



PCA and the Broadcasting Services Act

Social Dimensions of the public interest.

The community sector has long been regarded as somewhat second rate and inferior to the commercial sector of the radio industry. This however has not stopped the sector from training and developing many talented individuals who have gone on to receive critical acclaim and build successful careers.

The ABA has spoken at the CBA annual general meetings about the need for the sector to operate as effectively and professionally as possible. We have actively embraced this concept at Kiss and have been continually striving to better our levels of service and product quality. Although we have had quite some success in this area our efforts have been frustrated by the lack of clarity of the BSA with regard to providing workable conditions for aspirants to plan regular broadcasts. This coupled with the ABA's directive under the Act to give access to air time to any new aspirant, has made strategic and financial planning somewhat burdensome when trying to run an effective and viable community radio station.

Currently we are still awaiting the release of the draft LAP for Melbourne. This process has been dragging on for an unacceptably long and frustrating time. To have such uncertainty as to when a final decision about the allocation of full time licences will take place makes it extremely hard to maintain the enthusiasm and focus of the many volunteers and paid staff working at these aspirant community stations.



It is generally believed that the LAP will recommend both commercial and community licences be included in the LAP. However with some 23 community groups vying for full time licences and the commercial sector's tendency to produce stations with extremely similar formats, it would be better use of this scarce resource if all the available frequencies go to the community sector.

Access to antennae sites at cost effective rates remains the biggest obstacle to a community broadcasters ability to get on air.

Promoting Australian Identity and Culture.

Radio broadcasting can create an atmosphere for cultural creativity and commercialism.

Community radio such as Kiss 90 FM can help nurture an environment where new and developing electronic music artists can feel confident that their work will be able to reach an appreciative, supportive and sizeable audience. (The ABA's recent report *Headbanging or Dancing....*) This in turn creates fertile ground for the growth of small business consisting of record labels, entertainment venues, fashion design and electronic music industry infrastructure. The flow on effect of this is the exporting of our local electronic music and culture to European, Asia and American markets.

The promotion of contemporary Australian culture and identity is sadly lacking in our present broadcasting policy. The regulation of Australian radio music content does not specify that new Australian releases must be part of the overall Australian quota. Commercial stations in particular are guilty of raiding back catalogues of Australian artists to fill their on-air quotas.

Kiss FM Inc. Trading as KISS 90 FM

**L1 / 19 Grey Street, St Kilda 3182 Vic. Australia / PO Box 2256 St Kilda West
3182 Tel: 61 3 9534 5799 Fax: 61 3 9534 8666 Web:
www.kissfm.org**



Australia is uniquely positioned to develop and then export our culture via new media types. This stems from our eager acceptance of new technologies and the fact that the nature of new technologies allows people to get their message to a wide international audience.

However in order for all levels of Australian culture to reach their full potential audience there must not be barriers to access the new media.

Economics of Broadcasting

Broadcasting markets are becoming increasingly more defined and as a consequence of this the tendency is for smaller specific niche markets. Advertisers are keen to maximize the effectiveness of their advertising dollar and therefore want to reach their target market in the most cost effective way possible. This is despite the fact that there are not traditional ratings reports compiled about the habits of the niche audience/market concerned.

In particular we are seeing the 14 to 35 years age bracket being more and more niche marketed to. This market is extremely media savvy and tend to support the products of advertisers who cater to their particular youth culture, whether that be dance, rock or otherwise.

Dance culture is such a market that is perceived as being niche. Kiss FM's research has shown that over a third of our audience cannot be reached in an advertising sense on any other radio station when we are not on-air. Twenty percent of the Kiss audience turn off the radio altogether when we are not transmitting, while thirty percent of the remainder switch to the advertisement free ABC 3JJJ.

Kiss FM Inc. Trading as KISS 90 FM

**L1 / 19 Grey Street, St Kilda 3182 Vic. Australia / PO Box 2256 St Kilda West
3182 Tel: 61 3 9534 5799 Fax: 61 3 9534 8666 Web:
www.kissfm.org**



Australia's Current Broadcasting Regulation

Regulatory conditions such as four minutes an hour of sponsorship announcements limits the community broadcasting sector's income

potential. Why the community sector should have regulations as to the number of sponsorship announcements is can run per hour is difficult to understand. The commercial sector is completely unregulated in this regard.

Currently the greatest hurdle confronting aspirant community broadcasters is their inability to plan on regular income from regular broadcasts. The BSA sets out to ensure regulation does not cause 'unnecessary financial and administrative burdens' on broadcasters but this has not been the case. The Act does not protect aspirant broadcasters from the huge financial and administrative burdens placed on them by regulation, as they are forced to survive in a business environment clouded by financial and strategic uncertainty. Section 4, paragraph 2 of the BSA refers to regulatory policy and the manner in which it is to be interpreted. The thrust of this position is that regulatory policy, and I quote:

(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;

Unnecessary financial and administrative burdens are indeed being placed on aspirant community broadcasters. However neither the Act or the ABA seems able to correct this situation.



This culture of uncertainty is not only frustrating to the broadcasters but also to sponsors. Many of our sponsors can only reach their target market through a very limited range of media. Kiss 90 FM being the only radio station that they feel can service their needs. They are therefore commercially hampered and are openly critical of this predicament of irregularity and uncertainty. They are constantly asking us, "When will this all end?" To which we have to reply, "We don't know."

Ownership and Control

Diversity of ownership of media is paramount for the dissemination of a plurality of media voices. The present ownership and control of the media regulations must stay in place.

As new technologies emerge major media players should not be able to buy out the missing components of their media empire but rather be forced to develop the missing component within the organisation.

Program Standards

Australian content is the major area in program standards that the Act could be strengthened in order to encourage new creativity and economic gain.

The Act does not currently include a new Australian music quota. The Act needs to be amended so that there is a quota not only for Australian music in general but also stipulate that a percentage within this overall quota must be new music. New music being defined as

anything written and produced by an Australian artist and having been released in the previous two year period.

Kiss FM Inc. Trading as KISS 90 FM

**L1 / 19 Grey Street, St Kilda 3182 Vic. Australia / PO Box 2256 St Kilda West
3182 Tel: 61 3 9534 5799 Fax: 61 3 9534 8666 Web:
www.kissfm.org**



The success of such a scheme can be seen in the likes of countries such as France.

Planning and Licencing New Services

The Broadcasting Services Act of 1992 set out the process for the planning of Australia's broadcasting bands of the radio frequency spectrum. It regulates the manner and order in which planning is to take place however it fails to stipulate a point in time when the planning is to be completed by. As a consequence we have seen the process go from a predicted 1995 completion date to the current situation where community licences will not be decided until 'some time in 2001.' Yet only two years ago digital technologies were introduced and legislation passed to ensure a date of 2001 for the commencement of digital radio and T.V. It is hard to understand why the planning for older analogue technology has taken so long when the planning for the introduction of digital, a newer technology has been relatively swift.

Two terms of both the Labor and Liberal governments have done nothing to see this process come to a speedy conclusion. It would appear there is a bipartisan lack of political will to correct the LAP situation. Staffing levels at the ABA need to be increased and a completion date set in stone.

As stated earlier the current situation of the LAPs for the major metropolitan areas of Melbourne and Sydney continually being delayed with no definite completion date is both unfair and

professionally unacceptable. Expecting aspirant groups to operate in the 'real world' of business where financial and strategic planning are the core of a business's success and then not establishing a workable system that enables them to do this, is a gross injustice. The ABA shows no concern as to whether their

Kiss FM Inc. Trading as KISS 90 FM

L1 / 19 Grey Street, St Kilda 3182 Vic. Australia / PO Box 2256 St Kilda West
3182 Tel: **61 3 9534 5799** Fax: **61 3 9534 8666** Web:
www.kissfm.org



decision making process is placing unnecessarily burdensome conditions on aspirants. The Act under section 4 paragraph 2 refers to the regulation of the Act and it "not imposing unnecessary financial and administrative burdens on providers of broadcasting services". Clearly this condition is not being met.

Kiss FM Inc. Trading as KISS 90 FM

L1 / 19 Grey Street, St Kilda 3182 Vic. Australia / PO Box 2256 St Kilda West
3182 Tel: **61 3 9534 5799** Fax: **61 3 9534 8666** Web:
www.kissfm.org