of broadcasting services available in a licence area, to assess whether there is a need in a community which is not being served, and which may appropriately be served by a community broadcasting licence.

The ABA has had regard to the range of existing broadcasting services in the licence area. A list of broadcasting services currently provided in the Melbourne licence area is at Appendix D.

An understanding of the other broadcasting services currently available within the licence area helps the ABA to determine whether there are needs in the community which are not being met by these services and which may appropriately be served by new community broadcasting services.

**Section 84(2)(a): the extent to which the proposed service would meet the existing and perceived future needs of the community within the licence area**

The ABA is of the view that an assessment of an applicant's claims in relation to s.84(2)(a) is most appropriately made in the context of, amongst other things, the findings that the ABA has made in relation to s.84(2)(b), (c) and (d).

Accordingly, in making its assessment of the extent to which the proposed service will meet the existing and perceived future needs of the community within the licence area, the ABA had regard to:

- its findings in relation to the nature and diversity of interests of the community within the Melbourne-wide and Melbourne City licence areas; and
- its findings in relation to the nature and diversity of the other broadcasting services available within the Melbourne-wide and Melbourne City licence areas.

Having considered the nature and diversity of the interests of community and the existing services available to it, the ABA then made findings about the community interests that were not currently well served by services in order to make an informed finding about the existing and perceived future needs of the community within the Melbourne-wide and Melbourne City licence areas.

The ABA then considered in relation to each applicant:

- the community interest that each applicant claims to represent
- the evidence supporting the existence of the claimed community interest
- the claimed existing and perceived future needs of the community interest represented by each applicant
- the extent to which the community interest represented by the applicant is currently being served by existing broadcasting services
- the extent to which the community interest represented by the applicant will be served by the proposed service including:
  - evidence that the membership of the applicant company is representative of the community of interest nominated;
  - evidence that there is support for the proposed service within the community represented by the applicant, and the extent of that support;

- evidence that the applicant is appropriately structured to facilitate the access and participation of the community represented by it;
- evidence of the extent to which the applicant currently meets the needs of the community interest identified in the application;
- evidence of the extent to which the applicant will meet the needs of the community interest identified in the application in the future.

In relation to the meaning of 'future needs', the ABA has taken into account s91 of the Act, which deals with the circumstances in which the ABA must renew community broadcasting licences. Section 91 provides:

- (1) Subject to subsection (2), if the ABA receives an application [for renewal of a licence] under section 90, the ABA must, by notice in writing given to the licensee, renew the licence for a period of 5 years.
- (2) The ABA must refuse to renew a community broadcasting licence if the ABA decides the subsection 83(2) [the suitability provisions] applies to the licensee.
- (3) The ABA is not required to conduct an investigation or a hearing into whether a licence should be renewed.

The effect of s91 is that the ABA must renew community broadcasting licences except in the circumstances set out in s91. The ABA notes that pursuant to clause 9(2) of Part 5 of Schedule 2 of the Act, it is a condition of a community broadcasting licence that:

- (b) the licensee will continue to represent the community interest that it represented at the time the licence was allocated;
- (c) the licensee will encourage members of the community that it serves to participate in:
  - (i) the operations of the licensee in providing the service;
  - (ii) the selection and provision of programs under the licence ...

Nevertheless, the ABA has considered the extent to which applicants are likely to meet the perceived needs of the communities that they claim to represent for period beyond the five year terms of the licences.

**Section 84(2)(d): capacity of the applicant to provide the proposed service**

Before allocating a licence, the ABA must also be satisfied that an applicant has the capacity to provide the proposed service. It will become clear in the assessment of the applicants that there were a number of applicants who could demonstrate that their particular community interest was not well served, or indeed was not served at all by existing broadcasters, but they did not have the requisite capacity to provide their proposed service.

In determining the meaning of capacity, the ABA is guided by the Explanatory Memorandum. The EM indicates that the capacity to provide the service includes:

.... such matters as the management, financial, and technical resources available to an applicant for the purposes of the proposed service.

#### Management capacity

The ABA's consideration of the management capacity of the applicant has included assessment of such matters as the organisational structure of the applicants, whether the applicants provide for the participation of their communities in the operation and programming of the proposed services and their ability to comply with the licence conditions applicable to a community broadcasting service.

#### Financial capacity

The ABA's consideration of the financial capacity of the applicants has included an assessment of matters such as: the applicants' estimates of the funds required to set up, and to continue to provide, the proposed service; the current and future source of funds; and any plans the applicants have for dealing with shortfalls in expected funding.

#### Technical capacity

The ABA's consideration of the technical capacity of the applicants included an assessment of the applicants' capacity to meet the technical requirements for operating a community broadcasting service.

In assessing the applicants' technical capacity to provide the proposed service, the ABA considered the technical experience or expertise in radio broadcasting of members or employees, and the access that the applicant has to other organisations or technicians able to provide technical advice or undertake technical work.

#### **Section 84(2)(e): the undesirability of one person being in control of more than one community broadcasting licence that is a broadcasting services bands licence in the same licence area**

The ABA has had regard to whether, if the licence were allocated to an applicant, either the applicant or a person who is in a position to exercise control of the applicant, would be in a position to exercise control of more than one community broadcasting licence in the same licence area.

#### **Section 84(2)(f): the undesirability of the Commonwealth, a State or a Territory or a political party being in a position to exercise control of a community broadcasting licence**

The Explanatory Memorandum states that paragraph 84(2)(f):

... is intended to prevent community licences becoming mere political 'tools' for vested political interests or parties.

'Political party' is defined in s.6 of the Act to mean:

... an organisation whose objects or activities include the promotion of the election of candidates endorsed by it to a Parliament;

The ABA is satisfied that there are no issues concerning any of the applicants in relation to the matters set out in paragraphs 84(2)(e) or (f).

Having regard to the significant extent to which SEIMA expects to be funded by ATSIC, and without deciding whether ATSIC is an emanation of the Commonwealth, the ABA considered whether the Commonwealth, through ATSIC, was, or could be, in a position to exercise control over any broadcasting licence allocated to SEIMA.

At the licence allocation hearing, SEIMA gave evidence that it deals with the regional council in relation to funding as opposed to ATSIC. Based on the evidence provided, the ABA is satisfied that the relationship between ATSIC and SEIMA would not place ATSIC in a position to exercise control over any broadcasting licence allocated to SEIMA.

## CHAPTER 3: ASSESSMENT OF THE APPLICANTS

### MELBOURNE-WIDE LICENCES

#### **Executive summary**

The ABA has assessed the claims of each applicant for the three Melbourne-wide community broadcasting licences. A summary of the claims of each of the applicants is set out at Appendix A.

The ABA found that the following six applicants did not demonstrate sufficient capacity and/or community need to provide the proposed services within the meaning of s.84(2)(d):

- 3AC Australian Melbourne Chinese Radio Incorporated (3AC)
- 3CCFM Association Incorporated (3CCFM)
- Hot FM Current Chart Radio Incorporated (Street FM)
- Melbourne Gospel Radio Incorporated (MGR)
- Showbiz Radio Incorporated (Showbiz)
- Radio 3SA Suburban Radio Incorporated (3SA)

The ABA's reasons in relation to these applicants are set out at pages 68-77.

There were eleven remaining applicants in respect of which the ABA was satisfied both:

- as to their capacity to provide the proposed service; and
- that the proposed service would meet the existing and perceived future needs of the community within the Melbourne licence area.

Those eleven applicants, and the communities each claims to represent, are:

<b>Applicant</b>	<b>Community</b>
Catholic Broadcasting Ltd (CBL)	Catholic community
Hitz FM Broadcasters Inc (Hitz FM)	Youth aged 12-30
Joy Melbourne Inc (JOY)	Gay, lesbian, bisexual and transgender community
KISS FM Inc (KISS FM)	General community who enjoy dance music and its associated cultures
Laughtertainment Community Radio Inc (Laugh Radio)	General community who enjoy listening to comedy recordings
New-Gen Radio Inc (New Gen)	Youth up to 30 years with a particular emphasis on the 13-21 age group
Nu Country Music Radio Inc (Nu Country)	Country music, disadvantaged and health for living communities
Student Youth Network Inc (SYN FM)	Students and youth with a focus on the 12-24 age group
The South Eastern Indigenous Media Association Inc (SEIMA)	Aboriginal and Torres Strait Islander community
The Victorian Muslim Community Information Service Inc (VMCIS)	Muslim community
Triple Seven Communications Inc (Triple Seven)	Christian community embracing the broader Christian tradition

A discussion of the relative merits of these applicants is set out below.

Having considered the relative merits of the eleven outstanding applicants, and having regard to the matters set out in s.84(a) to (d), the ABA has decided to allocate the three licences in the following manner:

<i>Service licence no.</i>	<i>Frequency</i>	<i>Maximum ERP/CMF</i>	<i>Successful applicant</i>
SL 1150694	90.7 MHz	56 kW	Student Youth Network Inc
SL 1150695	89.9 MHz	56 kW	Triple Seven Communications Inc
SL 1150722	1503 kHz	1.285 kW	The South Eastern Indigenous Media Association Inc

#### **Discussion of matters at s.84(a)-(d)**

##### **Nature and diversity of the interests of the community within the Melbourne-wide licence area**

The ABA, in assessing the interests of the community, relied on evidence before it as to the size of the various interest groups within the licence area. Generally, in the absence of current research as to what community interests are, the ABA has accepted the submissions provided to it as to the nature of community interests.

The ABA acknowledges that not all members of those interest groups have the same interests, and there may be a significant cross-over of interests between different interest groups, particularly in relation to music.

At Census 1996, the total population of the Melbourne-wide community radio broadcasting licence area was 3,163,812. The Australian Bureau of Statistics [ABS] estimated that at 30 June 1999, the population for the Melbourne Statistical Division (an area slightly smaller than the Melbourne licence area) was 3,417,200.

##### **Aboriginal and Torres Strait Islanders**

According to the 1996 Census, the Aboriginal and Torres Strait Islander population in the Melbourne metropolitan area was 10,796 people or 0.34% of the total population.

SEIMA claims that the size of the Aboriginal and Torres Strait Islander population is greater than the Census figure due to the number of people who may not choose to identify as such in the Census. SEIMA states that although these people may not identify as Indigenous, they may still have an interest in, or require knowledge regarding, their ancestry and culture.

The ABA notes that the ABS supports this view. The ABS found that the number of people who reported being of Indigenous origin in Australia increased by 28.4% between 1991 and 1996. As a proportion of Victoria's population, this represented an increase from 0.4% to 0.5% in Victoria. The ABS has projected the Indigenous population in Victoria in 2001 at 24,586. Given that the Indigenous population of Melbourne comprises approximately half of the total Victorian Indigenous population, the ABA estimates the Indigenous population in Melbourne at approximately 12,000 in 2001.

The ABA notes, however, that the Census size of the Indigenous community does not necessarily reflect the true listening audience of an Indigenous radio service. The ABA's 1994 report entitled *Listening to the Listeners – Radio Research* found that interest in receiving an Indigenous radio service by people who perceived that they did not have access to one already was 2.0% in Melbourne, or 63,276 people in the Melbourne licence area.

### ***Christian community***

Triple Seven proposes to serve the broader Christian community embracing churchgoers, non-churchgoers and those interested in spirituality. CBL proposes to represent the Catholic community.

The 1996 Census indicates that 2,078,582 people identified as Christian in the Melbourne-wide licence area, or 65.7% of the licence population. The main Christian denomination was Catholic comprising 952,674 persons or 30% of the Melbourne population. The other main Christian denominations include Anglican (23%), Orthodox (9%), Uniting Church (8%) and Presbyterian (5%).

There is currently no full time Christian broadcasting service in Melbourne. Most existing religious programming is confined to Sundays, or late evening/early morning time slots.

Triple Seven refers to a survey conducted by NCLS Research in conjunction with Edith Cowen University of 8,500 respondents, which found that 438,047 Australian adults over 18 years (or 14% of the Melbourne licence area population) attended a service of worship at a Christian church at least monthly. Triple Seven claims that if children under 18 years were included church attendees are estimated to be 580,000. The study also found that 32% of Australians say spirituality is very important and 34% say it is important to them.

The ABA notes, however, that the Census size of the Christian community does not necessarily reflect the true listening audience of a Christian radio service. The ABA's 1994 report entitled *Listening to the Listeners – Radio Research* found that interest in receiving a Christian radio service by people who perceived that they did not have access to one already was 2.3% in Melbourne, or 72,767 people in the Melbourne licence area.

### ***Country music community***

Nu Country claims to represent the country music community in Melbourne. It provided evidence from a survey conducted by the Country Music Association of Australia (CMAA) in 2001 of 1,022 respondents regarding the size of its community.

The CMAA found that 32% of Australians enjoy listening to country music, which placed it as the third most popular music in Australia slightly behind classical, with pop/rock being the first. The survey also revealed that 18% nominated country music as their favourite type of music. Of those who enjoy listening to country music, 27% live in metropolitan areas.

The survey also revealed that 52% of those who enjoyed listening to country music felt that there was not enough played on the radio and 33% would listen to the radio if more of this style of music was played.

### ***Dance music community***

KISS FM has described the community that it proposes to serve as the general community in Melbourne who love dance music and want to be informed about its associated cultures, including fashion, art and technology.

KISS FM indicated that it is difficult to accurately estimate the size of its audience. It provided details of dance party attendances, CD sales and circulation of weekly dance music oriented street press as an indication of the growth of interest in dance music.

A case study of a Tribe Dance party conducted in March 2000 reveals that 16,000 people attended. KISS FM predicted that this figure will increase to in excess of 20,000 in 2001. KISS FM provided a newspaper quote from a record company, Shock Records, which indicated that dance music comprised over 50% of its CD sales in 2000. In regard to dance music street publications in Melbourne, KISS FM provided the following details: Zebra Magazine (circulation of 33,000 copies per week), Play Magazine (circulation of 32,000 copies per week), TRM (circulation of 20,000 copies per month) and the recently launched magazine Revolution.

### ***Disadvantaged community***

Two of the eleven remaining applicants claim to represent the disadvantaged community in Melbourne. Triple Seven proposes to serve welfare recipients and those who use welfare organisations. Nu Country claims to focus on the unemployed, isolated, volunteers, Indigenous and welfare recipients.

The 1996 ABS Census indicates that the income level of over one million people in Melbourne was under \$300 per week. ABS data reveals that approximately half of these people were in receipt of a pension (aged, wives, carers, disabled or sole

parent) in 1997. The 1996 Census indicates that there were 139,386 unemployed in Melbourne or 5.7% of the total population.

Triple Seven points out that the survey conducted by NCLS Research revealed that 45.9% of the Australian adult population had used a welfare organisation either for themselves or on behalf of a close relative and of these, almost half were run by a church or religious organisation.

### ***Gay, lesbian, bisexual and transgender community***

There is no Census data available on the size of the gay, lesbian, bisexual and transgender (GLBT) community in Melbourne. The ABA accepts that there are social factors which make it difficult to accurately assess the size of the community in the Melbourne licence area that JOY claims to represent.

JOY stated that the gay and lesbian community is difficult to quantify with a high degree of precision. JOY cites the Kinsey Report of 1953 as being a widely acceptable indicator. Kinsey stated that the proportion of the population that identifies as gay and lesbian is between 7-10%. JOY states that to date there has been no completed population-based studies of sexual practices undertaken in Australia, and that the figures of 10% males and 6% females have been used as general indicators of the prevalence of gay and lesbian people in western countries. Therefore, JOY estimates the size of its community of interest to be approximately 316,000 people (9.98%) in the Melbourne area. Moreover, JOY estimates that its community aged 18 years or above is 249,971 persons. (This estimate is based on a 9.5% prevalence rate of same-gender sexually active adults, and an estimated population in the Melbourne licence area of 3,466,743 people as at 30 June 2000). JOY states that its community is fluid in that it is comprised of those overlapping constructs that engage with the gay community, self-identify as gay, or are same-gender sexually active.

JOY claim that there is a sizeable community due to the extensive network of gay and lesbian community organisations throughout the Melbourne metropolitan area, an estimated attendance in excess of 100,000 at the annual Midsumma Gay and Lesbian festival, and the estimated 50,000 participants in the Annual Pride March.

On the basis of the evidence before it, the ABA accepts that the gay, lesbian, bisexual and transgender community within the Melbourne licence area is of a significant size.

### ***General community who enjoy comedy recordings***

Laugh Radio claims to represent the general community who enjoy listening to comedy recordings by past and present performers, local performers and creators of original comedy material.

Laugh Radio estimates the size of its audience at approximately 100,000 based on the results of an independent telephone survey conducted of 1,280 respondents over

15 years of age. The survey found that 1% or 28,771 of all 30 main radio station listeners tuned into Laugh Radio during the seven day survey period, whether or not it was the main station they listened to.

However, at the licence allocation hearing, Laugh Radio also estimated the size of its community at approximately between two to three million people on the basis that most of the general population in Melbourne, except the very young and hearing-impaired, enjoys comedy. Laugh Radio did not provide any evidence to support this estimate.

### ***Muslim community***

ABS data from the 1996 Census indicates that about 63,727 people, or about 2% of the total Melbourne population, identified as Muslim. There was approximately a 0.4% increase in the Muslim population in Melbourne between 1991 and 1996. Based on this increase, the ABA projects that the Muslim population would increase to approximately 76,382 persons in 2001.

VMCIS claims that the number of Muslims in Melbourne is actually higher due to some people being reluctant to declare their religion as Islam. The ABS accepts that this may be so in some cases.

The ABA notes that Muslims living in Melbourne come from many countries. Their birthplaces include Australia, Lebanon, Egypt, Turkey, Iran, Iraq, Pakistan, Afghanistan, Bangladesh, Indonesia, Malaysia, Fiji and Bosnia-Herzegovina.

### ***Students***

SYN FM claims to represent students and youth with a focus on the 12 to 24 year old age group.

According to the 1996 ABS Census, 220,169 people, or 7.3% of Melbourne's population, attended secondary school; 79,855 people (2.7%) attended TAFE; and 143,798 people (4.8%) attended a university or other tertiary institution. The 1996 Census also indicates that in Victoria there was an 86.9% participation rate in education for the 12 to 17 age group, 34.3% for the 18 to 25 age group and 5% for people aged over 26 years.

Based on the participation rates in education in Victoria and the size of the 15 to 24 year old age group in Melbourne (498,178 persons), SYN FM estimates the size of its community at about 293,925 persons, or 9.3% of Melbourne's total population.

### ***Youth***

SYN FM, Hitz FM and New-Gen all claim to represent Melbourne's youth.

ABS data from the 1996 Census indicates that 642,784 people, or about 20% of the total Melbourne population, were aged between 0 and 14 years; 474,948 people (15%) were aged 15 to 24; and 265,041 people (8.4%) were aged 25 to 29.

As at 30 June 1999, the ABS estimated that the 0 to 14 year old age group increased to 661,742, the 15 to 24 year old age group increased to 498,178, and the 25 to 29 year old age group increased to 294,408.

### **Nature and diversity of other broadcasting services (including national broadcasting services) available within the Melbourne-wide licence area**

A list of broadcasting services currently available within the Melbourne licence area is at Appendix D of this report.

#### ***Aboriginal and Torres Strait Islanders***

There is very limited programming catering to the needs of the Aboriginal and Torres Strait Islander community in Melbourne. SBS radio provides three hours of Aboriginal programming per week: one hour each on Mondays, Wednesdays and Fridays.

ABC Radio National broadcasts the one hour program *Awaye!* each Friday and Saturday and ABC radio station 702 broadcasts the national Indigenous program *Speaking Out* for one hour each Sunday night. Community radio station 3CR broadcasts nine to ten hours of Indigenous programming each week, which is provided by SEIMA.

ABC television broadcasts a weekly Indigenous program *Message Stick* at 1.00pm on Sundays and SBS television broadcasts a weekly Indigenous program *ICAM* at 7.30pm on Thursdays, followed by the 30 minute *Mary G Show*.

#### ***Christian community***

There is no permanent Christian community broadcasting service in Melbourne.

During a random week, there were 21.75 hours of religious programming broadcast on national, commercial and community radio services in Melbourne. Of this figure, 14.25 hours were broadcast on Sunday. This programming however, may not necessarily be Christian.

ABC Radio National broadcasts six hours (*Encounter, Spirit of Things, Religion Report*), community service 3RPH broadcasts 5.75 hours (*Insight for Living, Hour of Power, Crossway Baptist Church service, Christian Science Lecture, Face to Face Lutheran Radio*), commercial service 3AK broadcasts three hours (*Nightside with Mal Garvin*), commercial service 3UZ broadcast three hours (*The Family Counsellor*), ABC FM broadcasts one and a half hours (*For the God Who Sings*), commercial service 3AW broadcasts one hour (*Crossways*), national service 3LO

broadcasts one hour (*Evenings with John Cecil*), and community service 3MBS broadcasts *Hymns Old and New* for half an hour.

There were 18 hours of religious programming broadcast in a random week on national, commercial and community television services with six hours broadcast on Sunday. The majority of religious television programs are scheduled in very early morning on ATV10, many of which are American based (*Mass for you at home, Hillsong, Life in the Word, Kenneth Copeland, Life Today, This is YourDay with Benny Hinn, Randy Morrison, Key of David, Hour of Power, Marilyn Hickey*). ABC programs include *Songs of Praise, Compass*, GTV9 broadcasts *World View*, and temporary community television service Channel 31 broadcasts *God's Food, David Boskie Ministries, Living Word* and *Baptist Church*.

#### ***Country music community***

There is no broadcasting service in Melbourne devoted solely to country music.

Country music programs provided on radio broadcasting services in Melbourne include nine hours per week on 3CR, two and a half hours on 3PBS, two hours on 3RRR, four hours on ABC 3LO and two hours on ABC 3RN. A number of sub metropolitan local area community broadcasters also include some country music programs, most notably 12 hours every Sunday on 3WRB.

#### ***Dance music community***

There is no broadcasting service in Melbourne devoted solely to dance music.

Weekly broadcasting services that provide specific dance music programs in Melbourne include 28.5 hours on 3PBS, at least five hours on 3RRR, five and a half hours on 3CR, and nine hours on 3JJJ. 3PBS has advised the ABA that 11 out of 13 of its dance music programs are different to those broadcast by KISS FM.

Dance music is also played at various times during general programs on 3RRR and on commercial broadcasters FOX FM and MIX FM. Pay TV provider Foxtel broadcasts a dance music program four times a week.

Dance music street publications in Melbourne include Zebra Magazine, Play Magazine, TRM and Revolution.

#### ***Disadvantaged community***

Melbourne-wide community broadcaster 3CR specifically aims to represent marginalised groups in Melbourne, including the unemployed, and addresses issues of social justice. This service is predominantly talk (75%). Melbourne-wide community broadcaster 3RPH provides a service that specifically aims to represent people with a print disability.

### ***Gay, lesbian, bisexual and transgender***

There is currently no broadcasting service in Melbourne devoted solely to the needs of the GLBT community. The only local media that specifically serves this community are two free weekly newspapers.

Programs provided for the GLBT community on other broadcasting services in Melbourne include two and a half hours per week on community broadcaster 3CR and a small amount of programming on community television station Channel 31.

JOY provided evidence that indicates only 0.5% coverage of GLBT issues in the Victorian media in a six month period.

### ***General community who enjoy comedy recordings***

There is currently no broadcasting service in Melbourne devoted solely to the needs of the general community who are interested in comedy in Melbourne.

Laugh Radio claims that the total weekly component of 11 Melbourne sub metropolitan community radio services is five and a half hours or 0.4%. In regard to commercial radio, Laugh Radio claims that the only comedy broadcast is occasional 30 second excerpts of current stand-up performers and live conversational banter.

Laugh Radio claims that the type of comedy broadcast on national and commercial television services such as sitcoms and satire programs, is different to that offered on Laugh Radio, which focuses on stand-up comedy, sketches and humorous songs.

The ABA is not aware of any other radio or television programming that focuses on comedy recordings.

### ***Muslim***

There is currently no broadcasting service in Melbourne devoted solely to the needs of the Muslim community.

There is however, 45 hours per week of regular language programming in Arabic, Turkish, Bosnian, Syrian, Lebanese, Iraqi and Oromo on the two SBS FM radio services and on community radio broadcasting service 3ZZZ. The ABA notes that these programs are not necessarily Islamic.

### ***Students***

Melbourne-wide community broadcaster 3RRR was originally licensed as an educational community broadcasting service and comprised representation from eight Melbourne universities. The Board of 3RRR still has representation from Melbourne University and Royal Melbourne Institute of Technology. 3RRR claims that over 70% of its audience are students or tertiary educated. Programming on

3RRR is youth and student focussed, providing an alternative to mainstream radio. The average subscriber age is 28 years of age.

La Trobe Union Radio provides a lower power narrowcast service that covers the La Trobe University campus.

### ***Youth***

There are a number of broadcasting services in the Melbourne-wide licence area which cater to the needs of the youth population. However, as has been argued by the applicants claiming to represent youth, these services, with the exception of the ABC's youth broadcasting service Triple J, are not targeted specifically at youth.

Apart from Triple J, the main services catering to a youth audience are the commercial radio services FOX FM and MIX FM. In relation to Triple J, the ABA notes that it is a national, rather than a Melbourne-based, service, and that its programming is therefore not specifically oriented to the Melbourne licence area. Some existing community broadcasting services also provide programming for youth, in particular 3PBS and 3RRR. 3PBS focuses on alternative music not broadcast on mainstream radio. 3RRR offers a programming style alternative to mainstream radio with specialist music programs. Both services provide information, arts and entertainment.

In relation to youth music programming on free-to-air television, ABC TV simulcasts the music video program Rage with Triple J commencing around midnight and continuing well into the following morning on Fridays and Saturdays, and ATV10 broadcasts Video Hits for about three hours on Saturday and Sunday mornings.

The ABA notes that there are also some pay television channels that provide programming that is wholly or partially directed towards youth. These include Arena, Channel V and MTV.

### **Capacity of the applicants to provide the proposed services**

#### ***Management capacity***

The ABA has concluded that the eleven remaining applicants under consideration have each demonstrated that they have the management capacity to provide their proposed services.

In assessing management capacity, the ABA has considered whether the applicant association is likely to be managed in a way that is appropriate for a community broadcaster. Of specific concern to the ABA is whether the applicant association is structured in a way which is appropriate to the operation of a community broadcasting service; whether the board and staff of the applicant association have relevant management experience; and, in particular, the extent to which members of

the community the applicant claims to represent are encouraged to participate in the operation and programming of the service.

The following discussion sets out only the main features of an applicant's proposed service in relation to these matters. A more detailed description of each applicants' proposals may be found in the summary of evidence for each applicant at Appendix A.

#### Catholic Broadcasting Limited

CBL is a company limited by guarantee. It has applied to the Australian Securities and Investment Commission [ASIC] to amend its Constitution and is awaiting approval. One of the amendments provides that membership is open to applicants who are baptised Catholics or interested in the Catholic ethos, at least 16 years of age, resident of the Melbourne metropolitan area, pay the relevant fee and agree to be bound by the Constitution.

Each member is entitled to one vote in person or by proxy. The Constitution states that one member shall constitute a quorum for all general meetings. CBL acknowledges that this clause is inconsistent with the requirement that three directors attend general meetings and undertook to increase the quorum to five members. However, the amended Constitution lodged with ASIC does not make this change.

A minimum of three CBL directors are empowered with the management of the company with positions advertised through Catholic churches in Melbourne. At the licence allocation hearing, CBL indicated that members of the company may nominate candidates, however, the directors will be appointed by the existing board. The first CBL board was appointed by recommendation of the Archbishop's Strategic Communication Advisory Committee and consists of chairman, deputy chairman, secretary and five ordinary board members. There is no requirement that a director be a member of the service. None of the current directors have experience in community broadcasting, although some have relevant experience in various community organisations.

CBL's board reports to the Roman Catholic Trusts Corporation (RCTC) for the Diocese of Melbourne. CBL gave evidence at the hearing that it is theoretically possible for the RCTC to remove the authority of the CBL board, however it would be unlikely to occur. The ABA has accepted CBL's claim that it has no direct link to the formal structure of the church aside from reflecting Catholic teaching and values.

CBL proposes to establish a membership service body and a station management committee comprising managers from the programming, sponsorship, operation and production, and volunteer areas. A listener advisory board will also be formed to provide opportunities to CBL's community to become involved in programming. Members of the company may join committees by invitation or application.

In its application, CBL stated that its talk format necessitates a wide range of input and consultation in research, topic selection, presentation and public discussion. It proposes to encourage participation in the operations of the service by training volunteers, offering free membership to low income earners and through on air announcements.

CBL intends to recruit 11 full-time paid staff, six part-time presenters/announcers, one technician and 26 volunteers in its first year of operation. No staff training or policy manuals have been developed, although staff and volunteer training is proposed.

#### Hitz FM Broadcasters Inc

According to Hitz FM's Constitution, membership is open to persons under 30 years of age and to non-profit youth organisations whose objectives promote the interests of young people, who agree with the Association and whose application is approved by the committee of management. Appeal mechanisms exist to those whose applications are rejected. Hitz FM also offers associate membership to persons who do not qualify for full membership.

At the time of the licence allocation hearing, Hitz FM had 646 financial members, which included 43 youth community groups. Each member, aside from associate members, has one vote only.

The Association is managed by a nine member committee of management comprising four office bearers and five ordinary members, who are elected for a two year term by the station's members. Committee members must be between 18 and 30 years of age. At the licence allocation hearing, Hitz FM stated that it believes that committee members must be legally recognised as adults if the station is to be responsible for its younger members. Hitz FM has a policy of disallowing paid staff members or department heads from holding a position on the committee of management.

Hitz FM has three sub-committees which have responsibility for programming, membership and under 18 year olds. Membership is open to any member who expresses an interest in joining. At the licence allocation hearing, Hitz FM indicated that members of the sub-committees are appointed by the committee of management and noted that it has never refused anyone membership.

In its application, Hitz FM stated that the committee of management is answerable to the station's members at all times, who may attend committee meetings to raise ideas, questions, comments and criticisms. Members are also entitled to vote at general meetings and to submit motions prior to these meetings.

Hitz FM's membership sub-committee actively encourages Melbourne's youth to join and participate in the service. At the licence hearing, Hitz FM indicated that its presenter agreements in the daytime slots are reviewed every three months which consequently provides opportunities for other community members to participate in

the service. It also claims to encourage participation via its work experience program; visits to schools and tertiary institutions; close association with youth related community organisations and through its magazine and website. More than 100 volunteers participated in one of Hitz FM's recent temporary broadcasts.

The committee members and staff of Hitz have had relevant experience in community or commercial radio. Hitz provides a training course for staff and volunteers that includes on-air presentation, news, production, technical support and administration.

#### JOY Melbourne Inc

According to JOY's Constitution, an application for membership may be rejected by the committee of management. Grievance mechanisms are available for rejected applicants.

A committee of management comprises four office bearers and six ordinary members, which is currently divided six/four between males and females. Each office-bearer is elected for a three-year term and ordinary member for a two-year term by members at the annual general meeting. Six sub-committees exist to deal with programming, technical matters, sponsorship, office administration, operations and membership. Volunteers are appointed to the sub-committees by a selection panel comprising a member of the committee of management, station manager and a representative from the relevant sub-committee.

At the time of the application, JOY had 1,867 members, including 15 community organisations. JOY estimated that over half of its members live outside the Melbourne City area. It claims to have the largest membership of any gay and lesbian organisation in Victoria.

In its application, JOY stated that persons must be members of the Association for six months before they are eligible to vote at annual and special general meetings and to nominate for positions on the committee of management. The Constitution does not appear to provide for this limitation.

JOY indicated that it encourages participation in the operations of the service by way of on air announcements, monthly volunteer induction sessions, newsletters, membership mailouts and advertisements in the gay and lesbian print media. A total of 160 volunteers participated in JOY's most recent temporary broadcast.

Participation in programming is ensured through election to the programming sub-committee, telephone feedback lines, annual surveys and by allowing the sub-committee meetings open to all members to offer feedback. Monthly presenter meetings are held to provide feedback and training to presenters.

Members of JOY's Board have experience with various community radio services and other community organisations, or have had involvement with various other broadcasting or media services.

#### KISS FM Inc

Membership of KISS FM is automatic for all persons. Appeal mechanisms exist for members who have been disciplined, suspended or expelled from the Association. Dispute and mediation rules are also in place. As at May 2001, KISS FM had 70 voting members and 1,540 subscribers.

A committee of management comprising four office bearers and two ordinary members is responsible for the management of the station. Members of the committee are elected by members of KISS FM, and are eligible for re-election. The service also includes eight managerial positions to head various operational departments. Current sub-committees deal with marketing, public relations, promotions and programming.

Members of KISS FM may participate in the operations of the service by voting at meetings and by expressing an interest in joining sub-committees. KISS FM also indicates that members of its community may have their say by speaking to the station manager or community liaison officer.

KISS FM claims to actively encourage community participation through on air announcements, its magazine, website, subscription application forms, induction manual, street press and listener surveys. It also intends to promote participation by way of promotion teams on the street and at events, lectures and workshops in schools and noticeboards in universities and colleges.

A total of 204 volunteers participated in one of its recent temporary broadcasts. All volunteers are provided with an induction manual and are required to sign an agreement indicating that they understand KISS FM's policies. Board members and staff at KISS FM appear to have relevant experience in the management of a community broadcasting service.

The ABA is concerned about KISS FM's past management capacity for the provision of a community broadcasting service as set out at section 15 of the Act. Section 15 prohibits a community service from operating for profit or as part of a profit making enterprise. Evidence suggests that KISS FM risked operating as part of a profit making enterprise given that the sponsorship and advertising departments of KISS FM and the commercial radio narrowcasting service Rhythm FM were authorised to represent each other. At the licence allocation hearing, KISS FM acknowledged that it did not necessarily know whether its sponsorship staff represented KISS FM or Rhythm FM at any one time.

The ABA also notes that the President of KISS FM was one of the directors and shareholders of Rhythm FM until after the licence allocation hearing when he

resigned as executive, director, station manager and program director of the narrowcasting service. However, it is unclear whether he is still a shareholder. The other Rhythm FM director has also recently resigned as a board member of KISS FM.

Subsequent to the licence allocation hearing, KISS FM advised the ABA that it intends to draft a Code of Conduct which will bind contractors to seek separate sponsorship packages for KISS FM and to establish an independent audit committee to oversee conflict issues. The KISS FM Code of Conduct, which includes conflict of interest, was adopted by the KISS FM Board in October 2001. Whilst the ABA acknowledges these recent developments, it remains concerned about KISS FM's late realisation of the importance of ensuring that there are no conflicts of interest within the organisation, and of the potential for the service to be operating as part of a profit making enterprise.

#### Laughtertainment Community Radio Inc

Laugh Radio's Rules of Incorporation provide for open membership which is automatic upon lodgement of an application form accompanied by the required membership fee. As at May 2001, Laugh Radio had 83 individual members.

The Association is managed by a committee of management comprising four office-bearers and two ordinary members. Each committee member is elected at the annual general meeting for a one year term. All members have one vote only. The committee of management includes members with relevant experience in community and/or commercial radio.

Laugh Radio proposes to establish three sub-committees responsible for programming, funding and promotions. Each one includes four to five paid and volunteer staff members, and two volunteers who are elected at each general meeting.

In its application, Laugh Radio indicated that it achieves access and participation in its decision-making process by allowing members of the community to volunteer to become presenters and program producers and to nominate for election to the management committee and sub-committees. The Association claims to encourage participation via on-air announcements, advertisements in the press and invitations on its own and industry websites.

Laugh Radio will appoint a training director to carry out an induction process for all staff, including familiarity with the community broadcasters' Code of Practice.

At the licence allocation hearing, Laugh Radio stated that it seeks participation from those who see community radio as a fun hobby, those who want to take the first step to a career in broadcasting and novice comedians and writers.

### New-Gen Radio Inc

Full membership of New-Gen is open to natural persons between 14 and 30 years of age, subject to approval by the committee of management. Associate membership is also offered to any natural person upon the approval of the committee. Grievance mechanisms exist for rejected applicants. New-Gen advised that it intends to raise the issue of allowing 13 year olds voting rights at its members meeting following the licence allocation hearing. Full members have one vote only. As at May 2001, New-Gen had 782 financial members, of which the majority were between the ages of 13 and 21.

New-Gen is managed by a committee of management comprising four office bearers and three ordinary members. Committee members are elected by the station's members for a period of two years. New-Gen's Constitution states that all board members must be between 18 and 30 years of age. The average age of the current committee of management is approximately 25.2 years.

The experience of the current committee of management appears to be limited to involvement with New-Gen, however, that experience includes involvement in up to 15 temporary broadcasts over a period of four years.

New-Gen's Constitution provides for sub-committees that are appointed by the committee of management. The current sub-committees deal with music and programming. New-Gen intends to establish two additional sub-committees relating to community issues and promotions. The president and vice president of New-Gen are also head of the programming sub-committee and sponsorship department respectively.

According to its application, New-Gen's community has access to its decision making processes by voting at meetings and joining sub-committees through an expression of interest. At the licence allocation hearing, New-Gen pointed out that members of the sub-committees must be aged between 13 to 21 years. New-Gen proposes to encourage participation by way of mailouts, on air announcements and invitations at annual general meetings. A total of 273 volunteers participated in its most recent temporary broadcast.

Training is provided by the station manager and/or the volunteer co-ordinator. New-Gen proposes to provide both orientation training and technical skills training to volunteers.

### Nu Country Music Radio Inc

Membership of Nu Country is open to all persons. Although an application for membership may be rejected by the committee of management, the Rules of Association provide for appeal rights. At the time of the licence allocation hearing, Nu Country had 2,271 financial members. It indicated that an increasing number of its members renew their membership each year ranging from 27% to 54%.

The Association is managed by a committee of management consisting of six office bearers and four ordinary members, who are elected by the station's members at the annual general meeting for a one year term. Members of the current committee of management have relevant broadcasting or management experience.

There are 12 sub-committees responsible for community liaison, works, personnel, benefits-talent quests, sponsorship, promotions/publicity, programming, production, training, membership, technical matters and business planning/licensing. Members may join the sub-committees by an expression of interest. Nu Country indicates that they are then placed on the committee which is the most appropriate for their talent and expertise.

Nu Country gave evidence at the licence allocation hearing that it also proposes to establish an operations committee comprising country music industry groups, for the purpose of ascertaining the type of music they are presenting at the time. The ultimate decision however regarding programming will be made by the programming sub-committee.

According to Nu Country, it proposes to achieve access to, and participation in, its decision-making processes by inviting members of the station to attend annual meetings. It also indicates that station members and the community have the opportunity to contact committee members for comment.

Nu Country emphasises community access and participation throughout its application and 2000 Business Plan. Its mission statement includes providing an avenue through which Melburnians can have unprecedented access to develop a range of skills in the pursuit of hobbies or experience for future employment. Nu Country claims to encourage the community to participate in the service by way of on-air announcements, newsletters and newspaper stories. Over 175 volunteer participated in one of its recent temporary broadcasts.

#### Student Youth Network Inc

According to SYN FM's Rules of Association, membership is automatic and open to all persons. All members have one vote only. At the time of the licence allocation hearing, SYN FM had 643 members.

SYN FM is managed by a committee of management consisting of four office bearers and four ordinary members. The Rules provide that three committee members must be involved in secondary education, three in tertiary education and the remaining two positions filled by non-education members. The Rules prohibit the office bearer positions being held by non-education members. SYN FM has recently removed this prohibition at a special general meeting and has lodged the amendment with Consumer and Business Affairs. The president and vice president positions are restricted to members under 26 years of age.

All of the current office bearers on the committee of management have been involved with student and youth community organisations and have relevant experience in community broadcasting.

Four sub-committees have been established and are responsible for education and training, programming, administration and finance, and community liaison. Membership of the sub-committees is open to all members. SYN FM pointed out that its programming sub-committee comprises over 25 members and explained that where the numbers become unmanageable, positions will be filled by way of election by financial members.

SYN FM's statement of purposes contained in its Rules of Association reflect SYN FM's commitment to access and participation. The purposes include:

- to provide a forum for the broadcast by students and young people of their own ideas, music and culture;
- to provide facilities which will enable students and young people to gain practical experience in the different facets of the station; and
- to encourage students and young people to use its resources for the production of material for public broadcasting stations.

SYN FM intends to encourage participation in the service through on air announcements, flyers, orientation weeks at universities and colleges and through the infrastructure and publications of the Department of Employment, Education and Training. In its application, SYN FM indicates that it proposes to amend its program schedule every eight weeks, thus providing opportunities to over 1,500 volunteers each year to participate in its programming. Over 325 volunteers participated in its most recent temporary broadcast, of which half were first time presenters and 60% of the presenters were under 18 years of age. All announcers must attend training sessions. Other staff and volunteers will be trained by existing staff.

#### The South Eastern Indigenous Media Association Inc

Membership of SEIMA is open to all persons upon nomination and the approval of the committee of management. The current Rules of Association do not include grounds for rejection nor grievance mechanisms for rejected applicants. SEIMA has advised the ABA that it intends to lodge amendments to its Rules to provide for appeal rights for rejected applicants with Consumer and Business Affairs. The changes have already been accepted by its members.

Although the Rules do not limit membership to Indigenous persons, SEIMA indicates that associate membership is available to non-Indigenous members who are regarded as 'Friends of the Association'. The Rules do not however provide for this category of membership. All full members are entitled to one vote. As at May 2001, SEIMA had 75 individual members, 19 organisational members and 85 'Friends'.

SEIMA is managed by a committee of management consisting of four office bearers and three ordinary members who are elected by the station's members at the annual general meeting until the general meeting after the date of election. Many of the current Board and Management Committee members have experience managing various Aboriginal cultural organisations. Others have management experience with educational bodies, community radio and in business.

SEIMA proposes to establish eight committees dealing with management, music and programming, news, current affairs and documentaries, sponsorship and fundraising, members and volunteers, education and training, development and recruitment, and Friends of the Association. Currently, each committee only allows one member and one volunteer to participate. At the licence allocation hearing, SEIMA indicated that as the service develops, the size of the committees will increase to allow non-members with particular skills the opportunity to join.

SEIMA claims that its board has a strong commitment to delivering practical and culturally appropriate training for its members and that a significant proportion of its grant funding will be channelled into training. Its Statement of Purpose reflects such focus on developing Koori controlled education skills training programs.

SEIMA indicates that all members and 'Friends of the Association' are welcome to attend board, management and committee meetings. The Association encourages its community to participate in the service through newsletters, speaking visits to community groups, schools, TAFEs and universities, recruitment drives at local Indigenous organisations and on air announcements. Up to 50 volunteers participated in SEIMA's most recent temporary broadcast.

SEIMA also intends to conduct regular briefings and comprehensive training sessions with regard to the Code of Practice, community broadcasting legislation, and any in-house policies. SEIMA maintains that its Board has "a demonstrated commitment to designing and delivering practical and culturally appropriate training for our members." A significant proportion of SEIMA's grants funding is channelled into training for staff. Members with an interest in producing a show are provided with on-air support and technical advice. SEIMA maintains that its training program is responsible for providing its members with a wide range of skills.

Unknown  
Deleted: .

Unknown  
Deleted:

#### The Victorian Muslim Community Information Service

VMCIS has submitted amended Rules of Association for certification to Consumer and Business Affairs Victoria. The proposed Rules provide for open membership which is conditional upon the approval of the committee of management. One criteria upon which an application may be rejected is if the applicant professes a religion other than Islam. Grievance mechanisms exist for rejected applicants. As at May 2001, VMCIS had over 5,000 members and 45 supporting organisations, the majority of which are mosques.

Whilst VMCIS's Rules do not restrict Muslim sects as members, its objects and purposes as contained in its Rules include the power to amalgamate with an Association of the denomination of the Sunni sect. At the licence allocation hearing, VMCIS undertook to amend the reference from Sunni to Muslim.

VMCIS is managed by a committee of management consisting of four office holders and four ordinary members whom are nominated and elected by the station's members at the annual general meeting for a five year term. The Rules provide that candidates must have had five years of uninterrupted membership to be nominated. At the licence allocation hearing, VMCIS indicated that it intends to amend its Rules to remove the five year term for committee members. Thirteen members of the current VMCIS Board and sub-committees have had experience at board level with various community radio broadcasting services and community organisations.

VMCIS' current structure includes eight sub-committees responsible for general programs, technical matters, finances, public relations, religion, youth, women, and different languages, the latter of which is divided further into eight smaller language groups. Members of the station may apply to join these sub-committees and are appointed by the committee of management based on their skill, expertise and background.

VMCIS also proposes to establish an independent consultative committee comprising Muslim men and women from diverse ethnic backgrounds to advise on program content.

Ongoing participation will be ensured by way of on air announcements, questionnaires and publicising at mosques and Islamic societies in Melbourne. At least 68 volunteers participated in VMCIS' most recent temporary broadcast. A training committee will be established and take responsibility for training of staff and volunteers.

#### Triple Seven Communications Inc

Membership of Triple Seven is automatic and open to both individuals and organisations. The Rules of Association also provide for an additional category of membership, 'Friends of Triple Seven', who are not eligible to vote.

At the licence allocation hearing, Triple Seven indicated that its open membership policy has given it the opportunity to attract people who perhaps would have been reluctant to join a restrictive Christian organisation. As at June 2001, Triple Seven had 737 individual members and anticipates an increase by attracting supporters of Christian Community Broadcasting Ltd (CCB), which merged with Triple Seven.

Triple Seven is managed by a committee of management consisting of four office bearers and two to six ordinary members. Each position is nominated by two members and elected at the annual general meeting for a three year term. All members have one vote only.

Five sub-committees have been established and are responsible for programming, office volunteers, website, church and community relations, and technical matters. Members of the community may participate in the sub-committees by expressing an interest. At the licence allocation hearing, Triple Seven indicated that the committee of management appoints members to sub-committees as a matter of practicality, however anyone expressing an interest can become involved. An advisory council is also proposed consisting of church heads and welfare organisations for the purpose of identifying issues of interest to Triple Seven's community interest.

Triple Seven's proposed statement of purposes refer to fostering interest and encouraging involvement of Christians in all aspects of radio including operations and management, and providing access to organisations which support and empower the frail, vulnerable, disadvantaged and marginalised. The service intends to encourage access and participation through focus groups, newsletters and open consultation with the committee of management. At least 80 volunteers were involved in Triple Seven's most recent test broadcast. Volunteers are provided with a manual.

### ***Financial capacity***

Each of the eleven applicants has provided the ABA with a range of financial information relating to the operation of their services, including projections for income and expenditure for the first three years of operation.

On the basis of the evidence before it, the ABA has concluded that each of the eleven applicants has the financial capacity to provide their proposed AM and/or FM services. The ABA has concerns however about the reliance of some of the applicants on one principal source of income, namely sponsorship, to fund their services.

Hitz FM, Nu Country, JOY, SEIMA, SYN FM, Triple Seven and VMCIS have all provided what appear to the ABA to be reasonably conservative estimates of projected income in their first three years of operation.

- Hitz FM: \$715,231, \$759,708, \$804,254
- JOY: \$490,000, \$610,000, \$660,000
- Nu Country: \$610,200, \$626,340, \$626,340
- SEIMA: \$564,703, \$561,823, \$543,620
- SYN FM: \$620,000, \$670,000, \$703,500
- Triple Seven: \$573,000, \$657,900, \$788,900
- VMCIS: \$227,500, \$248,500, \$273,450

These estimates contrast with the projected income of KISS FM, New-Gen and CBL. KISS FM estimates \$1.432m in its first year of operation rising to \$1.729m and \$1.813m in years two and three respectively. New-Gen estimates \$2.027m in year one and \$2.533m in years two and three. CBL estimates \$1.186m in its first year of operation, \$1.467m in year two and \$1.747m in year three.

KISS FM, New-Gen and CBL all estimate that the majority of their income will derive from sponsorship in each of their first three years of operation: 78% in the case of KISS FM, 95% in the case of New-Gen and 76-79% for CBL. Hitz FM, JOY, Nu Country and Triple Seven also estimate that sponsorship revenue will make up a large proportion of their income in the first three operational years: Hitz FM estimates 61-65%, JOY estimates 67-70%, Nu Country estimates 70-72%, and Triple Seven estimates 59-63%.

The other major sources of projected income for these applicants in the first three years of operation are:

- KISS FM: sale of airtime from outside broadcasts (13-14%), subscriptions (5-6%), and CD royalties and miscellaneous sales (1% each);
- New-Gen: CD sales (4-5%), promotions and fundraisers (1%), and membership subscriptions (0.4%); CBL – membership subscriptions (14-17%), donations and contra deals (3-4% each);
- CBL: members' subscriptions (17%), donations (3-4%) and government sources (3%);
- Hitz FM: contra deals (22-25%), membership subscriptions and CD royalties (4% each), and promotions and fundraisers (3%);
- JOY: membership subscriptions (15-16%), sale of airtime (4%-6%), and fundraising (3-4%);
- Nu Country: membership fees (18%), major sponsors (4%), merchandise (3%) and events (2%); and
- Triple Seven: member and subscriber fees (17-20%), donations (15-17%), and community and business sources (3-4%).

In the case of VMCIS, membership subscriptions account for 52% of total income for the first three years of operation. Other major sources of income are sponsorship announcements (23-26%) and grants and donations (7-8% each).

In each of its first three years of operation, SYN FM expects sale of air time to account for 23-26% of total income, with the other sources of income being sponsorship revenue (14-16%), membership fees (12-19%), sales (13-14%), grants (10-12%), community and corporate donations (7-8%), and promotions/fundraisers and hire of facilities (6% each). In its closing submission and at the licence allocation

hearing, SYN FM emphasised that it does not intend to sell airtime as a commodity, rather community groups that are granted airtime must represent the station's community interest. It also pointed out that the sale costs are not mandatory.

SEIMA's application indicates that it will be substantially reliant on funding from ATSIC and Aboriginal Affairs Victoria, which is expected to make up 92%, 85% and 76% of total income in its first three years of operation. At the licence allocation hearing, SEIMA pointed out that it has partnerships with leading funding agencies including ATSIC, through the Tumbukka Regional Council, and Aboriginal Affairs Victoria, which have both indicated a willingness to provide funding.

Based on SEIMA's past funding experience, and an in-principle commitment from ATSIC and Aboriginal Affairs Victoria to provide future funding for its service, the ABA accepts that SEIMA will have access to the funds necessary to operate its proposed service.

In its application, Laugh Radio estimates its income in its first three years of operation at \$840,000, \$984,000, \$1,019,000 respectively for both the AM and FM licences, with the dominant source of income being sponsorship announcements comprising an average of 96% of the total income. The other sources of income are subscriptions (2%), sales (1%) and promotions/fundraisers (0.5%).

However, at the licence allocation hearing and in its closing submission, Laugh Radio indicated that the 96% for sponsorship income was incorrect. It referred to financial statements of its two test broadcasts in 2000 which indicate that income earned from sponsorship and subscriptions amounted to \$3,000 to \$4,000 per week respectively (\$156,000 to \$208,000 per year). Laugh Radio then pointed out that a permanent operation would result in subscription income being approximately half the amount of sponsorship income, however did not provide revised estimates.

Laugh Radio estimates operating costs of \$360,000 in its first year rising to \$423,100 and \$425,100 in years two and three for the FM licence. However, the ABA notes that the technical operating costs do not include costs for the purchase or rental of transmission equipment for the FM service. Consequently, the operating costs for the FM service will increase substantially with the inclusion of these additional costs.

Laugh Radio indicates in its application that if operating costs exceed its revenue, it will consider reducing paid staff involvement in its first three years of operation (\$153,600, \$207,600 and \$207,600), and would rely on a working overdraft. On the basis of this information, the ABA considers that Laugh Radio has the financial capacity to provide the FM service.

In regard to the AM service, Laugh Radio estimates its technical operating costs at \$88,000 per year. The total operating costs are estimated at \$299,100. Despite the reduction in estimated income, it appears that Laugh Radio has the financial capacity to operate the AM service.

***Technical capacity***

On the basis of the evidence before it, including the record of each of the applicants in providing services under the temporary community broadcasting arrangements, the ABA is satisfied that all eleven outstanding applicants have, or could gain access to, the technical capacity, to provide the proposed FM services.

In regard to the AM service, the ABA is satisfied that CBL, Laugh Radio, SEIMA, VMCIS and Triple Seven could gain access to the technical capacity to provide a suitable service. SYN FM has advised the ABA that it has not entered into any negotiations or extensively explored the possibility of establishing and operating the AM service. As such, the ABA is not satisfied that SYN FM has the capacity to provide the AM service.

**Extent to which the proposed services would meet the existing and perceived future needs of the community within the Melbourne-wide licence area**

***Catholic Broadcasting Ltd***

CBL claims to represent the Catholic community in Melbourne. It indicates that its target audience is 30% of the Melbourne population identifying as Catholics.

In support of its claim that there is a need for a Catholic service, CBL has relied on the 40,000 responses it received to the Catholic Archbishop of Melbourne's questionnaire asking whether a Catholic radio service was needed in Melbourne. The ABA has also received 879 letters of support for the station.

The Archbishop's questionnaire revealed that the main benefits nominated by the respondents for a Catholic service included hope for the young, daily Mass Broadcasts, Christian comment on daily news and current affairs, dialogue, Christian music, education in Church history, alternative formats and prayer segments. At the licence allocation hearing, CBL indicated that the questionnaire also found that there was a strong need for clear leadership in communication of what are distinctive Catholic values.

CBL's proposed programming format is 95% talk and 5% music with between 15 and 20% clearly identifiable Catholic programming. The balance of programming time appears to be allocated to discussion of issues of interest to its audience. This includes discussion of public affairs issues, the relationship between religion and society and the practical implications that relationship. CBL gave evidence at the hearing that it intends to provide a framework for open, honest debate, discussion of controversial issues and to air different ideological views but with a clear editorial comment on the Catholic position.

CBL indicated that its programming sub-committee has adopted the United States Catholic Bishop's Statement on Civility in the Media as a programming guideline. In essence, the statement commands respect, consideration for the truth, clearance of statements of facts and avoidance of deliberate or subtle misrepresentation.

The station intends to broadcast programs which are currently unavailable on radio such as daily Mass, prayers, the Angelus and the Rosary, coupled with programs of interest to the faithful such as talk back, Christian contemporary music, interviews, gospel readings and historical segments. CBL proposes over 150 hours of community initiated programming per week.

***Hitz FM Broadcasters Inc***

In its application and at the licence allocation hearing, Hitz FM indicated that it claims to represent Melbourne's youth between the ages of 12 and 30 years. It stated that it aims to provide a service which reflects the diversity within this group in

terms of age, gender, cultural ethnicity, religion, sexuality, education, income, employment, residential location and musical tastes.

As at June 2001, approximately 16% of its 646 members were under 18 years of age. An Internet survey conducted by Hitz FM reveals that the average age of its listeners is 18.7 years.

At the licence allocation hearing, Hitz FM identified the needs of its audience as access and participation to its own radio service, information and entertainment. In order to determine and monitor the specific interests of its audience, Hitz FM conducts annual surveys, relies on feedback from its members and volunteers and consults with schools and community youth organisations. At the licence allocation hearing, Hitz FM claimed that throughout its past temporary broadcasts, its music has varied considerably thus reflecting the changing needs of its community.

Hitz FM claims that there is a need in the Melbourne youth community to become involved in the operation of their own radio service. Hitz FM argues that it meets this need by allowing members the opportunity to participate in every aspect of running the station from production to announcing.

Hitz FM's proposed programming format is 40% local talk and 60% music, of which 10% is local content, 25% Australian and 25% from overseas. Hitz FM's Objects refer to broadcasting programs of news, current affairs, contemporary popular music and programs for the purposes of stimulating thought, debate and discussion of issues affecting young people. Its program schedule reflects these objects by incorporating news, talkback, youth affairs programs and interviews, youth issues, community service announcements relevant to youth. Its also includes local artists, comedy and music.

At the licence allocation hearing, Hitz FM indicated that it targets programs at its listeners under 18 years between 7pm and 9pm on weeknights, when it is more likely they would tune into the station.

In relation to the music component, Hitz FM's programming policy requires that music played must not be more than five years old. Hitz FM states that it recognises the diverse and changing musical tastes across Melbourne's youth community and as such, will not narrow its focus to one particular musical style and will review its program schedule every three months. Hitz FM playlist of three hours of programming reveals the following genres of music: rock, pop, dance, R&B, funk/soul, hard rock, hip hop, techno, electronica, rap and punk. The program schedule also includes an Australian music segment and live broadcasts from Melbourne night clubs. At the hearing, Hitz advised that the final decision on the music playlist is made by the music directors with feedback from the members and presenters.

The ABA notes that 35% of music played by Hitz FM will be Australian, and of that, approximately 30% will be Melbourne music. The ABA notes that this is a

significantly higher level of Australian music than is currently required under both the *Commercial Radio Codes of Practice* and the *Community Broadcasting Code of Practice*. Under the *Commercial Radio Codes of Practice*, not less than 25% of music played by services whose predominant format is 'mainstream rock, album oriented rock, contemporary hits, top 40 and alternative', must be Australian, and under the *Community Broadcasting Code of Practice*, not less than 20% of music played on stations 'with diverse formats serving the general community' must be Australian.

The ABA has concerns about Hitz FM's previous CD contracts with a record company. Such contract appears to have the potential to influence its playlist. The contract required Hitz FM to promote the CD on air and through other avenues, and to play one song off the CD at the top of each hour where possible. At the licence hearing, Hitz FM indicated that tracks on the CD are at least part reflective of the overall music policy of the station. The ABA is concerned that the contractual obligation to promote the CD may conflict with Hitz FM's representation of the music interests of its community.

The ABA received 1,165 letters of support for Hitz FM, of which 974 are from individuals, 160 from businesses, 29 from organisations and two from politicians. Hitz FM also provided two petitions of support containing 36,898 signatures in total.

### ***Joy Melbourne Inc***

JOY's community of interest is the gay and lesbian communities of Melbourne, and those who identify with, or are allied to, the gay and lesbian community (particularly transgender and bisexual individuals and organisations). Its community also includes the friends and families of the gay, lesbian, bisexual and transgender population. Accordingly, JOY maintains that its organisation concurrently serves the interests of the wider GLBT community.

JOY's mission statement describes the service as a "gay and lesbian volunteer-based community radio station, committed to providing a voice for the diverse gay and lesbian communities, enabling freedom of expression, the breaking down of isolation, and the celebration of [their] culture, achievements and pride".

JOY indicates that it caters to all sectors of its diverse community in terms of age, geography, social status, education, family structure, cultural and ethnicity.

In its application, JOY asserts that the needs of its community are:

- to be entertained and informed by members of their own community and to access a central point of contact for anyone within that community;
- to be informed about physical and emotional health issues specific to the GLBT community;

- to be informed about access to services, organisations and businesses that cater specifically to their needs;
- to be informed about equality in opportunities in such areas as employment, housing, finance and superannuation; and
- to be informed about GLBT local news, including political, health or community news.

JOY's programming will comprise 40% talk and 60% music. Of the music component, 30% will be local or Australian and 70% overseas music. JOY emphasises that all its programs have a GLBT sensibility in contrast to mainstream media services.

Non-music programming includes specialist programs aimed at lesbians, gay males, bisexuals and the transgender sub-community. There also programs which deal with such matters as international gay and lesbian issues, youth and seniors. Further, JOY's program schedule includes news and interviews, talkback, educational programs and discussion of issues relating to the needs identified by the applicant above.

At the licence allocation hearing, JOY maintained that whilst its programs are directed at its community as a whole, it also features specialist programs aimed at subgroups within the GLBT community. Its music programming is determined based on the particular program. For instance, a program aimed at a more mature listener would include music of interest to that particular age group. Consequently, JOY confirmed that it does not solely concentrate on dance music. Music programming on JOY includes a wide range of genres including pop, ethnic music, 40s and 50s music, dance, electronica, lounge music, folk and country.

The ABA received 753 letters of support for JOY, including 604 from individuals, 82 from businesses, 62 from organisations, four from politicians and one from a church.

### ***KISS FM Inc***

KISS FM proposes to represent the general community who "love dance music and want to be informed about its associated cultures" including fashion, art and technology. This demographic includes young teenagers, those aged over 18 who go clubbing and those who no longer go clubbing but still enjoy listening to dance music.

In its application, KISS FM listed what it believes to be the existing needs of the dance music community in Melbourne. These needs include access to 100% progressive programming of innovative and upfront dance music and a diversity of musical styles; access to information on the history and development of dance music and its culture; public exposure to, and promotion of, new local talent including music producers, promoters, artists and DJs; and access to news and weather reports, coverage of local social issues through on-air discussions, interviews and talkback.

KISS FM asserted that it intends to ensure that it will not lock itself into the dance of the day by reflecting the needs of the dance community in terms of what is being played in the clubs, at events, and what DJs are buying from record stores and sourcing from overseas record companies. KISS FM argued that dance music is ever evolving and reinventing itself in a sense of creative progression, and will continue to exist in future as part of the increasingly technologically based society. Based on the evidence provided, the ABA is satisfied that the community which KISS FM claims to represent is a community interest in terms of s84 of the Act.

KISS FM's program format will be 10% talk (9% local, 0.5% national and 0.5% international) and 90% music, comprising 15% local, 15% Australian and 60% overseas music.

At the licence allocation hearing, KISS FM maintained that it caters to a broad cross-section of dance music including underground, unsigned and Australian elements as opposed to dance music chart hits. It claims to presents over 45 specialist programs with a minimum of 15 different dance genres including hip hop, techno, drum and base, disco, two step, funk, R&B, house, garage, trance and ambient.

The ABA has concerns about KISS FM's previous CD contract with a record company which has the potential to influence its playlist. The contract required KISS FM to promote the CD on radio and television and to commit to a high rotation of key tracks from the CD. The ABA is concerned that the contractual obligation to promote the CD may conflict with KISS FM's representation of the music interests of its community.

In relation to the talk component, KISS FM discusses various programs which meet the needs identified above such as dance music historical programs, information on dance music events, news, interviews and talkback.

The ABA received 1,497 letters of support for KISS FM, of which 1,079 were from individuals, 329 from businesses, 84 from organisations, three from politicians and two from churches.

#### ***Laughtertainment Community Radio Inc***

Laugh Radio claims to represent the general community who enjoy listening to comedy recordings by past and present performers, local performers and creators of original comedy material. It argues that comedy has and always will be popular.

Based on letters of support its has received, Laugh Radio isolated the needs of its audience as accessing: an alternative to the current broadcasting services consisting of music mixes and talkback; a service which is fun to listen to; and a service which counteracts the tension whilst driving.

According to its application, Laugh Radio's programming will comprise 75% word comedy and 25% humorous musical recordings. In order to comply with the

Community Broadcasting Code of Practice, Laugh Radio advised the ABA at the licence allocation hearing that it will endeavour to broadcast one in five Australian music tracks, however pointed out the deficiency generally of music comedy recordings.

At the licence hearing, Laugh Radio stated that 90% of its programming is pre-recorded material and 10% live programming. Its weekly program schedule comprises approximately 50 two hour programs presented by 45 members. The talk based programs include commercially released stand-up and sketch performances. The schedule also consists of a series of regular weekly programs including one hour biographical specials, a one hour interview with local comedians, two hours of local stand-up performances, half hour sketches by station members, a stand-up guide and a three hour request show.

Laugh Radio aims to ensure that it will continue to represent its target audience by systematic market research and review every two years. However, it acknowledged that it hadn't done any research yet to ascertain the needs and interests of its audience.

The ABA received 224 individual letters of support for Laugh Radio. The applicant also provided evidence of almost 6,000 people who indicated their support for the service in response to a telephone survey.

### ***New-Gen Radio Inc***

New-Gen claims to represent the general youth of Melbourne, and in particular those aged between 13 and 21 years. At the licence allocation hearing, New-Gen indicated that it caters to youth of all races, socio economic backgrounds and religious affiliations.

In its application, New-Gen argued that its audience requires free and readily available information services particularly in regard to community service announcements, and exposure to social issues. It maintains that its community requires a service that is both current and evolving and operated by the community itself.

New-Gen's programming format comprises 20% local talk and 80% music (10% local, 25% Australian and 45% overseas). The results of a survey conducted by the service reveals that youth within the 13 to 20 age group have a musical preference for the top 40, R&B/hip hop, dance/techno, pop, and light commercial rock. New-Gen claims that these genres are reflected in its program schedule. It emphasises that the music is selected by a music sub-committee comprising 13 to 20 year old, and is thus indicative of the interests of its audience.

The survey also found that the issues of interest to New-Gen's community are youth suicide, teenage pregnancy, underage drinking, drug and alcohol abuse and depression. At the licence allocation hearing, New-Gen stated that it is committed to

educating its listeners and raising awareness of various issues by integrating information programs into its programming.

The ABA has concerns about New-Gen's CD previous contract with a record company which has the potential to influence its playlist. The contract required New-Gen to promote the CD during its broadcasts and through other avenues. The ABA is concerned that the contractual obligation to promote the CD may conflict with New-Gen's representation of the music interests of its community.

The ABA received 11 letters of support for New-Gen along with petitions of support containing 23,652 signatures.

### ***Nu Country Music Radio Inc***

Nu Country proposes to represent the country music community, the disadvantaged community and the health for living community in Melbourne. According to evidence provided at the licence allocation hearing, Nu Country intends to use country music to promote these various groups.

The country music community comprises recent country music converts, alternative and traditional country music fans and the ex-rural community. Nu Country describes the disadvantaged community as those who do not fit into a clearly definable minority group such as the unemployed, the poverty stricken, newly arrived migrants, the rural displaced and the mentally and physically challenged. The health for living community refers to those members of the general community who are interested in information relating to their health.

Nu Country's business plan indicates that its vision is "to promote the health and unity of the Melbourne community and support, local, independent artists by producing and broadcasting high quality country music radio and values". Despite its claim to represent the disadvantaged and the health for living communities in addition to the country music community, the ABA notes that Nu Country's purposes contained in its Rules of Association only refer to providing a community service for country music.

Nu Country argued that there is a need for a permanent country music service in view of the decline of country music on metropolitan radio. According to evidence provided at the licence allocation hearing, Nu Country proposes to provide an alternate need for 'grassroots' music aimed at local country music musicians.

At the licence allocation hearing, Nu Country claimed that the values and honesty of country music appeal to disadvantaged groups in society. On other occasions however, it indicated that if a person did not like country music, they would not listen to the station. In regard to the health for living community, Nu Country provided statistical evidence relating to health conditions and the aging population in Australia as evidence of need for a service that focuses on health issues.

Nu Country's proposed programming format is 20% local and national talk, and 80% music (7% local, 35% Australian and 38% overseas). In its closing submission, Nu Country indicated that it intends to extend its talk component to 25%.

Nu Country's mission statement indicates that it aims to meet the needs of its country music audience by broadcasting a full range of country music with an eclectic format and by incorporating the latest trends in Australian and international country music. It does not have a formal programming policy.

Nu Country intends to meet the needs of country music fans by providing information about country music venues and festivals and broadcasting Australian country music.

The program schedule features a wide variety of country music genres including mainstream, Australian, western swing, bluegrass, cajun-zydeco, rockabilly, Texas music, alternacountry, roots, Indie, and Koori country. Nu Country gave evidence at the licence allocation hearing that on average, it plays six independent CDs from Australia or overseas per day.

In terms of the talk component aimed at the disadvantaged and health for living communities, Nu Country indicates that it proposes to formalise a policy of incorporating community, health and welfare information into its programming. Existing talk programs include community service and country music interviews and news and weather reports.

Nu Country provided 490 letters of support (460 from individuals, 17 from businesses, 12 from organisations and one from a politician), along with a petition of support containing 371 signatures.

#### ***Student Youth Network Inc***

According to its application, SYN FM proposes to represent youth and students in Melbourne with a focus on the 12 to 24 age group. It indicates that education and training is the major focus of the service. Its Statement of Purpose ensures that it will continue to represent its target audience.

At the licence allocation hearing, SYN FM emphasised that "youth need to be given access to create their own media, the opportunity to directly participate in management, a recognition and accommodation of their culturally diverse interests and backgrounds and a stated commitment to education and training." SYN FM intends to treat its members as creators and not just consumers of the media.

SYN FM's current membership consists of 63% tertiary students, 26% secondary students and 11% youth not enrolled in formal education. It estimates that its membership base will increase from 10,000 to 18,000 in its first three years of operation. This will be achieved by the service becoming involved in school and community events and by targeting those beyond the traditional students.

SYN FM's proposed programming will be 40% local talk and 60% music which will include 20% each of local, Australian and overseas music. The programming policy states that programming will be divided equally between tertiary and secondary/youth interests.

At the licence allocation hearing, SYN FM stated that it allows its community, through its participation in the service, to play a diversity of music genres as opposed to a play-listed format. It is currently linked to three recording studios that cater to, and foster, young talent. During its first temporary broadcast in 2000, SYN FM's music programming included indie rock, electronic, hip hop, punk, hardcore, grunge, retro, disco, funk, R&B, reggae, techno, blues, Asian, jazz, classical and world music. SYN FM indicated that it intends to include more unsigned youth music generated by youth/students into its program schedule.

The ABA notes that 40% of music played by SYN FM will be Australian, and of that, 50% will be Melbourne music. The ABA notes that this is a significantly higher level of Australian music than is currently required under both the *Commercial Radio Codes of Practice* and the *Community Broadcasting Code of Practice*, and it is also higher than the proportion of Australian music played on Triple J, which the ABA understands to be around 35%. Under the *Commercial Radio Codes of Practice*, not less than 25% of music played by services whose predominant format is 'mainstream rock, album oriented rock, contemporary hits, top 40 and alternative', must be Australian, and under the *Community Broadcasting Code of Practice*, not less than 20% of music played on stations 'with diverse formats serving the general community' must be Australian.

SYN FM states that some of its key talk programming initiatives include programs presented by a variety of secondary students including ESL (English as a second language), music, koori and 12- 13 year olds. Other non music programming includes programs dealing with teen focus issues, religion, education/curriculum, book reviews on Victorian Certificate of Education texts, poetry, sport, feminism, youth at risk issues and comedy programs.

The ABA received 460 letters of support for SYN FM (372 from individuals, 28 from businesses, 56 from organisations and four from politicians) and petitions containing 2,517 signatures. These letters of support include letters from various secondary organisations (Debaters Association of Victoria with 8,500 participating students), representative youth organisations (Youth Affairs, Centre for Multicultural Youth Issues) and tertiary education organisations. SYN-FM is supported by a significant number of the major tertiary student unions including: RMIT (50,000 students); Swinburne Student Union (32,000); Deakin Student Union (33,500 in Melbourne, Geelong and Warrnambool); Monash (22,000); Victoria University (50,000 TAFE/higher educational students); La Trobe; University of Melbourne and National Union of Students.

### *The South Eastern Indigenous Media Association Inc*

SEIMA's primary audience is the Aboriginal and Torres Strait Islander communities in Melbourne and Victoria. Its secondary audiences are the Aboriginal and Torres Strait Islander community, non-Indigenous Australians (estimated by SEIMA as up to 70% of its audience) and the international community. SEIMA indicates that it hopes to reach the national Indigenous community via the National Indigenous Radio Satellite and the international community via the Internet.

At the licence allocation hearing and in its application, SEIMA argued that a full-time Indigenous Australian service in Melbourne would nurture optimism, help raise self-esteem among the Indigenous population, preserve culture and language, and serve as a means to reconciliation by assisting in changing negative attitudes towards Indigenous people. SEIMA maintains that its service has an opportunity to shape attitudes and to share Indigenous culture, history, music, art and dance with the non-Indigenous population.

SEIMA asserts that, historically, Indigenous Australians have had no voice in Australian life in terms of their future, place of residence, the political system, educational practices and the health and welfare systems. SEIMA claims that there is a fundamental need for Indigenous Australians to have their voices heard and intends to provide a forum for these people to speak to each other and to the wider national and international audience.

The ABA received 210 letters of support for SEIMA, including letters from the National Indigenous Radio Service (NIRS) and Melbourne community radio services 3RRR, 3CR and 3MBS.

SEIMA's programming will be 30% talk (25% local and 5% national) and 70% music (15% local Indigenous, 5% Australian, 20% national Indigenous, 10% Australian, 5% international Indigenous, 15% international). SEIMA proposes to use programming from the NIRS between midnight and 6am.

SEIMA gave evidence at the licence allocation hearing that one of its principal aims is to support the local Indigenous music industry. It regards Aboriginal music as an educational tool to assist people in feeling part of the Koori culture.

According to ABS data, Indigenous Australians may be described as a growing young, urban, minority population who are less likely to receive formal education or to be in the labour force. These are the issues which SEIMA proposes to incorporate into its programming. The service will provide education and improve employment skills for SEIMA members, particularly in relation to the media, the broadcasting industry and new technologies.

The talk component of SEIMA's programming includes programs relating to health, news, current affairs and sports. SEIMA's programming policy provides for educational and cultural enrichment programs such as oral histories, heritage,

Indigenous culture and arts. SEIMA will also provide chat, talkback and comedy programming and youth oriented programs from the perspective of Indigenous youth.

### ***The Victorian Muslim Community Information Service Inc***

VMCIS claims to represent the Muslim community in Melbourne. At the licence allocation hearing, VMCIS contended that the Muslim community has experienced many difficulties in society such as planning restrictions of schools and mosques, and appearance of women in their headgear, which have brought about withdrawal of the Muslim community from mainstream society. VMCIS claims that a Muslim radio service will provide assistance in dispelling misconceptions and stereotype images of Muslims and Islam. Its programming policy reflects this assertion and further indicates that the service will seek to promote tolerance and peaceful coexistence in the Australian multicultural community.

When VMCIS first applied to the ABA for a temporary broadcasting licence, a member was required to be "a believer of the faith of Sunnah." This clause remained in the Constitution when VMCIS applied for a permanent licence, however it recently removed this restriction to allow any Muslim to become a member.

VMCIS claims it will meet the general needs of the Muslim community by providing religious programming including external broadcasts from Melbourne mosques, Islamic news and current affairs, talk-back, music, educational material, youth and children's programming and programming for women. VMCIS also intends to provide information that will assist Muslims to understand Australian culture and customs.

VMCIS intends to provide a service made up of 75% talk and 25% music. Of the talk component, 25% will be local, 5% nationally syndicated and 25% internationally syndicated. The music programming includes 2% local, 3% Australian and 20% overseas music. The talk component will cover the Holy Quran, Islamic lessons, children, news, current affairs, religious talkback and live religious ceremonies.

At the licence allocation hearing, VMCIS also indicated that it addresses diverse public legal issues relating to families, consumers and local neighbourhoods. The service broadcasts in eight different languages: Arabic, English, Albanian, Bosnian, Somali, Urdu, Oromo and Turkish. Four hours per day will be devoted to English language programming.

VMCIS states that the music component will derive primarily from Muslim artists in the Middle East, Malaysia, UK and USA, however the service will encourage and give special interest to locally produced music.

The general programming sub-committee consists of the chairperson of each of the eight language group sub-committees. VMCIS also proposes to establish an independent consultative committee with its main roles being to advise on program

content, regulate program production and to advise the board of appropriate operation procedures. According to VMCIS, this committee will consist of station members and non-members who are expert Muslim men and women from diverse ethnic and professional backgrounds. VMCIS indicates that their recommendations however are not binding on the service.

The ABA received 1,573 letters of support for the service including letters from the Islamic Council of Victoria, the Australian Arabic Council and the Australian Federation of Islamic Councils, as well as a petition of support containing 4,031 signatures.

***Triple Seven Communications Inc***

Triple Seven claims to represent the Christian community in Melbourne embracing the broader Christian tradition, including churchgoers, non churchgoers, people who are marginalised or disadvantaged, and people interested in spirituality. It also proposes to serve welfare organisations and those who use such groups, of which almost half are run by church or religious organisations. It states that it is a non-denominational organisation.

Triple Seven's statement of purposes refers to the provision of a Christian radio service and to fostering an appreciation of ethical principles consistent with those of a broader Christian community.

At the licence allocation hearing, Triple Seven indicated that approximately half of its members are churchgoers and the other half would not be aligned to any particular church, thus indicating a broad representation of its community interest. Members of Triple Seven's committee of management represent a variety of churches including three of the five dominant religions in Melbourne: Anglican, Catholic and Uniting.

In its closing submission, Triple Seven cited a petition supporting the Christian radio service offered by Melbourne Gospel Radio, the results of a CCB survey revealing a general interest in a Christian service, and responses to the Catholic Archbishop's questionnaire asking whether a Catholic radio service was needed in Melbourne, totalling 54,000, as evidence of the minimum level of interest in a Christian radio service. The ABA received letters of support for the service from the Anglican Archbishop of Melbourne and representatives of various churches including Uniting, Presbyterian, Baptist, Lutheran, Assemblies of God and Church of Christ.

Triple Seven contends that there is a need for community radio to provide access to welfare groups and individuals who find it difficult to access existing media outlets. Such access would raise the profile of welfare issues in the media. Triple Seven provided letters of support from numerous peak welfare and health organisations such as the Salvation Army, Victorian Council of Social Service, The Smith Family, World Vision and Brotherhood of St Laurence.

Triple Seven's programming format will comprise 34% talk (31% local, 2% national and 1% international) and 66% music (16% local, 14% Australian and 36% overseas). The applicant states that it aims to provide a contemporary format of Christian content that is not overtly religious and will appeal to both regular churchgoers and those interested in spirituality generally. It points out that such programming will be free of religious jargon and will seek contemporary ways in which to address the issue of spirituality in the 21<sup>st</sup> century.

In terms of the music programming, Triple Seven intends to promote Australian Christian performers. It also indicates in its application that Christians, like most people, have a wide variety of musical tastes. As such, its programming will include gospel, blues, country, heavy rock, dance/R&B, Evensong and hymns.

The non-music programming includes news and weather, interviews, talkback, youth affairs, comedy, church services, Christian based discussion and programs addressing issues of importance to the disabled, disadvantaged and marginalised.

The ABA received 47 letters of support for Triple Seven from individuals, organisations and churches.

## **Conclusion**

Having considered the matters set out above, and on the basis of the evidence before it, the ABA has decided that the existing and future needs of the community in the Melbourne-wide licence area will be best met by the services proposed by SYN FM, SEIMA and Triple Seven.

### SYN FM, Hitz FM and New-Gen

In the ABA's view, the service to be provided by SYN FM will meet a broad range of community needs given its focus on students and youth aged between 12 to 24 years. It will do so through its proposed programming format, as well as through its commitment to community participation. From the evidence given in its application and at the licence allocation hearing, the ABA has formed the view that SYN FM will be best able to cater to a range of interests not currently met, or inadequately met, by existing national, commercial and community services, and that it has the mechanisms in place to ensure that the community that it proposes to serve will be able to participate in the operations and programming of the service.

The ABA notes that amongst all the aspirant applicants, SYN FM had the highest number of volunteers (325) participate in one of its recent temporary broadcasts, and the highest estimated volunteer participation rate (up to 1,500 per year) due to its strong commitment to training facilitated by a policy of an eight week rotation of the program schedule. This policy will ensure that a significant number of people within SYN FM's community of interest will be able to actively participate in the provision of programs in the service. Community participation will derive from SYN FM's estimation of 10,000 to 18,000 members in its first three years of operation. In the ABA's view, SYN FM's involvement with secondary schools and tertiary institutions places it in a advantageous position to reach its membership and volunteer estimates.

The ABA is satisfied that there is a significant community need for a service which gives youth and students access to programming which covers a wide range of non-commercial and non-mainstream interests. While this programming will inevitably include music, which the ABA acknowledges plays a significant role in young people's lives, it is not limited to music. SYN FM is committed to providing a variety of talk-based educational and issues-based programs presented by a diverse range of students and youth of significant interest to young people in Melbourne which currently have either no broadcasting outlet, or, at best, a limited outlet.

The ABA has carefully weighed the respective claims of, and evidence provided by, the applicants proposing to provide a service which meets the needs and interests of the youth community, in particular SYN FM, Hitz FM and New-Gen.

Whilst the ABA acknowledges that Hitz FM is a strong applicant for a proposed youth service, it finds that SYN FM is more representative of youth under 18 years of age. SYN FM's current membership base comprises 26% secondary students,

63% tertiary students and 11% youth not enrolled in formal education. The ABA also notes that 60% of SYN FM's volunteer presenters in one of its most recent temporary broadcasts were under 18 years. By contrast, according to a membership list provided by Hitz FM, only approximately 16% of its members are under 18 years of age. Given that the majority of youth under the age of 18 years attend secondary schools, the ABA accepts that there is almost no distinction between that sub-category of youth and secondary students.

The ABA is particularly impressed with SYN FM's genesis from a recent amalgamation of two experienced aspirant community groups: RMIT Union Student Radio Association Inc and 3TD FM Inc, the latter of which operated from the Thornbury Darebin Secondary College and represented secondary school students. In the ABA's view, this merge confirms SYN FM's commitment to younger students as well as students and youth over 18 years of age. The ABA also notes the significant level of support demonstrated for SYN FM from tertiary institutions across Melbourne.

In relation to New-Gen's talk programming, which comprises 20% of its total programming, the ABA is concerned that this percentage will not be sufficient to address a wide variety of issues of interest to youth. This is particularly so given New-Gen's claim that there is a need for readily available information services, community service announcements and a need to examine issues of social awareness.

As noted earlier, the ABA was concerned that Hitz FM's previous CD contracts with a record company had the potential to influence its playlist given the contractual obligation to promote the CD on air and to play one song off the CD at the top of each hour where possible. The ABA is similarly concerned about New-Gen and KISS FM's previous CD contractual obligations which are comparable to those of Hitz FM. The ABA considers that these arrangements may conflict with Hitz FM, New-Gen and KISS FM's representation of the music interests of their respective communities.

The ABA is satisfied that the service proposed by SYN FM will add significantly to the diversity of radio services available in the Melbourne licence area.

#### Triple Seven

The ABA finds that Triple Seven's proposed service will meet the broadest range of unmet needs in the Christian community in Melbourne. Given that the community is non-denominational and extends to churchgoers, those interested in spirituality, and welfare organisations and those who use them, the size of Triple Seven's potential audience is significant. The size is further evidenced in the results of the ABA's 1994 report entitled *Listening to the Listeners – Radio Research* which found that interest in receiving a Christian radio service by people who perceived that they did not have access to one already was 2.3% in Melbourne, or 72,767 people in the Melbourne licence area.

The ABA notes that the majority of Christian programming on existing radio services is confined to Sundays or to late evening/early morning time slots. There is currently no regular programming on existing radio services, and no dedicated broadcasting service serving the Christian community.

Consequently, the ABA finds that there is a considerable need within the Melbourne licence area for a broadcasting service that specifically addresses the needs of the Christian community.

Triple Seven offers membership to individuals and organisations, with no religious restrictions. The ABA notes that the composition of Triple Seven's membership base and board of management includes a variety of Christian denominations, churchgoers and those interested in spirituality, thus representing the broader Christian community. In regard to participation in the service, the ABA has formed the view that Triple Seven has the mechanisms in place to ensure that the community that it proposes to serve will be able to participate in the operations and programming of the service.

The ABA considers that Triple Seven's merger with Christian Community Broadcasting Ltd confirms its commitment to serve the broader Christian community in Melbourne. In His Grace's letter of support for the station, the Anglican Archbishop welcomed the merger between the two services in order to provide greater breadth of coverage to Christians.

The ABA is satisfied that the needs of Triple Seven's community would be met through its proposed programming. According to Triple Seven, the program schedule "aims to provide a contemporary format whereby the Christian nature of the program is obvious after a relatively short period of time of listening but is not so abrasive or so obviously religious as to be a turnoff factor". Triple Seven's programming offers contemporary Christian music in addition to a range of musical styles. It will also provide church services, Christian based discussion as well as programs aimed at the disadvantaged and marginalised.

The ABA believes that the needs of those members of the Christian community identified by MGR could be also be accommodated by Triple Seven.

#### CBL

The ABA accepts that there is need for Catholic programming in Melbourne as proposed by CBL given the significant size of the Catholic community in Melbourne, the evidence of interest in such a service and the absence of existing Catholic broadcasting services. However, as highlighted in the discussion above, the ABA considers that Triple Seven has demonstrated that it will serve a broad range of Christian denominations and interests, including Catholic, and as such, would meet the needs and interests of a higher proportion of the Christian community compared to that of CBL.

Further, the ABA has concerns about CBL's management capacity in terms of the appointment of its directors. Although candidates may be nominated by members of the station, the ultimate decision regarding appointment is made by the existing board of directors. There is also no requirement that a director be a member of the company. In view of the importance of community participation in the decision-making processes of a community radio service, the ABA finds that such restrictive requirements for the appointment of the board reduces the opportunity for CBL's community to become involved in the service.

The ABA notes that at the licence allocation hearing and in its closing submission, Triple Seven indicated that it had encouraged discussions with CBL to become involved in the service Triple Seven proposes to provide. CBL declined the invitation to join the service. Given Triple Seven's willingness to include Catholic programming in its service and the substantial size of the Catholic population in Melbourne (30% of the total population), the ABA strongly encourages Triple Seven to grant access to CBL enabling it to provide some hours of Catholic programming per day.

The ABA is of the view that there is a considerable need for permanent Catholic programming, particularly given that Catholicism is the main Christian denomination in Melbourne. In the absence of such an arrangement, the ABA may consider imposing a licence condition requiring Triple Seven to grant access to CBL to provide Catholic programming.

### SEIMA

The service proposed by SEIMA will meet two important and presently unmet community needs:

- the need for the Indigenous community to have its own broadcasting service which addresses issues of particular concern to the Indigenous community, and caters to its specific cultural needs; and
- the need of the general community to be informed about Indigenous issues and Indigenous culture.

The unique historical and social circumstances of the Indigenous community have given rise to these needs. In the ABA's view, these needs are likely to continue indefinitely.

Further evidence in support of a need for an Indigenous radio service is found in ATSIC's contention that the mainstream media has often misrepresented Indigenous people and cannot be expected to reflect or represent Indigenous people accurately, either culturally, politically, or socially. ATSIC is currently conducting a feasibility study into the establishment of a National Indigenous Broadcasting Service as a distinct third public network for Australia.

The ABA notes that there has been a number of recommendations made by government committees and bodies in regard to Indigenous media services. The Royal Commission into Aboriginal Deaths in Custody made six recommendations on the need for media services to create a better understanding between Indigenous and non-Indigenous communities. In September 2001, the House of Representative Standing Committee on Communications, Transport and the Arts tabled a report in Parliament on regional radio services which recommended an amendment to the *Broadcasting Services Act 1992* to establish an additional category of broadcasting service relating to Indigenous broadcasting services. The Committee stated that it recognises the value that Indigenous radio may contribute to the social and economic development and well being of Indigenous people as a whole.

In the ABA's view, a dedicated Indigenous radio service is a practical and effective means of meeting the various existing and future needs and interests of the Indigenous people of Melbourne. These needs and interests relate to social, cultural and political issues, as well as entertainment. SEIMA will permit members of the Indigenous community to express and discuss the wide range of issues of interest to the community, and to communicate with both other members of their community, in Melbourne and throughout Australia through the broader Aboriginal radio network, as well as the non-Indigenous community in the Melbourne licence area. The ABA is satisfied that SEIMA's programming, which includes educational, cultural and entertainment programs, will meet the needs of its community.

### JOY

The ABA recognises that there is substantial need for programming that addresses the needs and interests of the GLBT community in the Melbourne-wide licence area. There is minimal coverage of GLBT issues on existing broadcasting services and no media service dedicated solely to this community. The ABA finds that there is a high level of support within the community for the GLBT community broadcasting service which JOY proposes to provide.

The ABA accepts that the GLBT community is a minority group which has traditionally been marginalised in society. A support letter for JOY from the Victorian Minister for Health contends that Victorian members of the GLBT community continue to experience discrimination in their personal and professional lives. The Minister states that the Victorian government is committed to removing the grounds of discrimination and to fostering a social environment in which diversity and difference are recognised and celebrated. One of these methods is the establishment of a Ministerial Advisory Committee on the health and well being of GLBT Victorians. The ABA also notes that the Victorian Attorney-General has established another Advisory Committee in relation to GLBT issues.

In the ABA's view, a dedicated GLBT radio service is an effective means of meeting the various existing and future needs and interests of the GLBT community in Melbourne. The ABA acknowledges the high quality of JOY's application, however, upon careful deliberation of the evidence provided, the Authority is not persuaded

that the needs of this community for programming in the Melbourne metropolitan area is greater than the needs of the communities represented by SYN FM, SEIMA and Triple Seven. Because of this, it has decided not to allocate a Melbourne-wide licence to JOY.

### VMCIS

In regard to VMCIS, the ABA accepts that there is need for Muslim programming in the Melbourne-wide licence area. There is currently no existing media service in Melbourne devoted solely to the needs of the Muslim community. The ABA finds that VMCIS's membership numbers and letters of support indicate a robust level of support for the service.

The ABA acknowledges that Muslims in a country such as Australia are often isolated from their languages, Muslim religious teaching, the recitation of the Quran, and Islamic music. The Authority finds that VMCIS is a strong applicant and has had a difficult decision regarding its application. On balance however, the ABA has concluded that the needs of the communities represented by SYN FM, SEIMA and Triple Seven are greater than the needs of the Muslims in the Melbourne-wide licence area.

The ABA also has some concerns about VCMIS's commitment to open membership. VCMIS recently lodged an amendment to its Rules of Association with Consumer and Business Affairs Victoria to allow open membership for all Muslims. However, prior to the licence allocation hearing, the Rules only allowed applicants of the "Ahlu Sunni" sect of Islam to become members of the station. At the licence hearing, VCMIS argued that the restriction to the "Ahlu Sunni" sect did not exclude applicants of the "Shiah sect" to join the service. The ABA is not entirely persuaded by VCMIS's contention. If VCMIS was genuinely committed to representing all Muslims, the ABA questions why it chose to place a restriction on its membership. Based on the overall evidence presented at the licence allocation hearing, the ABA is not confident that VCMIS is inclusive enough of Muslims in Melbourne.

### KISS FM

KISS FM has convinced the ABA that the dance music which it intends to focus on is an evolving genre and therefore may be categorised as a community interest in terms of s84 of the Act. The ABA has formed the view that there is need for programming as proposed by KISS FM which targets people who enjoy dance music and its associated cultures. Although there is some dance music broadcast on radio services in Melbourne, the ABA accepts KISS FM's argument that many of the styles are hard-core or extreme fringe dance music or they are broadcast at inaccessible times such as 2am to 6am.

KISS FM has substantial support from its community in the form of subscribers and letters of support. The ABA notes however that there is a vast difference between the number of voting members (70) and non-voting subscribers (1,540). The ABA has

concerns that the small membership base indicates that decisions made by KISS FM, through its board of management and sub-committees, do not reflect the interests of its entire community, particularly given KISS FM's clear potential to attract support in the form of subscribers.

The ABA also has reservations about KISS FM's management capacity in view of its previous connection with the commercial narrowcasting radio service Rhythm FM. The ABA is concerned that KISS FM risked operating as part of a profit-making enterprise during its temporary broadcasts given that the sponsorship and advertising departments of the two services were authorised to represent each other without any distinction between who they were representing at any one time.

Whilst KISS FM has taken steps, since the licence allocation hearing, to avoid conflicts of interest in future, the ABA has concerns about whether this distance from Rhythm FM will be maintained. The ABA notes that the results of surveys conducted by KISS FM are used to attract sponsors for both services. In the ABA's view, this practice suggests that KISS FM's programming has the potential to be market-based as opposed to reflective of the interests and needs of KISS FM's community.

For these reasons, and because the ABA considers that the needs of KISS FM's community are not greater than the needs of the communities represented by SYN FM, SEIMA and Triple Seven, the ABA has decided not to allocated a licence to KISS FM.

#### Nu Country

The ABA is satisfied that there is need for country music programming in the Melbourne-wide licence area. Evidence provided by Nu Country indicates that country music is rated third as the type of music Australians enjoy listening to, and almost a third of these people live in metropolitan areas. The ABA acknowledges the popularity of country music and notes Nu Country's substantial and increasing membership base, which is indicative of a significant level support for the service.

There is currently no existing radio broadcasting service in Melbourne which is dedicated solely to the needs of the general community who are interested in country music. Although there is some country music programming, the ABA finds that it does not extend to the range of country music offered by Nu Country.

However, despite such a need for country music programming, the ABA is not satisfied that the need of this community in the Melbourne metropolitan area is greater than the needs of the communities represented by SYN FM, SEIMA and Triple Seven.

Nu Country also claims to represent the disadvantaged and the health for living communities in Melbourne. In the ABA's view, there is no evidence of a need for programming aimed at these communities as proposed by Nu Country. The ABA does not accept that members of the disadvantaged community would necessarily

listen to Nu Country simply because of the country music lyrics, as suggested by Nu Country. In fact, Nu Country conceded at the licence allocation hearing that “if you don’t like country music, if you’re adverse to it, then it would be unlikely you’d be listening to the station”. The ABA also notes that Nu Country’s membership base consists primarily of country music enthusiasts as opposed to the disadvantaged community.

In regard to the health for living community, Nu Country provided statistical evidence relating to health conditions and the aging population in Australia, however no evidence was provided indicating a need for a service aimed at people interested in health issues as proposed by Nu Country. The ABA also notes that despite its claim to represent the disadvantaged and the health for living communities, Nu Country’s purposes contained in its Rules of Association only refer to providing a community service for country music.

### Laugh Radio

The ABA considers that there is need for programming in Melbourne which targets the general public who enjoy listening to comedy recordings. There is currently no regular programming on existing radio services and no dedicated broadcasting service that serves Laugh Radio’s community. Laugh Radio has provided evidence of a strong level of support for its service.

The ABA has some reservations about the opportunities available to Laugh Radio’s community to participate in the programming of the service. At the licence allocation hearing, Laugh Radio acknowledged that input by its listeners into its programming had been on an ad hoc basis to date. Its proposed programming sub-committee consists primarily of staff members, with three out of the five being paid staff. Laugh Radio indicated that only two volunteer members will be elected to the sub-committee to represent the views of the general membership. In the ABA’s view, this arrangement has the potential for the sub-committee to be controlled by the staff as opposed to the station’s members, thus limiting access and participation to programming by Laugh Radio’s audience.

The ABA is not convinced that the needs of the general community who enjoy comedy recordings are greater than the needs of the communities represented by SYN FM, SEIMA and Triple Seven.

The ABA has considered the likely ability of the eleven remaining applicants to meet community needs over time. The ABA has formed the view that SYN FM, SEIMA and Triple Seven are the three applicants that are most likely to continue to meet the need of the community in the future. In the cases of SEIMA and Triple Seven, this is because of the likely continuing need for services addressing the particular communities to which they will be directed. In the case of SYN FM, it is because of the likely continuing need of youth and students for broadcasting of educational material and material reflecting the interests of youth, and for broadcasting of a range of material unlikely to be broadcast by mainstream services.

### **Which licence should be allocated to which successful applicant**

Having considered the financial information provided by SYN FM, SEIMA and Triple Seven in their applications, and submissions made at the licence allocation hearing by the three applicants, the ABA has decided to allocate the three available licences as follows:

<i>Service licence number</i>	<i>Frequency</i>	<i>Maximum ERP</i>	<i>Applicant</i>
SL 1150694	90.7 MHz	56 kW	Student Youth Network Inc
SL 1150695	89.9 MHz	56 kW	Triple Seven Communications Inc
SL 1150722	1503 kHz	1.285 kW	The South Eastern Indigenous Media Association Inc

### **Assessment of the applicants who failed to demonstrate sufficient capacity and/or a community need for the proposed service**

#### ***3AC Australian Melbourne Chinese Radio Inc***

##### Chinese community

The Chinese community is primarily made up of the speakers of two major community languages, Cantonese and Mandarin. ABS data from the 1996 Census data indicates that there were 88,137 people in Melbourne who spoke Chinese at home, or 2.8% of the total Melbourne population, making it the third largest non-English speaking group in the Melbourne licence area after Italian (4.4%) and Greek (3.6%).

Broadcasting services serving the Chinese community are as follows: SBS radio station 3EA provides a combined two hours per day of Cantonese and Mandarin programming, and community radio service 3ZZZ provides four hours of Chinese programming per week.

There is one high power open narrowcasting service, 3CW, devoted solely to the needs of the Chinese community. It is provided free to air, 24 hours per day. However, its signal may not cover the entire Melbourne licence area as it is based on Geelong.

One subscription narrowcasting radio service, 2AC, broadcasts 24 hour a day, 7 days a week in Melbourne in both Cantonese and Mandarin, however, to receive these services, listeners must purchase a special radio costing \$100. The ABA accepts 3AC's claim that reception of the narrowcasting service is limited geographically, and further notes that the nature of the receivers needed to listen to the services precludes reception in motor vehicles or other mobile situations.

There are three pay TV channels that broadcast in Cantonese and Mandarin, and SBS television broadcasts 25 minute daily news services (except Sunday) in both Cantonese and Mandarin. There are also numerous newspapers published in Chinese available in Melbourne.

The ABA accepts that the Chinese community is a significant community in the Melbourne licence area.

\*\*\*

3AC Australian Melbourne Chinese Radio Inc [3AC] was incorporated on 23 November 2000 and has not conducted any temporary community radio broadcasts.

3AC's Rules of Association provide that an application may be rejected by the committee of management. There are currently no grievance mechanisms available for rejected applicants. 3AC has informed the ABA that it proposes to amend its Rules, however did not indicate when it intends to do so nor whether the amendments will take the form of open membership or a discretion to refuse membership with appeal rights.

The ABA has some significant concerns about the relationship between 3AC and the subscription narrowcasting service 2AC, which broadcasts from Sydney and Melbourne. In its closing submission, 3AC indicated that 65% of 2AC Melbourne's programming is produced in Melbourne and the remaining 35% is a direct link from 2AC Sydney, which is the licensee. Evidence provided by 3AC indicates that 3AC's President also 'runs' 2AC Melbourne and has sole responsibility for its profits or losses.

At the licence allocation hearing, although 3AC indicated that 2AC Melbourne would cease operation within six months of 3AC's commencement of a permanent service, it did not rule out the possibility of networking with 2AC Sydney. When questioned about whether 2AC Sydney would control the operations of 3AC, 3AC said that it will depend on the needs of its community as to whether certain portions of its programming will derive from 2AC. This raises the issue of potential influence of 3AC's programming. The ABA considers that this arrangements may conflict with 3AC's representation of the interests of its community in Melbourne.

At the time of the licence allocation hearing, 3AC only had six members, being the members of the committee of management. In its application, it stated that there is a

strong indication that the majority of 2AC Melbourne's 3,500 subscribers will become members of 3AC if it were granted a permanent licence.

In its application, 3AC stated that it proposes five volunteers and 22 paid staff, with no expectation of changes to staffing levels in the first three years of operation. It indicated that if there was an increase in demand for volunteers it would consider job-sharing. The ABA has concerns that the fixed numbers of staff overall and in particular, the minimal number of volunteer staff, will limit community access to, and participation in, the operations of the service.

3AC indicated that if allocated a permanent licence, it proposes to commence service two weeks after allocation. It is unclear, however, how it intends to use 2AC Melbourne's studios given that 2AC will continue to broadcast six months after the licence allocation. This again raises the problem of differentiation between the two services.

In light of the closeness of the relationship between 3AC and 2AC, the ABA does not consider that 3AC has given adequate consideration to the requirements of a community radio licensee, nor does it currently have structures in place that are appropriate for a community broadcaster.

The ABA therefore does not consider that 3AC has the capacity, in particular the management capacity, to provide the AM or FM community broadcasting services.

Given the existence of the two Chinese narrowcasting services and Chinese programs broadcast on SBS radio and community radio service 3ZZZ, as discussed above, the ABA also finds that there is an adequate level of broadcasting services in the Melbourne licence area to serve the Chinese community. Consequently, the ABA is of the view that the proposed service has not demonstrated that it would meet an existing or perceived future need of the community within the licence area.

### ***3CCFM Association Inc***

3CCFM was incorporated on 8 May 1998. At the time of its application in November 2000, the Association had seven financial members and 11 non-financial members (volunteers). In the ABA's view, this is not an acceptable situation for an aspirant community broadcaster which claims to represent a community of over 100,000 people. The small membership base indicates that decisions made by 3CCFM, through its committee of management and four sub-committees, do not reflect the needs and interests of its entire community.

At the licence allocation hearing, 3CCFM explained that the reason why it does not have many members is because the concept of a community based radio service is new to Chinese migrants in Australia, who come from China, Singapore and Hong Kong where radio services are either commercial or government controlled. Despite this admission, the ABA notes that 3CCFM has not established any methods to encourage members of its community to participate in the operations of the service,

aside from on air announcements. This raises doubts regarding 3CCFM's commitment to develop community participation, particularly given that it has conducted five temporary broadcasts since 1998.

The ABA has concerns about 3CCFM's financial capacity to provide both the AM and FM services. 3CCFM estimated its income at \$9,000, \$13,000 and \$22,000 in its first three years of operation comprising subscriptions (\$2,000-\$10,000), sponsorship income (\$3,000-\$8,000) and community sources (\$4,000). 3CCFM provided financial statements for 1998/1999 and 1999/2000, which indicate a total revenue of \$100 for 1999 and \$75 for 2000. Based on these statements, the ABA is not satisfied that 3CCFM will be able to raise the projected income.

3CCFM's application indicates a large shortfall between income and operating costs in its first three years of operation. Operating costs are estimated at \$105,000, \$115,000 and \$125,000 respectively and consist of wages and technical costs. There is no reference to administration or promotional costs. Information provided subsequent to the original application indicates a further cost of \$320,000 per year for a managed transmission site and facilities for the FM service. In regard to the AM licence, 3CCFM stated that the operational costs would not be as much as the FM licence, however did not provide an estimate.

When questioned at the licence hearing about the apparent shortfall between income and operating costs, 3CCFM submitted that members of its committee of management would meet the deficit. It conceded however that it had not considered the possibility of newly elected committee members being unable to cover the operational shortfall.

3CCFM also indicated that Chai Fong Electronics Pty Ltd, which is owned by 3CCFM's secretary Mr Thomas Li, has offered to finance the service and supply a fully equipped and maintained studio free of charge. At the licence hearing, 3CCFM indicated that it is not likely that Mr Li will withdraw his support, however it will continue to seek financial support elsewhere. The ABA also notes that the two letters of support provided by 3CCFM were from Chai Fong Electronics.

Given the potential uncertainty in funding, the ABA is not confident that 3CCFM will be able to establish the service or cover the shortfall between income and operating costs. The ABA is also of the view that 3CCFM has not had sufficient regard to the amount of money it will cost to realistically operate the full-time proposed service.

Overall, the ABA does not consider that 3CCFM has demonstrated that it has the capacity, in particular the financial and management capacity, to provide the AM or FM community broadcasting services.

Given the existence of the two Chinese narrowcasting services and Chinese programs broadcast on SBS radio and community radio service 3ZZZ, as discussed above, the ABA also finds that there is an adequate level of broadcasting services in

the Melbourne licence area to serve the Chinese community. Consequently, the ABA is of the view that the proposed service has not demonstrated that it would meet an existing or perceived future need of the community within the licence area.

### ***Hot FM Current Chart Radio Inc***

Hot FM Current Chart Radio Inc [Street FM] claims to represent marginalised groups in the general community. Key issues affecting these groups include drug addiction, homelessness, unemployment, institutionalisation, economic and family breakdown, racism, prison system and welfare. Street FM's secondary audience is the mainstream community who are on the fringe of, or who are most at risk of, becoming marginalised. In its application, Street FM stated that it is unable to describe the secondary community as it is not yet visible as a group.

When questioned about the size of its target audience, Street FM indicated that its dual community interests are growing proportionally and extend to the whole of the Melbourne population. The ABA does not accept Street FM's estimate, firstly because no evidence was provided to justify the assumption made aside from a list of claimed marginalised groups in the community, and secondly because Street FM is unable to identify its secondary audience.

Street FM was incorporated on 16 January 1998 and has conducted five temporary community radio broadcasts.

As at January 2001, Street FM had 441 individual members of which approximately 46% live in the eastern suburbs with the remaining members spread evenly throughout Melbourne. Street FM also provided profiles of some of its volunteers which indicate that many have website addresses, mobile phones and previous experience as DJs or broadcasters. Based on this information, the ABA is not convinced that Street FM's members entirely represent the marginalised community the station claims to serve.

In its closing submission, Street FM contends that community radio broadcasting service 3CR only represents a subsection of the marginalised community in Melbourne, namely the working class, women, the Indigenous and community groups discriminated by the mass media. Street FM claims that it has the potential to represent all of Melbourne's marginalised groups and argues that issues of marginalisation cannot be covered 100% by 3CR, which allows Street FM to fill the gap.

The ABA notes from 3CR's website and from a discussion with the station that in conjunction with its focus on issues of social justice, it represents many of the groups Street FM claims to serve including the unemployed, drug and alcohol addicts, the disabled, prisoners and welfare recipients. The ABA therefore considers that 3CR represents, to a large extent, the community which Street FM claims to serve.

At the licence allocation hearing, it was revealed that one of the co-founders of Street FM, who was voted out of holding a position with the service in August 2001, was involved in negotiating commercial low powered narrowcasting licences for dance music services in Melbourne, Perth, Canberra, Queanbeyan and the Gold Coast on behalf of StreetNation Pty Ltd. An online dance music radio service was also set up called *Street FM*.

When questioned about the possibility of the public's confusion between the commercial and community services given they have the same name, Street FM indicated that it has applied to the Office of Fair Trading to change its name to Melbourne Community Radio Access Inc and will also change its trading name to MCRA.

Despite Street FM's claims at the licence allocation hearing that it is not associated with StreetNation, the ABA notes that Street FM's website has a link to StreetNation's dance website. In view of this information, the ABA is not satisfied that Street FM has sufficiently distanced itself from StreetNation in order for the public to make a distinction between the two services. As such, the ABA is concerned that Street FM may be part of a profit making enterprise, namely, StreetNation.

Street FM estimates its income at \$1,228,800 in its first and second years of operation rising to \$1,260,800 in year three. Sponsorship announcements and sale of air time are the most significant components of the revenue amounting to a total of 93%. Street FM indicated that the sponsorship estimates are based on previous experience during its test broadcasts.

The ABA notes that financial statements provided for 1998/1999 and 1999/2000 attribute \$4,020 and \$11,947 in "fees received" respectively. It is unclear what these fees refer to, however assuming the figures relate to sponsorship fees, the ABA does not consider Street FM's income estimates in its first three years of operation to be realistic.

The ABA finds that Street FM does not have the capacity, in particular, the financial and management capacity, to provide the proposed service.

#### ***Melbourne Gospel Radio Inc***

Melbourne Gospel Radio Inc [MGR] claims to represent Melbourne's Christian community, including churchgoers and people who express an interest in spirituality however do not regularly attend church. In its application, MGR points out that it is a non-denominational Christian group that recognises that the Christian community comprises people of all ages and nationalities.

Membership of MGR is granted to those who acknowledge Jesus Christ; are active in their own church, fellowship or assembly or who intend to become active; are willing to accept MGR's doctrinal statement; have read and endorsed MGR's statement of

purposes; have attained the age of 18 years; and who abide by the Rules of Association.

In regard to the requirement to be active in church, MGR's Constitution provides that the board of management is open to discussion regarding this point. At the licence allocation hearing, MGR indicated that it has not made any exceptions to date on this requirement. When questioned about why it placed a churchgoing restriction on members, MGR submitted that it believes that it is best for members to be active within their church or within organisations in order to demonstrate their commitment to Christianity.

In the ABA's view, the evidence presented at the hearing appears to militate against MGR's claim to represent the broader Christian community, including non churchgoers.

The ABA also has concerns about the restrictive requirement for volunteers to provide a recommendation from a pastor or church leader in order to participate in the service, including joining teams responsible for such matters as programming, sponsorship and administration. On a number of occasions at the licence allocation hearing, MGR indicated that anyone who is actively involved in the service must be regular attendees at church. Whilst at one point MGR argued that this requirement is flexible, it conceded to only making exceptions in under 10 cases. The ABA finds that such a requirement limits the broader Christian community, which MGR claims to serve, from participating in the service.

MGR's application sets out the Christian denominations of its 10 board members and 23 station members who are entitled to vote. The board consists of three Baptists, two Charismatics, one Pentecostal, one Lutheran, one Anglican and one Bretheran. The 23 station members comprise 35% Baptist, 18% Pentecostal, 13% Full Gospel Churches of Australia, 9% Seventh Day Adventist, and 4% each of Lutheran, Anglican, Bretheran, Charismatic and Church of Christ.

The ABA notes that of these, only the Anglican denomination is a major Christian denomination in Melbourne. The service provided by MGR appears to have lesser appeal to the five main Christian denominations and have greater appeal to non-mainstream, evangelical denominations.

As at May 2001, MGR had 23 voting members and 10,256 subscribers. MGR indicated at the licence allocation hearing that it does not have any programs in place to translate more of the subscribers into members. In the ABA's view, this is not an acceptable situation for an aspirant community broadcaster which claims to represent a significant sized community. The small membership base indicates that decisions made by MGR, through its board of management and sub-committees, do not reflect the interests of its entire community.

The ABA therefore does not consider that MGR has the capacity, in particular the management capacity, to provide the AM or FM community broadcasting services.

The ABA is also of the view that that the proposed service has not demonstrated that it would meet an existing or perceived future need of the community within the licence area.

The ABA believes that the needs of the Christian community identified by MGR could be accommodated by Triple Seven.

***Radio 3SA Suburban Radio Inc***

Radio 3SA Suburban Radio Inc [3SA] has only applied for the AM licence. It claims to represent the general community of Melbourne and its suburbs. In its application for incorporation to Consumer and Business Affairs Victoria, 3SA stated that its purpose is to “run a non-profit community radio station for the benefit and entertainment of organisations not catered for by mainstream broadcasting”. 3SA indicated that these organisations include The Lions Club, Rotary and other service groups, churches and schools.

3SA was incorporated on 5 December 2000 and has not conducted any temporary community radio broadcasts. It has adopted the Model Rules for an incorporated Association and has advised that it intends to amend the Rules, however did not indicate when it intends to do so nor whether the amendments will take the form of open membership or a discretion to refuse membership with appeal rights.

At the licence allocation hearing, 3SA pointed out that it intends to concentrate on Melbourne’s suburbs, which is reflected in its program schedule. It indicated that the existing need in the community is for information regarding councils, service clubs, schools, and local and new artists. 3SA claimed that its Chairman has conducted research into the needs of the Melbourne-wide community through his involvement with The Lions Club, however did not provide any evidence of such research. The ABA notes that there are no letters of support for the proposed service.

The ABA finds that 3SA has been unable to demonstrate that it will meet the needs of the wider Melbourne community. Through its own acknowledgement at the licence hearing, information about local areas would not be of interest to the wider Melbourne audience.

3SA claims that Melbourne and its suburbs are not being catered for by mainstream radio. The ABA does not accept this claim given the fact that there are 16 local area community radio services covering almost all of the Melbourne-wide licence area (see Appendix D).

The ABA has concerns about 3SA’s commitment to community access to, and participation in, the service. 3SA indicates that it intends to establish sub-committees however does not elaborate on the nature of these committees. It also states that members may apply to the committee of management to join the sub-committees, however does not provide any details regarding the appointment process.

In view of the lack of details regarding sub-committees and the minimal opportunities to participate the service, the ABA is not persuaded that 3SA allows for an adequate or appropriate level of access to, and participation in, the operation and programming of a community broadcasting service by its members.

3SA has provided insufficient information to the ABA about a range of matters relating to the establishment and operation of its proposed service: evidence of estimated establishment costs; evidence of source of funding to establish the service; and evidence of estimated income and operating costs in its first three years of operation.

The ABA notes that the composition of 3SA's committee of management does not comply with the requirements in its Rules of Association. It is also unclear how the committee members were selected.

In conclusion, the ABA finds that 3SA does not have the capacity, in particular, the financial, technical and management capacity, to provide the proposed service. The ABA is also of the view that the proposed service has not demonstrated that it would meet an existing or perceived future need of the community within the licence area.

### ***Showbiz Radio Inc***

Showbiz Radio claims to represent the general community who is interested in theatre or cinema and who enjoy theatre and film music. It also proposes to serve those people actively involved in the theatre, including professional, non-professional, fringe and community theatre groups, and local actors, directors, musicians and program makers.

Showbiz Radio was incorporated on 13 January 2000 and has not conducted any temporary community radio broadcasts.

According to its application, Showbiz Radio estimates the size of its audience at 400,000. This figure is based on the results of a Roy Morgan survey indicating that 23% of Victorians had attended a theatre performance at least once in the 12 month survey period and that 80% lived in the Melbourne metropolitan area. Showbiz Radio included a repeat visit factor of three times and estimated a core of 400,000 people who would be likely to be interested in its service.

The ABA does not accept that Showbiz Radio's figure for its claimed target audience is realistic. It has not provided any evidence to indicate that people who attend the theatre would necessarily be interested in participating in, or listening to, a broadcasting service focused on theatre and film music and information.

Further evidence that Showbiz Radio's estimate of the size of its audience is not credible is found in its admission at the licence allocation hearing that its primary aim is to serve those sections of the community who are actively involved in the

theatre as opposed to the general community. Its audience would therefore be substantially reduced in size given this acknowledgement.

The ABA therefore finds that there is no evidence before it that Showbiz Radio's potential audience amounts to 400,000.

Showbiz Radio proposes to establish an advisory council to act as the voice of the community and to make recommendations to the board. It indicated at the licence allocation hearing that it would not be concerned if there was a bias of representatives from the theatrical industry involved in the council. Given this possibility, members of the general community could therefore be excluded from participating in that part of the decision-making process of the service. The ABA also notes that each of Showbiz Radio's proposed sub-committees will include a member of the advisory council, thus further potentially limiting access by the general community to the operations of the service.

The ABA concludes that access to, and participation in, the service by the general community could potentially be limited by allowing the advisory council to comprise solely of representatives of the theatrical industry.

In terms of need for the service, Showbiz Radio indicated in its application and at the licence allocation hearing that it has relied on anecdotal evidence from people involved in the theatrical industry as evidence of need for such a service. The ABA considers that Showbiz Radio has not been able to demonstrate that there is a need for the service it proposes to provide.

The ABA also has concerns about Showbiz Radio's financial capacity to provide both the AM and FM services. Its income estimates in the first three years of operation are \$435,000, \$545,000 and \$655,000 comprising individual members' subscriptions (\$20,000-\$30,000), group subscriptions (\$15,000-\$25,000) and sponsorship announcements (\$400,000-\$600,000).

Showbiz Radio did not provide any evidence regarding how it intends to attract the proposed level of membership or sponsors to the service. As such, the ABA is not satisfied that Showbiz Radio will be able to raise the projected income, particularly given that it had no members at the time of the licence allocation hearing, aside from the five member committee of management.

Overall, the ABA does not consider that Showbiz Radio has the capacity, in particular the financial and management capacity, to provide the proposed service. The ABA is also of the view that the proposed service has not demonstrated that it would meet an existing or perceived future need of the community within the licence area.

## MELBOURNE CITY LICENCE

### Executive Summary

The ABA has assessed the claims of each applicant for the Melbourne City community broadcasting licence, aside from Student Youth Network Inc on the basis that it has decided to allocate a Melbourne-wide FM licence to this organisation, which was its stated preference. A summary of the claims of each of the applicants is set out at Appendix A.

The ABA found that the following two applicants did not demonstrate sufficient capacity and/or community need to provide the proposed services within the meaning of s.84(2)(d):

- 3CCFM Association Inc (3CCFM)
- Central Melbourne FM Inc (City FM)

The ABA's reasons in relation to these applicants are set out at pages 99-102.

There were five remaining applicants in respect of which the ABA was satisfied both:

- as to their capacity to provide the proposed service; and
- that the proposed service would meet the existing and perceived future needs of the community within the Melbourne licence area.

Those five applicants, and the communities each claims to represent, are:

<b>Applicant</b>	<b>Community</b>
Joy Melbourne Inc (JOY)	Gay, lesbian, bisexual and transgender community
KISS FM Inc (KISS FM)	General community who enjoy dance music and its associated cultures
Melbourne Pulse Radio Inc (Pulse FM)	Inner urban community
Nu Country Music Radio Inc (Nu Country)	Country music, disadvantaged and health for living communities
The Victorian Muslim Community Information Service Inc (VMCIS)	Muslim community

A discussion of the relative merits of these applicants is set out below.

Having considered the relative merits of the five remaining applicants, and having regard to the matters set out in s.84(a) to (d), the ABA has decided to allocate the Melbourne City licence as follows:

<i>Service licence no.</i>	<i>Frequency</i>	<i>Maximum ERP/CMF</i>	<i>Successful applicant</i>
SL 1150683	94.9 MHz	250 W	Joy Melbourne Inc.

#### **Discussion of matters at s.84(a)-(d)**

##### **Nature and diversity of the interests of the community within the Melbourne City licence area**

The ABA, in assessing the interests of the community, relied on evidence before it as to the size of the various interest groups within the licence area. Generally, in the absence of current research as to what community interests are, the ABA has accepted the submissions provided to it as to the nature of community interests.

The ABA acknowledges that not all members of those interest groups have the same interests, and there may be a significant cross-over of interests between different interest groups, particularly in relation to music.

At Census 1996, the total population of the Melbourne City community radio broadcasting licence area was 765,700.

##### ***Country music community***

Nu Country claims to represent the country music community in the Melbourne City area. It provided evidence from a survey conducted in 2001 by the Country Music Association of Australia (CMAA) of 1,022 respondents regarding the size of its community.

The CMAA found that 32% of Australians enjoy listening to country music, which placed it as the third most popular music in Australia slightly behind classical, with pop/rock being the first. The survey also revealed that 18% nominated country music as their favourite type of music. Of those who enjoy listening to country music, 27% live in metropolitan areas.

The survey also revealed that 52% of those who enjoyed listening to country music felt that there was not enough played on the radio and 33% would listen to the radio if more of this style of music was played.

### ***Dance music community***

KISS FM has described the community that it proposes to serve as the general community in Melbourne City who love dance music and want to be informed about its associated cultures, including fashion, art and technology.

KISS FM indicated that it is difficult to accurately estimate the size of its audience. It provided details of dance party attendances, CD sales and circulation of weekly dance music oriented street press as an indication of the growth of interest in dance music.

A case study of a Tribe Dance party conducted in March 2000 reveals that 16,000 people attended. KISS FM predicted that this figure will increase to in excess of 20,000 in 2001. KISS FM provided a newspaper quote from a record company, Shock Records, which indicated that dance music comprised over 50% of its CD sales in 2000. In regard to dance music street publications in Melbourne City, KISS FM provided the following details: Zebra Magazine (circulation of 33,000 copies per week), Play Magazine (circulation of 32,000 copies per week), TRM (circulation of 20,000 copies per month) and the recently launched magazine Revolution.

### ***Disadvantaged community***

Nu Country claims to represent the disadvantaged community in Melbourne City.

The 1996 ABS Census indicates that the income level of over one million people in Melbourne was under \$300 per week. ABS data reveals that approximately half of these people were in receipt of a pension (aged, wives, carers, disabled or sole parent) in 1997. The 1996 Census indicates that there were 139,386 unemployed in Melbourne or 5.7% of the total population. The ABA was unable to find any statistics relating to unemployment levels and welfare recipients in the Melbourne City licence area.

### ***Gay, lesbian, bisexual and transgender community***

There is no Census data available on the size of the gay, lesbian, bisexual and transgender (GLBT) community in Melbourne City. The ABA accepts that there are social factors which make it difficult to accurately assess the size of the community in the Melbourne City licence area that JOY claims to represent.

JOY stated that the gay and lesbian community is difficult to quantify with a high degree of precision. JOY cites the Kinsey Report of 1953 as being a widely acceptable indicator. Kinsey stated that the proportion of the population that identifies as gay and lesbian is between 7-10%. JOY states that to date there has been no completed population-based studies of sexual practices undertaken in Australia, and that the figures of 10% males and 6% females have been used as general indicators of the prevalence of gay and lesbian people in western countries. JOY states that its community is fluid in

that it is comprised of those overlapping constructs that engage with the gay community, self-identify as gay, or are same-gender sexually active.

JOY claim that there is a sizeable community due to the extensive network of gay and lesbian community organisations throughout the Melbourne metropolitan area, an estimated attendance in excess of 100,000 at the annual Midsumma Gay and Lesbian festival, and the estimated 50,000 participants in the Annual Pride March.

On the basis of the evidence before it, the ABA accepts that the gay, lesbian, bisexual and transgender community within the Melbourne City licence area is of a significant size.

### ***General Community***

At Census 1996, the total population of the Melbourne City community radio broadcasting licence area was 765,700.

### ***Muslim community***

ABS data from the 1996 Census indicates that about 16,163 people, or about 2.1% of the total Melbourne City licence area population, identified as Muslim. The ABA was unable to find any statistics relating to the projected increase in the number of Muslims in the Melbourne City licence area.

VMCIS claims that the number of Muslims in Melbourne is actually higher due to some people being reluctant to declare their religion as Islam. The ABS accepts that this may be so in some cases.

The ABA notes that Muslims living in Melbourne come from many countries. Their birthplaces include Australia, Lebanon, Egypt, Turkey, Iran, Iraq, Pakistan, Afghanistan, Bangladesh, Indonesia, Malaysia, Fiji and Bosnia-Herzegovina.

### **Nature and diversity of other broadcasting services (including national broadcasting services) available within the Melbourne City licence area**

A list of broadcasting services currently available within the Melbourne licence area is at Appendix D of this report.

### ***Country music community***

There is no broadcasting service in Melbourne City devoted solely to country music.

Country music programs provided on radio broadcasting services in Melbourne include nine hours per week on 3CR, two and a half hours on 3PBS, two hours on 3RRR, four hours on ABC 3LO and two hours on ABC 3RN. A number of sub metropolitan local area community broadcasters also include some country music

programs, most notably 12 hours every Sunday on 3WRB, however reception of these services is variable and sometimes fortuitous across the entire Melbourne City licence area.

### ***Dance music community***

There is no broadcasting service in Melbourne City devoted solely to dance music.

Weekly broadcasting services that provide specific dance music programs in Melbourne include 28.5 hours on 3PBS, at least five hours on 3RRR, five and a half hours on 3CR, and nine hours on 3JJJ. 3PBS has advised the ABA that 11 out of 13 of its dance music programs are different to those broadcast by KISS FM.

Dance music is also played at various times during general programs on 3RRR and on commercial broadcasters FOX FM and MIX FM. Pay TV provider Foxtel broadcasts a dance music program four times a week.

Dance music street publications in Melbourne City include Zebra Magazine, Play Magazine, TRM and Revolution.

### ***Disadvantaged community***

Melbourne-wide community broadcaster 3CR specifically aims to represent marginalised groups in Melbourne City, including the unemployed, and addresses issues of social justice. This service is predominantly talk (75%). Melbourne-wide community broadcaster 3RPH provides a service that specifically aims to represent people with a print disability.

### ***Gay, lesbian, bisexual and transgender***

There is currently no broadcasting service in Melbourne City devoted solely to the needs of the GLBT community. The only local media that specifically serves this community are two free weekly newspapers.

Programs provided for the GLBT community on other broadcasting services in Melbourne City include two and a half hours per week on community broadcaster 3CR and a small amount of programming on community television station Channel 31.

JOY provided evidence that indicates only 0.5% coverage of GLBT issues in the Victorian media in a six month period.

### ***General community***

There is currently no broadcasting service in Melbourne devoted to the needs of the general community in the Melbourne City licence area.

A range of programs is provided specifically for the general community on various Melbourne-wide commercial and community broadcasting services, and ABC regional service 3LO. These programs cover the Melbourne City licence area, however, are not directly specifically at persons residing in that licence area.

### ***Muslim community***

There is currently no broadcasting service in Melbourne City devoted solely to the needs of the Muslim community.

There is however, 45 hours per week of regular language programming in Arabic, Turkish, Bosnian, Syrian, Lebanese, Iraqi and Oromo on the two SBS FM radio services and on community radio broadcasting service 3ZZZ. The ABA notes that these programs are not necessarily Islamic.

### **Capacity of the applicants to provide the proposed service**

#### ***Management capacity***

The ABA has concluded that five remaining applicants under consideration have each demonstrated that they have the management capacity to provide their proposed services.

In assessing management capacity, the ABA has considered whether the applicant association is likely to be managed in a way that is appropriate for a community broadcaster. Of specific concern to the ABA is whether the applicant association is structured in a way which is appropriate to the operation of a community broadcasting service; whether the board and staff of the applicant association have relevant management experience; and, in particular, the extent to which members of the community the applicant claims to represent are encouraged to participate in the operation and programming of the service.

The following discussion sets out only the main features of an applicant's proposed service in relation to these matters; a more detailed description of each applicants' proposals may be found in the summary of evidence for each applicant at Appendix A.

#### **JOY Melbourne Inc**

According to JOY's Constitution, an application for membership may be rejected by the committee of management. Grievance mechanisms are available for rejected applicants.

A committee of management comprises four office bearers and six ordinary members, which is currently divided six/four between males and females. Each office-bearer is elected for a three-year term and ordinary member for a two-year term by members at the annual general meeting. Six sub-committees exist to deal

with programming, technical matters, sponsorship, office administration, operations and membership. Volunteers are appointed to the sub-committees by a selection panel comprising a member of the committee of management, station manager and a representative from the relevant sub-committee.

At the time of the application, JOY had 1,867 members, including 15 community organisations. JOY estimated that over half of its members live outside the Melbourne City area. It claims to have the largest membership of any gay and lesbian organisation in Victoria.

In its application, JOY stated that persons must be members of the Association for six months before they are eligible to vote at annual and special general meetings and to nominate for positions on the committee of management. The Constitution does not appear to provide for this limitation.

JOY indicated that it encourages participation in the operations of the service by way of on air announcements, monthly volunteer induction sessions, newsletters, membership mailouts and advertisements in the gay and lesbian print media. A total of 160 volunteers participated in JOY's most recent temporary broadcast.

Participation in programming is ensured through election to the programming sub-committee, telephone feedback lines, annual surveys and by allowing the sub-committee meetings open to all members to offer feedback. Monthly presenter meetings are held to provide feedback and training to presenters.

Members on JOY's Board have experience with various community radio services and other community organisations, or have had involvement with various other broadcasting or media services.

#### KISS FM Inc

Membership of KISS FM is automatic for all persons. Appeal mechanisms exist for members who have been disciplined, suspended or expelled from the Association. Dispute and mediation rules are also in place. As at May 2001, KISS FM had 70 voting members and 1,540 subscribers.

A committee of management comprising four office bearers and two ordinary members is responsible for the management of the station. Members of the committee are elected by members of KISS FM, and are eligible for re-election. The service also includes eight managerial positions to head various operational departments. Current sub-committees deal with marketing, public relations, promotions and programming.

Members of KISS FM may participate in the operations of the service by voting at meetings and by expressing an interest in joining sub-committees. KISS FM also indicates that members of its community may have their say by speaking to the station manager or community liaison officer.

KISS FM claims to actively encourage community participation through on air announcements, its magazine, website, subscription application forms, induction manual, street press and listener surveys. It also intends to promote participation by way of promotion teams on the street and at events, lectures and workshops in schools and noticeboards in universities and colleges.

A total of 204 volunteers participated in one of its recent temporary broadcasts. All volunteers are provided with an induction manual and are required to sign an agreement indicating that they understand KISS FM's policies. Board members and staff at KISS FM appear to have relevant experience in the management of a community broadcasting service.

The ABA is concerned about KISS FM's past management capacity for the provision of a community broadcasting service as set out at section 15 of the Act. Section 15 prohibits a community service from operating for profit or as part of a profit making enterprise. Evidence suggests that KISS FM risked operating as part of a profit making enterprise given that the sponsorship and advertising departments of KISS FM and the commercial radio narrowcasting service Rhythm FM were authorised to represent each other. At the licence allocation hearing, KISS FM acknowledged that it did not necessarily know whether its sponsorship staff represented KISS FM or Rhythm FM at any one time.

The ABA also notes that the President of KISS FM was one of the directors and shareholders of Rhythm FM until after the licence allocation hearing when he resigned as executive, director, station manager and program director of the narrowcasting service. However, it is unclear whether he is still a shareholder. The other Rhythm FM director has also recently resigned as a board member of KISS FM.

Subsequent to the licence allocation hearing, KISS FM advised the ABA that it intends to draft a Code of Conduct which will bind contractors to seek separate sponsorship packages for KISS FM and to establish an independent audit committee to oversee conflict issues. The KISS FM Code of Conduct, which includes conflict of interest, was adopted by the KISS FM Board in October 2001. Whilst the ABA acknowledges these recent developments, it remains concerned about KISS FM's late realisation of the importance of ensuring that there are no conflicts of interest within the organisation, and of the potential for the service to be operating as part of a profit making enterprise.

#### Melbourne Pulse Radio Inc

According to Pulse FM's Rules of Association, an application for membership may be rejected by the committee of management. Appeal mechanisms exists for rejected applicants. As at May 2001, Pulse FM had 56 voting members.

Pulse FM is managed by a committee comprising four office bearers and two ordinary members who are elected at the annual general meeting until the AGM the following year.

Pulse FM has established seven teams responsible for promotions/production, technical matters, programming/music, community/volunteers, events, website/products and infrastructure. Members of the service may join the teams by submitting an expression of interest which is then considered by the committee of management. Applications may be rejected on the basis of inadequate understanding of the task involved or if the applicant does not adhere to the charter of the organisation.

In its application, Pulse FM indicates that members of its community have access to the decision-making processes of the station by becoming members and voting at meetings. It proposes to encourage participation in the service through regular publicity at local community events and activities and on air announcements.

#### Nu Country Music Radio Inc

Membership of Nu Country is open to all persons. Although an application for membership may be rejected by the committee of management, the Rules of Association provide for appeal rights. At the time of the licence allocation hearing, Nu Country had 2,271 financial members. It indicated that an increasing number of its members renew their membership each year ranging from 27% to 54%.

The Association is managed by a committee of management consisting of six office bearers and four ordinary members, who are elected by the station's members at the annual general meeting for a one year term. Members of the current committee of management have relevant broadcasting or management experience.

There are 12 sub-committees responsible for community liaison, works, personnel, benefits-talent quests, sponsorship, promotions/publicity, programming, production, training, membership, technical matters and business planning/licensing. Members may join the sub-committees by an expression of interest. Nu Country indicates that they are then placed on the committee which is the most appropriate for their talent and expertise.

Nu Country gave evidence at the licence allocation hearing that it also proposes to establish an operations committee comprising country music industry groups, for the purpose of ascertaining the type of music they are presenting at the time. The ultimate decision however regarding programming will be made by the programming sub-committee.

According to Nu Country, it proposes to achieve access to, and participation in, its decision-making processes by inviting members of the station to attend annual meetings. It also indicates that station members and the community have the opportunity to contact committee members for comment.

Nu Country emphasises community access and participation throughout its application and 2000 Business Plan. Its mission statement includes providing an avenue through which Melburnians can have unprecedented access to develop a range of skills in the pursuit of hobbies or experience for future employment. Nu Country claims to encourage the community to participate in the service by way of on-air announcements, newsletters and newspaper stories. Over 175 volunteer participated in one of its most recent temporary broadcasts.

#### The Victorian Muslim Community Information Service Inc

VMCIS has submitted amended Rules of Association for certification to the Office of Fair Trading. The proposed Rules provide for open membership which is conditional upon the approval of the committee of management. One criteria upon which an application may be rejected is if the applicant professes a religion other than Islam. Grievance mechanisms exist for rejected applicants. As at May 2001, VMCIS had over 5,000 members and 45 supporting organisations, the majority of which are mosques.

Whilst VMCIS's Rules do not restrict Muslim sects as members, its objects and purposes as contained in its Rules include the power to amalgamate with an Association of the denomination of the Sunni sect. At the licence allocation hearing, VMCIS undertook to amend the reference from Sunni to Muslim.

VMCIS is managed by a committee of management consisting of four office holders and four ordinary members whom are nominated and elected by the station's members at the annual general meeting for a five year term. The Rules provide that candidates must have had five years of uninterrupted membership to be nominated. At the licence allocation hearing, VMCIS indicated that that it intends to amend its Rules to remove the five year term for committee members. Thirteen members of the current VMCIS Board and sub-committees have had experience at board level with various community radio broadcasting services and community organisations.

VMCIS' current structure includes eight sub-committees responsible for general programs, technical matters, finances, public relations, religion, youth, women, and different languages, the latter of which is divided further into eight smaller language groups. Members of the station may apply to join these sub-committees and are appointed by the committee of management based on their skill, expertise and background.

VMCIS also proposes to establish an independent consultative committee comprising Muslim men and women from diverse ethnic backgrounds to advise on program content.

Ongoing participation will be ensured by way of on air announcements, questionnaires and publicising at mosques and Islamic societies in Melbourne. At least 68 volunteers participated in VMCIS' most recent temporary broadcast. A

training committee will be established and take responsibility for training of staff and volunteers.

### ***Financial***

Each of the five applicants has provided the ABA with a range of financial information relating to the operation of their services, including projections for income and expenditure for the first three years of operation. On the basis of the evidence before it, the ABA has concluded that the five applicants have the financial capacity to provide the proposed service, although it has some reservations about the reliance of some of the applicants on one principal source of income, namely sponsorship, to fund their services.

JOY, Nu Country, Pulse FM and VMCIS have all provided what appear to the ABA to be reasonably conservative estimates of projected income in their first three years of operation: JOY estimates \$400,000, \$520,000, \$570,000; Nu Country estimates \$610,200, \$626,340, \$626,340; Pulse FM estimates a total of \$242,984, \$330,624, \$431,772; and VCMIS has projected income of \$227,500, \$248,500, \$273,450.

These estimates contrast with KISS FM's estimated income of \$1.432m in the first year of operation rising to \$1.729m and \$1.813m in years two and three respectively.

The ABA notes that KISS FM, JOY, Nu Country and Pulse FM all estimate that the majority of their income will come from sponsorship in each of their first three years of operation: KISS FM estimates 78%, JOY estimates 67-70% and Nu Country estimates 70-72%. Pulse FM estimates a total of 86-88% which includes regular sponsorship fees and three foundation sponsors which contribute \$40,000 per year.

The other major sources of projected income for these applicants in the first three operational years are: KISS FM - sale of airtime from outside broadcasts (13-14%), subscriptions (5-6%), and CD royalties and miscellaneous sales (1% each); JOY - membership subscriptions (15-16%), sale of airtime (4%-6%), and fundraising (3-4%); Nu Country - membership fees (18%), major sponsors (4%), merchandise (3%) and events (2%); and Pulse FM - subscription and members fees (5-8%), newsletter sales (3-5%), CD/merchandise sales (1%).

In the case of VMCIS, membership subscriptions account for 52% of total income for the first three years of operation. Other major sources of income are sponsorship announcements (23-26%) and grants and donations (7-8% each).

### ***Technical capacity***

On the basis of the evidence before it, including the record of each of the applicants in providing services under the temporary community broadcasting arrangements, the ABA is satisfied that all the five outstanding applicants have, or could gain access to, the technical capacity, to provide the proposed service.

**Extent to which the proposed services would meet the existing and perceived future needs of the community within the Melbourne City licence area**

*Joy Melbourne Inc*

JOY's community of interest is the gay and lesbian communities of Melbourne City, and those who identify with, or are allied to, the gay and lesbian community (particularly transgender and bisexual individuals and organisations). Its community also includes the friends and families of the gay, lesbian, bisexual and transgender population. Accordingly, JOY maintains that its organisation concurrently serves the interests of the wider GLBT community.

JOY's mission statement describes the service as a "gay and lesbian volunteer-based community radio station, committed to providing a voice for the diverse gay and lesbian communities, enabling freedom of expression, the breaking down of isolation, and the celebration of [their] culture, achievements and pride".

JOY indicates that it caters to all sectors of its diverse community in terms of age, geography, social status, education, family structure, cultural and ethnicity.

In its application, JOY asserts that the needs of its community are:

- to be entertained and informed by members of their own community and to access a central point of contact for anyone within that community;
- to be informed about physical and emotional health issues specific to the GLBT community;
- to be informed about access to services, organisations and businesses that cater specifically to their needs;
- to be informed about equality in opportunities in such areas as employment, housing, finance and superannuation; and
- to be informed about GLBT local news, including political, health or community news.

JOY's programming will comprise 40% talk and 60% music. Of the music component, 30% will be local or Australian and 70% overseas music. JOY emphasises that all its programs have a GLBT sensibility in contrast to mainstream media services.

Non-music programming includes specialist programs aimed at lesbians, gay males, bisexuals and the transgender sub-community. There also programs which deal with such matters as international gay and lesbian issues, youth and seniors. Further, JOY's program schedule includes news and interviews, talkback, educational programs and discussion of issues relating to the needs identified by the applicant above.

At the licence allocation hearing, JOY maintained that whilst its programs are directed at its community as a whole, it also features specialist programs aimed at subgroups within the GLBT community. Its music programming is determined based on the particular program. For instance, a program aimed at a more mature listener would include music of interest to that particular age group. Consequently, JOY confirmed that it does not solely concentrate on dance music. Music programming on JOY includes a wide range of genres including pop, ethnic music, 40s and 50s music, dance, electronica, lounge music, folk and country.

The ABA received 753 letters of support for JOY, including 604 from individuals, 82 from businesses, 62 from organisations, four from politicians and one from a church.

### ***KISS FM Inc***

KISS FM proposes to represent the general community in Melbourne City who “love dance music and want to be informed about its associated cultures” including fashion, art and technology. This demographic includes young teenagers, those aged over 18 who go clubbing and those who no longer go clubbing but still enjoy listening to dance music.

In its application, KISS FM listed what it believes to be the existing needs of the dance music community in Melbourne City. These needs include access to 100% progressive programming of innovative and upfront dance music and a diversity of musical styles; access to information on the history and development of dance music and its culture; public exposure to, and promotion of, new local talent including music producers, promoters, artists and DJs; and access to news and weather reports, coverage of local social issues through on-air discussions, interviews and talkback.

KISS FM asserted that it intends to ensure that it will not lock itself into the dance of the day by reflecting the needs of the dance community in terms of what is being played in the clubs, at events, and what DJs are buying from record stores and sourcing from overseas record companies. KISS FM argued that dance music is ever evolving and reinventing itself in a sense of creative progression, and will continue to exist in future as part of the increasingly technologically based society. Based on the evidence provided, the ABA is satisfied that the community which KISS FM claims to represent is a community interest in terms of s84 of the Act.

KISS FM’s program format will be 10% talk (9% local, 0.5% national and 0.5% international) and 90% music, comprising 15% local, 15% Australian and 60% overseas music.

At the licence allocation hearing, KISS FM maintained that it caters to a broad cross-section of dance music including underground, unsigned and Australian elements as opposed to dance music chart hits. It claims to presents over 45 specialist programs with a minimum of 15 different dance genres including hip hop, techno, drum and base, disco, two step, funk, R&B, house, garage, trance and ambient.

The ABA has concerns about KISS FM's previous CD contract with a record company which has the potential to influence its playlist. The contract required KISS FM to promote the CD on radio and television and to commit to a high rotation of key tracks from the CD. The ABA is concerned that the contractual obligation to promote the CD may conflict with KISS FM's representation of the music interests of its community.

In relation to the talk component, KISS FM discusses various programs which meet the needs identified above such as dance music historical programs, information on dance music events, news, interviews and talkback.

The ABA received 1,497 letters of support for KISS FM, of which 1,079 were from individuals, 329 from businesses, 84 from organisations, three from politicians and two from churches.

### ***Melbourne Pulse Radio Inc***

Pulse FM claims to represent the inner urban community in Melbourne, which includes people who reside, work, learn and visit the area. It indicates that its audience includes the whole of the Melbourne population (3,417,200 in 1999), although it also states that the needs of the inner urban residents are different to those who live in the suburbs, and that it intends to meet these needs.

Pulse FM provided a profile of its audience gathered from focus groups conducted by the service. Some of the characteristics are: lives within 7km of the GPO; tertiary educated; employed in a professional capacity or is attending university or TAFE; likely to work in a service-based job; likely to work in the 'new economy' environment; highly technologically savvy; frequents inner urban cafes; and cynical about mainstream media.

The focus groups conducted by Pulse FM found that its audience needs access to an intelligent, locally prepared and presented, non ideological news service which is not 'dumbed down', progressive music programming not aligned with the club culture and on air segments that address issues and concern such as the environment, career, health and food. Pulse FM indicates that it also gathers information from phone calls and its website to determine the interests of its listeners.

Pulse FM intends to provide a programming format consisting of 45% talk (40% local and 5% international) and 55% music. At the licence allocation hearing, Pulse FM indicated that approximately 13.75% of its music programming will be local, 13.75% Australian and 27.5% overseas. Of the music content, Pulse FM pointed out that approximately 60% will be dance music, which includes techno, retro, house and electronica. The remaining music includes R&B, hip hop, folk.

The proposed programming policy indicates that the talk component will include specialised programs which address such issues as sex, relationships and health, gays and lesbians, travel, technology, urban culture and comedy and light entertainment.

Other programs include focusing on issues such as the environment and multiculturalism. Pulse FM will also provide hourly news, sport, talkback and current affair programs.

The ABA received 28 individual letters of support for Pulse FM.

### ***Nu Country Music Radio Inc***

Nu Country proposes to represent the country music community, the disadvantaged community and the health for living community in Melbourne City. According to evidence provided at the licence allocation hearing, Nu Country intends to use country music to promote these various groups.

The country music community comprises recent country music converts, alternative and traditional country music fans and the ex-rural community. Nu Country describes the disadvantaged community as those who do not fit into a clearly definable minority group such as the unemployed, the poverty stricken, newly arrived migrants, the rural displaced and the mentally and physically challenged. The health for living community refers to those members of the general community who are interested in information relating to their health.

Nu Country's business plan indicates that its vision is "to promote the health and unity of the Melbourne community and support, local, independent artists by producing and broadcasting high quality country music radio and values". Despite its claim to represent the disadvantaged and the health for living communities in addition to the country music community, the ABA notes that Nu Country's purposes contained in its Rules of Association only refer to providing a community service for country music.

Nu Country argued that there is a need for a permanent country music service in view of the decline of country music on metropolitan radio. According to evidence provided at the licence allocation hearing, Nu Country proposes to provide an alternate need for 'grassroots' music aimed at local country music musicians.

At the licence allocation hearing, Nu Country claimed that the values and honesty of country music appeal to disadvantaged groups in society. On other occasions however, it indicated that if a person did not like country music, they would not listen to the station. In regard to the health for living community, Nu Country provided statistical evidence relating to health conditions and the aging population in Australia as evidence of need for a service that focuses on health issues.

Nu Country's proposed programming format is 20% local and national talk, and 80% music (7% local, 35% Australian and 38% overseas). In its closing submission, Nu Country indicated that it intends to extend its talk component to 25%.

Nu Country's mission statement indicates that it aims to meet the needs of its country music audience by broadcasting a full range of country music with an

eclectic format and by incorporating the latest trends in Australian and international country music. It does not have a formal programming policy.

Nu Country intends to meet the needs of country music fans by providing information about country music venues and festivals and broadcasting Australian country music.

The program schedule features a wide variety of country music genres including mainstream, Australian, western swing, bluegrass, cajun-zydeco, rockabilly, Texas music, alternacountry, roots, Indie, and Koori country. Nu Country gave evidence at the licence allocation hearing that on average, it plays six independent CDs from Australia or overseas per day.

In terms of the talk component aimed at the disadvantaged and health for living communities, Nu Country indicates that it proposes to formalise a policy of incorporating community, health and welfare information into its programming. Existing talk programs include community service and country music interviews and news and weather reports.

Nu Country provided 490 letters of support (460 from individuals, 17 from businesses, 12 from organisations and one from a politician), along with a petition of support containing 371 signatures.

#### ***The Victorian Muslim Community Information Service Inc***

VMCIS claims to represent the Muslim community in Melbourne City. At the licence allocation hearing, VMCIS contended that the Muslim community has experienced many difficulties in society such as planning restrictions of schools and mosques, and appearance of women in their headgear, which have brought about withdrawal of the Muslim community from mainstream society. VMCIS claims that a Muslim radio service will provide assistance in dispelling misconceptions and stereotype images of Muslims and Islam. Its programming policy reflects this assertion and further indicates that the service will seek to promote tolerance and peaceful coexistence in the Australian multicultural community.

When VMCIS first applied to the ABA for a temporary broadcasting licence, a member was required to be "a believer of the faith of Sunnah." This clause remained in the constitution when VMCIS applied for a permanent licence, however it recently removed this restriction to allow any Muslim to become a member.

VMCIS claims it will meet the general needs of the Muslim community by providing religious programming including external broadcasts from Melbourne mosques, Islamic news and current affairs, talk-back, music, educational material, youth and children's programming and programming for women. VMCIS also intends to provide information that will assist Muslims to understand Australian culture and customs.

VMCIS intends to provide a service made up of 75% talk and 25% music. Of the talk component, 25% will be local, 5% nationally syndicated and 25% internationally syndicated. The music programming includes 2% local, 3% Australian and 20% overseas music. The talk component will cover the Holy Quran, Islamic lessons, children, news, current affairs, religious talkback and live religious ceremonies.

At the licence allocation hearing, VMCIS also indicated that it addresses diverse public legal issues relating to families, consumers and local neighbourhoods. The service broadcasts in eight different languages: Arabic, English, Albanian, Bosnian, Somali, Urdu, Oromo and Turkish. Four hours per day will be devoted to English language programming.

VMCIS states that the music component will derive primarily from Muslim artists in the Middle East, Malaysia, UK and USA, however the service will encourage and give special interest to locally produced music.

The general programming sub-committee consists of the chairperson of each of the eight language group sub-committees. VMCIS also proposes to establish an independent consultative committee with its main roles being to advise on program content, regulate program production and to advise the board of appropriate operation procedures. According to VMCIS, this committee will consist of station members and non-members who are expert Muslim men and women from diverse ethnic and professional backgrounds. VMCIS indicates that their recommendations however are not binding on the service.

The ABA received 1,573 letters of support for the service including letters from the Islamic Council of Victoria, the Australian Arabic Council and the Australian Federation of Islamic Councils, as well as a petition of support containing 4,031 signatures.

## **Conclusion**

Having considered the matters set out above, and on the basis of the evidence before it, the ABA has decided that the existing and future needs of the community in the Melbourne City licence area will be best met by the service proposed by JOY.

### JOY

The ABA is satisfied that there is substantial need for a service that addresses the needs and interests of the GLBT community in the Melbourne City licence area. Based on the evidence given in its application and at the licence allocation hearing, the ABA has formed the view that JOY will be able to cater to a range of interests not currently met, or inadequately met, by existing broadcasting services, and that it has the mechanisms in place to ensure that the community that it proposes to serve will be able to participate in the operations and programming of the service.

The ABA finds that there is a high level of support within the community for the service which JOY proposes to provide, including support from various GLBT organisations and businesses.

The ABA accepts that the GLBT community is a minority group which has traditionally been marginalised in society. A support letter for JOY from the Victorian Minister for Health contends that Victorian members of the GLBT community continue to experience discrimination in their personal and professional lives. The Minister states that the Victorian government is committed to removing the grounds of discrimination and to fostering a social environment in which diversity and difference are recognised and celebrated. One of these methods is the establishment of a Ministerial Advisory Committee on the health and well being of GLBT Victorians. The ABA also notes that the Victorian Attorney-General has established another Advisory Committee in relation to GLBT issues.

In the ABA's view, a dedicated GLBT radio service is an effective means of meeting the various existing and future needs and interests of the GLBT community in Melbourne. These needs and interests relate to particular social issues as well as entertainment. The ABA finds that the needs of JOY's community would be met through its proposed programming. In particular, the ABA notes that JOY's music content includes a wide variety of genres which reflects a diverse range of musical tastes and interests in the GLBT community. JOY is also committed to providing a variety of talk-based programs which address the specific needs of its community identified by the service.

JOY advised the ABA that a community broadcasting licence for the Melbourne City area, as opposed to the Melbourne-wide area, is not as appropriate for the GLBT community because of the difficulties this minority group experiences outside the city centre. The ABA notes this, and understands that JOY would have preferred a Melbourne-wide licence, but observes that there is, nonetheless, a clear need for such a service in the Melbourne City.

Whilst JOY referred to figures provided by various GLBT community groups indicating that the majority of their patrons live outside the city, the ABA notes that approximately half of JOY's members live within the Melbourne City area. It also notes that JOY provided a letter of support from the CEO of the City of Port Phillip who confirms that the inner Melbourne municipality of Port Phillip is home to many gays, lesbians and 'pink' businesses. A letter of support for the service was also provided by the Federal Member for Melbourne Ports, an area which covers the Melbourne City licence area.

In light of these letters of support, and given that such a large proportion of JOY's members in Melbourne City have committed themselves to the service thus reflecting the needs and interests of the community claimed, the ABA finds that there is a need for a GLBT community broadcasting service for the Melbourne City licence area.

#### VMCIS

In regard to VMCIS, the ABA accepts that there is need for Muslim programming in the Melbourne licence area. There is currently no existing media service in Melbourne devoted solely to the needs of the Muslim community. The ABA finds that VMCIS's membership numbers and letters of support indicate a robust level of support for the service.

The ABA finds that VMCIS is a strong applicant and has had a difficult decision regarding its application. It acknowledges that Muslims in a country such as Australia are often isolated from their languages, Muslim religious teaching, the recitation of the Quran, and Islamic music. However, upon careful deliberation, the ABA has concluded that the needs of the community represented by JOY are greater and deeper than the needs of the Muslims in the Melbourne City licence area. The ABA considers that the needs of the GLBT community are deeper in terms of the particular social problems experienced by this community in society.

The ABA also has some concerns about VCMIS's commitment to open membership. VCMIS recently lodged an amendment to its Rules of Association with Consumer and Business Affairs Victoria to allow open membership for all Muslims. However, prior to the licence allocation hearing, the Rules only allowed applicants of the "Ahlu Sunni" sect of Islam to become members of the station. At the licence hearing, VCMIS argued that the restriction to the "Ahlu Sunni" sect did not exclude applicants of the "Shiah sect" to join the service. The ABA is not entirely persuaded by VCMIS's contention. If VCMIS was genuinely committed to representing all Muslims, the ABA questions why it chose to place a restriction on its membership. Based on the overall evidence presented at the licence allocation hearing, the ABA is not confident that VCMIS is inclusive enough of Muslims in Melbourne.

#### KISS FM

KISS FM has convinced the ABA that the dance music which it intends to focus on is an evolving genre and therefore may be categorised as a community interest in terms of s84 of the Act. The ABA has formed the view that there is need for programming as proposed by KISS FM which targets people who enjoy dance music and its associated cultures. Although there is some dance music broadcast on radio services in Melbourne, the ABA accepts KISS FM's argument that many of the styles are hard-core or extreme fringe dance music or they are broadcast at inaccessible times such as 2am to 6am.

KISS FM has substantial support from its community in the form of subscribers and letters of support. The ABA notes however that there is a vast difference between the number of voting members (70) and non-voting subscribers (1,540). The ABA has concerns that the small membership base indicates that decisions made by KISS FM, through its board of management and sub-committees, do not reflect the interests of its entire community, particularly given KISS FM's clear potential to attract support in the form of subscribers.

The ABA also has reservations about KISS FM's management capacity in view of its previous connection with the commercial narrowcasting radio service Rhythm FM. The ABA is concerned that KISS FM risked operating as part of a profit-making enterprise during its temporary broadcasts given that the sponsorship and advertising departments of the two services were authorised to represent each other without any distinction between who they were representing at any one time.

Whilst KISS FM has taken steps, since the licence allocation hearing, to avoid conflicts of interest in future, the ABA has concerns about whether this distance from Rhythm FM will be maintained. The ABA notes that the results of surveys conducted by KISS FM are used to attract sponsors for both services. In the ABA's view, this practice suggests that KISS FM's programming has the potential to be market-based as opposed to reflective of the interests and needs of KISS FM's community.

For this reason, and because the ABA considers that the needs of KISS FM's community are not greater than the needs of the community represented by JOY, the ABA has decided not to allocated the Melbourne City licence to KISS FM.

#### Nu Country

The ABA is satisfied that there is need for country music programming in the Melbourne City licence area. Evidence provided by Nu Country indicates that country music is rated third as the type of music Australians enjoy listening to, and almost a third of these people live in metropolitan areas. The ABA acknowledges the popularity of country music and notes Nu Country's substantial and ever increasing membership base, which is indicative of a strong level support for the service. Approximately half of Nu Country's members live in the Melbourne City area.

There is currently no existing radio broadcasting service in Melbourne City which is dedicated solely to the needs of the general community who are interested in country

music. Although there is some country music programming, the ABA finds that it does not extend to the range of country music offered by Nu Country.

However, despite such a need for country music programming, the ABA is not satisfied that the need of this community in the Melbourne City area is greater than the need of the community represented by JOY.

Nu Country also claims to represent the disadvantaged and the health for living communities in Melbourne City. In the ABA's view, there is no evidence of a need for a service aimed at these communities as proposed by Nu Country. The ABA does not accept that members of the disadvantaged community would necessarily listen to Nu Country simply because of the country music lyrics, as suggested by Nu Country. In fact, Nu Country conceded at the licence allocation hearing that "if you don't like country music, if you're adverse to it, then it would be unlikely you'd be listening to the station". The ABA also notes that Nu Country's membership base consists primarily of country music enthusiasts as opposed to the disadvantaged community.

In regard to the health for living community, Nu Country provided statistical evidence relating to health conditions and the aging population in Australia, however no evidence was provided indicating a need for a service aimed at people interested in health issues as proposed by Nu Country. The ABA also notes that despite its claim to represent the disadvantaged and the health for living communities, Nu Country's purposes contained in its Rules of Association only refer to providing a community service for country music.

#### Pulse FM

The ABA considers that there is some need for programming aimed at the inner urban community in Melbourne City as proposed by Pulse FM. There is currently no regular programming on existing radio services nor a dedicated broadcasting service devoted solely to the needs of Pulse FM's community.

Pulse FM has provided evidence of a moderate level of support for its service. The ABA is not persuaded however, that the level of support in the form of voting members (56) and letters of support (28), is indicative of a greater need for a community radio service in Melbourne City compared to the need for the service proposed by JOY.

The ABA also has reservations about the high level of dance music broadcast on Pulse FM's proposed service (60%). In the ABA's view, such a high proportion of one particular style of music is unlikely to meet the needs and interests of a high proportion of Pulse FM's community. This is the case particularly given Pulse FM's claim that its audience extends to the whole of the Melbourne metropolitan area as it includes people who work and visit Melbourne City.

For these reasons, the ABA has decided not to allocate the Melbourne City licence to Pulse FM.

**Assessment of the applicants who failed to demonstrate sufficient capacity and/or a community need for the proposed service**

***3CCFM Association Inc***

3CCFM claims to represent the Chinese community in Melbourne.

At the time of its application in November 2000, the Association had seven financial members and 11 non-financial members (volunteers). In the ABA's view, this is not an acceptable situation for an aspirant community broadcaster which claims to represent a community of over 100,000 people. The small membership base indicates that decisions made by 3CCFM, through its committee of management and four sub-committees, do not reflect the needs and interests of its entire community.

At the licence allocation hearing, 3CCFM explained that the reason why it does not have many members is because the concept of a community based radio service is new to Chinese migrants in Australia, who come from China, Singapore and Hong Kong where radio services are either commercial or government controlled. Despite this admission, the ABA notes that 3CCFM has not established any methods to encourage members of its community to participate in the operations of the service, aside from on air announcements. This raises doubts regarding 3CCFM's commitment to develop community participation, particularly given that it has conducted five temporary broadcasts since 1998.

The ABA has concerns about 3CCFM's financial capacity to provide the Melbourne City service. 3CCFM estimated its income at \$9,000, \$13,000 and \$22,000 in its first three years of operation comprising subscriptions (\$2,000-\$10,000), sponsorship income (\$3,000-\$8,000) and community sources (\$4,000). 3CCFM provided financial statements for 1998/1999 and 1999/2000 which indicate a total revenue of \$100 for 1999 and \$75 for 2000. Based on these statements, the ABA is not satisfied that 3CCFM will be able to raise the projected income.

3CCFM's application indicates a large shortfall between income and operating costs in its first three years of operation. Operating costs are estimated at \$105,000, \$115,000 and \$125,000 respectively and consist of wages and technical costs. There is no reference to administration or promotional costs. Information provided subsequent to the original application indicates a further cost of \$7,200 per year for the leasing of the Melbourne Central transmitter site or \$2,400 per year for another unnamed site. It is unclear whether these figures include transmission equipment.

When questioned at the licence hearing about the apparent shortfall between income and operating costs, 3CCFM submitted that members of its committee of management will meet the deficit. It conceded however that it had not considered the possibility of newly elected committee members being unable to cover the operational shortfall.

3CCFM also indicated that Chai Fong Electronics Pty Ltd, which is owned by 3CCFM's secretary Mr Thomas Li, has offered to finance the service and supply a fully equipped and maintained studio free of charge. At the licence hearing, 3CCFM indicated that it is not likely that Mr Li will withdraw his support, however it will continue to seek financial support elsewhere.

Given the potential uncertainty in funding, the ABA is not confident that 3CCFM will be able to establish the service or cover the shortfall between income and operational costs. The ABA is also of the view that 3CCFM has not had sufficient regard to the amount of money it will cost to operate the proposed service.

Overall, the ABA does not consider that 3CCFM has demonstrated that it has the capacity, in particular the financial or the management capacity, to provide the Melbourne City service.

Given the existence of the two Chinese narrowcasting services and Chinese programs broadcast on SBS radio and community radio service 3ZZZ, as discussed above, the ABA also finds that there is an adequate level of broadcasting services in the Melbourne licence area to serve the Chinese community. Consequently, the ABA is of the view that the proposed service has not demonstrated that it would meet an existing or perceived future need of the community within the licence area.

#### ***Central Melbourne FM Inc***

Central Melbourne FM Inc [City FM] claims to represent the general community in the Melbourne City licence area. At the licence allocation hearing, it indicated that it is representative of all groups within the Melbourne City demographic and intends to bind these diverse interests rather than accentuate the division within the community.

City FM was incorporated on 11 September 1997 and has conducted seven temporary broadcasts. Its current Rules of Association do not provide for open membership, however its members have recently accepted the inclusion of appeal mechanisms for rejected applicants.

City FM has informed the ABA that as a result of the recent election of new members of the committee of management, one of the committee members, who is the guarantor of the lease for studios, had withdrawn access to the premises, resulting in the failure to broadcast under its temporary community broadcast licence in September 2001. City FM has, however, now advised the ABA that it has overcome its operational difficulties and is ready to commence its next temporary broadcast. In light of these developments, the ABA has strong reservations about City FM's management capacity.

At the licence hearing and in its closing submission, City FM confirmed that it emphasises listeners as opposed to members. It also conceded that in the past it had not considered membership to be a source of income or a necessity for involvement,

nor had it promoted membership. The applicant indicated however that it proposes to conduct membership drives in future.

In light of City FM's attitude towards its members, the ABA has significant concerns about City FM's lack of commitment to community access and participation, particularly given it has been conducting temporary broadcasts since 1998.

Although City FM claims to serve the general community in the Melbourne City licence area, independent evidence provided by the station indicates that almost its entire audience is aged between 15-34 years (59.6% between 15-24 years and 37.8% between 25-34). At the licence allocation hearing, City FM acknowledged that its strongest demographic is the youth in inner city Melbourne, and in particular the 15 to 30 age group. It also admitted that its music programming reflects the interests of its listenership under 40 years of age.

The ABA does not accept City FM's contention that it is not a youth service. The evidence provided indicates that City FM's audience does not include people aged 40 years and over in the general community. The ABA therefore finds that City FM does not adequately represent the general community in the Melbourne City licence area, as claimed.

In its application, City FM claims that the current and future needs of its community arise out of an aging population counteracted by population movement of younger people to the CBD, ongoing societal and economic pressures, and increased recognition of an acceptance of minority groups. At the licence hearing, the applicant indicated that the types of issues it will examine includes health, cultural diversity, youth, financial planning, social disadvantage, the arts, sport, religion, sexuality, alternative lifestyles, the environment and inner city rejuvenation.

Despite such claim, the ABA notes that City FM's proposed programming format comprises 75% music and only 25% talk. When questioned whether the 25% talk component is sufficient to cover issues that are significant to its audience, City FM indicated that it strives for quality talk time rather than "talk for talk's sake".

Based on the evidence provided, the ABA is not convinced that the 25% talk component of its programming reflects City FM's commitment to address a wide variety of issues, particularly given its claim that there is a need to examine such issues.

City FM's music playlist includes recent top 40 hits, dance chart music, older chart music, recent hits, classic disco, dance classics and general classics. It also includes some new music. The ABA notes that a large proportion of City FM's playlist appears to duplicate music programming already provided on commercial stations FOX FM and MIX FM. Between these latter services, they broadcast current chart music, mainstream pop, dance music, and some new music.

In the ABA's view, City FM has not demonstrated that it has the capacity, in particular the management capacity, to provide the Melbourne City service. The ABA also finds that the proposed service has not demonstrated that it would meet an existing or perceived future need of the community within the licence area.

## APPENDIX A

### Summaries of evidence received in relation to each applicant

#### **3AC AUSTRALIAN MELBOURNE CHINESE RADIO INCORPORATED [3AC]**

3AC proposes to represent the Chinese community in Melbourne, broadcasting in Cantonese and Mandarin.

At the time of the 1996 Census, 88,137 people whose first language was a Chinese language, lived in the Melbourne-wide licence area. This accounts for 2.8% of the total licence area population.

3AC estimates that of the people in Melbourne whose first language is a Chinese language, 27% speak Mandarin, 56% speak Cantonese and 17% speak other dialects.

3AC was incorporated on 23 November 2000 and has as its Constitution the Model Rules for Victoria. It has said it will make amendments in line with ABA recommendations on open membership and fair grievance mechanisms as appropriate for a community broadcaster.

3AC's stated aim is to provide the Chinese community in Melbourne with a substantial resource for providing community information and education and the coverage of news and current affairs and cultural issues.

3AC contends that the Chinese community needs a station which provides an up-to-date news and current affairs service and will be a focal point for the provision of information generally. It maintains that news in the Chinese print media, sourced from the English language papers, tends to be delayed by the translation process.

3AC claims it intends to survey the Chinese community and attend the committee meetings of member organisations in order to research current topics of interest.

It claims that members will be able to access and participate in the decision-making processes primarily through attending meetings and submitting programming suggestions. It states it will encourage community involvement by conducting training workshops, holding regular information nights, and speaking to community groups to promote awareness of the station.

3AC is very closely associated with subscription narrowcaster 2AC Australian Melbourne Chinese Radio. 3AC indicated that 65% of 2AC Melbourne's programming is produced in Melbourne and the remaining 35% is a direct link from 2AC Sydney, which is the licensee. 3AC's President 'runs' 2AC Melbourne and has sole responsibility for its profits or losses.

3AC's program content includes information on such things as health services, gardening, cooking, money and finance, real estate and sports. There is also news and current affairs, religious programming, talkback and entertainment such as music and comedy programs.

3AC's expects to broadcast about 80% in Cantonese and 20% in Mandarin. Important messages will also be broadcast in other dialects. Programming will include a mix of 75% talk and 25% music. Of the talk component, 80% will be local or original material, 7% sourced nationally and 13% sourced internationally.

If 3AC is allocated a licence, the subscription narrowcasting service 2AC will continue to broadcast for the first six months following allocation, but will provide different programming. 3AC expects many of the current 2AC subscribers to become members of its Association.

Apart from a Committee of Management of six, 3AC has no other members. It claims to have a strong indication that the majority of 2AC Melbourne's subscribers would become members of 3AC. It has developed a proposed structure which includes sub-committees responsible for programming, promotions, education and technical matters, each headed by a director, most of whom are not Chinese. 3AC claims this will help it reflect general Australian values within its community of interest.

3AC has listed 49 organisations which it says have expressed support, 21 of whom provided written confirmation of this. Forty-one of these organisations appear to have direct links to the Chinese community and represent a diverse cross-section of it. Six groups represent senior citizens from the Vietnamese, Italian, Hungarian, Polish, Anglo-Indian and Greek communities. 3AC believes that association with different groups will help promote mutual understanding. The ABA received 21 letters of support for the service from organisations and one from a business.

3AC maintains it has cultural affiliations with these groups and is prepared to allocate programming time. It will offer membership to anyone interested in promoting the interests of the Chinese community and will allocate programming time to other ethnic groups providing the content is relevant to the Chinese community at large or educates other ethnic communities in relation to Chinese culture and vice versa.

3AC estimates capital costs to establish all services at \$60,000. This figure is the total cost of establishing its studio facilities including technical equipment, furniture and fittings. While 3AC intends to use the nominal site at Mt Dandenong, it is yet to begin negotiations with the parties involved regarding costs. However, it has estimated that for the AM service they may amount to \$77,400 per year.

3AC has some technical and studio equipment and has access to 2AC's studio facilities. It believes it will be able to commence a service two weeks after allocation of a licence.

3AC has not made a distinction between the AM licence and the FM licences with regard to funding estimates. It estimates income in its first three years of operation to be \$580 000, \$595,000 and \$610,000 respectively and operating costs to be \$477,600, \$525,600 and \$583,600 respectively.

3AC maintains that staff currently employed with the 2AC narrowcast service will be retained for the operation of the community service should it be allocated a licence. 2AC currently has 13 on-air staff who share production and console operating duties. Most of its technical staff are presently located in Sydney. 2AC's technical operations in Melbourne are overseen by a qualified broadcasting engineer with over 20 years experience with commercial and community stations.

The President of 3AC has experience in commercial radio and television and is currently the President of the 2AC narrowcast service. All other members of the Committee of Management have extensive experience in managing business and community organisations in Australia and overseas.

3AC proposes to employ three full-time and 19 part-time paid staff. Of the full-time staff, one will work in administration and sponsorship and there will be two technical staff. Of the 19 part-time paid staff, 17 will be involved in programming and two will assist in administration and sponsorship. Wages are expected to average \$173,000 over three years.

3AC's structure provides for five volunteers, who will be working in programming, administration and sponsorship. 3AC believes that based on its experience with 2AC, there would be no need to change staffing levels in its first three years of service.

### **3CCFM ASSOCIATION INCORPORATED [3CCFM]**

3CCFM proposes to represent the Chinese community of Melbourne, broadcasting in Cantonese and Mandarin.

At the time of the 1996 Census, 88,137 people whose first language was a Chinese language, lived in the Melbourne-wide licence area, and 29,982 such people lived in the Melbourne City licence area. They constituted 2.8% and 3.9% respectively of the total licence area populations.

3CCFM was incorporated on 8 May 1998. Under its Constitution, membership is open to anyone wishing to join. The Association has seven financial members and eleven, what are termed, participating, non-financial members.

3CCFM claimed it will encourage members of its community to participate in the operations of the service by way of regular on-air invitations.

The Committee of Management consists of a President, Vice President, Treasurer, Secretary and two other Committee members. The composition of the Committee of Management has remained unchanged since the Association's inception in 1998.

Four sub-committees dealing with programming, administration, training and technical matters have been established. Volunteers hold all positions. The Programming Sub-Committee is divided into six further sub-committees representing different program categories.

3CCFM envisages that 36 volunteers will be required to provide the proposed service, 12 of whom will work full-time. Provision for wages rising from \$25,000 to \$35,000 over three years was budgeted for, but 3CCFM explained that this was a contingency in the event that sufficient volunteers were not forthcoming.

3CCFM estimated that 30% of Melbourne's Chinese community speaks both Mandarin and Cantonese, 40% speaks only Cantonese and 30% speak only Mandarin. It has no particular rules on language use and intends to do as it has done in the past, namely leave it to presenters to decide. This has meant that 70% of programs featured both languages, 20% Cantonese only and 10% Mandarin only. 3CCFM is prepared to broadcast in other Chinese dialects where appropriate.

3CCFM's proposed programming comprises 60% talk and 40% music. Of the talk component, 83% will be locally originated material, and 17% internationally syndicated, comprising news and current affairs sourced from the Internet. Of the music component, 50% of the material will be local, 25% national and 25% international.

Programming will provide entertainment and information targeting the Chinese community as a whole, including educational, religious, youth, children's and food related programs. It will include a mix of traditional and contemporary music, poetry

and literature programs. The service will feature a small amount of material to assist non-English speaking Chinese to learn English and English speakers to learn Chinese.

3CCFM has not yet conducted any research but intends to survey the needs of the Chinese community by means of a questionnaire.

3CCFM has conducted five broadcasts in association with the Thornbury Darebin Secondary College at Thornbury under temporary licences. The first four broadcasts were on a time-sharing basis with the student service, which operated as 3TD.

The most recent temporary broadcast was a 24 hour service and involved 38 volunteers. The licence allowed for a maximum power of 125 Watts. 3TD provided the studio free of charge in return for technical assistance from 3CCFM.

3CCFM has estimated income for its pre-operational period to be \$4,000, making no distinction between income for the AM and the FM services. It has estimated income of \$9,000 in year one, \$13,000 in year two and \$22,000 in year three. These estimates do not include income from sponsorship and promotions, or government and other grants.

3CCFM's application for a community licence was accompanied by two letters of support. Both were from Chai Fong Electronics Pty Ltd. This company, owned by the Secretary of 3CCFM, Mr Thomas Li, offered to provide financial support for the proposed service, and a fully equipped studio free of charge, including all the necessary fixtures and equipment as well as technical assistance.

3CCFM has estimated operating costs in the first three years of operation to be \$105,000, \$115,000 and \$125,000 respectively, with no distinction made between the AM and the FM services. Transmitter site rental for the high-powered service at the NTL site was estimated at \$26,667 per month (\$320,004 per year). These arrangements include full technical support. Separate quotes were given for the low powered service - \$600 a month for the Melbourne CBD site and \$200 a month for an alternative site.

When asked about a potential shortfall in funding, 3CCFM stated that the Board of Management would make up any shortfall through personal contributions, expressing the belief that it should be held responsible for the viability of the group. It also indicated that if this proved insufficient, professional fundraisers would be brought in.

## **CATHOLIC BROADCASTING LTD [CBL]**

CBL claims to represent the Catholic community in Melbourne. It states that the service will be conducted under the auspices of the Catholic Church of Melbourne to encourage listeners to be alert to their spiritual aspirations and potential, to present the Christian messages in the Catholic tradition and to respond to the spiritual needs and human aspirations of the community.

CBL indicates that its target audience is 30% of the Melbourne population identifying as Catholic (in the 1996 Census). Census data indicates that Catholics form 46% of the Christian population in Melbourne. CBL claims the 40,000 respondents (Catholic churchgoers) to the Archbishop's "letter questionnaire" requesting support for CBL's proposed service demonstrate a demand for a Catholic broadcasting service.

CBL's organisational chart indicates that the Board of Directors reports to the Roman Catholic Trusts' Corporation for the Archdiocese of Melbourne ('RCTC'). This corporation vests the authority in the Board to conduct CBL's business and is the ultimate guarantor of loans secured by CBL. CBL admits that the RCTC could, theoretically, remove the authority. This reporting mechanism to the RCTC is not contained in CBL's Constitution. The RCTC has no representation on the CBL Board. The first Board of Directors was appointed by the Archbishop's Advisory Committee and subsequent directors are appointed by the Board and not by CBL members.

CBL is a company limited by guarantee and was incorporated on 23 November 2000 under the Corporations Law of Victoria. Its objects refer to the operation of a community radio station and to its community interest. On 19 July 2001, CBL lodged an amended Constitution with the Australian Securities and Investment Commission. One of the amendments provides that membership is open to applicants who are baptised Catholics or interested in the Catholic ethos, at least 16 years of age, resident of the Melbourne metropolitan area, pay the relevant fee and agree to be bound by the Constitution.

Each member is entitled to one vote in person or by proxy. CBL has not yet devised a membership form. There is no direct cost of membership at present, but CBL proposes to introduce a sliding scale fee (no more than \$10) once broadcasting. CBL has no current financial members. It estimates that it should attract over 1,000 members in an active membership drive.

CBL's Constitution contains an anomaly that one member shall constitute a quorum for all general meetings. It proposed to change this to a quorum of five directors at its next meeting. However, no change to this clause was incorporated in its amended Constitution.

The Board of Directors (comprising between three and ten Directors) is empowered with the management of the organisation. The office is held for three years with

eligibility for re-election. The current Board comprises a Chairman, Deputy Chairman, Secretary and five ordinary board members. No position of Treasurer is referred to. There does not appear to be a requirement that a Director is a member of the organisation. The Board may delegate to sub-committees.

A Committee of Station Management, whose roles and powers are not defined, reports to the Board of Directors. This Committee comprises managers with functional responsibilities. A Membership Services body (comprising representatives of listener members, external Catholic agencies and the Listener Advisory Board) reports to the Committee.

CBL states that all members and volunteers may join committees by invitation (from the Committee of Management) or application. It claims the proposed talk format will enable considerable input from the community.

CBL asserts that the needs of its community may be defined by the absence of a Catholic radio service. It quotes from the Report on the Strategic Communication Advisory Committee to the Archbishop in 1999 which concludes that there is a demand by the elderly Catholic community for spiritual assistance radio and that radio is valued as an essential element in a communications strategy. CBL indicates the distinct needs of the Catholic community include communication of Catholic values, beliefs and the Church 'line' on issues, mass (especially for those at home) and a single management structure. It intends to rely on listener feedback and research to monitor the changing needs of its target audience.

CBL states that average parish numbers are 4,255 in 230 parishes in Melbourne and lists 144 Catholic social service organisations and 328 schools as active sources for support. The ABA received 879 individual letters of support for CBL.

CBL proposes a programming format based on 95% talk (65% local, 10% national syndication, 5% international, 15% other arrangements) and 5% music. CBL's program schedule reflects the proposed format and needs outlined. It has not finalised programming policy guidelines. Members of the Listener Advisory Board will be encouraged to formulate programs suggested by the Board. It intends to provide a framework for open debate on controversial issues and to air different ideological views but with clear editorial comment on the Catholic position.

For FM and AM services, CBL proposes to lease fully managed and serviced transmission facilities and equipment at the nominal transmitter site. It has factored establishment costs for transmission facilities into ongoing operational costs.

CBL has spent no funds to date on capital costs. It proposes to spend a total of \$370,000 on capital costs to establish the FM or AM service (\$250,000 on two studios and \$120,000 on other pre-operational expenses). It proposes to utilise space for premises at Catholic properties. Costs for studios are based on industry advice and average costs in other applications.

CBL estimates it has \$750,000 to establish the proposed service (\$250,000 from “members’ funds”, and a \$500,000 loan from the Catholic Church). “Members’ funds” are based on \$10,000 from a membership drive and \$240,000 from a communication day/collection day fundraiser.

CBL estimates that its revenue in year one will be \$1,186,400 rising to \$1,747,800 in year three. The source of income in year one derives from sponsorship announcements of \$896,400, members’ fees of \$200,000 (congregation collection days), donations of \$50,000 and contra deals of \$40,000. Projected operating costs in year one are \$1,190,200 (wages of \$434,200, technical and operations for the FM service \$334,000 and for the AM service \$82,800, administration \$231,000, depreciation and interest of \$92,000, office/studio rental \$60,000, programs \$32,000 and promotions \$7,000).

No directors have experience in community radio broadcasting. Directors are involved in various community organisations and have relevant management experience. It appears that the only appointments to date are the Board. CBL claims to have access to over 130 volunteers with relevant broadcasting experience.

CBL intends to recruit 11 full-time paid staff, six part-time presenters/announcers, one technician and 26 volunteers in its first year. No staff training or policy manuals have been developed, although staff and volunteer training is proposed.

## **CENTRAL MELBOURNE FM INCORPORATED [CITY FM]**

City FM proposes to represent the general community of Melbourne covering an area of approximately 15 km radius from the city centre. It states that it is representative of all groups within the Melbourne City demographic and that its intention is to integrate the community of cosmopolitan inner urban Melbourne.

City FM was incorporated on 11 September 1997. Its objects include the provision of programming which reflects and is relevant to the cosmopolitan nature of the community within the Central Melbourne area and to broadcast programs of news, information, issues and popular music in a format that is designed to appeal in the whole to the community within the central Melbourne geographic region.

City FM's current Rules of Association do not provide for open membership, however its members have recently accepted the inclusion of appeal mechanisms for rejected applicants.

At the hearing City FM indicated its membership was around 160 members. In its closing submission it indicated that research revealed a membership of 324. City FM indicated that its emphasis is on its listeners as distinct from its members. The ABA received 219 letters of support for the service.

City FM claims that the radio services in the Melbourne City licence area are designed to provide a wide-ranging broadcast to the whole of the Melbourne Metropolitan area, rather than concentrating on the inner city. It claims that its service is the only truly inner urban Melbourne City focussed radio station.

City FM's proposed programming format comprises 25% talk (23.75% local and the remainder national syndication) and 75% music (15% Australian, 60% overseas). It contends that its music format is based largely on listener feedback.

The talk programming consists of five-minute news segments per hour, a seven-minute interview per hour, community service announcements and 2.5-minute general interest segments per hour. A programming schedule submitted reflects this format.

City FM states that its programming will examine issues it believes represents and reflects the community of Melbourne City. These issues include health and fitness, family conflict, study and further education, financial issues and homelessness. The program schedule indicates that the music component of the programming includes live nightclub broadcasts, classic disco and music requests.

City FM indicates that members of the community are provided access to its decision-making processes by volunteering, becoming a member and voting at meetings, and submitting suggestions to the Committee of Management and relevant sub-committees. City FM utilised the services of 52 volunteers in its last temporary broadcast

City FM has spent a total of \$59,166 on capital costs. The station has a secure lease arrangement with a Melbourne city building at Casselden Place to use as a transmitter site for the Melbourne City licence.

City FM proposes to spend a further \$50,297 on studio, transmission and office equipment to establish the service with \$12,517 allocated to transmission equipment. It indicates that it has \$49,245 available for capital expenditure as a result of significant sponsorship funding obtained in 1999/2000.

City FM estimated its revenue in the first year of operation at \$763,500 rising to \$921,500 in year three. The most significant source of income in year one is sponsorship announcements (\$657,000) which comprises 71.3% of total revenue.

City FM's audited financial statements for the year ending June 2000 indicates sponsorship income of \$125,297. City FM's two temporary community broadcasts during that financial year were 19 weeks in total.

The anticipated costs of operating the service are estimated at \$490,250 in the first year of operation rising to \$578,790 in the third year. In year one, the largest components are wages and salaries at \$344,650 (70.3% of total costs) and promotional expenditure of \$50,000 (10.2%).

City FM has conducted seven temporary community broadcasts since May 1998. These broadcasts have varied between four weeks and 11 weeks.

City FM intends to fill six full time paid positions. These positions include a station manager, reception/admin assistant, three sales representatives and a publication/sales person. There will be a further 19 part-time paid positions and 38 volunteer staff involved in programming, administration and sponsorship.

## **HITZ FM BROADCASTERS INCORPORATED [HITZ FM]**

Hitz FM proposes to represent Melbourne's youth community aged between 12 and 30 years of age. It aims to provide a service which reflects the diversity of interests within this group in terms of age, gender, sexuality, cultural ethnicity, religion, education, income, employment, residential location and musical tastes.

The ABS 1996 Census indicates that there were 950,242 people in Melbourne between 10 and 29 years. Recent ABS statistics indicate that this age group increased to 1,010,278 as at 30 June 1999. A survey conducted by Hitz FM revealed that the average age of the station's listener was 18.7 years with a 51/49 male/female split.

Hitz FM was incorporated on 5 October 1992 as Melbourne Youth Radio Inc, and later changed its name to Hitz FM Broadcasters Inc.

Hitz FM's objects are provided for in its Constitution. One of these is to provide a professional radio service which is relevant and responsive to the needs of teenagers and young adults within Melbourne. Hitz FM also aims to broadcast programs of news, current affairs of social issues, contemporary popular music and provide a medium to express an opinion in order to stimulate thought, debate and discussion of young Melbournians.

Membership is restricted to persons under 30 years of age and to non-profit youth organisations whose objectives promote the interests of young people, who agree with the Association (Constitution, code of practice, the *Broadcasting Services Act 1992* and standing orders) and whose application is approved by the Committee of Management. Hitz FM also offers associate membership to persons who do not qualify for full membership. The Constitution provides for adequate grievance mechanisms to those whose applications are rejected by the Committee. Each member, aside from associate members, has equal voting rights.

The Hitz FM Committee of Management provides for four office bearers - President, Vice-President, Secretary, Treasurer and five ordinary members, all of whom shall be individual members over 18 years and under 30 years. Hitz FM believes that Committee members must be legally recognised as adults so that the Association is responsible for its teenage members. Each member of the Committee is elected at the annual general meeting for a two year term and is eligible for re-election. Hitz FM does not allow any paid staff member or department head to hold a position on the Committee.

The following positions also form part of the organisational structure: news director, music director, program director, promotions manager, volunteer coordinator, production manager, sponsorship director, chief technical officer, community services officer, publicity officer and public officer.

The Committee of Management has the power to appoint sub-committees, advisory committees or working groups. There are at present three sub-committees dealing

with membership, programming and under 18 year olds, which report to the Committee of Management. Membership is open to any member who expresses an interest in joining. The Committee of Management make the final selection.

Members of Hitz FM can participate in its decision-making processes by voting at the members' meetings, standing for Committee appointment (over 18 years) and by joining sub-committees. Hitz FM has established a Membership Services Sub-Committee to focus on actively encouraging Melbourne's youth to join the station. A total of 126 volunteers participated in the station's most recent broadcast.

As at June 2001, Hitz FM had 648 members, including 43 youth community groups. The ABA has received 1,163 letters of support for the station from individuals (974), businesses (160), organisations (29) and two politicians. Hitz FM also provided two petitions containing 36,598 signatures.

Hitz FM claims that there is a need in the Melbourne youth community to become involved in the operation of their own radio service. A 1994 report by the Australian Contemporary Music Development Company on Hitz FM and the importance of teen radio supports this claim. The ABA's 1997 report *Youth and Music in Australia – a Review*, found that there appears to be a distinct lack of radio programming which is aimed at young people.

Hitz FM conducts an annual survey and relies on various publications on the youth to ascertain the needs and programming interests of its audience. It will continue to monitor such needs through regular feedback, consultation with community groups including visits to schools, and by attending a diverse range of community events.

Hitz FM proposes a programming format based on 40% local talk and 60% music (9.6% local, 25.2% Australian, 25.2% overseas). The program schedule features programs on news, talkback, interviews, youth issues, local artists, comedy and music. It has a policy to play music less than five years old, which addresses Melbourne youth's need for new music. Hitz FM also caters for more narrow music tastes by presenting specialist music programs, independent and unsigned bands.

Members may participate in proposed programming by joining the program development group, approaching the group with ideas, and via surveys, comment boxes, feedback forms and through the station's visits to schools and events.

Hitz FM owns all its technical and transmission equipment, including a 1kW transmitter which is located at the Public FM transmitter site at Mt Dandenong. It has expended \$115,200 to establish the service and proposes to spend a further \$108,000 on outside broadcast equipment, transmitter, combiner and receiver in its first year of operation, \$22,600 on a second on air studio in its second year and \$31,500 on a second production studio and furniture and computers in its third year. Hitz FM intends to lease either the Public FM transmission site or the NTL transmission site until the end of its third year of operation when it proposes to purchase a share of the Public FM site at a cost of \$350,000.

On the basis of leasing the NTL transmission site, Hitz FM's estimates of its operational costs at \$819,955 in year one, \$699,245 in year two and \$691,176 in year three. On the basis of leasing the Public FM site, the estimates are \$699,955 in year one, \$699,245 in year two and \$688,548 in year three. The largest components are wages and salaries at \$180,408, contra deals at \$179,452, depreciation at \$74,567, telephone at \$60,000, rent at \$51,000, lease of Public FM site at \$44,000 or lease of NTL site at \$164,000 and technical and operations at \$32,500.

Hitz FM estimates its revenue at \$715,231 in year one, \$759,708 in year two and \$804,254 in year three (for lease of Public FM site and \$979,454 for lease of NTL site). The major source of income in year one being sponsorship announcements of \$438,000, contra deals of \$179,452, CD royalties and subscriptions of \$30,000 each and promotions/fundraisers of \$24,000.

Hitz FM has conducted 20 test transmissions and temporary broadcasts since December 1992. It provided evidence of the relevant experience of its Committee members and staff. All have had extensive experience in community or commercial radio broadcasting. Hitz FM proposes a total staff of 114 positions with 97 being held by volunteers.

## **HOT FM CURRENT CHART RADIO INCORPORATED [STREET FM]**

Street FM proposes to represent marginalised groups within the general Melbourne community, including the homeless, unemployed, drug and alcohol affected and the mentally ill. Its secondary community of interest is the mainstream community who are on the fringe of or who are most at risk of becoming marginalised, such as non-English speaking refugees who have trouble adjusting to living conditions in Australia. Street FM points out that it is unable to specifically identify this latter community interest as it is not yet visible as a group, however hopes to do so in future as it emerges.

Street FM stated that its dual community interest is growing proportionally and extends to the whole Melbourne population who is affected directly or indirectly by them. Despite this statement, the size of its community interest remains unclear.

Street FM was incorporated on 16 January 1998. It has applied to Consumer and Business Affairs Victoria to change its name to Melbourne Community Radio Access Inc and amend its current Rules to reflect the Victorian Model Rules.

Street FM's statement of purposes are contained in its proposed Rules. It aims to address the needs of the socially dislocated and marginalised individuals and provide a radio service that offers a point of liaison between the community and information sources regarding key health and welfare issues and an impartial forum where these issues can be canvassed.

Street FM's proposed Rules include open membership that is automatic unless the applicant has been a former member expelled under rule seven. Although the proposed Rules do not provide for grievance mechanisms in these circumstances, expelled members are provided with appeal rights. Each member has equal voting rights.

Street FM's proposed Executive Management Committee provides for nine office bearers consisting of President, Vice-President, Treasurer, Secretary and a representative from the each of the station's five sub-committees- Administration, Engineering, Programming, Treasury and Training. Each Committee member is elected at the annual general meeting for two years and is eligible for re-election.

The sub-committees consist of a minimum of five members each who are elected at the annual general meeting until the general meeting after the date of their election, except for those representatives of the Committee.

The Rules provide that a representative from the Delta Street Mission and the Association's Community Consultative Committee (consisting of representatives from community groups which support Street FM) shall be invited to attend all meetings of the Management Committee however shall not have a right to vote. The purpose of including these representatives is to provide the Management Committee

with knowledge in relation to specific marginalised groups and to bring emerging groups to its attention.

Street FM's members can participate in its decision-making processes by voting at the members' meetings and standing for Committee and sub-committee appointment. Street FM intends to encourage involvement through its training programs, promotions and open days and by rotating programs on a four to six monthly basis in order to allow access by new announcers and producers. It also provides a mentor program that allows individuals to participate in an area of interest where they do not have the full capacity to be involved alone.

Street FM had 441 voting members in January 2001. The membership fee is \$40 for two years and \$25 per year thereafter. Although the Rules do not provide for a concession rate, Street FM indicates that the Committee of Management has a discretion to subsidise payment of fees on an individual basis.

The ABA received 52 letters of support for the service, of which 23 were from individuals, 25 from organisations, three from churches and one from a business.

Street FM believes that the marginalised community in Melbourne has a need for an independent community radio service to expose their plight to "those in more fortunate positions" and to become integrated into mainstream society. It refers to the substantial size of its community interest as evidence of the need for a community radio service. It also states that it analyses feedback from its programming and conducts informal surveys to determine the needs of its audience.

Street FM proposes a programming format based on 30% talk (26.5% local, 2% national, 1% international) and 70% music (10% local, 40% Australian, 20% overseas). The talk component focuses on interactive talkback programs and specialist interviews. Street FM indicated that it doesn't have any "hard and fast rules on music". The committee may collate music or simply allow presenters to play their own. Members of the community may participate in proposed programming by joining the program sub committee or by making suggestions to it or to the Management Committee.

Street FM owns furniture and fittings including computers, printers, desks and photocopier, however does not own transmission equipment. It proposes to spend \$25,000 on technical equipment, \$281,954 on transmission equipment and \$5,000 on land and ancillary facilities to establish the service. The transmission equipment will be paid for over a five year period, the first year payment of which will be made by the Delta Street Mission. It intends to rent a transmitter site at Mt Dandenong from NTL. Street FM indicates that the technical equipment will be provided by two companies on a contra basis.

Street FM estimates that the revenue in its first two years of operation will be \$1,228,800 rising to \$1,260,800 in year three. The sources of income in year one being sponsorship announcements of \$982,800, sale of air time of \$156,000,

membership fees of \$40,000, CD sales of \$30,000 and donations and promotions of \$10,000 each.

Its operational costs are estimated at \$612,946 in year one, \$723,909 in year two and \$728,609 in year three. The largest components in the first year are transmission equipment at \$256,987, wages at \$216,735, administration at \$51,000 and rent at \$33,333.

Street FM has conducted five temporary broadcasts since May 1999. Since lodging the original application, Street FM has conducted new elections for the Committee of Management, however has not provided details of the relevant management experience of the five newly elected members. Of the four re-elected members, many have been involved in a variety of community organisations with similar objectives to that of Street FM and with other broadcasting services.

## **JOY MELBOURNE INCORPORATED [JOY]**

JOY proposes to represent the gay and lesbian, bisexual and transgender (GLBT) communities of Melbourne and the associated organisations of these communities. Its community of interest also includes the friends and families of these community members. It aims to provide a service that is responsive to its community and in a format that appeals to its community.

JOY contends that it is difficult to quantify its community with a high degree of precision. It estimates its community to be approximately 316,000. It relies on the Kinsey Report of 1953, a survey conducted in Great Britain in 1994, data collected relating to attendance figures at the annual Midsumma festival in Melbourne, and data collected from the membership of groups that are associated with JOY's community service announcement program. It states that its community is evident throughout the Melbourne licence area and is not confined to a particular age demographic, socio-economic or education level.

JOY commissioned a survey to research the number of times that issues relating to the GLBT community are canvassed in Melbourne media. This survey found that less than 1% of all items broadcast in the Victorian media included comment relevant to the GLBT community. JOY believes that this demonstrates the need for a dedicated GLBT service.

Membership is provided to all members of the community regardless of sexuality. Members are able to vote at special and annual general meetings after being members for at least six months. Members are able to participate in the decision-making processes by attending annual general meetings, Programming Committee meetings and monthly presenter meetings. JOY's Constitution provides for adequate grievance mechanisms.

JOY was incorporated on 28 June 1993. The Committee of Management provides for four office bearers - President, Vice-President, Secretary, Treasurer and six ordinary members. The Committee of Management promotes equal gender representation. The following positions also form part of the organisational structure: Station Manager, Projects Officer, and a Systems Coordinator.

The Committee of Management is responsible for the control and management of the business and affairs of the organisation, for establishing sub-committees and appointing members to sub-committees as vacancies arise. Committee of Management members are elected by the membership at annual general meetings and hold office for a period of three years.

JOY has six sub-committees: programming; technical; sponsorship; operations; office administration; and licensing. Members of sub-committees are appointed by the Committee of Management for a term of two years and are able to reapply for their positions once their tenure has elapsed. Vacant positions on sub-committees are advertised on air and by way of a notice at the station.

As of 16 July 2001, JOY had 1,867 individual members and 15 organisation members. The ABA has received 753 letters of support for JOY: 604 from individuals, 82 from businesses, 62 from organisations, one from a church, and four from politicians. It claims to have the largest membership of any gay and lesbian organisation in Victoria.

JOY believes that there is a need for its community to be able to be informed and entertained by members of its own community. It states that members require local news from a GLBT perspective, access free and readily available information services particularly with regard to community services, knowledge of GLBT friendly businesses and services, access to services and organisations that cater to their needs, and information with regard to specific health issues. It also argues that there is a need for accessible information for same-sex attracted people, particularly the younger members of its community who may be coming to terms with their sexuality.

JOY proposes a programming format based on 40% talk and 60% music (30% local or Australian, 70% international). It states that the talk component of its programming will have exclusively local or original content. Members are able to attend Programming Committee meetings, provide feedback through JOY's programming email address, or may become involved in the Programming Committee's new presenter program whereby assistance is given with regard to creating a program demonstration tape.

JOY has so far expended \$62,500 to establish the service and states that to be able to broadcast on a full-time basis it would require an additional studio, and would need to relocate its service. JOY will be required to lease a site, transmitter, standby power and associated facilities from an existing provider. It is currently negotiating with Public FM with regard to accessing a transmission tower on Mount Dandenong. It states that it will need to raise \$75,000 to establish its service, and believes that it can easily raise \$100,000 through personal and community donations. It currently has \$59,000 in existing members funds.

JOY estimates that the revenue in its first year of operation will be \$490,000 in year one, \$610,000 in year two and \$660,000 in year three. It has estimated operating costs in years one to three of operation to coincide with its income estimates. The major source of income in year one is expected to derive from sponsorship announcements of \$330,000. Less significant revenue sources include membership subscriptions (\$80,000), sale of air/program time (\$20,000) and fundraising (\$20,000). JOY indicates that the surplus made by its service will be redirected to the continuation of its service.

With regard to the Melbourne City licence it has estimated income in year one to be \$400,000, in year two it has estimated an amount of \$520,000 and in year three a figure of \$570,000. It has estimated operating costs in years one to three of operation to coincide with its income estimates. JOY intends to broadcast this service from the nominal site at Melbourne Central Tower.

JOY proposes that 122 positions will be held by volunteers and eight by paid staff. It is anticipated that there will be six full-time staff and two part-time staff. It intends to ensure adherence to its licence conditions and the community broadcasting codes of practice through regular reviews of all programs and presenters by a panel of peers, and a constant monitoring of programs by the Committee of Management. Presenters are required to sign an agreement ensuring compliance with the Code of Practice before going to air. Monthly presenter meetings discuss relevant aspects of the Code of Practice and the Broadcasting Services Act, and a detailed Policy and Procedures Manual has also been developed.

## **KISS FM INCORPORATED [KISS FM]**

KISS FM proposes to represent Melbourne's general community who 'love' dance music and want to be informed about its associated cultures. It indicates that the demographic profile of those who enjoy dance music varies from young teenagers who purchase mainstream commercial dance music, those over 18 years who go clubbing and purchase specialist dance music, to those who no longer go clubbing however are still interested in listening to dance music.

KISS FM acknowledges that it is difficult to estimate the size of its target audience, however indicates that evidence of the growth of dance music may be found in the increasing attendance figures of major dance parties across Melbourne from 16,000 for one dance party in 2000 to an estimated 20,000 in 2001. Further, KISS FM contends that the growing sale of dance music CDs and the rise in demand for dance music street press (approximate weekly circulation of 85,000) also reflect the increasing interest in dance music.

KISS FM was incorporated on 24 June 1994 as KISS FM Inc, and had originally been called Dance Club Broadcasters Inc.

Membership of KISS FM is automatic for all persons. Each member has equal voting rights. The KISS FM Committee of Management provides for four office bearers - President, Vice-President, Secretary/Public Officer, Treasurer and two ordinary members. Each Committee member is elected at the annual general meeting for one year and is eligible for re-election. The positions of station manager and eight managerial positions also form part of the organisational structure, all of which are appointed by the Committee.

There are four sub-committees dealing with programming, marketing, promotions and public relations, which report to the manager of the relevant department. Membership of these sub-committees is open to anyone who expresses an interest in joining.

Members of KISS FM may participate in its decision-making processes by voting at the members' meetings, standing for Committee appointment and by joining sub-committees. KISS FM indicates that the public also have the opportunity to view committee and board minutes. It encourages participation through a variety of means including invitations via on air announcements, KISS FM's literature, induction manual, website and workshops in schools and street promotion teams.

As at May 2001, KISS FM had 70 voting members and 1540 subscribers (925 full, 566 concession and 49 under 18 years of age). The majority (89.3%) of the subscribers are between 16-34 years and an equal percentage of voting members are between 20 and 39 years.

The fee for voting members is \$71.50 with no concession, \$38.50 for a subscription and \$22 for a concession subscription. KISS FM indicated that it intends to remove

the distinction between voting and non-voting members in its Rules, however does not provide details of the amended membership fees.

KISS FM claims that there is a need in the Melbourne dance community to access 100% progressive programming of new dance music, information on issues, history and events relating to dance music and access to general news and discussion programs of social issues through on-air discussions and interviews. It also aims to promote Australian dance artists, producers and DJs. It uses a variety of methods to assess and monitor the needs of its audience including surveys, research conducted by the station and by independent sources, analysing internal and external feedback and examining phone logs.

KISS FM believes that there is a greater need for a dance music radio service in the Melbourne wide area as opposed to Melbourne City. It further indicates that if the ABA allocated the Melbourne City licence to KISS FM, it would disadvantage those who live outside the inner metropolitan area and weaken the development of dance music culture in Melbourne's outer areas.

The ABA has received 1,338 letters of support for the station from individuals (932), businesses (325), organisations (79) and two churches.

KISS FM proposes a programming format based on 10% talk and 90% music (15% local, 15% Australian, 60% overseas). It claims that it presents over 45 different specialist shows from over 70 different Melbourne DJs, with a minimum of 15 different dance genres each week, thus providing access to a diversity of dance music styles. KISS FM's audience may participate in proposed programming by either joining the program sub committee, providing feedback at open door sub committee meetings or directly to the program director.

KISS FM owns all its technical equipment and fully equipped studios to operate the Melbourne-wide service. It shares a transmitter at the Public FM Transmission site at Mt Dandenong and is negotiating with Public FM regarding co-siting a transmitter at the site for the Melbourne wide licence. It also states that 3CR is considering selling or leasing its quarter share in the Public FM site.

KISS FM has expended \$167,369 to establish the service and proposes to spend a further \$123,000 on transmission equipment and \$15,000 to \$20,000 to build new studios for the Melbourne wide service. It anticipates that it will be able to pay for the new studios within a year of operation through contra deals from sponsors, however if not, it will postpone the plans. The proposed capital expenditure for the transmission equipment will derive from a variety of sources of income.

KISS FM estimates that the revenue in its first year of operation will be \$1,432,035 rising to \$1,729,140 in year two and \$1,813,097 in year three. The major sources of income in year one being sponsorship announcements of \$1,120,246, sale of air time of \$192,789, subscriptions of \$69,000 and general sales and CD royalties of \$33,541.

Its operational costs are estimated at \$1,352,000 in year one, \$1,382,000 in year two and \$1,522,000 in year three. The largest components in the first year are salaries of \$860,000 (including \$90,000 for station manager and \$60,000 for various departmental managers), technical and operations of \$160,000 and administration costs of \$150,000.

The technical/operation costs refer to the annual leasing and/or purchase costs of the Public FM transmission site and purchase of broadcasting equipment for the Melbourne wide service. The annual technical costs for the Melbourne City licence are estimated at \$15,000 to site a transmitter and antenna at Collins Street in Melbourne.

KISS FM has conducted 21 test transmissions and temporary broadcasts since July 1994. KISS FM provided evidence of the relevant management experience of its board members and its staff. The board members have all had long-term experience as either members or staff at KISS FM during its temporary broadcasts. KISS FM proposes staff composition of 176 volunteers and 32 paid staff.

**LAUGHTERTAINMENT COMMUNITY RADIO INCORPORATED  
[LAUGH RADIO]**

Laugh Radio claims to represent the general community who enjoy listening to comedy recordings by past and present performers, local performers and creators of original comedy material.

According to the results of a survey provided, approximately 28,771, or 1% of all 30 main radio station listeners tuned into Laugh Radio during the one week survey period. Based on these results, Laugh Radio estimated its audience size at 100,000. However, it later estimated the size at two to three million.

Laugh Radio was incorporated on 13 January 1998. Although its Rules do not contain its objects, it states that its aim is to provide radio programming for people who enjoy commercially issued comedy recordings and in the process create and promote original material.

Laugh Radio's Rules provide for open membership. They currently contain conflicting clauses regarding membership requirements. Laugh Radio's members have voted to remove the inconsistency which results in automatic membership. Each member has equal voting rights.

Its Committee of Management provides for four office bearers - President, Vice-President, Secretary, Treasurer and two ordinary members. Each Committee member is elected at the annual general meeting for one year and is eligible for re-election.

The proposed organisational structure includes a station manager, technician, standup and sketch producer, audience liaison coordinator, volunteer and training coordinator and four directors responsible for sponsorship, subscriptions, promotions and programs. Laugh Radio intends to create three sub-committees to deal with funding, programming and promotions. Each committee consists of four or five staff members and two volunteers who are elected at each annual general meeting.

Members of the community may participate in the decision-making processes of the service by volunteering to become presenters and program producers and by nominating themselves for election to the Committee of Management and sub-committees. Laugh Radio points out that it encourages participation via on-air announcements, advertisements in the press and invitations on its own and industry websites.

Laugh Radio had 83 individual voting members in May 2001. The annual membership fee is \$25 and \$15 for concession. The ABA received individual 224 letters of support for the service. Laugh Radio also provided evidence of almost 6,000 people who indicated their support for the service in response to a telephone survey.

Laugh Radio believes that there is a need for its service on the basis that humour offers therapeutic health benefits. It relies on its letters of support as evidence of the needs of its audience. It argues that comedy has and always will be popular and that its service is specifically appropriate to the people of Melbourne who have staged an annual comedy festival since 1997. Laugh Radio aims to ensure that it will continue to represent its target audience by systemic market research and review every two years.

Laugh Radio proposes a programming format based on 75% word comedy and 25% humorous musical recordings. It indicated that 90% of its programming is pre-recorded material and 10% is live programming. Currently, it only broadcasts 10% Australian music however at the hearing it indicated that it proposes to extend the Australian music content to 20%. Laugh Radio claims that its programming will meet the needs of its audience by providing air time to amateur stand up comedians, sketch writers and performers. Station members may participate in proposed programming by joining the programming sub-committee and by submitting ideas to the request show.

Aside from a fax machine, mini-discs and mini-disc machines, Laugh Radio has no existing technical facilities or transmission equipment. It intends to spend \$10,000 to \$12,000 on technical equipment and office furniture. The source of this expenditure and possibly the purchase of an FM transmitter will derive from its estimated bank funds of \$20,000. It proposes to lease a transmitter site at Mount Dandenong at an annual cost of \$105,000. It has yet to provide estimates for the purchase or leasing of the transmission equipment.

The estimated annual costs for the AM licence are \$39,600 transmitter rental, \$11,000 electricity at the transmitter, \$4,100 land lines and \$48,000 annual studio rental.

Laugh Radio estimates that the revenue in its first year of operation will be \$840,000, \$984,000 in year two and \$1,019,000 in year three. The income in year one being sponsorship announcements of \$810,000, subscriptions of \$15,000, merchandise sales of \$10,000 and fundraisers of \$5,000. In its closing submission, Laugh Radio stated that the 96% sponsorship income is incorrect and that subscription income would be approximately half sponsorship income, however did not provide revised estimates.

Its operational costs for the FM Melbourne wide licence are estimated at \$360,600 in year one, \$423,100 in year two and \$425,100 in year three. The costs in the first year are technical/operations of \$149,500, wages of \$153,600, administration of \$38,000 and programming of \$19,500. The technical operating costs do not include costs for the purchase or rental of transmission equipment. The only difference between the operational costs for the AM and FM licences is the estimated cost of technical/operations for the AM licence of \$88,000.

Laugh Radio has conducted eight temporary broadcasts since March 1998. It details the relevant community and commercial broadcasting experience of its board and staff members. In its first year of operation, Laugh Radio intends to recruit 13 paid staff and 46 volunteers.

## **MELBOURNE GOSPEL RADIO INCORPORATED [MGR]**

MGR claims to represent the Christian community of greater Melbourne, which includes churchgoers and non-churchgoing spiritualists, of all ages and denominations.

MGR claims that there are 1,680 Christian churches and numerous ethnic churches of many different denominations in Melbourne. It claims that its target audience is 600,000 churchgoers and one million non-churchgoing spiritualists. The 1996 Census data indicates that more than two million (65.7%) of the Melbourne population identified as Christian. As evidence of a high level of listener interest in the proposed service, MGR cites the listener participation rate of two listener polls conducted in May 2001.

MGR's Board and membership includes representation from Anglicans and a high percentage from non-mainstream Christian denominations (Baptist, Pentecostal, Full Gospel Churches of Australia, Charismatic, etc). Evidence indicates that its listeners, subscribers and volunteers comprise a cross-section of all denominations, but with a high percentage from non-mainstream Christian denominations and a very small percentage from mainstream Christian denominations.

MGR was incorporated on 23 January 1996. A revised Constitution, with mainly 'cosmetic' changes, is pending member approval.

An applicant for membership must sign an application form and fulfil membership requirements listed in the Constitution: acknowledge Jesus Christ as Lord and Saviour; be active or intend to become active within church, Fellowship or Assembly (unless they can demonstrate regular fellowship is not practicable or possible); agree with the Doctrinal Statement as the governing principle; endorse the Statement of Purpose; have attained the age of 18 years; and agree to abide by the Rules of the Association.

The Board has the power to reject applications for membership. Adequate grievance mechanisms for rejected applicants are provided. Each financial member is entitled to vote. Subscription is open to all. Subscribers are not entitled to vote or to become Board members but may join committees and be involved in committee decision-making (by becoming a member or volunteer, both of which require active churchgoing). MGR states that all presenters and volunteers must be current subscribers or members of MGR.

Attendance at church is a condition on the employment of staff and volunteers. Volunteers must provide a pastor's recommendation and the presenters' manual states they must be in Church fellowship serving God.

MGR's Board of Management consists of the officers (President, Vice-President, Treasurer and Secretary), four ordinary members, ex-officio members (eg Station Manager) and other members as the Board deems necessary. Each is nominated by

two members and elected at the annual general meeting. Only members of the Association may be members of the Board.

MGR states that the Board appoints committees (and the person to act as head) which report to the Board on a regular basis for advice. The head of each committee appoints volunteers. The organisation chart indicates various functions: Program, Promotion, Office, Sponsorship Sales, Counselling, Devotions, Technical and Building Maintenance.

MGR states that it has 23 members, 10,256 subscribers and 254 part-time volunteers. The ABA received 3,169 letters of support for the station from individuals (3004), businesses (73), organisations (20), churches (69) and three politicians. MGR also provided petitions containing 12,740 signatures in support of the service.

MGR claims that the existing broadcasting services do not meet the needs of the ageing Christian population, children or the Christian multicultural community and that they have limited input from and involvement by the community. MGR states that it requires a full-time Christian service to meet the needs of its community so that there is something to suit everyone at one time period. It states it will continue to seek community input to determine the needs of its community (including the use of questionnaires, phone surveys, on-air polls, and open days).

MGR proposes a programming format based on 45% talk (27% local/original material, 3% national syndication, 10% international syndication, and 5% ethnic language programs) and 55% music (3% local, 15% Australian, 37% overseas). It claims its programs promote Christian values and endeavours to impart biblical principles through the spoken word, taped programs and Christian music. Input from members and the community is sought regarding program format and balance of programming.

MGR states that it has spent \$170,595 on capital costs and intends to spend an additional \$42,448 on transmission equipment. It proposes to upgrade its 1.5kW transmitter to a 3kW to enable greater than 10kW ERP for use at the Public FM Broadcasters site. MGR has estimated source of funds to establish the service of \$82,738, which it states is based on current assets.

MGR estimates operational costs of \$347,847 in the first year (including \$121,897 for technical and operations) rising to \$401,423 in year two and \$434,301 in year three. It anticipates revenue in the first year of operation to be \$375,806 and for years two and three to be \$448,612 and \$501,200 respectively. Year one estimated revenue includes \$126,750 in community/personal donations, \$3,250 business donations, \$114,000 subscriptions, \$5,200 membership fees, \$102,000 sponsorship announcements, \$4,400 sponsorship revenue, and \$20,200 sales, promotions/fundraisers.

MGR has conducted 12 temporary community broadcasts since February 1996. It has an existing broadcast, production studio and music library in rented premises at Sunshine.

MGR provides details of the relevant experience of its Board, sub-committees and presenters. MGR proposes three full-time and two part-time paid staff and 249 part-time volunteers in year one. By year three it proposes five full-time paid staff and 477 part-time volunteers. All employees and volunteers undergo training and are required to sign a work agreement abiding by ABA and government guidelines. Staff procedures and policy manuals are available to all staff.

## **MELBOURNE PULSE RADIO INCORPORATED [PULSE FM]**

Pulse FM proposes to represent Melbourne's inner urban community. It aims to provide a service for people who live, work, visit or study in the city of Melbourne. ABS statistics indicate that the population in Melbourne City was 37,672 as at 30 June 1999.

Pulse FM was incorporated on 5 January 1998. It has an open membership policy, which was recently enhanced by membership approval of a fair grievance policy for rejected members. Pulse FM currently have 56 voting members. This is the only membership available and costs \$49.50 per year.

The Committee of Management provides for four office bearers - President, Vice-President, Secretary, Treasurer plus two ordinary members. The following positions also form part of the organisational structure: station manager, news and programming manager, promotions manager, volunteer coordinator and technical adviser.

The Committee of Management has the power to appoint subcommittees, advisory committees or working groups consisting of such member/s of the Committee and/or members of the Association and/or suitably qualified non-members as the Committee sees fit. At the time of application, there were no sub committees. Pulse FM intends to form a number of teams relating to programming, promotions/production, technical, community/volunteers, events, infrastructure and website/products, all of which report to the Committee of Management. Membership to these subcommittees is available to any member who expresses an interest in joining.

Pulse FM has not yet finalised its programming policy, but has formed a programming team, which will be responsible for developing and implementing a programming policy. The proposed programming policy provides for the development of "industry standing orders", which will adhere to the CBAA Code of Practice, development of a suitable playlist, development of market based programming and development of programming events which will coincide with Pulse FM's commitment to various charities and fundraising events. Pulse FM also wish to develop programs which focus on sex, relationship and health issues targeted at 18-35 year olds, gay and lesbian issues, travel for the over 18-35 demographic, technology aimed at all ages, urban culture and comedy/light entertainment programming.

Members of Pulse FM can participate in its decision-making processes by voting at the members' meetings, standing for Committee appointment (for persons over 18 years) and by joining sub-committees.

At the time of application, Pulse FM had 56 members. The ABA received 28 individual letters of support for the station.

Pulse FM believes that there is a need for a service dedicated to people who live and work in the Melbourne CBD. It claims that no other existing radio service truly meets this need, and that existing services mainly focus on the wider Melbourne community. It states that the needs of "inner urban dwellers" are different from those who live in the suburbs and that it intends to meet that need. Pulse FM conducted focus groups during the period leading up to their application, and the results of those focus groups identified several unmet needs, particularly relating to relationship, employment and other issues such as "urban renewal and sustainable living issues". Pulse FM relies on feedback from its audience to ascertain the needs and programming interests of its audience. It will continue to monitor such needs through encouraging such feedback and consultation with community groups.

Pulse FM proposes a programming format based on 45% talk and 55% music (10% Australian, 90% overseas). It states that 90% of its total programming (talk and music) will be sourced locally.

Pulse FM owns some its technical equipment, and currently leases a transmitter from Nu Country. Pulse FM intends to continue this arrangement should it be successful in its application. It has expended \$13,500 to establish the service and proposes to spend a further \$10,000 to purchase further equipment.

Pulse FM estimates that the revenue in its first year of operation will be \$179,064 rising to \$242,640 in year two and \$318,012 in year three. The major sources of income in year one being sponsorship announcements of \$86,400. Other income is expected to derive from subscriptions and memberships, newsletter sales, donations, CDs and merchandise.

Its operational costs are estimated at \$167,261 in year one, \$181,958 in year two and \$224,056 in year three. The largest components in the first year are salaries. These paid positions will become available should Pulse FM be successful in its application.

The current committee of management are a new committee. In August 2000, internal issues led to an election for a new committee of management, which led to a number of changes within Pulse FM's structure. The current committee of management appear to have made efforts to address the previous concerns of members.

Pulse FM states that of the 39 proposed positions, all but five of those positions will be held by volunteers. It intends to ensure adherence to its the licence conditions and the community broadcasting codes of practice by providing training to all paid staff and volunteers on their obligations under the Codes of Practice. One of the programming manager's duties will be to regularly monitor all announcers for compliance with the Code. Pulse FM also intends to put changes to the members regarding the institution of a disciplinary sub-committee which will hear any matters relating to non adherence to the Code of Practice by members.

## **NEW-GEN RADIO INCORPORATED [NEW-GEN]**

New-Gen proposes to represent the Melbourne youth community aged between 13 and 21 years of age, though do not exclude those up to the age of 30. It aims to provide a service that is relevant and responsive to youth, that recognises the achievements of youth and enhances community understanding, provides assistance to youth organisations, and provides training and work experience opportunities for youth.

New-Gen has used ABS 1996 Census data to establish a potential audience of approximately 566,000.

New-Gen was incorporated on 27 October 1994. Full membership is restricted to persons between the ages of 14 and 30 inclusive. Full members are able to vote at special and annual general meetings. Associate membership is available to those who fall outside of this age range. Associate members do not have voting rights. The Constitution provides for adequate grievance mechanisms to those whose applications are rejected by the Committee of Management.

The New-Gen Committee of Management provides for four office bearers - President, Vice-President, Secretary, Treasurer and three ordinary members. The average age of the current Committee of Management is 25.2 years. The following positions also form part of the organisational structure: Station Manager, Promotion Manager, Production Manager, Sponsorship Coordinator and Volunteer Coordinator.

The Committee of Management is responsible for the control and management of the business and affairs of the organisation, for establishing sub-committees and working groups, and for finalising the selection of music and programs for broadcast. There are two sub-committees that deal with music selection and programming. New-Gen intends to establish two further sub-committees to deal with community issues and promotions.

Members of New-Gen can participate in its decision-making processes by voting at special and annual general meetings, and by joining sub-committees. Membership of sub-committees is restricted to members in the 13-21 age group. There is no ceiling on the number of sub-committee members.

At the time of application, New-Gen had 782 members, which included both individuals and community organisations. The ABA has received 11 letters of support for the service and a petition containing 23,652 signatures.

New-Gen believes that there is a need for the Melbourne youth community to be able to access free and readily available information services particularly with regard to community services, community service announcements and social awareness issues. It maintains that its community requires a service that is both current and evolving, and operated by the community itself. New-Gen conducts annual surveys and mail outs to ascertain the needs and programming interests of its audience. It claims that it

will continue to monitor such needs through regular feedback, its website and consultation with community groups that includes visits to schools.

New-Gen proposes a programming format based on 20% talk and 80% music (10% local, 25% Australian, 45% overseas). It states that the talk component of its programming will comprise exclusively of local content. Members may participate in proposed programming by joining either of the sub-committees.

New-Gen has fully operational broadcast studios. It is currently negotiating with Public FM with regard to accessing a transmission tower, and hopes to secure a loan of \$400,000 in order to purchase transmitter equipment. It has expended \$59,650 to establish the service and proposes to spend a further \$362,500 on transmission equipment in order to operate efficiently as a permanent service. New-Gen proposes to pay for its transmission equipment over a three to five year period.

New-Gen estimates that the revenue in its first year of operation will be \$2,027,000 rising to \$2,533,000 in years two and three. The major source of income in year one is expected to derive from sponsorship announcements of \$1,900,000. Less significant revenue sources include promotions (\$100,000) and fundraising (\$20,000). New-Gen claims to have contractual support from advertising agencies that would partially support its estimates.

Its operational costs are estimated at \$1,182,000 in year one and \$1,125,000 in years two and three. The largest components in the first year are salaries of \$675,000 and technical and operations costs of \$310,000.

New-Gen anticipates a net profit of \$845,000 in its first year of operation, and a subsequent net profit of \$1,276,000 in both years two and three. It indicates that the surplus will be redirected to the continuation of its service, as well as being donated to various youth charities and programs with a similar age group and similar community interests.

New-Gen proposes that 74 positions will be held by volunteers and 16 by paid staff. The composition of full-time and part-time paid staff is anticipated to change from 11 full-time and five part-time staff in year one to 14 full-time and two part-time staff in year two. It intends to ensure adherence to its the licence conditions and the community broadcasting codes of practice by providing extensive pre-employment training programs to prospective employees. Further ongoing training is provided by the Station Manager. Volunteers are trained by the Volunteer Coordinator.

## **NU COUNTRY MUSIC RADIO INCORPORATED [NU COUNTRY]**

Nu Country proposes to represent the country music community, the disadvantaged community and the health for living community in Melbourne. It describes the disadvantaged community as those who do not fit into a clearly definable minority group such as the unemployed, the poverty stricken, newly arrived migrants, the rural displaced and the mentally and physically challenged. The health for living community refers to those members of the community who are interested in information relating to their health.

Nu Country estimates the size of its country music community at in excess of 40,000 based on a one in ten ratio of listeners to members. However it also provided evidence indicating that 32% of Australians enjoy listening to country music, and of this figure, 27% live in metropolitan areas. In regard to the health for living community, Nu Country states that it intends to serve the general community. The size of the disadvantaged community is unclear.

Nu Country was incorporated on 10 August 1994. It states that its vision is to promote the health and unity of the Melbourne community and support local, independent artists by broadcasting high quality county music radio "values". Nu Country's Rules of Association contain its purposes which reflect its claim to provide a community based radio station for country music, however do not refer to the representation of the disadvantaged and the health for living community.

Nu Country's Rules include open membership and provide for adequate grievance mechanisms to those whose applications are rejected by the Committee of Management. Each member has equal voting rights.

The Nu Country Committee of Management provides for six office bearers - President, Vice-President, Secretary, Treasurer, Membership Officer and four ordinary members. Each Committee member is elected at the annual general meeting for one year and is eligible for re-election.

There are 12 sub-committees dealing with community liaison, works, personnel, benefits-talent quests, sponsorship, promotions/publicity, programming, production, training, membership, technical matters and business planning/licensing. Each comprises three to 12 members including at least one Committee member. Membership of these sub-committees is open to anyone who expresses an interest in joining. Nu Country indicates that it also proposes to establish an operations committee comprising of country music industry groups to assist in determining programming. The ultimate decision regarding programming however will be made by the programming sub-committee.

Nu Country's mission includes providing an avenue through which Melbournians can have unprecedented access to develop a range of skills in the pursuit of hobbies or experience for future employment and encouraging them participate in the service. Members of Nu Country may participate in its decision-making processes by voting

at the members' meetings, standing for Committee appointment and by joining sub-committees. It encourages participation through on air announcements, newsletters and newspaper articles.

Nu Country had 2,271 voting members in August 2001. The annual fee for members is \$20. The ABA received 480 letters of support for the station from individuals (460), businesses (17), organisations (12) and one politician.

Nu Country claims that the country music community in Melbourne has a need for a country music service due to the absence of this music genre on commercial radio stations. It refers to national and local surveys to verify the interest in country music. Nu Country argues that disadvantaged members in society have a need to become involved in community radio as a focal point in their lives. In support of this claim, it relies on feedback it has received from this sector of society. Nu Country provided statistics relating to health conditions and the aging population in Australia in support of its claim that there is a need for a service providing information about health problems.

Nu Country proposes a programming format based on 20% local and national talk and 80% music (7% local, 35% Australian, 38% overseas). It states that it provides an alternate need for "grassroots" music aimed at local country music musicians. In terms of its health for living community and the disadvantaged, Nu Country intends to formalise its new policy of incorporating community, health and welfare information on air.

Members may participate in proposed programming by joining the program sub committee, creating concept programs and participating in interviews to promote their music and other community activities. There is no formal programming policy.

Nu Country owns all its technical and transmission equipment and fully equipped studios to operate a service for the Melbourne City licence. If allocated a Melbourne-wide licence, it proposes to spend \$221,800 on transmission and technical equipment, land and ancillary facilities.

Nu Country has identified two transmitter sites to lease- Transmitters Australia's site and the Public FM transmitter site at Mt Dandenong - for the Melbourne-wide service. It proposes to lease a transmitter site for the Melbourne City service at Melbourne Central Tower.

Nu Country estimates the revenue in its first year of operation for the Melbourne-wide licence at \$610,200 rising to \$626,340 in years two and three. The major sources of income in year one being sponsorship announcements of \$438,000, membership fees of \$111,600 and major sponsors (weekly rates) of \$26,040.

Its operational costs for the Melbourne-wide service are estimated at \$503,158 in year one, \$504,603 in year two and \$504,711 in year three. The largest components in the first year are wages at \$180,000, transmitter rental at \$108,000, commission to

people who generate sponsorship at \$92,760, rent at \$50,040 and superannuation at \$19,080. Nu Country indicates that these costs will decrease by approximately \$90,000 (transmitter and rental costs) per year if allocated the Melbourne City licence.

Nu Country has conducted 31 test transmissions and temporary broadcasts since November 1994. Members of its Committee of Management have had either relevant broadcasting or external management experience. Nu Country proposes nine positions in the station to be held by full-time volunteers and four by paid staff. Over 175 part-time volunteers participated in its recent temporary broadcast.

## **RADIO 3SA SUBURBAN RADIO INCORPORATED [3SA]**

3SA intends to serve the general community of Melbourne and its suburbs. It has applied for the Melbourne-wide AM licence only, and indicated it is prepared to offer some unsuccessful aspirant groups air-time, should it be allocated a community licence.

It claims the proposed service will pick up where mainstream radio does not provide the level of service required at the local level and be for the benefit and entertainment of organisations not currently catered for. As examples of such organisations, 3SA referred to the Lions, Rotary, Jaycees and other service organisations, church and school groups.

3SA was incorporated on 5 December 2000. It has adopted the Victorian Model Rules as its Constitution without the usual amendments appropriate for a community broadcaster. It explained that its lack of a full staff complement and the fact that it had not been able to do a test broadcast were the reasons it had not yet drawn up an appropriate Constitution. It has six members. Membership fees range from \$20 for concession, \$40 for normal rate and \$60 for organisations.

3SA's structure consists of a Management Committee of six, which includes a Chairperson, President, Public Relations Spokesperson, Development Officer, Station Producer and Secretary/Treasurer. There are currently no sub-committees.

3SA stated that decisions on the day-to-day operations of the station would be made by members of the Committee of Management. Where the Committee is sure of their total dedication to the station, other association members will be encouraged to assist in these functions.

3SA stated that community members would be able to access the decision-making processes of the station by telephoning, writing letters and e-mails. Community members will be encouraged via on-air announcements to put forward suggestions for available airtime.

3SA has not conducted any temporary community broadcasts. As a basis for its understanding of community radio and community needs, 3SA relies on the experience of its President, Mr Clark Sinclair, who has had 40 years experience in providing a cable radio service to a localised area in St Kilda, via cable laid by the St Kilda Council in 1954.

3SA claims Mr Sinclair has identified unserved community needs in the St Kilda area by circulating questionnaires, conducting telephone surveys and attending council meetings. 3SA's Chairman, Mr Ron Roach, claims to have researched Melbourne-wide community needs through his involvement with the Lions Club. No results of the research by either person were provided. 3SA claims it will remain in touch with community needs by maintaining contact with local councils, schools and service clubs.

3SA is proposing a 25% talk and 75% music format mix and provided a proposed program schedule. It states that information programs will consist mainly of local suburban news and that its programming style has been worked out on the basis of listener feedback to its cable radio service in St Kilda.

The proposed service will differ from the cable service only in that it will be broadcast Melbourne-wide. 3SA listed Country, Jazz, Opera and World Music as examples of music it will provide to fill the programming gaps not covered by mainstream radio.

3SA maintains it has proof of community acceptance throughout the St Kilda area and will gain the same acceptance Melbourne-wide. The ABA has not received any letters in support of 3SA's application.

3SA estimated that it would need \$160,000 in total to meet capital costs. It has already spent \$30,000 on technical equipment. It estimated it would need to spend a further \$100,000 on transmission equipment and \$30,000 on buildings and fittings.

3SA provided little information with regards to its funding sources. It stated only that funding would come from advertising, contributions from social clubs and councils. It also referred to "personal monies"; \$100,000 made up of anticipated donations and loans from members.

3SA estimated income of \$706,000, \$792,000 and \$828,250 in its first three years of operation respectively. Most of this is expected to come from the sale of air-time (\$630,000, \$700,000 and \$750,000 respectively). No figures were given for anticipated income from sponsorship announcements or government and non-government grants.

3SA's estimated its operating costs in its first three years of operation at \$68,000, \$79,000 and \$89,000 respectively with the highest costs being technical and operational (\$30,000, \$25,000 and \$20,000) and wages and salaries (\$25,000, \$40,000 and \$55,000).

3SA has two fully equipped studios including a broadcast computer system and stated it would not need an implementation timetable as it will continue to operate under a community licence as it has with its cable service.

3SA claims its part-time technical officer has over 20 years experience in mainstream radio and television and that Board members are able to maintain equipment on a day-to-day basis. Little specific detail was provided supporting claims of Board members' financial management or broadcasting experience.

3SA is proposing 15 staff – two full time paid staff (Administration and Programs) and 13 part time volunteers (nine in Programs, three in Administration and one Technical). 3SA states that as the station grows, it will be able to build on this and provide additional training.



## **SHOWBIZ RADIO INCORPORATED [SHOWBIZ RADIO]**

Showbiz Radio claims to represent the general community who is interested in theatre or cinema and who enjoy theatre and film music in all its forms, and the local theatre community, particularly those in semi and non professional theatre whose interests are not being catered for by existing electronic media.

Based on a Roy Morgan survey which found that 23% (2.7 million) of Victorians had attended a theatre performance at least once in the 12 month survey period and that 80% lived in the Melbourne metropolitan area, Showbiz Radio estimated its audience size at 400,000, taking into account a repeat attendance visit factor of three times.

Showbiz Radio was incorporated on 13 January 2000. It indicates that its principal aim is to serve the interests of and promote the local theatre community and to provide entertainment through a range of theatre/film music and some spoken word, and information in the form of news, reviews and interviews.

Showbiz Radio's Rules include open and automatic membership. Each member has equal voting rights. Its Committee of Management provides for four office bearers - President, Vice-President, Secretary, Treasurer and two ordinary members, all of whom are elected at the annual general meeting for one year.

Showbiz Radio intends to appoint a station manager and to establish an Advisory Council comprising 12-14 members including representatives of theatrical companies and societies, two to three individual station members and a nominee from the staff and volunteers, which will make recommendations to the Board. Showbiz Radio indicates that the Board member attending Council meetings will ensure balance and diversity through its final selection of Council members. Showbiz Radio states however that it would not be concerned if the majority composition of the Council were theatrical companies as its primary aim is to serve that sector of the community.

Showbiz Radio also proposes to create committees responsible for administration, technical and operations, community liaison, programming, and revenue and marketing. Members may nominate for positions on the committee with the final decision being made by the Board in consultation with the Council.

Subscribers and affiliated groups may participate in its decision-making processes through nominations to the Advisory Council. Station members may vote at the members' meetings, stand for Committee appointment and join committees. Showbiz Radio indicates that the public also has the opportunity to contact the Community Liaison Unit for comment.

Showbiz Radio does not have any members as it has yet to broadcast. The annual membership fee will be \$110-\$250 for club members, \$25 for individuals and \$15 for concession. The ABA received 97 letters of support for the service from

individuals (57), businesses (17), organisations (11) and one from the former Lord Mayor of Melbourne.

In support of its claim that there is a need for the service it proposes to offer, Showbiz Radio relied on comments from individuals in the theatrical industry. It predicts that at least some of the 2.7 million people who have attended a theatre performance in a 12 month period (Roy Morgan survey) would be interested in listening to its service.

Showbiz Radio states that it will continue to meet and monitor the needs of its community interest by ensuring that the theatrical community retains a major role in its decision-making process through the Advisory Council and through bi yearly surveys of its subscribers.

Showbiz Radio proposes a programming format based on 25-30% local talk and 70-75% music (1-3% local, 12-14% Australian, 55-60% overseas). At the hearing, it clarified that its Australian music content will be slightly over 20%. The program schedule indicates that the majority of air time would be devoted to a variety of music associated with stage, film and television from operetta, show tunes, jazz in film scores to rock musicals. The music programs will be interspersed with news, reviews, interviews about current issues and items of interest to the community.

Members may participate in proposed programming by joining the programming committee. The public may contribute by submitting requests to the programming committee and through questionnaires and competitions.

Showbiz Radio has no existing technical facilities or equipment. It intends to spend approximately \$130,000 on transmission and technical equipment, land and ancillary facilities to establish the FM service. The source of the proposed capital expenditure will derive from members' funds, sponsorship fees and a bank loan. In regard to the AM service, Showbiz Radio proposes to lease a transmission site and equipment and a studio at an annual cost of approximately \$98,200.

Showbiz Radio estimates that the revenue in its first year of operation for the FM Melbourne wide licence will be \$430,000, \$545,000 in year two and \$655,000 in year three. The income in year one being sponsorship announcements of \$400,000 and subscriptions of \$35,000.

Its operational costs for the FM service are estimated at \$430,000 in year one, \$540,000 in year two and \$600,000 in year three. The costs in the first year are wages of \$250,000, technical/operations of \$100,000, administration of \$55,000, programs of \$15,000 and promotion/advertising of \$10,000.

Showbiz Radio has not conducted any temporary community broadcasts. Its Board has had extensive experience in broadcasting, journalism and performance. In its first year of operation, Showbiz Radio intends to recruit 14 paid staff and 69-74 volunteers.



## **STUDENT YOUTH NETWORK INCORPORATED [SYN FM]**

SYN-FM proposes to represent Melbourne's students and youth between 12 and 24 years of age. It is aimed at youth culture with access to media and emphasises education and training.

Recent ABS statistics indicate that there were 715,870 people between 10 and 29 years living in Melbourne as at June 1999. This includes 498,178 people between the ages of 15 and 24 years.

SYN-FM was incorporated on 17 July 2000. It was formed by an amalgamation of two experienced aspirant service providers, RMIT Union Student Radio Association Inc (SRA) and 3TD FM Incorporated (3TD). 3TD has operated from the Thornbury Darebin Secondary College.

SRA provided numerous test transmissions until the introduction of temporary community broadcasting licences in 1997. It conducted 10 temporary broadcasts until forming SYN-FM. 3TD conducted its first test transmission in 1996 and conducted temporary community broadcasts from late 1997. SYN-FM has conducted four temporary community broadcasts.

As provided for in its Rules, SYN-FM's purposes include the goal of operating a radio station that forwards the interests of the general student and youth community. A range of other objects relevant to the provision of a broadcasting service orientated to students and youth are provided for.

SYN-FM's Rules provide for membership that is open to all individuals. They provide for a Committee of Management consisting of four office bearers, and four ordinary members. Two of the four office positions (President and Vice-President) are restricted to members under the age of 26 years at the time of election at the AGM. The Committee must include three members who are involved in tertiary education and three in secondary education. The remaining two ordinary Committee of Management positions must be filled by non-education youth members. The Rules prohibit the office bearer positions being held by non-education members. SYN FM has recently removed this prohibition at a special general meeting and has lodged the amendment with Consumer and Business Affairs Victoria.

Four sub-committees have been established and are responsible for education and training, programming, administration and finance, and community liaison. SYN-FM indicates that in its early days a number of sub-committee members were directly appointed by the Committee of Management. This was done in order to ensure that key players in youth culture participated in the operations of SYN-FM. However, SYN-FM emphasizes that membership of sub-committees is open to all members and that all interested members will be encouraged to join sub-committees. SYN-FM further indicates that where numbers on sub-committees becomes unmanageable, positions will be filled by way of election by financial members.

SYN-FM has a membership of 643 with projections of 10,000 to 18,000 members through its first year of operations to its third year. Its present membership is comprised of members from tertiary education (63%), secondary education (26%) and youth or non-educational (11%). It indicates that the projected membership will be achieved by the station becoming involved in school and community events and by targeting those beyond the traditional audience of secondary and tertiary students.

SYN-FM plans the participation of 928 volunteers in the first year of operations. It proposes to change its schedule every eight weeks and to turnover volunteers in each eight-week period. All volunteers would be trained in the eight-week period prior to going to air. In its first three temporary community broadcasts over 600 volunteers went to air, with 325 young people participating in the third broadcast with around 60% of those being under 18 years of age.

SYN-FM claims that there is a lack of programming in Melbourne provided by the youth community resulting in the need for a service empowering youth as creators of media rather than just consumers. It argues that no existing broadcaster caters to its community interest, contending that 3RRR's service caters to an older demographic than its proposed service and that 3RRR provides limited opportunities for young and developing broadcasters.

SYN-FM is the only applicant serving the education sector. The ABA received 460 letters of support for SYN FM (372 from individuals, 28 from businesses, 56 from organisations and four from politicians) and a petition containing 2,517 signatures. Some of the letters indicate widespread and strong support from secondary education organisations (eg. Debaters Association of Victoria with 8,500 participating students), representative youth organisations (Youth Affairs, Centre for Multicultural Youth Issues) and tertiary education organisations. SYN-FM is supported by all the major tertiary student unions including: RMIT (50,000 students); Swinburne Student Union (32,000); Deakin Student Union (33,500 in Melbourne, Geelong and Warrnambool); Monash (22,000); Victoria University (50,000 TAFE/higher ed students); La Trobe; University of Melbourne and National Union of Students.

SYN-FM's proposed programming format is 40% local talk and 60% music (20% local, 20% Australian, 20% overseas). Its programming includes Australian music, general music, youth music not signed by a record label (unsigned music), Koori, teen focus issues and programs relating to education and dissemination of information. SYN-FM indicates that its programming will be equally divided between tertiary education and secondary education /youth. A youth radio project developed by RMIT and broadcast on SYN-FM recently won the National Youth Media Award for "Best Radio/Current Affairs Program." The program "Sounds of the Street" was produced by unemployed, disadvantaged and homeless young people living in an area of Melbourne.

The estimated funds to establish the service (\$173,000) will derive from grants (\$110,000), corporate donations (\$40,000), community donations (\$8,000) and members' funds (\$15,000). SYN-FM indicates that it has secured a \$10,000 grant

from the DEET and intends to approach other government agencies for funding if allocated a licence.

SYN-FM estimates its operational costs for year one at \$577,275 reducing to \$555,275 in year three. In year one, the transmission costs are the largest component at \$220,000 (same for years two and three) wages at \$214,630 and administration at \$61,620.

SYN-FM intends to link the SRA and 3TD studios via a transmission link for transmission of its service. It plans to refurbish the 3TD studios (at a cost of \$85,000). It points out that it owns the SRA transmitter which can be used for the Melbourne City licence. It indicates that it proposes to lease transmission equipment for the Melbourne wide licences from NTL at a cost of \$220,000 per year.

SYN-FM estimates that its revenue in year one will be \$620,500 rising to \$703,500 in year three. The source of the income in year one comprises sale of air/program time of \$162,500, sponsorship announcements of \$100,000, sales of the program guide of \$80,000, members' subscriptions of \$75,000, grants of \$75,000, donations of \$48,000, promotions and hire of facilities of \$40,000 each.

Whilst SYN-FM's primary source of revenue is identified as sale of air-time (26% of total revenue) it has indicated that it does not intend to sell airtime as if a commodity. It is looking at other funding options (and has received commitment from a number of supporting bodies) including increased sponsorship, contributions from community organisations, community grants from local councils etc..

SYN-FM provided evidence of the relevant experience of its Committee of Management and sub-committee members. All the office holders have been involved with student and youth community organisations and have gained community broadcasting experience primarily at SRA and 3TD. Many have managerial experience in community radio in other areas.

## **THE SOUTH EASTERN INDIGENOUS MEDIA ASSOCIATION [SEIMA]**

SEIMA's community interest is the Aboriginal and Torres Strait Islander communities of Melbourne and Victoria. It also aims to provide programs to Indigenous communities throughout Australia via the National Indigenous Radio Service (NIRS) Satellite and Tape Exchange.

The 1996 Census data indicates that 10,796 Aboriginal and Torres Strait Islanders lived within the Melbourne licence area, making up 0.3% of the population within that area. SEIMA claims that the size of its community interest is greater than this figure would indicate, as it does not include some people with Indigenous ancestry who may currently choose to identify with another branch of their cultural heritage. ABS Census documentation supports this claim.

SEIMA was incorporated on 26 November 1991. Under its Statement of Purposes, it aims, amongst other things, to create an effective Koori communications network, raise the skills of Koori educators, promote Koori cultural values and awareness, access Indigenous media funding and combat racism.

To assist in achieving its objectives, SEIMA seeks to launch an Indigenous radio station in Melbourne, providing entertainment and information from an Indigenous perspective. This will include actively encouraging the participation of Indigenous women. SEIMA also aims to promote reconciliation by both teaching and learning from the non-Indigenous community. It maintains that the proposed service will provide education and improve employment skills for SEIMA members, particularly in relation to the media, the broadcasting industry and new technologies.

SEIMA has in place a seven-person Board of Directors. It is yet to establish specific committees but plans to have an organisational structure comprised of the Board, a Management Committee consisting of the chairs of seven sub-committees, a Station Manager and three Station Coordinators.

The seven proposed sub-committees will deal with management, music and programming, news/current affairs and documentaries, sponsorship and fundraising, members and volunteers, education and training, and recruitment and development. SEIMA also intends to establish a Friends Committee. There is at present no technical sub-committee. SEIMA proposes to employ consultants to manage its technical operations. Each committee will include one of the station coordinators, a member representative, a volunteer representative, and a SEIMA Board representative.

SEIMA explained that members will be able to participate in decision-making processes by volunteering to join sub-committees and through attending and voting at annual general meetings.

SEIMA listed the names of 75 individual members and 19 organisational members, representing a diverse cross-section of the Indigenous community. Some

representatives of these organisations are actively involved with SEIMA in presenting programs and providing advice and information for broadcast.

Additionally, there are 85 'Friends of SEIMA', non-Indigenous supporters who have Associate membership. Friends of SEIMA may attend Board and Management meetings but do not have the right to vote or join other sub-committees.

SEIMA claims that it recruits and encourages participation of the Indigenous community members, and invites feedback via newsletters and flyers. It also consults with Indigenous groups at community meetings and during visits to educational institutions. During its recent temporary community broadcast, it employed up to fifty volunteers.

The ABA received 210 letters of support for the service: 182 were from individuals, 15 from Indigenous organisations, 12 from businesses and one from a politician.

SEIMA claims that the nine and a half hours of weekly programming it provides on community radio 3CR is all that is available to its community.

SEIMA's proposed programming comprises a 30% talk, 70% music format. Of the talk component, 83% is local or original material, and 17% is nationally syndicated. Of the music component, 21% is local Indigenous material, 29% is national Indigenous material, and 7% is international Indigenous material. Non-Indigenous Australian music will make up the remainder.

SEIMA provided a 168-hour program schedule used for its temporary broadcasts indicating programming appropriate for its community of interest and addressing a broad cross-section of needs. It proposes to rebroadcast programming downloaded from the NIRS satellite between midnight and 6am.

Its Programming Policy includes guidelines in relation to such matters as health, education, indigenous culture, oral history, heritage, privacy and respect for those in grief. It also covers such matters as honesty and fairness, defamation and attribution.

SEIMA's estimated capital costs to establish one of the FM services is \$615,383. This figure is the total cost of establishing studio and transmission facilities including technical equipment, furniture and fittings (\$295,383), and includes the \$320,000 per annum cost for a fully managed 56 kW service by NTL at Mount Dandenong.

SEIMA's estimated capital costs for the AM service is \$312,668 or \$494,573 depending on whether it continues to use the existing valve transmitters or if it decides to replace them with solid state transmitters.

For the FM licences, SEIMA estimates income for its pre-operational period at \$477,429. In its first three years of operation, it estimated that income would match expenditure each year at \$564,703, \$561,823 and \$543,620.

For the AM service, SEIMA estimates income would be the same as for the FM services and expenditure would be \$539,831 in the pre-operational period, and \$544,403, \$541,256 and \$523,320 in its first three years of operation respectively.

In the event of a funding shortfall, SEIMA is confident that funding will be forthcoming from Aboriginal Affairs Victoria, the Tumbuckka Regional Council, the Australia Council and particularly ATSIC, which it maintains has given a high priority to Indigenous broadcasting and has invited SEIMA to apply for infrastructure funding should its application be successful. SEIMA said this was a verbal invitation.

SEIMA has conducted four temporary community broadcasts, each for two weeks. In future, it proposes to employ three qualified technical consultants on a part-time basis, each of whom has extensive experience in dealing with Melbourne community radio services. SEIMA proposes to employ eight full-time staff and four part-time staff. Its structure provides for 41 volunteers, mostly DJs and announcers, with the remainder working in the areas of administration or sponsorship.

Many of the current Board and Management Committee members have experience managing various Aboriginal cultural organisations. Others have management experience with educational bodies, community radio and in business.

## **THE VICTORIAN MUSLIM COMMUNITY INFORMATION SERVICE [VMCIS]**

VMCIS claims to represent the Muslim community of Melbourne. According to the 1996 Census figures, 63,727 people in the Melbourne-wide licence area (2% of the total licence area population) identified as Muslim, while in the Melbourne City licence area, this figure was 16,163 people (2.1%). VMCIS claims that the numbers are in fact much greater than this because, for various reasons, some Muslims may be reluctant to declare themselves. ABS Census documentation supports this claim regarding Muslims.

VMCIS was incorporated on 9 October 1996. When VMCIS first applied to the ABA for a temporary broadcasting licence, a member was required to be “a believer of the faith of Sunnah.” This clause remained in the Constitution when VMCIS applied for a permanent licence, however it recently removed this restriction to allow any Muslim to become a member.

The Association has more than 5,000 members. About a third are Australian born. Of the sixty-four countries of birth represented, people from Lebanon, Egypt, Eritrea, Somalia, Turkey, Bosnia, Pakistan, Syria, Palestine and Iraq make up the bulk of the membership numbers.

A petition with approximately 4,000 signatures, letters of support from almost 1,500 individuals and a number of Islamic representative bodies, were submitted in support of VMCIS’s application. Amongst these were letters from the Australian Federation of Islamic Councils, the Islamic Council of Victoria, the Board of Imams in Victoria and the King Khalid Islamic College of Victoria, the Australian Arabic Council and the Saudi-based World Assembly of Muslim Youth.

VMCIS is managed by an eight person Committee of Management. To be eligible for election to this Committee, the Constitution requires applicants to have had five-year’s membership with the Association. VMCIS’s management structure also includes eight sub-committees which deal with programming, finances, public relations, religious affairs, technical operations, youth affairs, women’s affairs and different languages. The eighth sub-committee is responsible for programming in the eight language groups currently used on air, namely Arabic, English, Turkish, Bosnian, Somali, Urdu, Albanian and Oroma. VMCIS estimates that about 50% of the Muslim population speak Arabic.

VMCIS claims listeners are encouraged, by way of regular on-air announcements, and through a quarterly newsletter, to join the Association and participate in the program sub-committees of their particular language group. It also claims meetings are open and sub-committees are free to structure themselves as they choose. The general programming committee is made up of the chairs of each program sub-committee.

VMCIS claims it will meet the general needs of the Muslim community by providing religious programming including external broadcasts from Melbourne mosques, Islamic news and current affairs, talk-back, music, educational material, youth and children's programming and programming for women. VMCIS also intends to provide information which will assist Muslims to understand Australian culture and customs. Four hours per day will be devoted to English language programming.

In determining the appropriateness of a proposed program, VMCIS says it is mindful of any relevant community feedback, its relevance and benefit to its listeners, whether it infringes any Islamic principles or Australian law and whether it might create conflict between the Muslims and non-Muslims.

VMCIS proposes to broadcast programs comprising 75% talk and 25% music. About half of the talk component will be internationally syndicated readings from the Koran and Islamic lessons from Middle Eastern countries. Most of the music component will originate overseas, and be mainly by Muslim artists from the Middle East, Malaysia, the United Kingdom and The United States.

VMCIS has conducted ten temporary community broadcasts, of varying duration, since December 1997. It has shared a frequency with two other aspirant community broadcasters. VMCIS claims the 250 Watts City service will serve 50% of Melbourne's Muslims. Census figures however indicate it would be closer to 25%.

VMCIS has already spent \$52,074 in establishment costs and has estimated further capital costs of \$420,801 will be required for each of the three Melbourne-wide services. It has estimated that a further \$72,734 will need to be spent in establishing the sub-metropolitan service.

VMCIS estimated pre-operational revenue of \$427,060 for the wide-coverage services and \$186,060 for the sub-metropolitan service. Income in the first three years of service was estimated to be the same for each of the four proposed services, averaging \$250,000.

VMCIS maintains it will not experience a shortfall in funding as the Muslim Community Credit Union and the Islamic Council of Victoria have offered to assist in covering any shortfall. VMCIS has also provided a list of thirty-five businesses, which it says have agreed to cover any shortfall. It also claims its members will contribute \$150,000, interest free, to ensure that the station remains operational. VMCIS provided a letter from the Saudi-based World Assembly of Muslim Youth promising to supply all the necessary equipment.

VMCIS will employ four paid staff in its first year of operation, two full-time and two part-time as well as eighty-four volunteers. Seventy of the volunteers will participate in programming, ten in administration and sponsorship, and four in the technical area.

VMCIS has two operational studios which it intends to upgrade. It lists the names of 11 technical staff with a range of engineering qualifications who are currently associated with the group and will be retained to operate any permanent service. A number of VMCIS members have technical and electrical engineering qualifications.

Thirteen members of the VMCIS Board and sub-committees have had experience at Board level with various community radio broadcasting services and community organisations such as 3ZZZ, 3NOW, the Islamic Council of Victoria, Muslim Teacher Association, Board of Imam in Victoria and the United Muslims Migrant Association.

## **TRIPLE SEVEN COMMUNICATIONS INCORPORATED [TRIPLE SEVEN]**

Triple Seven (which merged with Christian Community Broadcasting Ltd (CCB) on 27 June 2001) claims to represent the Christian community in Melbourne embracing the broader Christian tradition, including welfare organisations and recipients. It states that it is a non-denominational organisation.

Triple Seven claims it has a significant community interest with an overlap between: churchgoers, spiritualists, those unable or unwilling to attend church, the marginalised and disadvantaged, those using welfare organisations and those who sought counselling. The 1996 Census data indicates that more than two million (65.7%) in Melbourne identified as Christian. Triple Seven claims that respondents to the CBL, MGR and CCB surveys totalling 54,000 persons as evidence of the level of interest in a Christian broadcasting service.

Triple Seven claims that its members comprise 50/50 churchgoers/non-churchgoers. Its Committee of Management and letters of support appear to be from a cross section of mainstream denominations and welfare organisations.

Triple Seven was incorporated on 16 November 2000. Its Statement of Purpose refers to the operation of a community radio service and to its community interest. It proposes to amend its Statement of Purpose to accommodate the merged entity with CCB.

Membership of Triple Seven is automatic. Applicants must sign an application form and agree to be bound by the Rules of the Association and Statement of Purpose. There is no pre-requisite for membership that applicants be churchgoers. The Rules provide adequate grievance mechanisms. Triple Seven has created a new category of 'Friends of Triple Seven' for non-members (with no voting rights).

Control of the decision-making processes lies with the Committee of Management which comprises four office bearers, and two to six ordinary members, who are elected by the members at the annual general meeting. As a result of the merge, three CCB directors have been appointed to the Committee.

The Committee of Management appoints members to its sub-committees which are responsible for programming, office volunteers, website, church and community relations, and technical. Triple Seven also proposes to establish an Advisory Committee similar to that proposed by CCB. Anyone expressing an interest can be involved in the relevant sub-committee (members or volunteers). Staff and volunteers must agree with the Statement of Purpose.

Triple Seven provides the names of its 737 individual members as well as 80 volunteers involved in the last temporary community broadcast. It lists approximately 100 welfare organisations which were interviewed during the last four temporary broadcasts and 23 sponsors in its last broadcast.

Triple Seven provides details of the research conducted by the Christian Research Association to date. It plans to continue research and to invite comment in order to respond to changing needs. The Advisory Committee, which comprises heads of Churches and welfare groups, will keep abreast of issues and needs of the community. The ABA received 47 letters of support from a cross-section of major churches, welfare and health support organisations. Letters of support for the merged entity were from the Anglican Archbishop of Melbourne and the Chairman of the Heads of Churches.

Triple Seven's proposed program format is 34% talk (31% local/original, 2% national syndication and 1% international) and 66% music (16% local, 14% Australian, 36% overseas). It proposes a forum for open debate on controversial issues without editorial comment. Triple Seven's Programming and Music Policy stipulates program content but does not refer to any non-sectarian programming policy. It aims to provide a contemporary format of Christian content that is not overtly religious.

Financial members may attend programming meetings and apply for airtime for programs which are in accordance with the Statement of Purpose. Triple Seven's policy documents refer to the principles of access and participation in programming of the service. It proposes to rotate sectarian programs on Sundays by different churches.

Triple Seven has an existing studio and production studio at Mont Albert and intends to move to a new location which allows two on-air studios and a production studio. It proposes the following options and costings for technical facilities and equipment for the FM service:

1. Lease and/or purchase of 3CR's quarter share interest in Public FM Transmission site. The estimated capital costs to establish the service are \$79,400 (\$33,272 for a second on-air studio and master control equipment, and \$46,128 for 5kW FM transmitter equipment). The estimated total operating cost for year one is \$545,000, and \$645,000 and \$775,000 in years two and three respectively.
2. Negotiate with Public FM to accommodate their additional service at the site, including an extension of its building. The total pre-operational and operating costs in year one are estimated at \$659,000.
3. Negotiate to lease transmission facilities at the nominal transmitter site from NTL or TX Australia. The total pre-operational and operating costs in year one for NTL are \$883,272 and for TX Australia \$689,400.

Triple Seven proposes to hire transmitters, studio and equipment from Radio 3BM AM at the Lower Plenty nominal site for the AM service. The total pre-operational and operating costs in year one of \$700,000.

Triple Seven estimates its income in the first three years of operation at \$573,000, \$657,900 and \$788,900 respectively. In year one, this is based on \$340,000 for sponsorship announcements, \$100,00 for donations, \$111,000 for subscriptions and \$22,000 for community and business sources. The total income for both pre-operational and year one is estimated at \$877,500. Triple Seven states that any shortfall in funding could be met by relying more heavily on volunteer announcers, increased donations (particularly from CCB supporters) and scaling down expenses rather than incurring debt.

Triple Seven provides details of the experience of its Committee and sub-committee members and presenters. It proposes six full-time and six part-time paid staff, and two full-time and 38 part-time volunteers in its first year of operation. It proposes to revise CCB's volunteers' manual avoiding any reference that impinges on the inclusiveness and openness of the organisation.

## APPENDIX B

### Census data relating to the Melbourne-wide licence area

The ABA has considered a range of socio-economic information from census data for the Melbourne-wide area collected in 1996 by the Australian Bureau of Statistics [ABS], together with further data provided by the ABS.

#### **Total population**

At Census 1996, the total population of the community radio broadcasting licence area of Melbourne was 3,163,812. The age distribution break-up of the licence area was as follows:

0 to 14 years	642,784 (20.3%)
15 to 24 years	474,948 (15%)
25 to 29 years	265,041 (8.4%)
30 to 39 years	514,071 (16.2%)
40 to 54 years	630,562 (19.9%)
55 years plus	620,220 (19.5%)
Not Stated	16,186 (0.1%)

#### ***Population growth since 1996***

The ABS has estimated that at 30 June 1999, the population for the Melbourne Statistical Division (an area slightly smaller than the Melbourne licence area) was 3,417,200.

#### **Ethnicity**

At Census 1996, the licence area population included 10,796 (3.41%) persons of Aboriginal or Torres Strait Islander descent.

Of the 918,205 (29%) people born overseas, 681,564 (21.5%) were born in countries where English is not the main language.

A total of 759,876 people (24%) aged five or more also speak a language other than English. The main non-English language groups in the Melbourne area in 1996 were:

Italian	139,213 (4.4%)
Greek	115,680 (3.7%)
Chinese	88,137 (2.8%)
Vietnamese	48,726 (1.5%)
Arabic	35,113 (1.1%)
Macedonian	29,806 (0.9%)

### **Religious affiliation**

2,078,582 persons (65.9%) identified as Christian in the 1996 Census. The main denominations and their percentage of the total Melbourne population were: Catholic (30%), Anglican (14.9%), Orthodox (6.2%), Uniting Church (5.3%), and Presbyterian (3.2%).

187,608 persons (5.9%) identified as non-Christian, of which 63,727 (2%) identified as Muslim, 60,775 (1.9%) as Buddhist, 35,374 (1.1%) as Jewish, and 15,820 (0.5%) as Hindu. The remainder (27.9%) either indicated no religious affiliation or did not respond to the question.

## APPENDIX C

### Census data relating to the Melbourne City licence area

The ABA has considered a range of socio-economic information from census data for the Melbourne-wide area collected in 1996 by the Australian Bureau of Statistics [ABS], together with further data provided by the ABS.

#### **Total population**

At Census 1996, the total population of the community radio broadcasting licence area of Melbourne City was 765,700. The age distribution break-up of the licence area was as follows:

0 to 14 years	115,111 (15%)
15 to 24 years	118,171 (15.4%)
25 to 29 years	79,932 (10.4%)
30 to 39 years	134,542 (17.6%)
40 to 54 years	142,283 (18.6%)
55 years plus	167,875 (21.0%)
Not Stated	7,786 (1.0%)

#### **Ethnicity**

At Census 1996, the licence area population included 2,392 (3.1%) persons of Aboriginal or Torres Strait Islander descent.

Of the 236,540 (30.9%) people born overseas, 184,764 (24.1%) were born in countries where English is not the main language.

A total of 205,094 people (26.8%) aged five or more also speak a language other than English. The main non-English language groups in the Melbourne City area in 1996 were:

Greek	37,850 (4.9%)
Italian	35,842 (4.7%)
Chinese	29,982 (3.9%)
Vietnamese	16,923 (2.2%)
Arabic	10,909 (1.4%)

### **Religious affiliation**

452,709 persons (59%) identified as Christian in the 1996 Census. The main denominations and their percentage of the total Melbourne City population were: Catholic (27.1%), Anglican (13.3%), Orthodox (6.9%), Uniting Church (4.9%), and Presbyterian (2.7%).

69,082 persons (9%) identified as non-Christian, of which 26,014 (3.4%) identified as Jewish, 19,385 (2.5%) as Buddhist, 16,163 (2.1%) as Muslim, and 3,671 (0.5%) as Hindu. The remainder (30.8%) either indicated no religious affiliation or did not respond to the question.

## APPENDIX D

### Existing broadcasting services in the Melbourne licence area

Service ID frequency and licensee	Service description
<b>Commercial radio broadcasting services</b>	
3EE (693 kHz) Magic 693 693 Southern Cross Radio Pty Ltd	Predominantly an easy listening nostalgic music station focussing on music from the 40s through to the 80s. Targeted towards a 40yo+ audience. Currently the second highest rating station with 55yo+.
3UZ (927 kHz) 3UZ Pty Ltd	Provides sports programming in particular horse racing and harness racing
3AW (1278 kHz) 3AW Southern Cross Radio Pty Ltd	Predominantly a personality driven talk back station, focussing on news, current affairs and sport. During winter weekend programming is dominated by football. All programming is produced in Melbourne, including news that is networked out to other Southern Cross stations. Currently the second highest rating station overall in Melbourne, and the highest rating station with the 40yo+ demographic.
3MP (1377 kHz) Malbend Pty Ltd	Provides general programming including news and entertainment, with an emphasis on easy listening music. More popular with an older audience.
3AK (1116 kHz) Victorian Radio Network Pty Ltd	Predominantly a talk back station focussing on news, sport and current affairs.
3??? (91.5 MHz) Nova 91.5 Pty Ltd	Licence allocated on 22 February 2001. Service not yet commenced."
3TTT (101.1 MHz) Mix 101.1 FM Double T Radio Pty Ltd (ARN)	Predominantly a music format station, playing mostly 90's mainstream chart music with some current new music. Very small dance music component. Main target audience is 28 to 42yo with a female skew. Station also rates well with 10-27yo. Provides news bulletins during breakfast and drive only. No current affairs.

3FOX (101.9 MHz) Austereo Pty Ltd	Target audience is under 40yo. Predominantly a broader music format station playing mainstream pop, alternative rock and current chart music. More youth focussed at night, targeting an under 25yo audience after 7pm. Short news updates every hour; every 30 minutes during breakfast. Lifestyle based programs with focus on health, environment issues. Also entertainment and celebrity news. Some comedy. Daytime programming produced live in Melbourne. Night programs networked from Today FM in Sydney. Personality driven in selection of station DJs. Currently the highest rating station in Melbourne overall, and the highest rating station with 10 to 39yo.
3KKZ (104.3MHz) Gold 104.3 ARN Broadcasting Pty Ltd	Target audience is 35 to 54yo (broadly 25 to 54yo). Equal male and female. Predominantly a music format station focussed on chart music from the 60s, 70s and 80s, including older dance music such as disco. No new music, no country music. Hourly news bulletins (every 30 minutes during breakfast). Some entertainment discussion and information. Small amount of talkback. Currently the highest rating music based station with 40 to 54yo.
3MMM (105.1 MHz) Triple M Melbourne Pty Ltd (Austereo)	Target audience is 25 to 40yo with a slight male skew. Predominantly a music format station playing rock music. More youth focussed after 7pm. Short news updates every hour; every 30 minutes during breakfast. Other programming includes some comedy and sport. During football season weekend daytime broadcasts and Friday nights are predominantly football. Daytime programming produced live in Melbourne. Night programs networked from Triple M in Sydney. Personality driven in selection of station DJs. Currently the second highest rating station with 18 to 39yo.
<b>National services</b>	
3RN (621 kHz) Melbourne	Provides general programming through the national network including national and regional news, music, information, education and entertainment. Includes country music (2 hrs pw).
3PB (1026 kHz)	Provides live parliamentary broadcasts and news, sport, and current affairs programming

3LO (774 kHz)	Provides general programming including Melbourne regional news, discussion of local issues and current affairs, local information, sport and entertainment. Predominantly talk format, some music. Mostly locally produced, with some networked programming (overnight and some current affairs). Includes
3ABCFM (105.9 MHz) Melbourne	country music (4 hrs pw), Indigenous (1 hr pw). Provides mainly western classical music programs.
3JJJ (107.5 MHz)	Provides programs with a youth focus including indie, alt rock, dance and funk music, in addition to news, current affairs and information. Networked from Sydney.
3SBSFM (93.1 MHz)	Provides multilingual programs for information, education and entertainment.
3EA (1224 kHz)	Provides multilingual programs for information, education and entertainment. Includes Cantonese (8 hrs pw) and Mandarin (6 hrs pw).
<b>Melbourne-wide community radio services</b>	
3CR (855 kHz) Melbourne	Provides community programming for the more marginalised groups, with an emphasis on Australian artists and music. No target age group. Approx 75% talk, 25% music. Music focussed on unsigned Australian artists (55%). Talk focuses on issues of social justice from a left of centre viewpoint. Programs include various (25) ethnic specific, youth issues, health issues, union issues, Indigenous (9-10 hrs pw), and gays and lesbians (2.5 hrs pw). Priority given to groups and issues not given coverage or access by other broadcasters.
3RRR (102.7 MHz) Melbourne	Independent community programming that provides information, music, arts and entertainment. Originally licensed as a university station. Currently RMIT and Melbourne University remain represented on the Board. Youth focussed, with majority of audience (73%) aged between 18 and 34yo. Average subscriber age is 28. High proportion of student listeners (70%). Programming style alternative to mainstream. Mix of music and talk, with some general programs such as breakfast and drive, and some specialist music programs. Specialist music programs include r 'n' b, blues, alternative rock, funk, jazz, hip-hop, and various styles of dance music.
3RPH (1179 kHz) Melbourne	Provides programming for the print handicapped.

3ZZZ (92.3 MHz) Melbourne	Provides community programs for various ethnic groups. Includes programming for Chinese (4 hrs pw).
3PBS (106.7 MHz) Melbourne	Independent community programming that provides information, music, arts and entertainment for the general Melbourne community; no specific age group. A music only station, focussing on alternative music not played on mainstream radio. Categories of music covered are: jazz; heavy metal; blues; dance and electronic (28.5 hrs pw); soul and funk (10 hrs pw); indie (14 hrs pw); and world music. Late night programming also includes another 28 hrs pw of electronic music.
3MBS (103.5 MHz) Melbourne	Music focussed station that provides mainly western classical music programming with some jazz and blues.
<b>Local area coverage (suburban) community radio stations</b>	
3ECB (98.1 MHz) Eastern Suburbs	Provides general local community programming including entertainment, news and information.
3INR (96.5 MHz) North East Suburbs	Provides general local community programming with an easy listening format. Includes entertainment, news and information.
3NOW (98.9 MHz) North West Suburbs	Provides general local community programming including entertainment, news and information
3SER (97.7 MHz) South East Suburbs	Provides general local community programming including entertainment, news and information
3SCB (88.3 MHz) Southern Suburbs	Provides general local community programming including entertainment, news and information.
3WRB (97.4 MHz) Melbourne West	Provides general local community programming including entertainment, news and information.
3RIM (97.9 MHz) Melton	Provides general local community programming including entertainment, news and information.
3PVR (88.6 MHz) Plenty Valley	Provides general local community programming including entertainment, news and information.
3MDR (97.1 MHz) Mountain Districts	Provides general local community programming including entertainment, news and information.
3VYV (99.1 MHz) Yarra Valley	Provides general local community programming including entertainment, news and information.
3RPP (98.7 MHz) Mornington	Provides general local community programming including entertainment, news and information.
3NRG (99.3 MHz) Sunbury	Provides general local community programming including entertainment, news and information.

3WBC (94.1 MHz) Camberwell	Provides general local community programming including entertainment, news and information.	
3WYN (88.9 MHz) Werribee	Provides general local community programming including entertainment, news and information.	
3APL (98.5 MHz) Bacchus Marsh	Provides general local community programming including entertainment, news and information.	
3GDR (95.7 MHz) Waverley	Provides local community programming including nostalgic music, entertainment and information aimed at senior citizens.	
<b>High power open narrowcasting services</b>		
HPON (1341 kHz) 3CW Chinese Radio Pty Ltd	Provides programming directed toward the Chinese community. A free to air, 24 hour per day service provided in both Mandarin and Cantonese.	
HPON (1422 kHz) Nezville Pty Ltd	Provides programming directed toward the Greek community.	
HPON (1593 kHz) Rete Italia	Provides programming directed toward the Italian community.	
<b>Television</b>		
ABV2 (ABC) Melbourne	National Broadcasting	Provides independent general programming including a comprehensive news and information service, education, entertainment and arts programs
SBS28 Melbourne	National Broadcasting	Provides multilingual programs for information, education and entertainment
HSV7 Melbourne	Commercial Broadcasting	Provides general programming including news, information and entertainment
GTV9 Melbourne	Commercial Broadcasting	Provides general programming including news, information and entertainment
ATV10 Melbourne	Commercial Broadcasting	Provides general programming including news, information and entertainment
CTV31	Community Broadcasting	Provides community programs for information, education and entertainment. This is a temporary licence.

## APPENDIX E

### Community Broadcasting Code of Practice

#### CODE NO.1

##### **Responsibilities of broadcasting to the community - Principles of diversity and independence**

The purpose of this code is to define the unique philosophy of community broadcasting and to ensure that this perspective is reflected in the day-to-day operations and programming of community broadcasting services.

Community broadcasting stations will:

- 1.1 Provide their services in the public interest as defined in the licensees' application to the licensing authority.
- 1.2 Have organisational mechanisms to provide for active participation by that community in its management, development and operations.
- 1.3 Be controlled and operated by an autonomous body which is representative of the licensees community.
- 1.4 Operate on a non-profit basis.
- 1.5 Demonstrate independence in their programming as well as in their editorial and management decisions.
- 1.6 Incorporate programming policies which oppose and attempt to break down prejudice on the basis of race, sex, nationality, religion, disability, ethnic background, age or sexual preference.
- 1.7 Establish programming practices which protect children from harmful program material.
- 1.8 Present programs which contribute to expanding the variety of viewpoints broadcast in Australia and enhance the diversity of programming choices available to the general public.
- 1.9 Seek to widen the community's involvement in broadcasting and to encourage participation by those denied effective access to, and those not adequately served by, other media.

## **CODE NO. 2**

### **Guidelines for general programming**

The purpose of the code is to reflect the need to avoid and break down prejudice and discrimination, and to prevent the broadcasting of material which is contrary to community standards, government regulations and the principles of community broadcasting.

2.1 Community broadcasting licensees shall not broadcast material which may:

- (a) incite, encourage or present for their own sake violence or brutality;
- (b) simulate news or events in such a way as to mislead or alarm listeners; or
- (c) present as desirable the misuse of drugs including alcohol, narcotics and tobacco.

2.2 Community broadcasting licensees will avoid censorship wherever possible, however, consideration shall be given to the audience; the context; the degree of explicitness; the propensity to alarm, distress or shock; and the social importance of the event.

2.3 Community broadcasting licensees shall not broadcast material which may stereotype, incite, vilify, or perpetuate hatred against, or attempt to demean any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, religion, age or physical or mental disability.

### **Guidelines for news and current affairs programs**

These guidelines are intended to promote accuracy and fairness in news and current affairs programs.

2.4 News and current affairs programs (including news flashes) should:

- (a) provide access to views under-represented by the mainstream media;
- (b) present factual material accurately and ensure that reasonable efforts are made to correct substantial errors of fact at the earliest possible opportunity;
- (c) clearly distinguish factual material from commentary and analysis;
- (d) not present news in such a way as to create public panic or unnecessary distress to listeners;

- (e) not misrepresent a viewpoint by giving misleading emphasis, editing out of context or withholding relevant available facts;
- (f) respect each person's legitimate right to protection from unjustified use of material which is obtained without an individual's consent or other unwarranted and intrusive invasions of privacy;
- (g) not broadcast the words of an identifiable person unless;
  - (i) that person has been informed in advance that the words may be transmitted; or
  - (ii) in the case of words which have been recorded without the knowledge of the person, the person has subsequently, but prior to the transmission, indicated consent to the transmission of the words; or
  - (iii) the manner of the recording has made it manifestly clear that the material may be broadcast.

### **CODE NO.3**

#### **Australian music content**

This code reinforces the community broadcasting sector's reputation as a medium committed to developing and recognising Australian composers and/or performers by providing opportunities to have their material broadcast on a regular basis.

The Broadcasting Services Act 1992 does not require the community radio sector to maintain minimum content levels of Australian music. However, given the nature of the community broadcasting sector and its commitment to reflecting the diversity of Australian culture and the interests of local communities, it is crucial for a significant proportion of local and Australian music, including Indigenous Australian music, to continue to be broadcast by community stations.

In selecting Australian musical items, community broadcasting stations should have regard for the make-up of the community served by the licensee.

3.1 Community broadcasting stations shall ensure that set proportions of the total number of musical items broadcast consist of musical items composed and/or performed by Australians.\*

The proportions shall be:

- (a) not less than 20% Australian music items for stations with diverse formats serving the general community; and

(b) not less than 10% Australian musical items for ethnic and classical stations.

(a) and (b) to be determined over a one month period.

3.2 The music requirements cited (3.1 above) exclude the use of music in sponsorship announcements and program or station promotions.

\* In this code and "Australian" means a person who is a citizen or ordinarily resident in Australia.

## **CODE NO.4**

### **Sponsorship**

The purpose of this code is to augment the sponsorship conditions set down in Schedule 2 of the Act, including the requirement that not more than 4 minutes of the sponsorship announcements be broadcast in any one hour [Schedule 2 clause 9 (3)], and the need for each sponsorship announcement to acknowledge the financial support of the sponsor [Schedule 2 clause 2 (2) (b) (ii)].

Commensurate with the need to ensure active participation by the community in the station's management, development and operations, community broadcasters will adopt and implement - in consultation with their communities - a sponsorship policy which:

4.1 Ensures that sponsorship will not be a factor in determining access to broadcasting time.

4.2 Ensures that the content and style of individual programs is not influenced by the sponsors of programs.

4.3 Ensures that overall programming of community broadcasting stations is not influenced by sponsors.

It is noted that there are no statutory restrictions on the broadcast of legitimate community service announcements [Schedule 2, clause 2 (2) (a)]. A community service announcement is defined as:

4.4 An announcement for which no payment is made, either in cash or in kind.

4.5 The provisions of Code No. 2 are taken to be part of Code No. 4

## **CODE NO. 5**

### **Volunteers**

The purpose of this code is to recognise the community broadcasting sector's reliance on volunteer workers for its continued operation and to ensure that the rights and responsibilities regarding volunteering are addressed by individual stations.

- 5.1 Community broadcasting licensees will have guidelines in place that outline:
- (a) the principles of volunteering;
  - (b) the rights and responsibilities of volunteers within the organisation.

## **CODE NO.6**

### **Conflict resolution**

The purpose of this code is to prescribe appropriate methods of dealing with internal disputes and conflict resolution in community broadcasting organisations.

Conflict is the situation where the goals, values, interests or opinions of one group or individual are incompatible with or perceived to be incompatible with, those of another individual or group.

- 6.1 Community Broadcasting licensees will have mechanisms which will facilitate conflict resolution within their organisation.
- 6.2 Community Broadcasting licensees will make every reasonable effort to resolve disputes within their organisation conscientiously and as soon as practicable.
- 6.3 Community Broadcasting licensees will negotiate for dispute resolution by managing discussion between disputants which is aimed to bring about agreement or a settlement of opposing demands or attitudes.
- 6.4 In the event of an unresolved dispute, Community Broadcasting licensees will seek appropriate alternative dispute resolution mechanisms (for example, mediation, conciliation or arbitration).

## **CODE No 7**

### **Handling complaints**

The purpose of this code is to prescribe the manner in which complaints and other comments from members of the public will be dealt with.

7.1 Community broadcasting licensees acknowledge the rights of their audiences to comment and make complaints concerning:

- (a) compliance with the Codes of Practice or a condition of the licence;
- (b) program content; and
- (c) the general service provided to the community.

7.2 Licensees will provide regular on-air information about Community Broadcasting Codes of Practice and how audiences may obtain them.

7.3 Community broadcasting licensees will make every reasonable effort to resolve complaints, except where a complaint is clearly frivolous, vexatious or not made in good faith.

7.4 Licensees will make appropriate arrangements to ensure that:

- (a) complaints will be received by a responsible person in normal office hours;
- (b) complaints will be conscientiously considered, investigated if necessary and responded to as soon as practicable; and
- (c) complaints will be promptly acknowledged and normally answered within six weeks from receipt of the complaint.

7.5 Responses to written complaints will be in writing and will include a copy of the Code of Practice on handling complaints.

7.6 If the complainant indicates dissatisfaction with the response of the licensee, the licensee will advise the complainant of their right to refer the matter to the Australian Broadcasting Authority.

7.7 A record of complaints in a permanent form will be maintained by a responsible officer of the licensee.

7.8 The licensee will provide the ABA annually with a "notification of complaints" in a format advised by the ABA.

- 7.9 Licensees will undertake to pass on all comments from the public, made in good faith, both complimentary and critical, to the individuals responsible for preparing and presenting the program(s) concerned.

## **CODE NO. 8**

### **Review of codes**

The purpose of this code is to ensure that all codes are maintained and where necessary revised to accurately reflect contemporary community broadcasting principles.

8.1 The Community Broadcasting Association of Australia (CBAA), in consultation with the community broadcasting sector, will periodically review Community Broadcasting codes to ensure that all codes remain accurate and relevant.

Prior to any changes to the codes, the CBAA will consult with the ABA and seek a majority vote of community broadcasting stations, together with public comment.

## APPENDIX F

### Application for a community broadcasting licence (broadcasting services bands)

Form ABA 32

October 2000

**Please read these notes and the *Allocation of community broadcasting licences Broadcasting services bands - Guide to applying for a licence before completing this application.***

1. The ABA requires the application to be provided in both hardcopy (paper) and electronic form (where possible). An electronic version of the ABA 32 will be provided with the Application Information Kit, and is available from the ABA website at URL [www.aba.gov.au/forms](http://www.aba.gov.au/forms).
2. The ABA understands that the electronic version of the application may not include all the documentation provided with the printed version as some information (such as certificates) can not be provided in electronic form.
3. **Do not bind or staple any part** of the printed copies of the application. This provides for ease of copying the application for distribution as necessary. Applications may be presented in two ring binders or Lever Arch folders.
4. The electronic version can be sent to the ABA on disc with the mailed printed version, or via e-mail to [info@aba.gov.au](mailto:info@aba.gov.au).
5. Your application should be formatted so that each question asked in Form ABA32 is followed by your response to that particular question.
6. Answers should be printed where possible or, if handwritten, completed in block letters.
7. Number each page of your application.
8. Start each section on a new page.
9. Identify each appendix according to the question number to which it relates. For example, an appendix which contains information sought in question 16 would be called 'Appendix Q.16'. Include a list of appendices with brief descriptions at question 74.

#### ***Provision of information to the ABA***

10. Under s.208 of the *Broadcasting Services Act 1992*, it is an offence for a person to make a statement in an application to the ABA or in a response to an ABA request for information, that the person knows to be false or misleading in a material particular.

- 11.** All sections of this application form must be completed.
- 12.** If you have any questions about completing the application, please contact the Licensing Section on (02) 9334 7700 or free call 1 800 226 667.
- 13.** For details of where to send applications, please refer to the Allocation of Community Broadcasting Services - Broadcasting Services Bands - Guide to applying for a licence (the guide).

## Section 1 - Licence details \*

Please identify the community broadcasting service being applied for:

1. The name of the licence area plan.
2. The name of the general area served.
3. The service licence number/s that you wish to apply for (SLXXXXXXXX)
  - (i) If you are applying for more than one licence in the same licence area, please indicate all of the licences you wish to apply for and list them in preferential order.
  - (ii) Please state your reasons for preferring a particular licence.

\* **Note 1:** The above information is contained in part 3 of the guide - (Service Information) and the relevant licence area plan.

## Section 2 - Applicant details

4. Full name of applicant (as shown on the organisation's Certificate of Incorporation).
5. Address for legal purposes of:
  - (a) the registered office under the Corporations Law; or
  - (b) the address of the public officer under the Associations Incorporation Act of the relevant State or Territory; or
  - (c) the address of the principal office, head office or principle place of business.
6. Telephone and facsimile numbers. Please indicate whether these are private or business numbers. Private numbers will not be made public.
7. Name and title of contact person for this application.
8. Telephone number of the contact person.\* This person should be easily contactable on this number.
9. Contact address for mail.\*
10. E-mail address (if available)
11. The physical address, if known, of the proposed broadcasting studio.

\* **Note 2:** If the contact telephone number and address are private, please note this against Questions 8 and 9 and provide these numbers on a separate page so that they can be removed from the applications made available to the public.

## Section 3 - Company status

12. Provide a copy of the applicant's Certificate of Incorporation, as 'Appendix Q.12'.

### Constituting documents

13. Provide a copy of the applicant's Constitution, Rules or Memorandum and Articles of Association, including any by-laws, as 'Appendix Q.13'. The copy provided should be certified by the relevant State or Territory authority as the true copy registered with that authority.
14. Indicate any proposed changes to the applicant's constituting documents and provide details and reasons for the proposed changes, including a timeframe for having the changes ratified by the relevant State or Territory authority.
15. What are the objects or aims of the organisation?
16. Please provide a copy of the applicant's membership application form as 'Appendix Q.16'. What is the current membership fee?

### Company structure

17.
  - (i) List the current members of the Board of Directors or Committee of Management (as appropriate), including their positions.
  - (ii) List the names of any other office bearers and their positions.

Note: List positions yet to be filled as vacant positions.
18. How are office bearers appointed by the applicant?
19.
  - (i) Provide a chart as 'Appendix Q.19(i)' showing details of the applicant's organisational structure, illustrating the relationships between the Board or Management Committee, staff, volunteers, committees and any sub-committees. Include the name of every committee and sub-committee.
  - (ii) Describe the reporting mechanisms in place between the Board of Management, committees and sub-committees.
  - (iii) Describe the relationship between the committees and sub-committees, in particular, how independent each is from the others.
  - (iv) Provide details of positions held by employees and volunteers. Include any duty statements as 'Appendix Q.19(iv)'.
20.
  - (i) List the names of individual members of all committees and sub-committees.
  - (ii) How do members and/or volunteers join committees and sub-committees?
  - (iii) How often do committees and sub-committees meet?
21.
  - (i) Who will be responsible for the day to day running of your organisation?
  - (ii) What authority will they have for making decisions other than those made at Board or sub-committee meetings?

(iii) How will this person be appointed and to whom will they report?

22. Explain how the applicant has ensured that the service will be operated on a non-profit basis.

**Note 3:** If the applicant has any other documents or material which gives further information about its policies, structure, or aims and objectives, you may wish to provide copies to the ABA.

## Section 4 - Previous temporary broadcasts or broadcasting experience

23. Has the applicant conducted a test broadcast, temporary community broadcast, special event or any other type of broadcast, or provided programming for an existing service? If yes, please provide detailed information regarding these broadcasts, including dates, location, hours of operation and the community interest served by the transmissions or programming.
24. Have current members of the applicant organisation been involved in any of the broadcasts or programs mentioned in response to question 23? If yes, provide details.
25. If you answered yes to question 23:
  - (i) Did the applicant receive any comments or complaints about the service during any of the transmission periods, or during off-air periods?
  - (ii) If so, describe them and how they were handled by the applicant.
26. Indicate any difficulties or problems experienced during any of the broadcasts mentioned at question 23 and how these were dealt with or resolved by the applicant.
27. How were the broadcasts mentioned at question 23 funded? Provide as much detail as possible.

## Section 5 - The proposed service

### Community interest represented

28. Indicate the community interest within the licence area that the applicant represents, for example general community, youth, Christian, Islamic, Indigenous, gay and lesbian.
29. (i) Describe the community that the proposed service is intended to serve. Please provide as much detail as possible about the nature and diversity of that community.  
  
(ii) What is the applicant's understanding of the existing and perceived future needs of that community in relation to community broadcasting? Please provide evidence to support your claim.
30. Provide evidence in support of the applicant's claim to represent the above community interest. You should include a list of individual members, organisation or group members, and business members. (You do not need to provide names of individuals, however, the number of individual members from your community should be provided.)
31. Please provide details of each existing media service (radio, television, print and other relevant media) in relation to the community need that you represent.
32. To what extent do these media services meet the needs of the community that the applicant represents?
33. (i) State how the applicant proposes to ensure that it would continue to represent the community interest to be served in the future.  
  
(ii) How will the applicant continue to monitor and understand the changing needs of that community?
34. Provide details of any research and/or other forms of community consultation that the applicant has carried out, or intends to carry out, to gather information about the needs of the community to be served. Please include any results or documentation (including details of methodology and/or surveys used), relating to the research/consultation as 'Appendix Q.34'.
35. What steps, if any, has the applicant taken to merge, or negotiate some type of co-operative arrangement, with any other group that represents a similar community interest in the same licence area?
36. If the applicant were to be successful in being allocated a licence, would it be prepared to consider providing access to air-time to the members of any other unsuccessful applicant for the licence with a similar community interest?

**Community participation**

- 37. In what ways would members of the community have access to the applicant's decision making processes?
- 38. What measures would be taken to encourage members of the community to participate in the operations of the proposed service?
- 39. What measures would be taken to encourage members of the community to participate in the selection and provision of programs?
- 40. The community broadcasting code of practice for radio requires that community broadcasting stations will seek to widen the community's involvement in broadcasting and to encourage participation by those denied effective access to, and those not adequately served by, other media. Describe what policies, for both voluntary and paid staff, would achieve this.

**Availability of service**

- 41. Will the service be provided free to the general public?
- 42. What are the proposed initial hours of operation of the service? Please indicate if and how the hours of operation of the service are expected to increase over a period of time.

**Programming**

- 43. Provide details of the proportion (as a percentage) of proposed programs to be broadcast in relation to the following formats and origins:

<b>FORMAT</b>	<b>ORIGIN</b>	<b>PROPORTION %</b>
<b>(a) Talk:</b>		
	(i) local/original material	
	(ii) national syndication	
	(iii) international syndication	
	(iv) other arrangements	
	<b>Sub-total:</b>	
<b>(b) Music:</b>		
	(i) local	
	(ii) Australian	
	(iii) overseas	
	<b>Sub-total:</b>	
	<b>Total:</b>	<b>100%</b>

(c) For proposed programs not originated locally or sourced within Australia provide details of their origins in relation to the formats set out above.

For example:

Talk: international syndication - Greek language current affairs - Greece;

Talk: national syndication - news via ComRadSat;

Music: overseas - zydeco - United States of America.

Please set out your response in a table format.

- 44. Provide a program schedule for a typical week (showing the day and proposed broadcast time for each program or type of program) as 'Appendix Q.44'.

45. (i) Describe how those programs would meet the needs and interests of the applicant's community interest as described in your response to question 29(ii).  
(ii) What evidence does the applicant have that its community interest has a particular interest in the programming it proposes to provide?
46. Does the applicant have a programming policy or guidelines? If so, please include a copy as 'Appendix Q.46'.
47. Describe any program supply agreements that the applicant is proposing for its service.

## Section 6 - Capacity to provide the proposed service

### FINANCIAL CAPACITY TO PROVIDE PROPOSED SERVICE

#### *Capital costs of establishing the service*

48. (i) Set out the capital costs of establishing your service using the categories and format shown below. Include funds you have already expended, your proposed expenditure and the expected total expenditure. List specific items of equipment.

<b>Expenditure category</b>	<b>Already expended</b>	<b>Proposed expenditure</b>	<b>Total</b>
	\$	\$	\$
Technical equipment (studio, control and test equipment)			
Transmission equipment (transmission links, masts, transmitters and antennae)			
Power generation equipment			
Land and ancillary facilities, buildings, furniture and fittings			
Other pre-operations expenses			
<b>Total capital costs</b>			

- (ii) Explain your estimation for the costs listed above. Provide evidence, such as copies of quotes for equipment etc, as 'Appendix Q.48'.
49. If you are an existing broadcasting service, such as a temporary community broadcaster, please provide a list of all existing capital items that will be used for the proposed permanent service.
50. (i) Provide details of the amount and source of all funds available for the establishment of the proposed permanent broadcasting service using the categories and format shown below.

<b>Source</b>	<b>Funds</b>
	\$
Members' funds (including subscriptions)	
Grants (please specify)	
Donations: community/personal business	
Loans, overdrafts, mortgages	
Other (please specify)	
<b>Total funds</b>	

- (ii) Please provide evidence supporting your estimation for the funds listed above as 'Appendix Q.50'.
51. If any of the funding listed above is not forthcoming, does the applicant have any contingency plans for alternative funding sources? Please explain.

**Estimates of income and operating costs**

(Note: When making financial estimates please assume zero inflation and use costs which are current at the time of application).

52. (i) Provide details of the estimated income of the proposed service using the categories and format shown below:

<b>Revenue Year 3 category</b>	<b>Pre- operational \$</b>	<b>Year 1** \$</b>	<b>Year 2 \$</b>	<b>\$</b>
Community sources				
Donations (community/personal)				
Subscriptions members subscribers				
Sale of air/program time				
Newsletter program guide				
Sales				
Sponsorship revenue				
Other sales (T-shirts etc)				
Promotions/fundraisers (concerts, functions)				
Business sources				
Donations (business)				
Sponsorship announcements				
Contra deals				
Government sources				
Government grants				
Other (specify)				
Miscellaneous				
Hire of facilities (e.g. OB van)				
Grants (non-government)				
Other (specify)				
<b>Total estimated income</b>				

**Note 4**

\* Please indicate the estimated pre-operational period. For existing temporary community broadcasters, it is the 12 month period prior to the commencement of the permanent service. Otherwise, this is the period between the allocation of the licence and the commencement of service.

\*\* Year 1 is the first 12 months of operation from the commencement of the permanent service.

(ii) Please provide evidence supporting your estimates and detail any assumptions you have made in answering question 52(i), including proposed sponsorship rates, if available. Provide evidence as 'Appendix Q.52'.

53. What contingency plans does the applicant have to ensure that the service can continue operation should funding or income listed against questions 50 and 52 fall short of what has been budgeted?

54. Provide details of services, facilities, staff and equipment provided without charge, or at a subsidised rate by other institutions or organisations, (e.g. rent-free premises; station manager's salary paid by another institution) and estimate the actual costs borne by other organisations.

55. (i) Using the categories listed below, provide details of the estimated operating costs of the proposed service. Please indicate where costs have been offset by services provided free-of-charge.

<b>Cost category</b>	<b>Pre-operational</b>	<b>Year 1</b>	<b>Year 2</b>	
<b>Year 3</b>				
<b>(suggested only)</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Wages and salaries				
Programs				
Promotions				
Technical and operations				
Administration				
Other (please specify)				
<b>Total operating costs</b>				

(ii) Explain how costs were calculated for technical and operations.

56. If the applicant is applying for more than one licence in the same licence area, and the maximum effective radiated power levels of those licences are different, it will result in different capital and operational costs for each licence. Have you factored this into your responses to questions 48 and 55?

57. If operating costs exceed revenue for any period, provide details of how the shortfall will be covered, and the source(s) of these funds.

58. Indicate the relevant financial experience of members of the Board or Committee of Management, relevant sub-committee members and any paid or volunteer staff.

59. List, and provide details of, all financial agreements, contracts or any other type of arrangement that the applicant has established with any other group, business or individual to provide any form of financial, contra or programming benefit or service. Provide any evidence as 'Appendix Q.58.'

## **TECHNICAL CAPACITY TO PROVIDE THE PROPOSED SERVICE**

### *Proposed technical facilities*

60. Describe the applicant's plans and timetable for establishing and installing technical facilities, including studios, transmitter and emergency power equipment (if any).
61. Describe any arrangements, existing or proposed, for sharing technical facilities and operating costs, using the following headings:
  - (a) name of other party;
  - (b) nature of arrangements;
  - (c) status of arrangements (concluded or proposed);
  - (d) total cost;
  - (e) cost to applicant.
62. (i) Provide details of the qualifications and/or relevant experience of proposed technical staff.  
  
(ii) Why does the applicant consider that the proposed technical assistance will be appropriate for the establishment, operation and maintenance of the proposed service?
63. Does the applicant believe that it will be able to obtain the necessary equipment to provide the service in accordance with the minimum level of service requirements relating to the technical specifications of the licence/s for which it is applying? Please explain why.
64. (i) What transmitter site does the applicant intend to use for its proposed service?  
  
(ii) Has the applicant entered into any negotiations regarding the use of this site?  
  
(iii) What are the costs involved in using this site? Please provide any documentary evidence as 'Appendix Q.63'.  
(Note: these costs should be included in your operating estimates at question 54).

## **MANAGEMENT CAPACITY TO PROVIDE PROPOSED SERVICE**

### **Management experience/involvement in the community**

65. Provide details of any past or present involvement (in the local community or in other areas) members of the board, committees, sub-committees and office bearers have with:
  - (a) other permanent community or commercial broadcasting (radio or television) services;
  - (b) community organisations;
  - (c) broadcast experience by members of the applicant organisation or related community groups.
66. Provide details of any experience which members of the board, committees, sub-committees and office bearers have that is relevant to the capacity of the applicant to provide a community broadcasting service.

### Staffing details

67. Provide a total breakdown of proposed staffing for the first year of operation, listing proposed staff titles within each of the categories listed below.

Category	Paid staff		Volunteers		Total Nos.
	F-T	P-T	F-T	P-T	
Programs (e.g. coordinators, announcers, panel operators etc)					
Administration and sponsorship (e.g. station manager, accountant, office staff, sponsorship representative)					
Technical (e.g. technical and maintenance staff responsible for studio and transmission equipment)					
<b>Totals</b>					

68. Indicate any changes to the organisation's staff numbers planned for years 2 and 3 of operation.
69. Outline proposals for recruiting and training staff, both paid and volunteer.

### Compliance with licence conditions and codes of practice

70. How does the applicant intend to ensure that employees, volunteers and others associated with the service, comply with the Act and the conditions of the licence?
71. Describe the operational measures and in-house policies the applicant would enforce to ensure compliance with the community broadcasting codes of practice if the licence were allocated.
72. Describe how the applicant proposes to handle comments and complaints about its service from members of the public.

## Section 7 - Control of the licence

73. If the licence were allocated to the applicant would it, or any person associated with the applicant, be in a position to exercise control of more than one community broadcasting licence which is a broadcasting services bands licence in the same licence area?
74. If the licence were allocated to the applicant would the Commonwealth, a State or a Territory or a political party be in a position to exercise control of the licence?

## Section 8 - Other matters

75. (i) Provide details of any other matters relating to the operation of the service that the applicant would like the ABA to take into account when considering its application.
- (ii) Provide a list of appendices to the application.

## Section 9 - Certification of application

**Note 5:** Please provide appropriate authority by reproducing this section on a **separate** page.

This application is made on:

Day                      Month                      Year

**By**                      **(Applicant name)**

in relation a community broadcasting licence in the licence area plan

Licence area plan

Service licence number/s

**SL** \_\_\_\_\_

**SL** \_\_\_\_\_

**SL** \_\_\_\_\_

with the authority of the committee or board of the applicant company.

Signature  
Presiding member of the Committee/Board  
Printed name and title  
Date

Signature  
Presiding member of the Committee/Board  
Printed name and title  
Date

**Affix Seal here:**