



**A U S T R A L I A N**  
**B R O A D C A S T I N G**  
**A U T H O R I T Y**

*annual report*

Sydney  
1999

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## Introduction to the report

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The report is presented in accordance with the reporting requirements for Commonwealth Authorities' departmental annual reports, under section 1 and schedule 9 of the *Commonwealth Authorities and Companies Act 1997*.

The Authority meets its mission statement (see inside front cover) by means of six objectives. Each of these objectives is addressed, together with the outcomes and highlights of the reporting period, in the following section on performance reporting. A detailed discussion of the Authority's achievements against those objectives begins on p.21.

In summary, the contents of this annual report are:

- Members' report, including significant issues during the reporting year.
- Corporate overview, including structure of the Authority, and a summary of its powers and functions.
- Performance reports, the Authority's achievements and activities for the year, assessed against the Authority's Corporate Plan objectives.
- Staffing matters.
- Freedom of information.
- Financial statements.

# Members' report

## The year in review

This year the Authority has consolidated by settling in to its new structure and working procedures. The outcomes of the structural review have enabled the Authority to embrace the challenges of new responsibilities in a changing environment, while fulfilling its core functions.

The Authority has continued this year to perform its functions in administering the *Broadcasting Services Act 1992* giving due regard to developing appropriate systems and improving processes. The Authority has also given a renewed focus to the transparency of its processes. This approach has been particularly evident in three new areas of responsibility—planning for digital broadcasting services, datacasting and regulating unsuitable content on the Internet.

On 15 July 1999, just after the close of the period covered by this report, the media spotlight turned on core principles of the Broadcasting Services Act: its self-regulatory philosophy and the charge, that

providers of commercial and community broadcasting services ... be responsive to the need for a fair and accurate coverage of matters of public interest.

The path through this examination of the desire by Parliament through the Authority's commercial radio inquiry will highlight the public interest in broadcasting in Australia.

## Digital broadcasting

Australian broadcasting is on the edge of a revolution as we get closer to the start-up date for digital broadcasting: 1 January 2001.

The Authority has been faced with a particular challenge this year since the *Television Broadcasting Services (Digital Conversion) Act 1998* came into force in July 1998. As well as continuing analog planning, the Authority had to move quickly to develop a detailed framework for the conversion to digital television and to ensure the tight timetable for digital planning could be met. The Authority was assisted in this by an injection of extra funds both in this financial year and in the next three.

The Authority sees the protection of the public interest as paramount. It has sought to minimise the number of changes viewers will have to make to their existing reception equipment to receive digital broadcasts. At the same time it has sought to reduce costs to broadcasters by maximising their ability to use existing transmission facilities. Two key factors contributing to successful conversion to digital broadcasting are adequate consumer education and the industry taking on a high level of responsibility for resolving any problems that arise.

The release of draft channel plans was in accordance with the strict timetable the Authority set itself in order to give broadcasters as much time as possible to test the technology and establish their infrastructure before 1 January 2001. The Authority has used its public consultation processes to full effect in developing these plans, ensuring a full exchange of information.

The Authority is assisting the Department of Communications, Information Technology and the Arts in its development of a proposal for converting radio services to digital. It is actively participating, along with other government and industry bodies, in the policy and technical planning work.



Datacasting provides another policy challenge in the introduction of digital broadcasting services. The Authority made submissions to the Department of Communications, Information Technology and the Arts' Review into the Scope of Datacasting Services, and contributed to the Australian Communications Authority's discussion paper on the review. The Authority also provided the Minister with advice on a datacasting trial. The Minister responded by directing the Authority to conduct the trial, for which the Authority subsequently developed a draft regulatory policy. The Authority will finalise the policy and conduct the trial later this year.

### **Online Services**

Parliament has given the Authority the role of administering the *Broadcasting Services Amendment (Online Services) Act 1999*. The Authority has continued to consult widely with the online services community, both domestic and international. The Authority has monitored national and international regulatory developments and maintained, and increased, its participation in international groups who are at the forefront of online content issues.

This Act establishes, from 1 January 2000, a co-regulatory regime for Internet content administered by the Authority. The scheme is based on the investigation of complaints by the Authority and the development of codes of practice by the industry. The Authority is developing material to assist industry understand the operation of the regulatory scheme.

The Authority is also working towards achieving the Government's objective of having all Government services online by 30 June 2001. The Authority has made extensive improvements to its own web site <[www.aba.gov.au](http://www.aba.gov.au)> during the year, as part of its commitment to making its services, information and expertise available to all Australians.

The Authority is aware of the enormous benefits the Internet offers to all Australians, but is also aware that some users may feel uncomfortable using the Internet, or be unaware of its benefits. In order to assist families in their use of the Internet, and so that all Australians can benefit, the Authority, supported by the National Office of the Information Economy, developed and designed the Australian Families Guide to the Internet, <[www.aba.gov.au/family](http://www.aba.gov.au/family)> which provides people with all the information they need about safe Internet access for children, plus links to many useful and fun sites for children.

### **Planning and licensing**

In addition to its new role in planning for digital services, the Authority continued its core function of planning and licensing services using the existing analog spectrum, Australia-wide. During the year, the Authority released 15 new licence area plans and seven variations to recently released licence area plans.

The outcome of the Authority's planning and licensing processes is the opportunity for all Australians to have access to a greater diversity of broadcasting services. In licence area plans released during the year, the Authority planned three new commercial radio, 30 new community radio and 35 new high-power open narrowcasting radio services. In addition, the Authority planned nine new national radio services.

Increased funding for its digital planning means the Authority has been able to reverse the earlier drain on resources away from its analog planning function.

The next major challenge for the Authority in analog planning is the metropolitan radio markets. The Authority released the draft licence area plan for Sydney and surrounding

areas, including Gosford, Katoomba and Lithgow, in August 1999 (after this reporting period).

During the year, the Authority allocated a total of 14 commercial radio licences, 12 community radio licences, 263 temporary community licences, 41 open narrowcasting licences and 118 pay TV licences.

The increase in the number of contested community radio licence allocations has had a marked impact on the speed of the Authority's decision-making process. The Authority has established procedures to speed this process up, but is also mindful of the effect the failure to gain a licence may have on some applicants. To this end, the Authority has endeavoured to remind aspirant groups that the temporary community broadcasting licences they are issued with are in fact temporary. The Authority has encouraged aspirant groups to merge, if this is at all possible, and has encouraged successful applicants to allow unsuccessful groups access to airtime on their new service.

The Authority's planning and licensing processes have contributed to a stable and profitable regulatory environment: in the period 1997–98, commercial television profits increased 6.9 per cent to \$476.6m, and commercial radio profits were up 26.8 per cent to \$94.7m.

### **Control**

The Authority finalised three major investigations in the reporting period: the first related to the foreign control of commercial television broadcasting services, the second and third to cross-media breaches.

The Authority has very wide discretion as to the way it obtains information, but in deciding what form of information gathering it shall use, the Broadcasting Services Act states that the Authority will use the procedure which is the quickest and the most economical. The Authority also considers two main factors: the economics of the investigation, and what will best promote due administration of the Act.

In conducting its investigations during the year, the Authority gave due consideration to these matters, as well as to the intention of Parliament that control of commercial television services rests with Australians, and that diversity of control of the more influential broadcasting services is maintained.

On 3 April 1997, the Authority found that CanWest Global Communications Corporation, a foreign person under the Broadcasting Services Act, was in breach of the foreign ownership provisions of the Act by being in control of the Ten Group Limited. The Authority issued notices to CanWest requiring it to take action to remedy the breaches, and on 30 July 1998 the Authority decided the breach was rectified.

The Authority investigated the relationship between DMG Regional Radio and Associated Media Investments, companies that held broadcasting licences in both Griffith, New South Wales and Mildura, Victoria. Under the Act, a person is prohibited from being in a position to exercise control of a commercial television broadcasting licence and a commercial radio broadcasting licence, or more than two commercial radio broadcasting licences, in the same licence area. The two companies confirmed they were negotiating terms under which they would continue to share staff and facilities in the future. Action taken by the companies led the Authority to discontinue its investigation, but the Authority developed a general policy on staff and facilities sharing in commercial radio, for the benefit of other commercial radio broadcasters.

The Authority also investigated whether Publishing and Broadcasting Limited and Consolidated Press Holding Limited had, since 17 May 1998, breached the cross-media rules of the Act. The investigation arose from the appointment of Mr Brian Powers, a former chief executive officer of CPH and former executive chairman of PBL, as a director of John Fairfax Holdings Limited. The Authority concluded that there had been no breach of the cross-media rules.

### **External reviews**

In recent years the Authority has entered the debate about developments in trade liberalisation which have the potential to have a significant impact on the manner in which Australian broadcasting services are regulated to serve cultural goals. Such regulation includes ownership and control rules, and requirements for Australian content and quality children's programs on commercial television.

In the year under review, the Authority made a submission to the Department of Foreign Affairs and Trade as part of its public consultation process on Australia's approach to further multilateral trade negotiations. The Authority's submission concerned the treatment of broadcasting services within the framework of the General Agreement on Trade in Services (GATS). It highlighted the effect the GATS is likely to have on Australia's ability to continue to pursue the objectives served by broadcasting regulations. The Authority stressed the importance of canvassing issues with all interested parties before entering international trade commitments which encompass cultural industries. The Authority also supported the formation of an interdepartmental committee to consider the World Trade Organisation (WTO) agenda and offered to provide this committee with any further information it may require.

The tensions that exist between cultural safeguard measures and trade liberalisation in the audiovisual services sector were also the subject of a paper prepared by the Authority for the Asia-Pacific Broadcasting Union (ABU). The Authority outlined the measures that Australia and other countries in the Asia-Pacific region have in place to safeguard their broadcasting sectors, and the pressures to remove these measures that are likely to arise during the next round of multilateral trade negotiations. It is the Authority's conclusion that countries will need to balance the opportunities of trade liberalisation with the flexibility to continue to regulate their broadcasting sectors in the public interest.

The Authority's views about the significance of trade liberalisation and the functions it administers is informed by its experience in litigation concerning the relationship between the Trade in Services Protocol to the Australia New Zealand Closer Economic Relations Trade Agreement (CER) and the subsequent review of the Australian content standard for commercial television.

### **Australian content**

On 1 March 1999 a new Australian content standard for commercial television came into force. The new standard represents a major change in the regulation of local content on commercial television. Since 1961 commercial broadcasters have been required to broadcast minimum amounts of Australian-produced programs each year. From 1 March 1999 any New Zealand-produced program, or any program that is a mix of Australian and New Zealand creative elements, will be eligible to displace an Australian program for the purposes of meeting the annual Australian quotas for commercial television stations.

This change allowing New Zealand content to qualify for the quota was the result of a High Court decision that found while the Act requires the Authority to determine a standard specifically relating to the Australian content of programs, it also requires that the standard meet Australia's international treaty obligations.

The *Broadcasting Services (Australian Content) Standard 1999* and the consequential *Children's Television Standards (Variations) 1999* were therefore determined by the Authority to meet Australia's obligations under the Trade in Services Protocol to the Australia New Zealand Closer Economic Relations Trade Agreement (CER). The standards aim to promote the role of commercial television in reflecting a sense of Australian identity, character and cultural diversity, while complying with Australia's CER and international co-production obligations.

The purpose of Australian content regulation has always been cultural and the new standard recognises that New Zealand culture is not the same as Australian culture. However, in order to comply with the CER, New Zealand programs and persons will be treated equally with Australian programs and persons for the purpose of compliance with the standard.

The Authority will closely monitor the standard and review it after the first two years of operation.

The Authority welcomed the subsequent announcement by the Government that it would amend the Broadcasting Services Act to protect the level of Australian content on free-to-air and pay TV and confine foreign access to local content quotas to New Zealand. The Government also said that it would ensure that Australia's cultural objectives for the audiovisual services sector are taken into account in negotiating future trade agreements.

### **Codes of practice and investigations**

In April 1999, following a high level of consultation and negotiation between the Authority and the Federation of Australian Commercial Television Stations (FACTS), the Authority decided to include the revised Commercial Television Industry Code of Practice in the Register of Codes of Practice.

The Authority has indicated to the commercial television industry that it intends to continue discussions on certain matters identified during the code development process. These include matters such as the possible development of an Advisory Note relating to the identification of program material unsuitable for children under the age of eight; changes made to section 5 of the code (Time Occupied by Non-program Matter); and on-air apologies and corrections.

On 4 March 1999 the Authority included in the register the Codes of Practice for Subscription Television Broadcasting Services, developed by the Australian Subscription Television and Radio Association (ASTRA). In May 1999 the Authority registered the revised code 3 (Classification) for Open Narrowcasting Television Services, also developed by ASTRA.

The public review of the Commercial Radio Codes of Practice commenced. This was preceded by a series of meetings between the Authority and the Federation of Australian Radio Broadcasters to discuss matters identified as being of concern as well as questions of process.

In February 1999, following the issue of a notice by the Authority, the ABC broadcast an apology during its 7 p.m. news bulletin. This related to an investigation into a complaint about accuracy and fairness in which the Authority found that the ABC had breached its

code of practice. This is the first time the Authority has issued such a notice to a national broadcaster.

It is a condition of all commercial narrowcasting and community broadcasting licences that the broadcast of political matter must be accompanied by the 'required particulars' or tagged. The purpose of the tag is to assist members of the general public in their identification of broadcasts that are political and to prevent anonymous or falsely attributed political matter being broadcast. What is or is not political matter is an objective test and must be determined on a case-by-case basis. To assist all concerned, in August 1998, the Authority published its *Guidelines for the Broadcasting of Political Matter*.

### **Research**

The Authority's research program provides information that is representative of the views of the community, and provides a balance to views evident through submissions, public meetings and the Authority's investigations process.

In February 1999, the Authority released the results of stage two of a joint research study: Youth and Music in Australia. The report, *Headbanging or Dancing? Youth and Music in Australia*, of the study by the Authority, the Australia Council and the Australian Record Industry Association, provided insight into young people's attitudes and behaviour regarding music. The results are being used to inform the Authority in its decisions about the planning and allocation of new radio services, as well as feed into any review of the requirements for Australian music on radio.

During the year, the Authority continued four research projects and started two new projects. The Authority will use the results of all the projects as part of its role in monitoring the broadcasting industry and keeping informed about broadcasting service trends.

### **Children's television**

Children's television reached an important milestone in 1999 as the Authority marked 20 years of C (children's) programs on commercial free-to-air television. This provided the Authority with the opportunity to appraise the Children's Television Standards which have increased the quality and quantity of children's television on commercial television. The standards have facilitated the development of a children's television production industry with a world-wide reputation, and have become internationally recognised as a benchmark for the regulation of children's television in the public interest.

The Authority marked 20 years of C programs with two main initiatives: a joint research project with the Australian Children's Television Foundation, the Australian Film Finance Corporation, and a children's television policy forum. These have provided the Authority with the opportunity to explore, with key stakeholders, how the standards are operating, how they can be improved, and what are the key issues the Authority and the industry will need to address in the coming years.

## Members of the Australian Broadcasting Authority



**Chairman:**  
**Professor David Flint AM**  
LLM, BSc(Ecs), DSU

Appointed 5 October 1997 for three years.

Professor Flint, Professor of Law, was Chairman of the Australian Press Council from 1987 to 1997 and has been Chairman, Executive Council of World Association of Press Councils since 1992. Professor Flint was also Dean of Law at the University of Technology, Sydney.



**Deputy Chairman:**  
**Gareth Grainger**  
BA, LLM(Hons)

Appointed 23 July 1997 for three years.

Mr Grainger was previously General Manager, ABA Policy and Programs Division, taking up his appointment in December 1993. Before his appointment to the Authority, Mr Grainger was Visiting Associate Professor Bond University Law School in 1993, and Head of Resources and Marketing at the Special Broadcasting Service (SBS) in 1992–93. He is Chairman of the International Committee on Youth and Media Research, Chairman of the Communications Network of the UNESCO National Commission of Australia and Associate Member of the Australian Communications Authority.



**Member:**  
**Michael Gordon-Smith**  
BA(Hons)

Appointed 15 September 1997 for three years.

For almost six years, from 1992 to 1997, Mr Gordon-Smith was Executive Director of the Screen Producers Association of Australia (SPAA). During this time he was a trustee of the industry superannuation fund, JUST Super and a member of its investment committee. He was also a director of the Audio Visual Copyright Society.

Before joining SPAA, Mr Gordon-Smith held policy advising and management positions in a number of Federal Government departments. He began his career by abandoning an engineering scholarship to pursue an honours degree in philosophy.



**Member:**  
**Kerrie Henderson**

BA, LLB

Appointed 17 February 1995 for five years.

Ms Henderson is a consultant in the area of cross-cultural business ethics, business management and expatriate training, with a particular emphasis on Indonesia.

From 1994 to mid-1997, Ms Henderson was Director, Leadership Programmes with the St James Ethics Centre. Ms Henderson remains a professional associate of the Centre, consulting in the area of cross-cultural business ethics. Before this, Ms Henderson practised as a commercial lawyer in Sydney.



**Member:**  
**John Rimmer**

MA, DipSocStud, A MusA,

Appointed 5 October 1997 for three years.

Mr Rimmer is a consultant and director at Acuity Consulting Limited. He is a member of the Australia Council and Chair of its New Media Arts Fund, and Deputy President of the Library Board of Victoria.

He is currently chairman of ETC Electronic Trading Concepts Pty Ltd and of JTP Joint Technology Parks Pty Ltd.

Until March 1997, Mr Rimmer was Executive Director of Multimedia Victoria.



**Member:**  
**Ian Robertson**

LLB, BCom

Appointed 23 July 1997 for three years.

Mr Robertson is the Managing Partner of the Sydney office of law firm Holding Redlich.

He practises commercial and intellectual property law with emphasis on the film, television, telecommunications, advertising and publishing industries.

Mr Robertson is a director of Cinemedia Corporation, an Advisory Board member of the Media and Telecommunications Policy Group at RMIT, and a former director and Deputy Chair of Film Australia Limited. He is also a former director and senior executive of the national audio and video production and post-production company, AAV Australia Pty Ltd, and the former Corporate Solicitor of David Syme & Co. Ltd, publisher of the *Age*.

### **Associate members**

Dr Robert Horton, Deputy Chairman of the Australian Communications Authority, appointed 1 March 1998 for the general purposes of the Authority, until 30 June 2000.

Jeffrey Hilton, SC, barrister, member of the Australian Competition and Consumer Commission, was appointed for the general purposes of the Authority from 1 March 1998 to 5 November 1998.

### **Committees**

The Authority works through a number of committees, which are designed to allow its deliberative work to be considered in more detail and to identify relevant and principal issues that need to be brought to the attention of the full Authority. At least three members sit on each committee, one usually acts as chair. Authority staff act as advisers to the committees. In accordance with the requirements of the *Commonwealth Authorities and Companies Act 1997*, the committee members and their participation records are as follows:

#### **Australian Broadcasting Authority**

There were 27 meetings: Professor Flint attended 24 meetings; Mr Grainger 24 meetings; Mr Gordon-Smith 27 meetings; Ms Henderson 27 meetings; Mr Rimmer 25 meetings; Mr Robertson 26 meetings.

#### **Audit Committee**

As required by the Commonwealth Authorities and Companies Act, members of the Audit Committee and their positions are: Ms Henderson (ABA Member, 2 meetings); Mr Rimmer (ABA Member 4 meetings); Mr Robertson (ABA Member, 4 meetings), Mr Giles Tanner (General Manager, 2 meetings), Ms Louise Harkness (Director Corporate Services, 3 meetings). None of the members of the Audit Committee has special responsibilities.

#### **Codes and Standards Committee**

There were 8 meetings: Professor Flint 8 meetings; Mr Grainger 8 meetings; Mr Gordon-Smith 8 meetings; Ms Henderson 8 meetings; Mr Robertson 8 meetings.

#### **Corporate, Finance and Administration Committee**

Professor Flint, Mr Grainger, Mr Gordon-Smith, Ms Henderson. The Corporate, Finance and Administration Committee met fortnightly.

#### **Digital Committee**

There were 5 meetings: Mr Grainger 3 meetings; Mr Gordon-Smith 4 meetings; Mr Rimmer 5 meetings; Mr Robertson 4 meetings.

#### **Legal and Enforcement Committee**

There were 9 meetings: Professor Flint 9 meetings; Mr Grainger 9 meetings; Ms Henderson 9 meetings; Mr Robertson 9 meetings.

#### **Online Committee**

There were 7 meetings: Professor Flint 7 meetings; Mr Grainger 7 meetings; Mr Gordon-Smith 7 meetings; Mr Rimmer 7 meetings.

#### **Planning and Licensing Committee**

There were 9 meetings: Mr Grainger 9 meetings; Mr Gordon-Smith 9 meetings; Ms Henderson 9 meetings.



### Policy and Strategy Committee

There were 4 meetings: Professor Flint 2 meetings; Mr Grainger 4 meetings; Mr Gordon-Smith 4 meetings; Mr Rimmer 4 meetings.

## Powers and functions

The Authority is the broadcasting regulator for radio and television and the regulator for Internet content in Australia. As well as planning the availability of segments of the broadcasting services bands (VHF/UHF television, FM and AM radio), the Authority has the power to allocate, renew, suspend and cancel licences and collect any fees payable for those licences.

The Authority is also empowered to conduct research into community attitudes on programming matters, develop program standards relating to broadcasting in Australia, assist broadcasting service providers (licensees) develop codes of practice, and monitor compliance with licence conditions and investigate complaints about broadcasting and Internet services. The Authority also administers a regulatory scheme for Internet content which is based on its investigation of complaints and the development of codes of practice by industry.

The Authority monitors the suitability of broadcasting licensees to ensure compliance with the ownership and control provisions of the Act. In addition, the Authority is required to inform itself and the Minister about advances and trends in broadcasting technology.

## Structure

There are four branches headed by SES Band 1 positions: Legal and Control; Policy and Content Regulation; Planning and Licensing; and Corporate Services (see p.18).

### Senior management

The senior management of the Authority, as at 30 June 1999, was:

Mr Giles Tanner	General Manager
Mr John Corker	General Counsel, Legal and Control Branch
Mr Bob Greeney	Director, Technology
Ms Louise Harkness	Director, Corporate Services Branch
Ms Jonquil Ritter	Director, Planning and Licensing Branch
Ms Jennifer Stafford	Chief Information Officer
Ms Andree Wright	Director, Policy and Content Regulation Branch

For more detail about the Authority's powers and functions and a detailed exposition of its structure see appendix 3—Freedom of Information statement.

## Minister

The responsible Minister is Senator the Hon. Richard Alston, Minister for Communications, Information Technology and the Arts.

**Australian Broadcasting Authority: senior staff**

**General Manager**

**Giles Tanner**



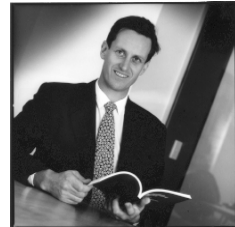
*Giles Tanner*

**Legal and Control Branch:**

**General Counsel: John Corker**

Control Section: Manager: David Jeffrey

Legal Section: Manager: Andrea Malone



*John Corker*

**Policy and Content Regulation Branch:**

**Director: Andree Wright**

Conditions & Codes Section: Manager: Margaret Harradine

Research & Policy Section: Manager: Phyllis Fong

Standards Section: Manager: Lesley Osborne



*Andree Wright*

**Corporate Services Branch:**

**Director: Louise Harkness**

Financial & Administration Section: Manager: Vikki Jones

Human Resources Section: Manager: Maree Bowman

Information Systems Section: Manager: Rahn Yeuh

Library: Manager: Lurline Caffery

Media & Public Relations Section: Manager: Donald Robertson

Secretariat: Manager: Lisa Cahill



*Louise Harkness*

**Planning and Licensing Branch:**

**Director: Jonquil Ritter**

Director Engineering: Fred Gengaroli

Licensing Section: Manager: Julia Clapin

Analog Planning Section: Manager: Greg Cupitt

Digital Planning Section: Manager: Richard Longman

Planning Automation: Manager: Ian Dalwood

Branch Support: Manager: Barbara Quall \*



*Jonquil Ritter*

**Chief Information Officer:  
Jennifer Stafford**



*Jennifer Stafford*

**Director Technology:  
Bob Greeney**



*Bob Greeney*

as at 30 June 1999

\* Barbara Quall started in this position on 1 July 1999

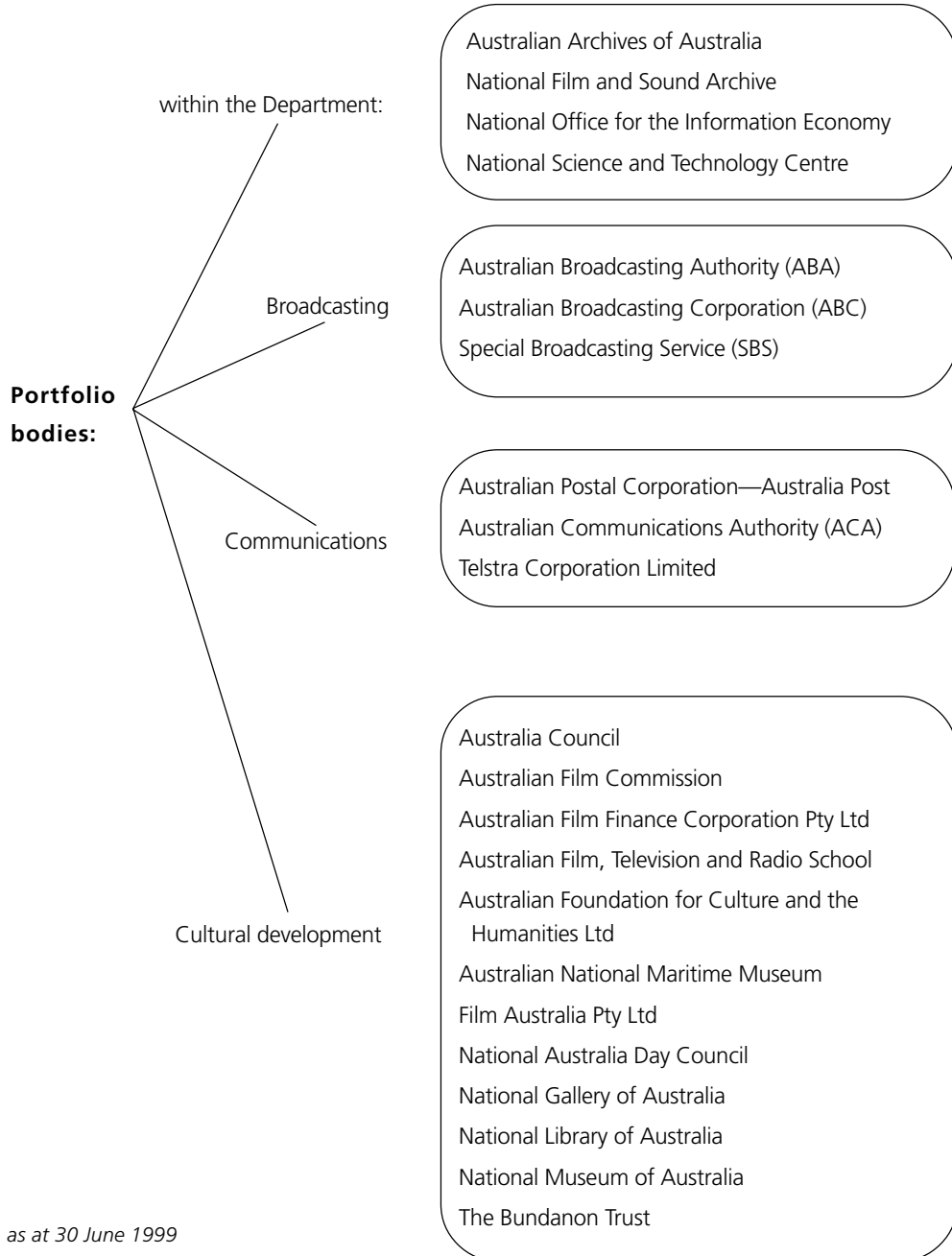
## Communications, Information Technology and the Arts Portfolio

**Minister:**

for Communications, Information Technology and the Arts

**Department:**

Communications, Information Technology and the Arts



as at 30 June 1999

Promote the Authority's established role as a principal source of expert advice and information on broadcasting and related issues

## Key outcomes

- **Parliament passed legislation that established a co-regulatory regime for Internet content to be administered by the Authority**
- **The Authority played a key role in planning the spectrum for digital services and developing conversion schemes for commercial and national services**
- **The Authority developed and issued for comment a draft regulatory policy for the conduct of the datacasting trial**
- **The Authority designed the Australian Families Guide to the Internet site, with support from the National Office for the Information Economy, to encourage families to use and benefit from the Internet**
- **The Authority, in an *amicus curiae* role, provided assistance to the Productivity Commission in its inquiry into the Broadcasting Services Act and related legislation**
- **The Authority convened the Asia-Pacific Internet Conference bringing representatives from 16 nations together to discuss regulatory and policy issues around Internet access, content and community education**

## Advice to the government

### Digital terrestrial television broadcasting

On 24 March 1998, the Minister announced that digital terrestrial television broadcasting would be introduced in Australia from January 2001. The Authority has had a key role in planning the spectrum for digital services and developing conversion schemes for commercial and national services. This role is set out in the *Television Broadcasting Services (Digital Conversion) Act 1998*, which became law on 27 July 1998.

The Authority continued to inform the Government on planning issues related to the introduction of digital services. In particular, advice was provided on the issue of achieving ‘the same level of coverage’ for digital services as for existing analog services, the possible impact of digital services on analog services and issues related to spectrum scarcity.

### Standards Australia — Digital Television Standards

In parallel with the Authority’s urgent work developing channel plans and implementation plans for the introduction of digital television, Authority officers have been working with representatives of industry, through the consensus processes of Standards Australia, to develop technical standards for the broadcasting and reception of digital television services in Australia from 1 January 2001.

The Authority’s Director Technology, Bob Greeney, is chairman of Standards Australia committee CT/2 that has been working on the standards for digital terrestrial transmissions and for digital television receivers for Australian consumers. The committee has representation from 22 organisations throughout Australia and New Zealand, including the free-to-air broadcasters, pay TV operators, receiver manufacturers, telecommunications carriers, the Australian Consumer’s Association, the Communications Telecommunications Network, prospective datacasters and the Australian Captioning Centre, as well as Standards New Zealand.

The Australian digital television standards are to be fully compliant with the European DVB (digital video broadcasting) standards adopted by Australian industry in June 1998. They are to provide for the broadcasting of high definition television, as required under the government’s legislation for the introduction of digital television, as well as standard definition television services, datacasting and other services that may be provided within the DVB suite of standards.

### Digital radio broadcasting

On 24 March 1998 the Minister announced that digital radio broadcasting is to commence in 2001 using the Eureka 147 standard in the L-Band of the spectrum (1452 to 1492 MHz) with the use of VHF band to be considered in regional areas. The Authority continues to work with the Radio Broadcasting Planning and Steering Committee and its associated Technical Working Group to identify spectrum requirements and licensing arrangements for the introduction of digital radio services.

## Datacasting

The term 'datacasting' applies uniquely to services delivered via the broadcasting services bands, even though similar services may be available by other means, including by the use of other radiofrequency spectrum. They are, by definition, not broadcasting services. They are defined in clause 2 of Schedule 4 to the Broadcasting Services Act, which was inserted by the Television Broadcasting Services (Digital Conversion) Act.

Schedule 4 requires the Minister to cause to be conducted a review into whether any amendments of the laws of the Commonwealth should be made to deal with the scope of services that are categorised as datacasting services (paragraph 59 (1) (dd) of Schedule 4 of the Act).

The Department of Communications, Information Technology and the Arts is conducting this review, known as the Review into the Scope of Datacasting Services. The Authority made its first submission to this review in December 1998 in response to the Department's issues paper.

The Authority's second submission was to the Department's options paper, which outlined three options for determining the scope of datacasting services and was released in June 1999 for comment. The Authority made its submission on 1 July 1999.

Schedule 4 to the Act also requires the Minister to cause to be conducted a review into the regulatory arrangements that should apply to:

- (i) the allocation of spectrum in the broadcasting services bands for use of the provision of datacasting services; and
- (ii) the digital transmission of a community television service, free of charge, using spectrum in the broadcasting services bands allocated for use for the provision of datacasting services (paragraph 59 (1) (e) of Schedule 4 of the Act).

The Australian Communications Authority developed a discussion paper in relation to this review in conjunction with the Authority and the Department. The discussion paper was released in June 1999 asking for public comment by 23 July 1999.

### Datacasting test transmissions

The Minister wrote to the Authority in August 1998 requesting advice on practical arrangements for making broadcasting services bands spectrum available for test transmissions of datacasting services.

In December 1998, the Authority's reply proposed features of a datacasting trial. The Minister gave the Authority a formal direction, gazetted on 3 March 1999, to carry out the datacasting trial.

The direction required the Authority to avoid prejudicing the datacasting reviews and, in the longer term, the permanent allocation of spectrum in the broadcasting services bands for datacasting services.

The Authority developed a draft regulatory policy for the conduct of the trial in line with this requirement. The draft policy proposed making one 7 MHz channel available in each of Brisbane, Canberra, Newcastle and Sydney for the conduct of test transmissions by aspirant datacasters.

The draft policy was released on 18 May 1999 inviting public comment and expressions of interest in conducting test transmissions. Submissions closed on 18 June 1999.

The Authority will proceed in the second half of 1999 to finalise the regulatory policy and issue apparatus licences so that aspirant datacasters can conduct their test transmissions.

## Online services

In December 1998, the Authority provided its final report to the Minister in response to his second direction to the Authority to conduct an investigation into matters relating to future regulatory arrangements for the content of online services (see *Annual Report 1997–98*).

The Minister gave the Authority the second direction in August 1997 with a reporting date of 30 June 1998. On 22 June 1998, the Minister extended the reporting date of the direction to 31 December 1998 and the Authority provided an interim report on the progress of the investigation in July 1998.

In undertaking its second investigation, the Authority continued its liaison with the online industry, relevant government agencies, education and community organisations within Australia and internationally.

During the year, Parliament passed the *Broadcasting Services Amendment (Online Services) Act 1999* that established a co-regulatory regime for Internet content to be administered by the Authority. Following the initial announcement of the regime on 19 March 1999 by the Minister, the Broadcasting Services Amendment (Online Services) Bill 1999 was tabled in the Senate on 21 April 1999.

Before debate of the Bill, the Senate Select Committee on Information Technologies (the Committee) was given a term of reference to examine the Government's announcement of the proposed regulatory regime for Internet content.

The Committee's investigation included a call for written submissions and four public hearings. In total, 104 submissions were received and 33 witnesses appeared before the Committee. The Authority made a submission to the Committee and appeared before it at its public hearing on 27 April 1999.

On 11 May 1999, the Committee reported on its investigations. A majority of Committee members (Coalition Senators and Senator Brian Harradine) recommended that the Bill be passed without amendment. Senator Natasha Stott Despoja did not support the recommendation and provided a minority report setting out her concerns about the Bill. Likewise, the Labor Senators did not support the recommendation and also provided a minority report. Senator Harradine added a qualifying comment to the majority report.

A number of amendments were made to the Bill during its passage through the Senate. The Senate passed the Bill on 26 May 1999. The House of Representatives passed it without further amendment on 30 June 1999. The Bill received Royal Assent, after the date of this report, on 16 July 1999.

## Internet content regulation: International developments

Throughout the year, the Authority has monitored national and international regulatory developments and continued to discuss online issues with a range of government bodies, international organisations, and industry and community groups: In conducting research and liaising with other organisations the Authority made use of the Internet, mailing lists and the World Wide Web. These organisations included: British Telecom, UK; Broadcasting Standards Council, UK; Childnet International, UK; Conseil Supérieur de l'Audiovisuel, France; Internet Hotline Service Against Child Pornography, The



Netherlands; Electronic Commerce Forum, Germany; European Commission, Belgium; Federal Communications Commission, USA; INCORE, Belgium; Independent Television Commission, UK; Internet Law and Policy Forum, Canada; Internet Watch Foundation, UK; Microsoft Europe, France; Organisation for Economic Cooperation and Development, France; Office of the Telecommunications Authority, Hong Kong; Recreational Software Advisory Council, USA; Singapore Broadcasting Authority, Singapore; Television and Entertainment Licensing Authority, Hong Kong; United Nations Educational, Scientific and Cultural Organisation, France; White House, USA; and World Wide Web Consortium, USA.

#### Internet Content Rating Association

The Authority continued its involvement in Internet content labelling initiatives as a member of the reference group to the Internet Content Rating Association (ICRA).

ICRA was formed on 12 May 1999 when a number of Internet industry organisations agreed to create an international not-for-profit company to develop a global rating system for Internet content. The global rating system will be based on the RSACi system and will be governed by the ICRA.

The Authority was also involved with ICRA's predecessors: the Internet Content Rating Alliance (formed in October 1998) and the International Working Group on Content Rating (formed in July 1997). The Authority was a member of the reference group to the Alliance and a founding member of the Working Group.

#### International Network of Experts on Content Self-Regulation

In February 1999, the Authority Deputy Chairman, Gareth Grainger, was invited to join the International Network of Experts on Content Self-Regulation. The network is an initiative of the Bertelsmann Foundation which is based in Germany. Through the network, the foundation aims to facilitate the development of a coordinated international system to ensure responsibility and security on the Internet, particularly for minors. The network comprises key players and decision-makers in the area of Internet content and responsibility.

The network's mission is to facilitate the development of an integrated system of approaches to dealing with harmful and illegal content on the Internet through self-regulation. Its work in developing this self-regulatory system is focused on four key areas of responsibility: industry codes of conduct, self-rating and filtering mechanisms, hotlines, and law enforcement.

The network's first meeting was held in New York on 27 February 1999, and its second in Gütersloh, Germany, on 3 July. The main purpose of the second meeting was to prepare for the International Internet Content Summit. The Summit, held in Munich in September 1999, considered the network's recommendations in the four key areas of responsibility.

#### UNESCO meeting

In September 1998, the Authority was represented by Ms Phyllis Fong, Manager Research and Policy, at the UNESCO Asia-Pacific Regional meeting in Seoul that recommended a set of universal principles for UNESCO's consideration in developing legal frameworks for cyberspace activities. Recommendations from the Seoul meeting were tabled at the UNESCO Experts Meeting on Cyberspace Law held in Monte Carlo in September and October 1998, at which the Authority was represented by Mr Gareth Grainger, Deputy Chairman.

## Asia-Pacific Internet Conference

The Authority, with the support of the Australian National Commission for UNESCO and AusAID, convened the Asia-Pacific Internet Conference in Bali, Indonesia in March 1999. It brought together senior policy advisers and Internet experts from countries in Asia and the Pacific to discuss issues relevant to Internet access, content and community education from a policy and regulatory perspective. It also provided opportunities to exchange information on the status of online issues within each represented country and allowed delegates to gain a further understanding of international developments relating to the Internet and to identify areas for regional cooperation.

More specifically, conference participants considered the following issues:

- policy and legal concerns, including appropriate regulatory policies to assist parents and guardians to filter and block objectionable material on the Internet;
- the role of domestic legislation in protecting national interests from illegal and undesirable foreign material;
- ways of ensuring content produced for the Internet reflects a community's values and cultural diversity; and
- possibilities for community education programs to increase the understanding of parents and educators about managing children's Internet use.

Mr Grainger chaired the conference, which was also attended by Ms Andree Wright, Director, Policy and Content Regulation, Ms Fong, Manager, Research and Policy, Ms Jeanette Knowler, Assistant Manager, Research and Policy, and Ms Marilyn Woolford, Executive Assistant.

## Working group on reporting hotlines

As part of its work on the second direction investigation into approaches to Internet content regulation, the Authority participated in a working group established in April 1998 to explore issues relevant to reporting hotlines. Other members included the Internet Industry Association, a non-government organisation called End Child Prostitution Pornography and Trafficking, the Office of Film and Literature Classification (OFLC), and a number of police bodies, including the Australian Federal Police, NSW Crime Stoppers, and police child protection units from New South Wales, Victoria and Queensland.

The working group prepared a proposal for consideration by the Crime Stoppers National Conference in September 1998. It proposed that a hotline be established that would be operated by Crime Stoppers and supported by other law enforcement agencies, the Internet industry, the OFLC, and relevant community groups. Initially the hotline would focus on the reporting of child pornography. The proposal was endorsed by the Crime Stoppers National Conference.

## Parliamentary committees

In the reporting period, the Authority submitted to, appeared before, made representations to, and/or assisted with:

- Joint Standing Committee on the National Capital and External Territories for the Island to Islands, Communications with Australia's External Territories inquiry: supplementary submission on 28 July 1998; Mr John Corker represented the Authority at the public hearing of 28 July 1998; Mr Bob Greeney represented the Authority at hearing of 4 February 1999.

- National Office of Information Economy, Australian strategy for the information economy; submission in September 1998.
- Senate Select Committee on Information Technologies, hearings on self-regulation in the information and communications industries, Ms Margaret Cupitt, Mr Gareth Grainger, Ms Rosalie O'Neale, Ms Lesley Osborne and Ms Jonquil Ritter represented the Authority at the hearing on 9 August 1998.
- Joint Committee on Treaties: inquiry into Multilateral Agreement on Investment: Professor David Flint and Mr Grainger represented the Authority at the public hearing of 21 August 1998.
- Senate Environment, Recreation, Communications, Information Technology and the Arts Legislation Committee, inquiry into Australian content for television and paragraph 160(d) of the Broadcasting Services Act; submission and appearance before the hearing of 4 November 1998.
- Department of Foreign Affairs and Trade, public consultation on Australia's approach to further multilateral trade negotiations, submission in May 1999.
- Inquiry into the Effects of Government-Funded National Broadcasters on Victoria: Economic Development Committee, Victorian Parliament, meeting with committee members on 15 February 1999.
- Senate Select Committee on Information Technologies, investigation into the Government's announcement of a regulatory regime for Internet content; Professor Flint, Mr Grainger, Mr Stephen Nugent and Ms Andree Wright attended hearing of 27 April 1999; submission in April 1999.
- Productivity Commission: Government review of the Broadcasting Services Act, submission in May 1999.

## International liaison

### Memoranda of understanding

In September 1998, the Authority formalised relations by signing a memorandum of understanding with the New Zealand Broadcasting Standards Authority.

The Authority has in earlier years signed memoranda of understanding or cooperation agreements with a number of overseas regulators. During 1998–99, the Authority maintained relations with those regulators with which it has agreements: the Singapore Broadcasting Authority, the Independent Broadcasting Authority of South Africa, the Federal Communications Commission of the USA, the Broadcasting Standards Council of the UK, the Australian Commerce and Industry Office on behalf of the Authority, the Taipei Economic and Cultural Office on behalf of the Taipei Government Information Office, the Korean Broadcasting Commission, the French Conseil Supérieur de l'Audiovisuel and the Canadian Radio-Television and Telecommunications Commission.

The purpose of these agreements is to facilitate dialogue between countries and their regulatory agencies in the context of the globalisation of technologies, ownership of media companies and content issues.

## International meetings

The Authority has exchanged information with a number of visitors from international regulatory bodies during the year and met with a number of other overseas visitors and representatives of overseas organisations. See appendix 2 for more information about these meetings.

In the course of the review of the Australian Content Standard, Mr Michael Gordon-Smith, ABA Member, Ms Lesley Osborne, Manager Standards and Ms Deborah Sims, Assistant Manager, Standards visited New Zealand in August 1998 to consult with representatives of the Government, film and television funding bodies and the New Zealand production industry.

### Asia-Pacific Regulatory Roundtable meeting

The Asia-Pacific Regulatory Roundtable held its annual meeting in Seoul on 15–16 September 1998. The Korean Broadcasting Commission and the Korean Cable Communications Commission hosted the meeting. Roundtable participants attended from Australia, Hong Kong SAR China, India, Japan, Korea, Malaysia, New Zealand and Singapore.

The meeting addressed a range of matters including: regulating for privacy, balance and fairness; the liberalisation of broadcasting industries and foreign investment in programming; foreign and cross-media ownership; the introduction of digital services; and regulatory issues for new media, including online services and the Internet.

The meeting considered the report of the Transborder Working Party (Australia, India, Japan and Korea as Chair) which put forward a set of principles for transborder satellite television broadcasting. The Roundtable meeting adopted these, and agreed that participants seek the endorsement of their respective agencies. The Roundtable also acknowledged that regional cooperation is required to deal with the increased level of transborder satellite television broadcasting, including matters relating to program content and dispute resolution. Professor David Flint, Chairman and Ms Fong, Manager, Research and Policy, represented the Authority.

The next regulatory roundtable meeting is to be hosted by Singapore Broadcasting Authority in Singapore in September 1999.

### International Telecommunication Union

Mr Bob Greeney, Director Technology and Mr Fred Gengaroli, Director Engineering, attended meetings of the International Telecommunications Union (ITU) in Geneva in May and June 1999. The ITU meets to develop recommendations for worldwide standards for the use of radiofrequency spectrum, including digital radio and high definition digital television broadcasting. The development of these international recommendations will assist Australia in the adoption of appropriate technology for digital broadcasting services.

During these ITU meetings, the officers also attended working parties to establish international guidelines for the orderly sharing of spectrum for both satellite and terrestrial transmissions.

Future work on digital terrestrial television broadcasting will be handled in other ITU working parties which deal with television planning.

## Asia-Pacific Broadcasting Union

The Authority is an associate member of the Asia-Pacific Broadcasting Union. In October 1998, Mr Bob Greeney, Director Technology, attended the annual meeting of the Asia-Pacific Broadcasting Union and its Engineering Committee meetings held in Shanghai.

The ABU commissioned the Authority to prepare a paper on trade liberalisation in the audiovisual services sector and safeguarding cultural diversity. The paper was completed in July 1999. Ms Kerrie Henderson, ABA Member, attended meetings of the organising committee for the ABU's 1999 General Assembly which will be held in Sydney in November. The special topic for the Assembly is world trade in audiovisual services.

## International research forum on children and media

The ongoing coordination of the International Research Forum on Children and Media (IRFCAM) and its newsletter has assisted Authority researchers to maintain and develop links with Australian and international researchers and regulators. Forum membership has grown to more than four hundred and thirty from 50 countries.

In addition to its wider aims, the forum is also a valuable vehicle for distributing information about the research activities of the Authority which has in turn received useful and relevant information from forum members. Each issue of the newsletter contains an update on current and completed projects undertaken by the Authority and other members of the forum. The sixth and seventh editions were released in July and December 1998.

The forum facilitates sharing information on research methodologies and findings, and encourages the exploration of opportunities for joint research on issues of common interest.

## External liaison

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## Authority receptions

The Authority held a broadcasting industry reception in Hobart, Tasmania during the year. This reception provided Authority members and senior staff with the opportunity to meet with representatives of the broadcasting and related industries in Tasmania, as the Authority had done in other States in the previous year (see p.33 *Annual Report 1997-98*). The aim of the receptions is for the Authority to increase its awareness of State and local issues. They also enable the Authority to explain its work program and priorities.

## Memoranda of understanding

The chairmen of the Australian Broadcasting Authority and the Australian Communications Authority signed a memorandum of understanding between the two agencies on 26 November 1998. The memorandum forms an agreement that the two agencies will work together to maximise a coherent approach to planning decisions in relation to the broadcasting services bands in order to provide a seamless interface for consumers.

## Sydney Olympic Communications Organising Committee meetings

A representative of the Authority has been attending Sydney Olympic Communications Organising Committee and sub-committee meetings on a regular basis since January 1999. The purpose of these meetings is to coordinate the potential use of terrestrial broadcasting services band spectrum during the Olympic and Paralympic Games in Sydney in 2000.

## Publishing

Consistent demand by public and industry for information about a variety of broadcasting related issues and topics have contributed to the Authority's vigorous publishing program. In the reporting period the Authority produced a range of fact sheets, discussion papers, information guides, reports and other publications.

The Authority's newsletter, *ABA Update*, continued to be a major vehicle for disseminating information about the Authority's activities and broadcasting issues. These included the Authority's work on regulation of the content of online services, conversion from analog to digital broadcasting, broadcasters' compliance with Australian content and children's television standards, research results, spectrum planning and licensing activities. The 'Innovations' series covered a range of technical issues including updates on digital terrestrial television broadcasting and international developments in broadcasting engineering.

In order to provide broadcasters with guidelines about interpretation of the Act or relevant codes of practice, the Authority continued its regular series on investigations into unresolved complaints about program matters or possible breaches of licence conditions. The reports contained salient elements about the Authority's investigations, an explanation of why breaches were found and what action was taken by the Authority.

Subscriptions to *ABA Update* remained stable in the reporting period.

Although the Authority charges for some of its publications including *ABA Update*, research monographs, *Trends & Issues* papers, copies of annual reports, program standards, corporate plan, fact sheets, information pamphlets, guides and discussion papers are free and are also on the Authority's web site. Receipts from the sale of publications totalled \$48 157 in the reporting period.

A full listing of Authority publications can be found at appendix 3.

## Web site

The Authority made active and extensive use of its web site <[www.aba.gov.au](http://www.aba.gov.au)> to provide information about its activities during the year.

All Authority news releases and many of its reports, licence area plans, speeches and other documents were released to the public by making them available on the web site. This made information available faster and more cheaply than traditional methods allow. Authority staff have also been able to direct people with requests for information to relevant parts of the site.

A sub-committee of the Authority's Information Committee was set up to review the site, gather comment from external users and suggest ways of improving the site. In general, comments about the site were positive, but users considered the search facility and other site navigation aids could be improved.

The Authority has addressed these issues by adding a site index, a site map and engaging a consultant to develop a more powerful search engine. Work has also begun on other improvements, including a glossary of acronyms and a page of useful links which will provide a research tool for the broadcast industry worldwide. The Authority expects these new features will be on the site by the end of 1999.

## **Media liaison**

The Authority adopts a pro-active approach to the provision of information to the media, to ensure the information available in the public arena is accurate and timely. The Authority issued 116 media releases, most with background briefings, and dealt with 1233 inquiries from journalists during 1998–99.

There was extensive media interest in a number of the Authority's activities during the year, accompanied by wide media coverage of particular issues. In order to make its work accessible and understandable to the community and the broadcasting industry, Authority officers and members made themselves available for a large number of press, radio and television interviews. In particular there was widespread interest in the Authority's investigations into media ownership and control issues, its licence allocation exercises, court challenges to its program standard for Australian content on commercial television, and its work in the area of regulation of content of online services.

Staff were available to the media, the broadcasting industry and members of the general public, including students, to discuss and explain issues relating to broadcasting.

## **Public information**

The Authority answered a large number of requests for information from members of the public, including academics and teachers, students, parents, licensees, lawyers and analysts.

The Authority develops and implements public relations strategies to assist in making information available to the public.

## **Australian Families Guide to the Internet**

The Minister for Communications, Information Technology and the Arts launched the Australian Families Guide to the Internet on Online Australia Day, 27 November 1998.

The Authority, with funding from the National Office for the Information Economy, designed the web site to encourage families to use and benefit from the Internet. The web site is a starter kit for parents: it contains information on risks, parenting tips, suggested rules and technical tools that are available. It also has pages on laws relevant to the Internet and online content regulation. The site includes information on how to find information online, explanations of jargon, and ideas on how to support children's education using this technology. The site has numerous links to web sites for children, which were selected on the basis of their appropriateness for children within specified age groups.

### **Internet quiz**

The Authority launched a children's quiz, 'How net savvy are you?' as part of the Australian Families Guide to the Internet on Online Australian Day. The quiz was based on children's knowledge of their 'house rules' for using the Internet and asked children

to submit their own rules. The responses to the two quizzes provide insight into the type of house rules parents set. Due to its success, the quiz was repeated in February 1999. Kidz.net and the KAHooTZ developers (Australian Children's Television Foundation, Telstra and Hewlett-Packard) each donated an annual subscription to their safe zones as prizes.

## 20 Years of C (children's) programs

Children's television reached an important milestone in 1999 as the Authority marked 20 years of C (children's) programs on commercial free-to-air television.

The (then) Australian Broadcasting Tribunal introduced the C classification on 1 July 1979. One of the Authority's initiatives marking the 20 years was a children's television policy forum (held on 22 July, after the date of this report). The forum explored, through speakers and panel discussions, the changing child audience, current trends in programming and how program makers, broadcasters and government are meeting children's television needs. Forum participants included children's television program makers and representatives from commercial television and specialist children's television channels, film funding organisations and children's media interest groups.

Another initiative marking 20 years of C programs, was the start, in early 1999, of a joint research project between the Australian Children's Television Foundation, the Australian Film Finance Corporation and the Authority.

## Library

The Library provides a comprehensive research and information service for the Authority. Throughout the year there was an ongoing review to ensure the collection was appropriate and relevant to the Authority's information needs.

The Library's current awareness program was maintained. The development of the Authority Intranet has provided a new vehicle for the Library to post information and news to Authority staff. Selected external organisations and individuals continued to receive information about the Library's holdings on a regular basis through the quarterly *Library Bulletin*, which highlights new and interesting additions to the Library's collection.

The Library joined the National Library's new Kinetica service, the national database of material held in Australian libraries. The Library will be adding its holdings to this database.

As in previous years, the Library remained a key centre for the broadcasting community to access information on broadcasting matters. The Library received requests for information by phone, fax and email from organisations including other portfolio body libraries and university libraries. The inter-library loan program was maintained. In addition, the resources of the Library were available to individual visitors including academics, lawyers, writers and students.

The Library continued to make use of electronic technology with the addition of a number of CD-ROMs to the collection. Access was also arranged to relevant commercial online database services.

Information about the Library can be found on the Authority web site. The Library is also listed in the Australian Library Gateways Internet site <[www.nla.gov.au/libraries](http://www.nla.gov.au/libraries)> as well as in various national and international directories. It is planned to mount the



Library's catalogue, with an interactive search facility, on the Authority web site in the near future.

## **Broadcasting industry**

The members and officers of the Authority met regularly with industry groups and other regulators. The Authority held regular quarterly meetings with the Federation of Australian Radio Broadcasters, met with the Federation of Australian Commercial Television Stations and the Community Broadcasting Association of Australia and participated in the annual meetings of these industry groups. The Authority also met with representatives of the Australian Subscription Television and Radio Association.

The Authority monitors broadcasting and related technologies through contact with industry and overseas regulatory agencies, by participating in national and international conferences, and through publications.

On technology issues the Authority maintains close liaison with the following organisations and groups:

- Australian Communications Authority;
- Broadcasting Industry Technology Advisory Group;
- Department of Communications, Information Technology and the Arts;
- Digital Convergence Australia;
- Digital Radio Broadcasting Task Force;
- Digital Television Channel Plan Consultative Group;
- FACTS' Specialist Group—Digital Terrestrial Television Broadcasting;
- Key Centre for Cultural and Media Policy;
- National Office for Information Economy;
- National Study Groups of the International Telecommunications Union; and
- NTL Australia, formerly the National Transmission Agency.

## **Other conferences and seminars**

During the year, members and officers of the Authority presented papers at a number of conferences and seminars, and participated in workshops and panels. See appendix 2 for the full listing.

## Planning the spectrum

Plan the parts of the radiofrequency spectrum in a way which promotes development of and access to a diverse range of broadcasting services and facilitates adoption of appropriate technologies

### Key outcomes

- **Fifteen final licence area plans released, plus variations to seven previously released licence area plans**
- **Three new commercial radio services; 30 new community radio services; and 35 new medium- to high-power open narrowcasting radio services planned**
- **Final licence area plans included new technical specifications for nine national radio services**
- **Final licence area plans included technical specifications for either an increase in power or translators for 16 commercial and community radio services**
- **Variations to previously determined licence area plans included 88 translators for commercial television services in the remote regions of Central and Eastern Australia**

## Analog planning

### Final licence area plans—radio

In 1998–99 the Authority issued final radio licence area plans in the following planning zones: Hunter and Northern New South Wales; Darling Downs; and Illawarra, South East NSW and the Australian Capital Territory.

For information on licence area plans released in previous years, see earlier editions of the annual reports.

#### Hunter and Northern New South Wales

##### Armidale (August 1998)

In the licence area plan for Armidale, the Authority decided to continue to make a channel available for an existing open narrowcasting radio service currently operated by 2UNE and made channels available for two additional open narrowcasting radio services, one to serve Armidale and one to serve Walcha.

##### Coffs Harbour (October 1998)

In the licence area plan for Coffs Harbour, the Authority decided to make channels available for one new commercial radio service to serve Coffs Harbour, one additional community radio service to serve Coffs Harbour and one open narrowcasting radio service to serve the Coffs Harbour CBD.

##### Grafton (August 1998)

In the licence area plan for Grafton, the Authority decided to make channels available for one new community radio service and one new open narrowcasting radio service, both to serve Grafton. The Authority also made a channel available at Woodford Island for a translator for the commercial radio service 2GF Grafton.

##### Gunnedah (July 1998)

In the licence area plan for Gunnedah, the Authority decided to make channels available for two new community radio services, one to serve Gunnedah and one to serve Narrabri; and one high power open narrowcasting radio service to serve Gunnedah.

##### Inverell (July 1998)

In the licence area plan for Inverell, the Authority decided to make channels available for three new community radio services, one to serve Inverell, one to serve Glen Innes and one to serve Deepwater; and two open narrowcasting radio services, one to serve Inverell and one to serve Glen Innes.

Channels were reserved for two new national radio services, one to serve Inverell and one to serve Ashford. A channel was also made available for a translator for the commercial FM radio service 2GEM to serve Wialda.

### **Kempsey (October 1998)**

In the licence area plan for Kempsey, the Authority decided to make channels available for one new commercial radio service to serve Kempsey, and two open narrowcasting radio services, one to serve Kempsey and one to serve Port Macquarie.

Channels were also made available for one new community radio service to serve Kempsey and one additional community radio service to serve Port Macquarie.

### **Moree (July 1998)**

In the licence area plan for Moree, the Authority decided to make channels available for one new community radio service to serve Moree and two open narrowcasting radio services, one to serve Moree and one to serve Goondiwindi.

### **Muswellbrook (October 1998)**

In the licence area plan for Muswellbrook, the Authority decided to make channels available for one new community radio service to serve Murrurundi/Muswellbrook and two open narrowcasting radio services, one to serve Muswellbrook and one to serve Murrurundi. A channel was also made available for a translator for the commercial FM radio service 2VLY Muswellbrook to serve Merriwa. Two channels were reserved for new national radio services.

### **Newcastle (October 1998)**

In the licence area plan for Newcastle, the Authority decided to make channels available for new community radio services in Newcastle, Cessnock/Maitland, Lake Macquarie and Port Stephens. A channel was also made available for an open narrowcasting radio service at Newcastle.

### **Tamworth (August 1998)**

In the licence area plan for Tamworth, the Authority decided to make channels available for one additional community radio service and one open narrowcasting radio service, both to serve Tamworth.

An alternative FM channel was made available for the community radio service 2YOU at Tamworth. The change of frequency will enable 2YOU to increase the power of its service and extend its coverage area.

### **Taree (October 1998)**

In the licence area plan for Taree, the Authority decided to make channels available for one new community radio service to serve Taree and two open narrowcasting radio services, one to serve Taree and one to serve Gloucester.

## **Darling Downs**

### **Kingaroy (October 1998)**

In the licence area plan for Kingaroy, the Authority decided to make channels available for three new community radio services, one to serve Cherbourg, one to serve Gayndah and one to serve Wondai; and two open narrowcasting radio services to serve Kingaroy.

Two channels were also made available for translators for the commercial radio service 4KRY, one to serve Gayndah and one to serve Munduberra. One channel was reserved for a national radio service at Murgon.

### **Toowoomba/Warwick (December 1998)**

In the licence area plan for Toowoomba/Warwick, the Authority decided to make channels available for one new commercial radio service to serve the combined Toowoomba/Warwick licence area. Channels were also made available for new community radio services in Dalby, Toowoomba and Warwick.

Channels for six open narrowcasting radio services, three to serve Toowoomba, one to serve Dalby, one to serve Stanthorpe and one to serve Warwick were made available.

Channels for translators for the commercial radio services 4AK Toowoomba/Darling Downs and 4GR Toowoomba/Darling Downs at Stanthorpe and the commercial AM radio service 4WK Toowoomba/Darling Downs at Dalby and Stanthorpe were also made available.

## **Illawarra, South East NSW and the Australian Capital Territory**

### **Bega (June 1999)**

In the licence area plan for Bega, the Authority decided to make channels available for one new community radio service in Bega and four open narrowcasting radio services, one for Batemans Bay, one for Eden, one for Moruya and one for Narooma.

Channels were also reserved for three new national radio services, one to serve Batemans Bay and two to serve Genoa. A channel was also made available for a translator for the community radio service 3MGB Mallacoota to serve Genoa.

### **Canberra (June 1999)**

In the licence area plan for Canberra, the Authority decided to make channels available for six new community radio services, three to serve Canberra, one to serve Tuggeranong, one to serve Queanbeyan with a translator to serve Williamsdale, and one to serve Yass. Channels were also made available for open narrowcasting radio services, one for Canberra, one for Queanbeyan, one for Tuggeranong and one for Yass.

Channels were reserved for three new national radio services at Tuggeranong. Channels were also made available for translators for the commercial radio services 1CBR and 2ROC Canberra and the community radio services 2XX and 1SSS Canberra, all to serve Tuggeranong. A channel was also made available for the 2XX Canberra service to convert to the FM band. (The vacated AM channel was made available for an open narrowcasting service for Canberra.)

### **Goulburn (June 1999)**

In the licence area plan for Goulburn, the Authority decided to make channels available for two open narrowcasting radio services to serve Goulburn. Channels were also made available for translators for the commercial radio services 2GN and 2SNO Goulburn at Braidwood and Crookwell.

## Variations to licence area plans

### **Northern Queensland**

#### **Cairns (October 1998)**

The Authority varied the licence area plan for Cairns by making a channel available for a national radio service and making alternative channels available for the community radio service 4CCR Cairns in Cairns and a new open narrowcasting radio service in Cairns. The licence area plan for Cairns was determined in August 1997.

#### **Innisfail (October 1998)**

The Authority varied this licence area plan by making an alternative channel available for an open narrowcasting service. The licence area plan for Innisfail was determined in November 1997.

### **Central Queensland**

#### **Emerald (November 1998)**

The Authority varied the licence area plan for Emerald by varying the nominal transmitter site for an open narrowcasting radio service at Moranbah. The licence area plan for Emerald was determined in March 1998.

### **Remote and Regional Western Australia**

#### **Remote and Regional Western Australia Television (November 1998)**

The Authority varied the licence area of the commercial television service WAW Remote Western Australia. The licence area plan for Remote and Regional Western Australia was determined in November 1998.

### **Hunter and Northern New South Wales**

#### **Taree (December 1998)**

The Authority varied the licence area plan for Taree by varying the technical specifications of the community radio service 2BOB Taree. The variation related to the increase of maximum antenna height. The licence area plan for Taree was determined in October 1998.

### **Remote Central and Eastern Australia**

#### **Remote Central and Eastern Australia Radio (December 1998)**

The Authority varied the licence area plan for Remote Central and Eastern Australia Radio by making a channel available for a translator for the commercial radio service 4SUN Remote Central and Eastern Australia to serve Stanthorpe. The licence area plan for Remote Central and Eastern Australia Radio was determined in October 1996.

### **Remote Central and Eastern Australia Television (December 1998)**

The Authority varied the licence area plan for Remote Central and Eastern Australia Television by combining the licence areas of the commercial television services IMP Central Australia and QQQ North East Australia and making channels available for translators for these services at 88 localities throughout the region. The licence area plan for Remote Central and Eastern Australia Television was determined in December 1996.

### **Tenterfield Community Radio (December 1998)**

The Authority varied the licence area plan for Tenterfield by making a channel available for a translator for the community radio service 2TEN to serve Stanthorpe. The licence area plan for Tenterfield was determined in December 1996.

### **Public consultation**

The Authority released for comment planning proposals for the following areas: Bega (October 1998), Canberra (October 1998), Cooma (October 1998), Goulburn (October 1998), Nowra (October 1998), and Wollongong (October 1998).

The proposals comprised discussion papers and draft licence area plans.

## Digital planning

### **Digital terrestrial television broadcasting**

The the Digital Conversion Act came into force in July 1998. The Digital Conversion Act requires the Authority to formulate legislative schemes for the conversion of commercial and national television broadcasting services to digital mode. It introduced a new schedule to the Broadcasting Services Act, providing for converting television transmission from analog to digital mode.

Digital television services are to commence in metropolitan areas of Australia by 1 January 2001 and in regional areas of Australia no later than 1 January 2004. There will be at least an eight-year period when analog and digital services will be simulcast. The objectives of the Digital Conversion Act include that, 'as soon as practicable after the start of the simulcast period' digital services 'should achieve the same level of coverage and potential reception quality as is achieved' by the analog service in that area.

The Authority determined the Commercial Television Conversion Scheme on 22 March 1999, and expects to finalise the National Television Conversion Scheme in the third quarter of 1999.

As part of the implementation of these schemes, the Authority is preparing digital channel plans in all television markets. The digital channel plans allot spectrum to be used for new digital television services, and plan for converting existing analog services to digital services. The digital channel plans for metropolitan and major regional markets are expected to be completed in the third quarter of 1999.

A range of planning criteria ensure that, as far as possible, the Authority's digital planning process safeguards the interests of broadcasters and consumers, and promotes

the efficient use of available spectrum. Where possible, transmitters for digital services are planned for the same location as existing analog transmitters and on adjacent channels, minimising the need for broadcasters and consumers to purchase new equipment. Similarly, where analog channel changes are required in order to implement the digital channel plans, the analog changes have been planned on the basis that the same site will continue to be used as much as practicable.

Available spectrum in the broadcasting services band may also be used for other purposes, such as datacasting.

The Minister has stated that the community television sector will be guaranteed free access to broadcast one standard definition digital channel. It is envisaged that this access will be provided as a community service obligation upon a datacasting service licence.

In addition to the draft digital channel plans, the Authority has also drafted two documents, the *Digital Terrestrial Television Broadcasting (DTTB) Planning Handbook* and *The ABA's General Approach to Digital Terrestrial Television Broadcasting (DTTB) Planning*. These documents outline the technical and general assumptions and the administrative process used by the Authority in preparing digital channel plans. They were completed in July 1999.

The Authority has begun allocating test licences for digital broadcasting. Fifteen licences have been allocated during the reporting year. The majority of test licences will be allocated during the next reporting year.

## Public consultation

The Authority received advice from the broadcasters and other interested stakeholders in drafting digital channel plans for Australian metropolitan and major regional markets through a group called the Digital Television Channel Planning Consultative Group. The draft digital channel plans were released and public submissions sought in May 1999.

The Authority's public inquiry processes provide a great deal of useful information for planning purposes. During the year, the Authority has consulted extensively with industry and industry groups, peak groups, other government agencies and members of the public.

## Digital radio

The Department of Communications, Information Technology and the Arts is coordinating the development of a proposal for conversion of radio services to digital. With other government and industry bodies, the Authority is actively participating in both the policy and technical planning work.

In March 1998, the Minister announced that commercial, community and national (ABC and SBS) radio broadcasters will be able to convert to digital using the Eureka digital radio broadcasting standard, but would be required to transmit their programs in analog mode for a simulcasting period.

The Authority is represented on the Department's Digital Radio Broadcasting Planning and Steering Committee (P&SC) and on the Technical Working Group of the P&SC. The Authority has also contributed engineers to the Resources Group, which is developing



initial spectrum plans for digital radio broadcasting at the direction of the Technical Working Group.

The Authority is providing other assistance as needed. For example, it is providing advice on whether there is potential for Eureka digital radio broadcasting to use VHF (television) spectrum in regional areas.

Digital radio broadcasting planning is progressing on the basis that digital radio broadcasting will begin by 2001. However, significant policy and technical issues remain to be resolved before the nature of any conversion scheme is clear.

## Licence allocations

Ensure the timely licensing of existing, new and emerging broadcasting services within their appropriate categories of service

### Key outcomes

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- **The Authority allocated:**
  - **six new commercial radio licences (under a price-based allocation system)**
  - **two commercial radio licences to existing broadcasters (under section 39 of the Act)**
  - **six new commercial radio broadcasting licences for services outside of the broadcasting services bands (under section 40 of the Act)**
  - **12 community radio licences**
  - **263 temporary community radio licences**
  - **41 open narrowcasting radio licences**
  - **118 subscription television broadcasting licences (under section 96 of the Act)**
- **The Authority issued 353 licences for retransmissions of broadcasting services**

## Price-based allocation of commercial television and radio broadcasting licences

Section 36 of the Broadcasting Services Act requires the Authority to determine a price-based allocation system for allocating:

- commercial television and radio broadcasting licences that are broadcasting services bands licences; and
- other commercial television broadcasting services allocated before a date referred to in section 28 of the Act (to be specified by Proclamation).

On 31 October 1995, the Authority made the *Commercial Broadcasting Licence Allocation Determination No.1 of 1995*. On 30 April 1998, the Authority revoked the 1995 Determination and replaced it with the *Commercial Broadcasting Licence Allocation Determination No.1 of 1998*.

Applicants for licences allocated under the Determination must pay an application fee. The application fee has been set at \$1000 per application for licences offered since June 1998 under the Determination.

### Commercial radio broadcasting licences

On 20 November 1997, the Authority conducted licence allocation exercises for the following licences and allocated the licences in October 1998.

**Table 1: Commercial radio licences auctioned in November 1997**

Area	Service licence number	Successful applicant	Amount paid	Date licence allocated
NSW Orange	SL10277	AMI Radio Pty Ltd	\$1.5m	1-10-98
Vic Bendigo	SL10258	AMI Radio Pty Ltd	\$1.22m	1-10-98
WA Bunbury	SL010074	AMI Radio Pty Ltd	\$120 000	1-10-98

These licences were allocated after the Authority found that the relationship between DMG Regional Radio Pty Ltd (DMG) and Associated Media Investments Pty Ltd (AMI) and other companies in the AMI and DMG groups did not result in any breaches of the ownership and control provisions of the Act.

AMI shared radio facilities with DMG in providing radio services in Mildura and shared facilities and staff with DMG in providing television and radio services in Griffith. DMG holds radio licences in Bendigo, Bunbury and Orange and indicated that it intended to share staff and facilities with AMI in the future in these areas.

Under the Act a person is prohibited from being in a position to exercise control of a commercial television licence and a commercial radio licence, or more than two commercial radio licences, in the same licence area. The Authority found no breaches had occurred as a result of these allocations.

The Authority will monitor compliance with the ownership and control rules by DMG and AMI companies in these areas.

On 24 November 1998, the Authority conducted licence allocation exercises for three commercial radio broadcasting licences in Queensland. The outcomes of the licence allocation exercises were as follows:

**Table 2 Commercial radio licences auctioned in November 1998**

Area	Service licence number	Successful applicant	Amount paid	Date licence allocated
Qld Maryborough	SL1150054	Broadcast Operations Pty Ltd	\$700 000	21–1–99
Rockhampton-Gladstone	SL1150045	Regional Broadcasters Australia Pty Ltd	\$575 000	21–1–99
Rockhampton-Gladstone	SL1150183	Rockhampton Broadcasting Company Pty Ltd	\$525 000	21–1–99

On 20 May 1999, the Authority conducted auction-style licence allocation exercises for two commercial radio broadcasting licences in New South Wales and one in Queensland. The outcomes of the licence allocation exercises were as follows:

**Table 3 Commercial radio licences auctioned in May 1999**

Area	Service licence number	Successful applicant	Amount paid	Date licence allocated
NSW Coffs Harbour	SL1150055	Commercial Radio Coffs Harbour Pty Ltd	\$100 000	Not yet allocated*
Kempsey-Port Macquarie	SL1150051	Mid-Coast Broadcasters Pty Ltd	\$220 000	Not yet allocated*
Qld Toowoomba-Warwick	SL1150094	Gold Radio Service Pty Ltd	\$800 000	Not yet allocated*

\* as at 30 June 1999

The highest bidder paid a deposit of 10 per cent of the price bid and completed a form of acknowledgment immediately after the licence allocation exercise, as required by the Determination under which the licences are allocated. Full payment for the licence was to be made between 5 and 7 July 1999.

After full payment is made, and provided the applicant meets the requirements of the Determination and the Act, the Authority will allocate the licences.

### **Allocation of commercial radio broadcasting licences (section 39)**

Under section 39, the Authority must allocate (subject to the suitability provisions of the Act) an additional commercial radio licence to an existing licensee if:

- there is only one commercial radio broadcasting licensee in a licence area; and
- that licensee is providing a service in the licence area; and
- the licence area for the existing ('parent') licence does not have an 'excessive overlap' (as defined in section 38(5)) with a neighbouring licence area; and
- the licensee makes a written application to the Authority; and

- in the opinion of the Authority, suitable broadcasting services bands spectrum is available for providing another commercial radio broadcasting service in the licence area.

The Authority has allocated 53 of these licences, two during 1998–99: to Australian Regional Broadcasters Pty Ltd, Murray Bridge, South Australia (5EZY) and to Maryborough Broadcasting Company Pty Ltd, Maryborough, Queensland (4CEE). There are three remaining commercial radio licensees eligible for a section 39 licence. These will be allocated as licence area plans are completed for the relevant areas.

An allocation fee of \$10 000 applies to the allocation of licences under section 39. The allocation fee is intended to cover in part the Authority's costs in planning and allocating the licence.

### Allocation of commercial radio broadcasting licences (section 40)

In 1998–99, the Authority allocated six commercial radio broadcasting licences under section 40 of the Act:

**Table 4 Commercial radio licences allocated under section 40**

Area served	Licensee	Date of allocation
WA Albany	Pirate Broadcasters Pty Ltd	27 August 1998
Geraldton	Pirate Broadcasters Pty Ltd	10 September 1998
Kalgoorlie	Pirate Broadcasters Pty Ltd	10 September 1998
Wagin	Great Southern Broadcasters Radio 6GS Pty Ltd	26 November 1998
Australia	Hy-Grade Properties Pty Ltd	8 October 1998
Australia	Promo-Radio Pty Ltd	22 December 1998

Section 40 provides for the allocation, on application in writing, of commercial radio broadcasting licences that do not use the broadcasting services bands. A section 40 licence does not entitle the licensee to any means of transmitting or disseminating a service to an audience; it simply authorises the licensee to provide a commercial broadcasting service. The holder of a section 40 licence needs to obtain separately a means of delivering the service. The Authority has determined an application fee of \$2400 for a section 40 licence.

### Price-based allocation of transmitter licences to provide open narrowcasting services

The Authority issues transmitter licences to provide open narrowcasting services under delegation from the Australian Communications Authority. Licences are issued under the *Radiocommunications (Issue of Broadcasting (Narrowcasting) Transmitter Licences) Determination No.1 of 1996* (as amended).

In 1998–99 the Authority conducted two rounds of licence allocation exercises under a price-based allocation system, determined under section 106 of the *Radiocommunications Act 1992*, to issue transmitter licences to provide open narrowcasting services.

In 1998–99 the Authority allocated a total of 45 narrowcast licences (27 had been auctioned in 1997–98). A total of \$423 000 was received for these licences. Full payment had been received for a further 23 licences by 30 June 1999. All 23 licences were issued in July 1999. Details of these licences are included in appendix 4.

## Allocation of community broadcasting licences

On 19 September 1995, the Authority finalised a community broadcasting licence allocation system for services using the broadcasting services bands (AM and FM radio spectrum). The system provides for licences to be allocated on the basis of merit according to matters set out in the Act (section 84).

The Authority allocated 12 community radio licences during the reporting period, bringing the total allocated under the system to 35. Community radio licences allocated during the report period are as follows.

**Table 5 Community radio licences allocated in 1998–99**

Area served	No of applications	Date allocated	Licence allocated to	
NSW	Albury	2	18–3–99	Vision Australia Foundation
	Bathurst	2	3–6–99	Bathurst Christian Broadcasters Inc.
	Bourke	1	15–12–98	Muda Aboriginal Corporation
	Dubbo	1	13–8–98	Dubbo Christian Broadcasters Inc.
Vic	Mansfield	1	13–8–98	Mansfield Community Radio Inc.
Qld	Cairns	2	18–2–99	Bumma Bippera Media Aboriginal & Torres Strait Islander Corporation
	Gladstone	1	24–5–99	Gladstone and District Christian Broadcasting Assoc. Inc.
	Maryborough	1	15–4–99	Wide Bay Christian Broadcasters Assoc. Inc.
	Townsville	1	13–8–98	Townsville Christian Broadcasters Assoc. Inc.
	Yeppoon	1	24–5–99	NAG Radio Broadcasting Association Inc.
WA	Derby	2	30–7–98	Derby Media Aboriginal Corporation
	Meekatharra	1	9–2–99	Meeka FM Community Radio Station Inc.

In October 1997, the Authority advertised that a community broadcasting licence was available in Bathurst, New South Wales. When applications closed in December 1997, there were two applicants for the licence: Bathurst Christian Broadcasters Inc. and Bathurst and District Community Radio Broadcasters Inc. In January 1998, the Authority's Deputy Chairman met with the two applicants and suggested to them that they might consider merging or cooperating in a joint application. The applicants advised the Authority in February 1998 that they were unable to agree to any type of joint arrangement. Following a preliminary assessment of the applications the Authority decided, in July 1998, to conduct a hearing. The hearing was conducted in November 1998 and in June 1999 the Authority allocated the licence to Bathurst Christian Broadcasters Inc.

Bathurst was one of a number of contested community allocations that the Authority considered in the reporting period: the others were in Albury, New South Wales, Cairns, Queensland and Derby, Western Australia. The process of allocating two community licences in Bendigo Victoria, commenced in the previous reporting period, is yet to be concluded, as the Authority has had to revisit the licence area plan.

Because of the increase in the number of contested community allocations, the Authority allocated fewer licences (12) in this period than in the previous reporting period (18 licences). However, the Authority has implemented procedures for speeding up contested allocations processes and anticipates a more rapid resolution in future.

The Authority has advertised that one or more community broadcasting licence is available for allocation in the locations listed in the table below.

**Table 6 Community radio licences advertised but not yet allocated**

Area served		Applications invited on	Applications closed on	No of applications
NSW	Coffs Harbour	23-4-99	14-6-99	2
	Deepwater	23-4-99	14-6-99	1
	Narrabri	23-4-99	14-6-99	2
	Tamworth	23-4-99	14-6-99	1
Vic	Bendigo	13-12-97	9-3-98	4
	Bendigo	13-12-97	9-3-98	2
	Shepparton	27-2-98	14-4-98	2
Qld	Bundaberg	6-2-99	24-3-99	3
	Cunnamulla	22-4-98	10-6-98	1
	Emerald	5-2-99	24-3-99	1
	Hervey Bay	7-12-98	10-3-99	2
WA	Esperance	30-7-98	14-9-98	1

## Temporary community broadcasting licences

On 27 June 1997, Parliament passed the *Communications Legislation Amendment Act (No. 1) 1997* to amend the Act to provide a new power for the Authority to allocate temporary community broadcasting licences. The amending Act came into effect on 4 August 1997.

A temporary community broadcasting licence authorises the licensee to provide a community broadcasting service in a designated area for a maximum period of 12 months. Previously the Act did not provide for temporary community broadcasting licences. The Authority had, instead, provided for temporary transmissions of 90 days per aspirant per year, by making spectrum available to providers of open narrowcasting services and issuing limited term apparatus licences.

As a result of the amendments, the Authority can grant temporary community broadcasting licences ahead of formal planning, i.e. without having completed a licence area plan. This allows community broadcasting aspirants to apply to provide continuous transmissions before permanent community broadcasting licences are allocated. Temporary community broadcasting licences are used to provide community broadcasting services. These services therefore must: be provided for community purposes; not be operated for profit; be capable of being received by commonly available equipment; and be made available free to the general public.

The statutory licence conditions, programming rules, and remedial and enforcement mechanisms for temporary licensees are the same as those applying to permanent community broadcasting licensees. New licensees are also subject to the Community Broadcasting Code of Practice.

In allocating a temporary community broadcasting licence, the Authority specifies the times during which broadcasting will be permitted. This allows the Authority to determine spectrum sharing arrangements in areas where channels must be shared.

In May 1999, the Authority streamlined the procedures for the handling and processing of applications for temporary community broadcasting licences. Further streamlining of these procedures will occur in 1999–2000.

In 1998–99 the Authority allocated 263 temporary community broadcasting licences. A total of 189 individual aspirant groups have applied for, or have broadcast under, temporary community broadcasting licences across Australia. Since the amendments came into effect on 4 August 1997 the Authority has allocated 453 temporary community broadcasting licences.

See appendix 4 for a list of aspirant community groups allocated temporary community broadcasting licences during the year.

## Special events

The implementation of the Government’s policy on temporary community broadcasting licences in August 1997 has had an impact on the availability of licences to cover special events. Generally, either groups licensed under temporary community broadcasting licenses provide coverage of special events under their licences or there is no spare channel capacity to be allocated to special event applicants. During the reporting period 63 licences were issued for special event broadcasting services.

## Subscription television broadcasting licences

Until 1 July 1997, the Act drew a distinction between subscription television (pay TV) broadcasting services delivered by satellite and services delivered by other means. Since that date the Authority has been able to issue pay TV broadcasting licences under section 96 that allow services to be delivered by any means, including satellite.

The Authority allocated 118 subscription television broadcasting licences under section 96 of the Act during this reporting period.

Since 1992, the Authority has issued a total of 1676 subscription television broadcasting licences to 36 separate licensees, and two satellite licences—satellite licences A and B. Satellite licence C was issued in 1994 by the then Minister for Communications and the Arts. Subscription television broadcasting licences allocated during the reporting period are listed in the following table—see earlier annual reports for details of other licences allocated.

**Table 7 Subscription television (pay TV) licences allocated in 1998–99**

Licensee	Number of licences	Date licences allocated
Foxtel Cable Television Pty Ltd	98	10–12–98
Optus Vision Media Pty Ltd	20	10–12–98



## Broadcasting licence renewals

The Authority renewed 30 licences (12 commercial radio, 14 community radio and 4 commercial television) in 1998–1999.

## National services

In the reporting period, the Authority issued 19 national (ABC and SBS) radio and television apparatus licences.

## Retransmission

Following the variation of the licence areas of Remote Central and Eastern Australia — Television in December 1998 and the commencement of the second commercial television service in remote Western Australia, the Authority received a large number of applications for apparatus licences from self-help groups. These applications sought permission to retransmit additional commercial television services in the remote areas of Australia. During the reporting period, the Authority issued 353 licences for retransmissions of broadcasting services.

## Community television trial

On 31 May 1999, the Minister removed the reservation on the sixth channel spectrum in all areas of Australia to facilitate the introduction of digital television services, excluding the areas where there were community television trial licensees: Sydney, Melbourne, Brisbane, Adelaide, Perth, Hobart, Bendigo and Lismore. Community television trial licensees are licensed as open narrowcasting services. Trial community television licences in Perth, Hobart and Bendigo were due for renewal on 30 June 1998. The service in Perth commenced broadcasting in June 1999 and the licence was renewed to 30 June 2000 in line with the remainder of the trial community television licences. The licensee in Hobart did not wish to renew its licence, and the renewal of the Bendigo licence was not approved.

## Opinions on category of service or a proposed service

Section 21 of the Act requires the Authority to give, on request, its opinion as to which broadcasting service category a nominated or proposed service falls into. The categories as listed in the Act are: national broadcasting; commercial broadcasting; community broadcasting; subscription broadcasting; subscription narrowcasting; and open narrowcasting.

In the period covered by this report, the Authority gave opinions on eight services (four for radio and four for television). The Authority opinion agreed with that of the applicant in six cases.

The Act provides the Authority with a statutory timeframe of 45 days to provide the applicant with a written opinion, otherwise the Authority's opinion is taken to accord with that of the applicant. All opinions on category of service were provided to applicants within this required timeframe.

In 1998–99, five services which were the subject of opinions have notified the Authority that they had commenced operation.

Since the commencement of the Act, the Authority has given opinions on a total of 146 proposed services (73 for radio and 73 for television). With the exception of one applicant in 1994, which sought an opinion for categorisation as a community broadcaster, all applicants have sought to have services regarded as narrowcasting. The Authority has agreed with the applicant in 106 cases (52 for radio and 54 for television).

Ensure diversity of control of broadcasting services and that control of the more influential services rests with Australians

### Key outcomes

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- **Finalised three major investigations into breaches of the control rules**
- **Three temporary breaches of the control rules and three extensions of time to existing applicants approved**

## Monitoring

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The Authority actively gathers information to assess whether control of commercial television broadcasting services rests with Australians and to ensure that diversity of control of the more influential broadcasting services is being maintained.

Under the Act's regulatory outlook, the more influential a type of service is considered to be, the greater the level of regulation that applies to it. For example, commercial television licensees are subject to greater restrictions than pay TV licensees in virtually all key areas, including ownership and control, programming and licensing.

As part of its general monitoring of control issues, the Authority obtains and assesses information from a number of sources, including participants in transactions, major industry players, media reports, other government agencies or advisory bodies (including the Australian Securities Commission, the Foreign Investment Review Board and the Australian Competition and Consumer Commission), the Australian Stock Exchange, company reports and overseas regulators.

The Authority has wide-ranging powers to obtain information if it begins an investigation as a result of its monitoring or in response to a complaint. These include the powers to issue notices requiring the production of documents, to examine witnesses under oath and to hold public hearings.

Should the Authority find a person in breach of the control rules, it has a range of actions open to it. Under section 70 of the Act it may, by notice in writing, direct the person (or, where appropriate, the licensee) to take action so that the person is no longer in breach. The notice is to specify a period (one month, six months, one year or two years) during which the person is to take action. In certain circumstances the Authority can also refer a breach to the Director of Public Prosecutions for prosecution in the courts.

## Investigations

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The Authority finalised three major investigations during the period under review.

The first investigation related to the foreign control of commercial television broadcasting licences. The second related to cross-media breaches: the control of a commercial television broadcasting licence and commercial radio broadcasting licences; and breaches of the two-to-a-market rule concerning commercial radio licences. The third related to breaches of the cross-media rules: control of newspapers and control of commercial television licences in the same market.

### **Investigation into control:**

#### **CanWest Global Communications Corporation/The Ten Group Limited**

The Authority concluded its investigation into the control by CanWest Global Communications Corporation, a foreign person under the Broadcasting Services Act, of The Ten Group Limited, a company which controls commercial television broadcasting licences.

## Background

On 3 April 1997 the Authority found that the Canadian company CanWest Global Communications Corporation (CanWest) was in breach of the foreign ownership provisions of the Act by being in a position to exercise control of the Ten network television licences.

The Authority was satisfied that CanWest had company interests of 52.49 per cent in The Ten Group Ltd because CanWest was in a position to exercise control of 52.49 per cent of the votes cast on a poll at a shareholders' meeting of The Ten Group Limited. The Authority was also satisfied a breach of section 57(3) of the Act had occurred as two or more foreign persons had company interests in a commercial television broadcasting licensee that exceeded 20 per cent.

The Authority issued notices to CanWest requiring it to take action to remedy the breaches.

The Authority also found that CanWest was in a position to exercise control of The Ten Group Ltd through other means. These included associate relationships with Selli Pty Limited and Donholken Pty Ltd which arose from CanWest being in a position to exercise direction or restraint over substantial issues affecting their management or affairs. The Authority also found that CanWest was in a position to secure the appointment of at least half the board of directors of The Ten Group Ltd.

The Authority was satisfied that CanWest was in a position to exercise control of The Ten Group Ltd and its commercial television licences. The Authority directed CanWest to remedy the breaches within six months. CanWest was subsequently granted a four months extension of time (under section 71) to comply with the section 70 notice.

CanWest took the following steps towards compliance with the notices:

- On 4 March 1998 Ten Network Holdings Ltd acquired the 174 175 101 shares in The Ten Group Ltd (the 38.28 per cent interest which had put CanWest in breach of the Act).
- The public offering of Ten Network Holdings Ltd shares (the vehicle designed to hold the offending 38.28 per cent CanWest company interest in the Ten Group Ltd) was opened on 10 March 1998. The public offering closed on 27 March 1998.
- Telecasters North Queensland Ltd (TNQ) held 40 per cent of The Ten Group Ltd. On 24 March 1998, TNQ shareholders voted on a scheme of arrangement for TNQ which involved TNQ shareholders exchanging their shares for Ten Network Holdings Ltd shares. TNQ is a wholly owned subsidiary of Ten Network Holdings. Ten Network Holdings holds 40 per cent of the Ten Group Ltd through TNQ.

## Non-compliance with notices

In October 1998 the Authority found that CanWest failed to comply with the terms of section 70 notices that it had issued in April 1997.

As a result of a series of major transactions involving the float of Ten Network Holdings, the Authority found the inclusion of a clause in a transaction document (which gave CanWest veto rights over amendments to certain limited Articles of Association of The Ten Group Ltd) resulted in CanWest still being in a position to exercise control of the licences.

Under the terms of the notices issued by the Authority on 4 April 1997, CanWest had until midnight on 6 April 1998 to remedy the breach that resulted from it being in a position to control the Ten network television licences.

The Authority decided this breach was rectified on 30 July 1998.

In considering what action to take, the Authority noted CanWest had made significant efforts to remedy the original breach through a series of major transactions.

**No further action warranted**

Given the inadvertence of the non-compliance with the notice, the nature of the breach and the fact that the breach had been rectified, the Authority formed the view that no further action was warranted.

**Investigation into Control:  
Associated Media Investments Pty Limited/DMG Regional Radio Pty  
Limited**

The Authority investigated the relationship between DMG Regional Radio Pty Ltd (DMG) and Associated Media Investments Pty Limited (AMI) and other companies in the AMI and DMG group of companies. The investigation related to whether any DMG company or AMI company was in breach of the ownership and control provisions of the Act.

**Background**

In early 1998, the Authority received information regarding the sharing of staff and/or facilities between AMI and DMG in the Griffith and Mildura licence areas. The Authority made preliminary inquiries relating to those arrangements, as it was concerned that the arrangements could put any AMI or DMG company in breach of the Broadcasting Services Act.

On 19 March 1998, the Authority formally commenced its investigation into the arrangements between AMI and DMG in the Griffith and Mildura licence areas in order to determine whether, during the period from 1 July 1996 to 19 March 1998, AMI or DMG had breached, or were still in breach of, any provision of Part 5 of the Act. In particular, the investigation sought to determine whether sections 54, 56, 60, 61 or 66 of the Act had been, or were being, complied with in relation to the 2RG and 2RGF commercial radio broadcasting licences and the AMN and MTN commercial television broadcasting licences in the Griffith licence area, and the 3MA, 3MDA and 3RMR commercial radio broadcasting licences in the Mildura licence area.

Under the Act, a person is prohibited from being in a position to exercise control of both a commercial television broadcasting licence and a commercial radio broadcasting licence, or more than two commercial radio broadcasting licences, in the same licence area.

On 6 April 1998, the Authority issued notices to produce documents, under section 177 of the Act, to AMI and DMG and to companies associated with AMI and DMG. The Authority also issued a notice to the general manager of the commercial radio broadcasting licences controlled by DMG in the Mildura licence area.

The material produced by AMI and DMG confirmed that the parties were negotiating the terms upon which the parties would continue to share facilities and staff in the future. Facility and staff sharing arrangements between 2RG and MTN had been implemented in 1996 and had operated since that date.

On 6 July 1998 WIN purchased AMI's interests in the MTN and AMN commercial television broadcasting licences in the Griffith licence area. Because of this sale and:

- the limited sharing of facilities in the Mildura licence area; and
- the willingness of AMI and DMG to have the Authority approve any future sharing of staff and facilities;

the Authority discontinued its inquiries into past practices relating to the sharing of staff and facilities in the Griffith and Mildura licence areas.

Instead, the Authority decided to consider the arrangements that the parties intended to implement from then on. The Authority met with representatives of AMI and DMG and expressed its concerns in relation to the proposed arrangements.

## Conclusion

Proposals submitted by AMI and DMG lessened the Authority's concerns about possible future breaches, particularly in light of the parties' intention not to enter into other proposed arrangements. The Authority will consider the agreements that relate to the proposed new arrangements when they are submitted.

For the reasons outlined above, the Authority decided to discontinue its investigation of a possible breach by either AMI or DMG of a provision of Part 5 of the Act and in particular, whether sections 54, 56, 60, 61 or 66 of the Act have been, or were complied with in relation to the 2RG and 2RGF commercial radio broadcasting licences and the AMN and MTN commercial television broadcasting licences in the Griffith licence area, and the 3MA, 3MDA and 3RMR commercial radio broadcasting licences in the Mildura licence area.

As a result of this investigation, the Authority decided to develop a general policy on staff and facilities sharing in commercial radio broadcasting for wider publication. This was released in October 1998, and is available from the Authority and on its web site.

## Investigation into Control:

### Consolidated Press Holdings Ltd and others/John Fairfax Holdings Ltd

The Authority investigated Consolidated Press Holdings Ltd and John Fairfax Holdings Ltd.

## Background

In December 1997, the Authority formed the view that by virtue of the interests held by Consolidated Press Holdings Limited (CPH) companies in the FXF Trust, CPH had a level of company interests in Fairfax, equal to the level of shareholding in Fairfax held by the FXF Trust (that is, just under 15 per cent).

The CPH group controls the Nine network licences in Sydney and Melbourne and, under the cross-media rules, it is prohibited from being in a position to exercise control of the *Sydney Morning Herald* and the *Age*, both published by Fairfax.

On 18 May 1998, John Fairfax Holdings Limited (Fairfax) announced that the board of directors of Fairfax had agreed to appoint Mr Brian Powers, a former chief executive officer of CPH and former executive of Publishing and Broadcasting Limited, as a director of Fairfax. As a result of this announcement, the Authority decided to investigate whether Publishing and Broadcasting Limited, CPH, or any associated persons had, since 17 May 1998, breached the cross-media rules of the Broadcasting Services Act.

On Friday 29 May the board of Fairfax appointed Mr Brian Powers as Chairman of Fairfax.

## Findings

### **Was Mr Powers an associate of Mr Kerry Packer?**

The Authority considered that there were strong arguments for and against the view that Mr Powers was an associate of Mr Kerry Packer during the period 18 May 1998 to 24 August 1998. It decided a final determination of the question would be required only if Mr Powers were in a position to exercise control of Fairfax.

If he were not, the nature of his relationship with the Packer interests was not a matter of legal significance. The Authority considered that to make a finding on this issue, in the absence of a finding that Mr Powers was in a position to exercise control of Fairfax, would serve no useful purpose.

### **Were any other Fairfax directors associates of the Packer interests in relation to Fairfax?**

The Authority examined the relationship between the Packer interests and other Fairfax directors, including those relationships of which it was aware at the commencement of the investigation and those of which it became aware during the course of the investigation. This caused it to look at the Packer interests' links, however tenuous, with Mr Gonski, Sir Roderick Carnegie and Mr Greaves.

The Authority found that none of Mr Gonski, Sir Roderick Carnegie or Mr Greaves were associates of the Packer interests for the purposes of the investigation.

### **Was Mr Powers in a position to exercise control of Fairfax?**

The Authority formed the view that, on balance, Mr Powers could not be said to exercise direction or restraint over any substantial issue affecting the management or affairs of Fairfax without including either or both of the board and management, especially the executive directors. Mr Powers had clearly been influential in a number of key decisions taken at Fairfax. While being an active, intelligent and well-informed chairman, who played a close supportive role for Mr Muscat as CEO, Mr Powers was only one on a board of ten. Moreover, the Board was functioning effectively: substantial issues were ultimately considered and finally determined by the board. While Mr Powers may have been persuasive in arguing his particular point of view on any issue, this alone did not place him in a position to exercise control of Fairfax.

### **FXF Trust**

The Authority found that CPH was in a position to exercise control of the FXF Trust and that Mr Kerry Packer had a 14.66 per cent company interest in Fairfax.

## Conclusions

The Authority concluded that none of the Packer interests alone was in a position to exercise control of commercial television broadcasting licences TCN Sydney and/or GTV Melbourne and Fairfax.

The Authority also concluded that Mr Powers was not in a position to exercise control of Fairfax during the period 18 May to 24 August 1998.

Thus, the Authority concluded that regardless of whether Mr Powers was considered an associate of Mr Packer during the period 18 May to 24 August 1998, there can be no finding that Mr Packer either alone or together with an associate, was in a position to exercise control of Fairfax, and thus there could be no breach of the Act by Mr Packer.



The Authority further concluded that in these circumstances it was unnecessary to make a finding on the question of whether Mr Powers was considered by the Authority to have been an associate of Mr Packer during the period 18 May to 24 August 1998.

## Applications for prior approval

The prior approval of temporary breaches under section 67 of the Act, and extensions of the approval periods for such breaches under section 68, continues to facilitate changes to the structure of the industry, particularly commercial radio broadcasting.

During the reporting period, the Authority approved three applications for prior approval of temporary breaches under section 67 and granted three extensions under section 68 to remedy breaches. In the previous reporting period there had been seven applications made under section 67.

Two temporary breaches were remedied during the reporting period. One of the applications made under section 67 was lodged by an existing licensee wishing to apply for new commercial radio broadcasting licences to be allocated under the price-based allocation system as a result of the Authority's planning process.

The Authority has 45 days from receipt of an application under sections 67 or 68 in which to approve or refuse to approve the breach arising as a result of the transaction or agreement.

If the relevant transaction for which prior approval has been given has actually taken place, details of approvals under section 67 and extensions under section 68 are made available to the public through the Authority's Notifications Register.

## Applications for opinions on control

Opinions on control are available on the payment of a fee. In broad terms, under section 74 of the Act, an applicant can request that the Authority give an opinion on whether a person is in a position to control a licence, a newspaper or a company. Unless the Authority provides an opinion within 45 days, it is taken that the Authority's opinion accords with the applicant's opinion. The process may take longer than 45 days if further information is required from the applicant.

One application for an opinion on control was lodged in this reporting period. The applicant later withdrew the application.

## Notices by the Authority

Under section 70 of the Act, if the Authority is satisfied that a person is in breach of the ownership and control rules it may, by notice in writing, direct the person or the licensee to take action so that the person is no longer in breach of that provision.

Details of notices issued under section 70 are made available to the public through the Authority's Notifications Register.

Section 70 provides that the notice issued by the Authority must specify a period of one month, six months, one year or two years during which the person must take action to ensure that the person is no longer in that position. When a breach is found to be 'deliberate and flagrant' the Authority is required to specify a period of one month.

Under the period under review the Authority issued one notice under section 70 of the Act in relation to non-compliance with a notice under section 67 of the Act.

## Subscription broadcasting licences

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During the reporting period the Authority received no complaints about foreign and cross ownership or about the arrangements in place between the holders of satellite subscription broadcasting licences A and B.

It should be noted that, under the Act's regulatory scheme, all ownership and control provisions, other than the foreign ownership restrictions, of satellite broadcasting licensees A and B ceased to operate from 1 July 1997. These changes mean the Authority is no longer required to maintain a large circulation newspaper register, the cross-media restrictions on the ownership of satellite licence A have been lifted and ownership limitations between licences A and B have also been lifted.

## Notification requirements

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Within three months of the end of the financial year, each commercial television and commercial radio service must provide the Authority with details of persons who were in a position to exercise control of the licence, the name of each director of the licensee and the name of each foreign director of the licence at the end of the financial year. Within the same period, each person in a position to exercise control of a commercial television licence or a commercial radio licence must provide the Authority with details of any company interests held at the end of the financial year in a newspaper that is associated with the licence area of the licence.

Each commercial licensee must notify the Authority that a person has come to be, or ceased to be, in a position to exercise control of the licence within seven days of the licensee becoming aware of the event. Similarly, a person who has come to be in a position to exercise control of a commercial licence must notify the Authority within seven days of becoming so aware.

Eighty-one commercial radio broadcasting licensees and nine commercial television broadcasting licensees notified the Authority of changes to control during the reporting period. This represented increases of approximately 62 per cent in commercial radio broadcasting notifications, and 80 per cent for commercial television.

The high level of compliance with the Act's notification requirements by the commercial broadcasting industry assists the Authority in its monitoring role. The public is kept informed of changes in ownership and control through the Notifications Register that is available for public viewing at the Authority's Library and on its web site.

Encourage programming content which reflects the diversity of community values, interests and cultures and which fosters Australian identity and character

## Key outcomes

- Revised codes of practice for commercial television registered
- Review of commercial radio code of practice underway
- Codes of practice for subscription television registered
- Revised code 3 of open narrowcasting television code of practice registered
- Investigations into programming matters down by 14 per cent, but the number of breaches up 62 per cent
- The average time taken to complete an investigation was 15 weeks, nearly four weeks more than last year's average
- Determination of a new Broadcasting Services (Australian Content) Standard 1999 that is consistent with the Protocol on Trade in Services to the Australia New Zealand Closer Economic Relations Trade Agreement. The new standard came into force on 1 March 1999
- All commercial television networks met their 1998 Australian content obligations for overall Australian programming, adult and C children's drama and documentary programs
- All Australian commercial network television stations complied with the Australian content in advertising quota
- There was increased spending on new Australian drama by pay TV, but only four pay TV services complied with the 10 per cent expenditure requirement
- The Authority granted C or P classification to 58 programs

- **Completed research on youth and music in Australia which provides insights into young people’s attitudes and behaviour regarding music**
- **Started research into the first 20 years of C television in Australia**
- **Started research into children and concerns about media harm**

## Codes of practice

The following codes were either registered with the Authority or notified to the Authority as at 30 June 1999:

- Commercial Television Industry Code of Practice
- Commercial Radio Codes of Practice
- Community Broadcasting Code of Practice
- Open Narrowcasting Radio Codes of Practice
- Open Narrowcasting Television Codes of Practice
- Subscription Television Broadcasting Codes of Practice
- Subscription Television Narrowcasting Codes of Practice
- Subscription Radio Narrowcasting Codes of Practice
- ABC Code of Practice
- SBS Codes of Practice.

### Revised commercial television code

On 8 April 1999 the Authority included the revised Commercial Television Industry Code of Practice in its Register of Codes of Practice.

The Federation of Australian Commercial Television Stations (FACTS) sought public input at key points during the development of the revised code. A third round of public consultation was preceded by FACTS' November 1998 proposal for major changes relating to the scheduling of non-program matter by licensees.

In addition, the Authority and FACTS consulted extensively. When it received the final draft of the revised code, the Authority considered whether the requirements set out in section 123 of the Act had been met. The Authority was satisfied that the revised code provides appropriate community safeguards for the matters covered by it, that it was endorsed by a majority of commercial television licensees, and members of the public had been given adequate opportunity to comment on it.

Features of the revised code include:

- a new classification category—AV—for programs classified MA because of violence. AV classified programs may only be broadcast after 9.30 p.m.;
- clearer limits on the depiction of sex and nudity during MA programs and on the reporting and depiction of suicide; and
- additional provisions relating to advertising to children and more stringent requirements on advertisements for telephone sex services.

The Authority is strongly committed to monitoring the impact of changes to the way that the amount of non-program matter is measured in some circumstances.

#### Codes of practice

Under section 123 of the Broadcasting Services Act, representative industry groups are to develop codes of practice in consultation with the Authority, taking into account any relevant research conducted by the Authority. Monitoring those codes once they are implemented, and dealing with unresolved complaints made under the codes are among the primary functions of the Authority.

The Authority includes a code in the register of codes of practice only if it is satisfied that the code provides appropriate community safeguards for the matters covered by it. The code must be endorsed by a majority of providers of broadcasting services in that section of the industry, and members of the public are to have been given an adequate opportunity to comment on it.

Codes developed by the national broadcasters, ABC and SBS, are notified to the Authority but are not registered.

The Authority will monitor stations' performance against the revised code and will review it after three years of operation.

### **Commercial radio codes of practice**

The Authority held a number of preliminary meetings to discuss issues of concern in the codes and questions of process with the Federation of Australian Radio Broadcasters (FARB), as part of the review of the Commercial Radio Codes of Practice.

FARB released its draft revised Commercial Radio Codes of Practice for public comment on 19 April 1999, and allowed six weeks for submissions.

It is anticipated that FARB will seek to register the revised Commercial Radio Codes of Practice later in 1999.

### **Subscription television broadcasting codes of practice**

On 4 March 1999 the Authority included the Australian Subscription Television and Radio Association (ASTRA) Subscription Television Broadcasting Codes of Practice in the Register of Codes of Practice.

The codes set out the obligations for subscription television broadcasting services on issues such as the classification of program material, presentation of news and current affairs programs, placement of advertising and handling public complaints. The codes also provide a framework for handling consumer service issues, such as confidentiality of consumer information and disputes about fault repair and billing.

ASTRA also developed a code which specifically addresses advertising on subscription television broadcasting services. The Authority included the ASTRA Subscription Television Broadcasting Advertising Code of Practice in the Register of Codes of Practice on 8 April 1999.

Authority officers met with ASTRA during the development of the code to discuss issues raised during the assessment process, following public consultation about the code in 1994-95. Officers and Members of the Authority met with ASTRA to discuss potential issues for inclusion in the Advertising Code before a three-month public consultation period.

### **Open narrowcasting television codes of practice**

On 20 May 1999 the Authority included a revised code 3 of the Open Narrowcasting Television Codes of Practice in the Register of Codes of Practice. This code had first been registered on 12 September 1997.

Before registration, ASTRA referred the revised Code 3 to the Authority. The Authority was satisfied that the revised code provided appropriate community safeguards for the matters covered by it, that it was endorsed by a majority of providers of services in this sector and members of the public had been given an adequate opportunity to comment.

The revised Code 3 reflects amendments made to the Act in November 1997 concerning the broadcast of M and MA classified films. It also reflects the recommendation of the Ministerial Committee on the Portrayal of Violence in the Media (constituted following the events in Port Arthur in 1996), in that those MA programs carrying a consumer advice 'V' symbol may only be broadcast after 9.30 p.m.

## Investigations

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### Investigations started

The Authority started 110 investigations in the reporting period, ten per cent fewer than in 1997–98, when 123 were started. Thirty-five of the investigations were into possible breaches of the Act or licence conditions and 79 were into unresolved complaints about matters covered by a code of practice. Four investigations concerned possible breaches of both a licence condition and a code of practice.

### Investigations completed

The Authority completed 109 investigations, 14 per cent fewer than the 135 completed in the 1997–98 reporting period. It is important to note that this tally relates to investigations completed during the reporting period and not to when the broadcast occurred—a number of investigations had been carried over from the previous reporting period.

### Breaches

Fifty-two of the investigations resulted in the Authority finding a total of 136 breaches (some investigations resulted in findings of more than one breach and/or findings against more than one licensee).

Of the 136 breaches, 75 related to matters covered by codes of practice, 55 to licence conditions and six to breaches of the Act.

The number of breaches is 62 per cent more than in the previous reporting period—a significant increase. The increase in the number of breaches of licence conditions and breaches of the Act is of concern to the Authority. It partly reflects a continued vigorous compliance regime practised by the Authority in the reporting period.

#### Code breaches

Of the 75 code breaches, 57 related to commercial television services. Four investigations, into the amount of non-program matter scheduled by four commercial television licensees, resulted in a finding of 34 code breaches. The findings were mainly the result of differences in the way licensees and the Authority interpreted the provisions of the code relating to scheduling of non-program matter. The Federation of Australian Commercial Television Stations undertook to amend this code by clarifying the provisions, and the amended code was included in the revised code registered on 8 April. The Authority has undertaken to monitor licensees' compliance with this revised code.

There were 23 other code breaches relating to commercial television services.

At the start of the reporting period the Authority was continuing discussions with the licensee of TCN 9 Sydney concerning its compliance with the code. The Authority was particularly concerned with the number of breaches of the code concerning the broadcasting of distressing material within news and current affairs programs, and the handling of complaints about those programs. On 21 August 1998 TCN 9 undertook to provide the Authority with documented complaints-handling procedures, and a monthly report on all complaints received about 'National Nine News' and the outcome of TCN's investigations into these complaints for a six-month period. During the reporting period

**Complaints**

If the Authority receives a complaint about a possible breach of the Act or of a licence condition it must investigate the complaint.

If a complaint relates to a matter covered by a code of practice it must be made to the broadcaster concerned, in the first instance. It is the broadcaster's responsibility to deal with the complaint and attempt to resolve the matter to the satisfaction of the complainant. If the complainant believes the broadcaster's response to be inadequate, or if they do not receive a response within 60 days, they may make a complaint to the Authority about the matter.

The Authority must then investigate the complaint unless it is satisfied that the complaint is frivolous, vexatious or was not made in good faith.

The Authority has a range of sanctions available to it in the event of a breach by a commercial broadcaster, community broadcaster, subscription broadcaster or a provider of a service under a class licence. With regard to breaches of the Act or a licence condition the Authority may issue a notice requiring the broadcaster to take action to remedy the breach, or refer the matter to the Director of Public Prosecutions for possible prosecution, or the Authority may suspend or cancel the licence.

With regard to a breach of a code of practice the Authority may make compliance with a code a condition of a broadcaster's licence. The Authority did not take any such action during the reporting period, however it did advise one broadcaster that it was considering such action and put a number of broadcasters on notice that it would consider doing so if the Authority found further breaches of codes of practice. In general, the Authority has focused on ensuring that broadcasters take action so that problems with their performance against the code are rectified and not repeated.

With regard to a breach of a code of practice by national broadcasting services (ABC and SBS) the Authority may, if it is satisfied that the complaint was justified, by notice in writing recommend that it take action to comply with the relevant code of practice. This may include broadcasting or otherwise publishing an apology or retraction. If the national broadcaster does not take appropriate action within 30 days after the recommendation was given, the Authority may give the Minister a written report on the matter. The Minister must cause a copy of the report to be laid before each House of Parliament within seven days of receiving the report.

**Table 7**

**Investigations resulting in breach findings**

	<b>1998–99</b>	<b>1997–98</b>
	<b>no.</b>	<b>no.</b>
No. of investigations started	110	123
No. of investigations completed	109	135

**Breaches**

Code of practice	75	59
Licence condition	55	24
Broadcasting Services Act *	6	1
Total	136	84

**Type of service**

**Code breaches:**

Commercial television	57	38
Commercial radio	4	5
Community radio	8	3
ABC television	4	6
ABC radio	2	6
SBS television	–	1

**Type of service**

**Licence condition breaches:**

Commercial television	52	15
Commercial radio	1	1
Community radio	2	3
open narrowcast radio	–	4
subscription television	–	1

Note: the Authority did not find any code breaches relating to SBS television or radio services, subscription television services, subscription radio services, open narrowcasting television or radio services.

\* All six breaches of the Act concerned the provision of a commercial radio service without a licence to do so. In each case, the service provider held an apparatus licence for the provision of an open narrowcasting radio service.



the Authority did not have cause to investigate any complaints into 'National Nine News'. TCN's overall compliance with the code also improved in the reporting period. Excluding the Authority's investigations into the amount of non-program matter scheduled, the Authority found the licensee breached the code on five occasions compared with 11 in the previous reporting period.

Four code breaches related to commercial radio services, one less than in the previous reporting period.

Eight code breaches related to community radio, an increase of five. The breaches concerned findings of inadequate internal dispute resolution procedures at two stations, 3CCC Bendigo and 3WRB Melbourne West. Both stations have advised the Authority that they have put in place new procedures for handling internal disputes within their organisation. The Authority will closely monitor both stations in this regard.

#### National services

Four code breaches related to ABC television (six in 1997–98) and two related to ABC radio (six in the previous year). Significantly, the number of breaches concerning the ABC's handling of complaints fell from eight in the previous reporting period to two. This drop apparently stems from discussions between the Authority and the ABC which has conducted nationwide staff training in the reporting period. On 26 February 1999 the Authority issued a notice, under section 152 of the Act, recommending the ABC broadcast an apology concerning the ABC's coverage, in a 7 p.m. news bulletin, of the Prime Minister's announcement of the then forthcoming 1998 Federal election.

The Authority found no code breaches relating to SBS television or radio services, subscription television services, subscription radio services, open narrowcasting television services or open narrowcasting radio services.

#### Breaches of licence conditions

Of the 55 breaches of licence conditions, 28 resulted from one investigation into the broadcasting of 'political matter' without the 'written and authorised' tag on six Queensland commercial television services. The breaches concerned advertisements that were broadcast prior to the commencement of the reporting period. On 7 August 1998 the Authority released its *Guidelines for the Broadcasting of Political Matter*. The Authority took no action with regard to the breaches, taking into account the fact that the *Guidelines* were not published at the time of the broadcasts and that it was difficult for licensees to apply the requirements of the licence condition with any certainty prior to their publication. However, all licensees have been put on notice that future breaches of this licence condition are likely to be regarded more seriously by the Authority, and treated accordingly.

Twenty-four breaches of licence conditions related to non-compliance by commercial television licensees with the requirements of the Children's Television Standards. While the breaches were mainly administrative in nature, the increase is of concern to the Authority. The Authority will closely monitor licensees' compliance with the standards over the next reporting period.

Of the remaining three breaches of licence conditions, one related to commercial radio and two related to community radio.

### Breaches of the Act

The six breaches of the Act all related to the provision of a commercial radio service without a licence to do so. In each case, the offender held an apparatus licence for the provision of an open narrowcasting service. In each case, the Authority issued a notice under section 137 of the Act directing the service provider to cease providing a commercial radio service. Two service providers ceased providing their service upon receipt of the notice from the Authority. At the end of the reporting period, the Authority was continuing its investigations into the other three service providers (two investigations concerned one service provider) to determine whether they had complied with the Authority's notices.

For more details on these investigations, see appendix 5.

### Time taken to complete investigations

At the start of the reporting period the Authority had 32 outstanding investigations. Of these, all were less than six months old and 25 were less than three months old.

At the end of the reporting period the Authority had 37 outstanding investigations: six were more than six months old and 25 were less than three months old.

The average time for the Authority to complete an investigation was approximately 15 weeks, nearly four weeks longer than the average time taken to complete investigations in the previous reporting period.

## Australian content

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### Australian content on commercial television

Compliance with requirements for Australian content is a condition of licence for commercial television licensees. The Authority announced on 1 March 1999 that it had determined the new Broadcasting Services (Australian Content) Standard 1999 for commercial television. A review of the previous standard and the determination of the new standard had become necessary following a decision of the High Court finding that the previous standard was unlawful.

### High Court ruling

On 28 April 1998, the High Court of Australia found that the previous Australian Content Standard was unlawfully made as it was inconsistent with Australia's obligations under the Trade in Services Protocol (the Protocol) to the Australia New Zealand Closer Economic Relations Trade Agreement (CER).

Section 122 of the Broadcasting Services Act requires Authority to determine a standard relating to the Australian content of programs. Section 160(d) of the Act requires the Authority to perform its functions in a manner consistent with Australia's international obligations. The High Court ruled that section 160 is the dominant provision that directs how the Authority's functions must be exercised, including the determination of the standard under section 122.

### Review

The Authority reviewed the standard during 1998 in response to the High Court's decision. The Authority consulted widely with industry and government representatives

from Australia and New Zealand during the public review process used to develop the new standard. In July 1998 the Authority released a discussion paper and used the submissions it received to help form the basis of a draft standard issued in November 1998. The standard was determined on 26 February 1999 and came into force on 1 March 1999.

The aim of the review was to develop a standard relating to the Australian content of programs that meets Australia's international treaty obligations concerning New Zealand and, as far as possible, promotes the role of television in developing and reflecting a sense of Australian identity, character and cultural diversity. The review also provided an opportunity to clarify some elements of the previous standard.

The full details of the new standard and the Authority's review process are available on the Authority's web site.

### **What the new standard does**

The new standard recognises that while Australian culture and New Zealand culture are different, it treats Australian official co-productions, New Zealand programs and Australian/New Zealand programs equally with Australian programs for the purpose of compliance.

The structure of the previous standard has been preserved in the new standard. Obligations under the standard to broadcast Australian programs may now be decreased by the extent to which New Zealand programs, Australia/New Zealand programs and Australian official co-productions are broadcast by a commercial television licensee.

There are two main mechanisms in the standard: a transmission quota setting the annual overall minimum level of Australian programming between 6 a.m. and midnight that includes first run and repeat programs; and first release quotas for minimum amounts of drama, children's programs (including children's drama) and documentary programs. To qualify for these quotas programs must meet the standard's definition of 'Australian program', 'New Zealand program' or 'Australia/New Zealand program' or be an Australian official co-production.

During the review of the standard, documentary programs and Australian children's drama were identified as especially vulnerable to replacement by less expensive programs on the basis of cost alone. In order to ensure the continuing viability of these genres the Authority decided to increase the documentary subquota from 10 to 20 hours a year (15 hours in 1999) and introduce a minimum fee in cash or kind of A\$45 000 per half hour for the broadcasting rights for children's C drama.

The new standard reduces the time band for drama programs (other than feature films) to 5 p.m.–11 p.m. (back from midnight) so that it more closely aligns with prime time. In addition, first release programs are now defined to exclude back catalogue material by requiring that licensees or their program suppliers acquire programs (including feature films) within two years of completion of production.

The Authority will closely monitor the standard and review it by July 2001, after the first two years of operation.

### **Compliance with the Australian content standard in 1998**

The year 1998 marked the final stage of the implementation of higher targets for local content which the Authority set in 1996. The annual minimum level of Australian programming between 6 a.m. and midnight (the transmission quota) increased from

50 per cent to 55 per cent and the requirement for new Australian children's C drama increased from 28 to 32 hours.

All commercial television networks met the 1998 Australian content requirements for annual transmission, adult drama, documentary and children's C drama.

All commercial television networks increased their Australian programming in 1998 in line with the new transmission quota requirement. Some stations exceeded the 55 per cent target: Nine in Brisbane achieved 67 per cent local programming between 6 a.m. and midnight.

The Australian Content Standard requires a minimum amount of Australian first release drama broadcast between 5 p.m and midnight. The requirement is measured in points calculated using a measurement system which multiplies a 'format factor' by the duration of the program. A drama score of at least 225 points is required in any one year, with 775 points required over three years.

All network services met the first release Australian drama requirement in 1998, with the Seven network achieving the highest drama score of 301 points for its Adelaide service and 295 points for the other cities. All the networks met the three year points requirement for 1996 to 1998, with Seven Brisbane achieving the highest score of 895 points.

All networks met their obligations for new Australian documentary programs: Seven and Nine exceeded the 10 hour minimum requirement for first run Australian documentaries many times over, broadcasting 27.5 and 39.7 hours respectively.

All networks met the increased requirement of 32 hours for first release Australian children's C drama. As well, all networks exceeded the 8 hour quota for repeat C drama programs many times over: Nine broadcast 52.5 hours of repeat Australian C drama.

All network stations exceeded the overall C quota requirements of Children's Television Standard (CTS) 3 for 260 hours of C classified programs: Nine Melbourne exceeded the quota by 10 hours. Although only half of these programs must be new programs produced locally, very few were foreign. For example only 13.5 of Nine's 169.5 hours of C programs were from overseas.

The 1998 network compliance results are the first to have been generated by a new Authority compliance database that collects more detailed information about all programs broadcast. In addition to assessing compliance with the rules for Australian content and children's television programs, the new system allows all Australian and foreign programming broadcast to be categorised and compared. The Authority published its analysis of this information, together with compliance results, in July 1999 as a Trends & Issues paper: *Compliance: Australian Content and Children's Television 1998*. This information is also available on the Authority's web site.

## **Australian content on pay TV**

Section 102 of the Broadcasting Services Act gives effect to a licence condition requiring licensees of predominantly drama services on pay TV to spend at least 10 per cent of their annual program budget on new Australian drama programs.

Few, if any, pay TV licensees themselves expend money on programming, making section 102 of the Act effectively unenforceable. The Authority developed guidelines for the implementation of the condition on a voluntary basis, with pay TV broadcasters and channel providers reporting annually on their new Australian drama expenditure. These

guidelines will remain in place pending the amendment of the Act to make the existing Australian content licence condition enforceable.

In March 1999, following the implementation of the new Australian content standard, the Minister for Communications, Information Technology and the Arts announced that the Government would proceed to make the ten per cent Australian content expenditure quota for pay TV enforceable and make the condition comply with the CER Trade Agreement. The Minister also foreshadowed a review of the changes to the Australian content requirement for pay TV in three years.

### **Compliance with pay TV new Australian drama guidelines**

This was the third year the Authority has monitored compliance by pay TV broadcasters and channel providers with the guidelines for the voluntary compliance scheme. The overall amount spent by predominantly drama pay TV channels on new Australian drama increased during the reporting period. Total expenditure by all 16 predominantly drama channels on new Australian drama was \$8 173 504, compared with \$3 242 754 spent by 15 channels in 1996–97, and \$1 740 678 spent by 11 channels in 1995–96.

Although total expenditure increased, fewer licensees complied with their obligations under the voluntary compliance scheme. Only four of the 16 pay TV drama channels complied with the requirement to spend 10 per cent of their annual program expenditure on new Australian drama in 1997–98. Spending by these four channels accounted for 63 per cent of the expenditure on new Australian drama.

### **Australian content in advertising**

The objective of the Television Program Standard for Australian Content in Advertising is to ensure that the majority of advertisements on television are Australian-made, while recognising that the use of some foreign produced advertising has been a reality in the advertising industry for some time.

The standard requires at least 80 per cent of advertising time broadcast each year by commercial television licensees, between the hours of 6 a.m. and midnight, to be used for Australian produced advertisements. Up to 20 per cent of total transmission time is therefore available for the broadcast of foreign-produced advertisements.

All network stations broadcast well below the amount of foreign advertising allowed under the standard as indicated by compliance figures provided by the networks. In the calendar year 1998, foreign advertising averaged 11.2 per cent of all advertising on the Seven network, 11 per cent on Ten and 7 per cent on Nine.

The Federation of Commercial Television Stations assists the Authority monitor the impact of the standard by providing information on Australian and foreign commercials cleared by its wholly owned subsidiary Commercials Advice Pty Ltd (CAD).

New Zealand commercials have fully qualified as 'Australian' since 1981 under the current and previous standards relating to Australian content in advertisements and advertising.

The Television Program Standard for Australian Content in Advertising (TPS 23) was one of the Australian Broadcasting Tribunal standards carried over by the Authority.

## Children's television

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The objective of the Children's Television Standards (CTS) is to ensure that children have access to a variety of quality television programs made specifically for them, including Australian drama and non-drama programs. The Authority administers the CTS which came into effect on 1 January 1990, with the most recent amendments taking effect on 1 March 1999 in line with the amendments to the Australian content standard. Compliance with the CTS is a condition of licence.

### Compliance in 1998

Commercial television licensees must broadcast a minimum of 390 hours of children's programming each year, including 130 hours of preschool (P) programs and 260 hours of children's (C) programs. These must be pre-classified by the Authority.

The commercial television services of the Seven, Nine and Ten networks in Sydney, Melbourne and Brisbane, and the Seven and Ten services in Adelaide and Perth all met the minimum quota requirements for children's programs. These network stations also met the increased requirement of 32 hours for first release Australian children's C Drama and exceeded the 8 hour quota for repeat C Drama programs.

### CTS breaches

There were a number of breaches of the CTS and the Australian content standard by commercial television stations. Three television licensees, GWN, NTD and SES/RTS did not meet the minimum requirements for C or P program quotas set out in CTS 3, as they broadcast C programs whose C classification had expired.

There were seven breaches of the CTS provisions which relate to the displacement of C and P classified programs, also described under CTS 3. The licensees were BTQ, NTD, QQQ, STW (on two occasions) Network Ten and TND.

See appendix 5 for more information about these breaches and subsequent quota shortfalls.

### C & P program assessment

The system for the classification of children's programs is based on initial assessment of programs by the Authority and additional assessment by specialist consultants as required. See appendix 6 for a list of the Authority's specialist consultants.

Children's programs are classified against the criteria set out in the standards which state that a children's program must be made specifically for them; be entertaining; well-produced and of a high standard; enhance a child's understanding and experience and be appropriate for Australia children.

The Authority grants the following classifications:

- C—made specifically for children within the primary school age range;
- C Drama—meets the requirements for Australian- or New Zealand-produced children's television drama;
- P—made specifically for children within the preschool age range.

The Authority awards provisional classification to programs which are at an early stage of development and appear likely to meet the criteria when completed. The Authority

also grants C Drama at pre-production stage if it appears likely that the program will, when completed, comply with the requirements of the criteria.

If an application for program classification is refused, the Authority provides a statement of reasons, detailing the criteria the program failed to meet and the reasons why. Authority staff hold meetings with applicants to discuss these decisions if requested.

**Programs classified**

The Authority assessed 69 applications during the reporting year and granted classification to 58 programs.

**Table 8 C and P classifications, 1998–99**

	<b>Applicants granted classification</b>	<b>Applications refused classification</b>
C	17	6
C Drama	29	2
Provisional C	10	1
Provisional P	0	0
P	2	2
<b>Total</b>	<b>58</b>	<b>11</b>

See appendix 6 for a full list of C and P classified programs.  
 C Drama replaced CAD (Australian children’s drama) on 1 March 1999

In the 1997–98 reporting period, the Authority assessed 86 applications and granted classification to 75 programs. However, this figure included 27 programs granted C classification by the Authority for the Festival of Television for Australian Children, an initiative which encouraged broadcasters to show additional quality children’s programs. The Festival was not held during this reporting period, hence the apparent drop in the number of programs classified.

**Research**

The Authority’s research program is mandated by the Broadcasting Services Act which states that one of the Authority’s primary functions is, ‘to conduct or commission research into community attitudes on issues relating to programs’. The Authority also has a responsibility to monitor the broadcasting industry and to inform itself about broadcasting service trends.

Industry groups representing service providers are required to take the Authority’s research into account when developing their codes of practice.

The research program has a unique role to play in informing the Authority and service providers about the industry and community needs, interests and values. It provides information that is representative of the views of the community as a whole and provides a balance to other community views ascertained through submissions, public meetings and the Authority’s complaints process.

During the year, the Authority:

- completed one project:

- youth and music in Australia;
- continued with four projects:
  - monitoring television and radio codes of practice;
  - media usage by migrants to Australia;
  - children’s television industry development;
  - evaluation of online services regulation; and
- started two new projects:
  - 20 years of C programs in Australia; and
  - children and media harm.

The Authority also continued its annual survey of the financial status of the commercial broadcasting industry.

## Completed research

### Youth and music in Australia

The Authority launched *Headbanging or Dancing? Youth and Music in Australia* in February 1999. The report is the result of a joint research project by the Authority, the Australia Council and the Australian Record Industry Association. The research study on youth and music in Australia provides insights on young people’s attitudes and behaviour regarding music.

The study found there was wide variation in music tastes, with favourite types ranging from rock to rap and heavy metal to dance. Commercial FM was the favoured radio format of many, although Triple J was also popular. More than one in three young Australians said there is not enough Australian music on radio. Young people were most likely to buy their music on CD (an average of 16 CDs a year) and a growing proportion use the Internet to access information on performers.

The research findings come from a national survey of 1085 people aged 12 to 24 years. Young people were asked about the role of music in their lives, their attitudes to Australian music, the ways they accessed music, their views on music on radio and television, what sort of live music events they attended, whether they played music, how they purchased music and their use of the Internet for music-related activities.

The results of this research into young people’s attitudes to music on radio will be helpful to the Authority in its decisions about the planning and allocation of new radio services. The findings on attitudes to Australian music will also feed into any review of the requirements for Australian music on commercial radio, currently covered by a code of practice.

## New research

### 20 years of C research project

An initiative marking 20 years of C programs was a joint research project by the Australian Children’s Television Foundation, the Australian Film Finance Corporation and the Authority analysing 20 years of C classified children’s programs.

The research partners commissioned Ms Kate Aisbett, former Research Manager, Australian Film Television and Radio School, to conduct the research.



The objectives of the research are to:

- gather information about the production of children's programs since the introduction of regulation of children's television in 1979;
- identify trends in the production, broadcast and ratings of C programs, with a focus on drama; and
- improve understanding of the financing of C programs, with a focus on drama.

The key findings from the research were presented at the 20 Years of C Policy Forum, on 22 July 1999, after the date of this report. The Authority expects to release the results of this research in November 1999.

### **Children and media harm**

This research will compare and contrast academic, policy and public concerns about media harm with the views children hold about the media and its regulation and the effects of that regulation on them.

Australian broadcasting regulation, as it relates to children, has two primary objectives. The first is to provide high quality television programs made specifically for children through program standards; the second is to protect children from exposure to potentially harmful program material. However, the Act does not define 'harmful', specify what types of harm are envisaged, or include an explicit statement of the types of program material considered potentially harmful.

Broadcasting industry codes of practice contain a number of provisions that suggest the types of material considered potentially harmful to children. For example, section 2 of the Commercial Television Industry Code of Practice deals with the classification of programs. Program classifications—G, PG, M and MA—specify limits for the amount or type of violence, sex, nudity, language, drugs, suicide, depictions of dangerous playthings and images aimed at creating an atmosphere of tension and fear.

The University of Western Sydney Nepean and the Authority jointly will conduct the research which will examine the relationship between children and media harm. The research will explore the influences likely to have an impact on the Authority's role in protecting Australian children from media harm into the twenty-first century. Its aim will be to replace the moral panic-driven agenda of the past 30 years with a socio-culturally researched study of the role media play in the lives, education, life goals, ideals and imaginings of Australian children for their future roles as citizens and keepers of Australian culture.

The research methodology will include a review of the literature about children and media harm, qualitative focus group discussions with children, and a limited ethnographic study of children and their families. The focus groups and ethnographic components of the study will focus on children living in Western Sydney.

### **International research on attitudes to the Internet**

In May 1999, the German-based Bertelsmann Foundation invited the Authority to participate in an international study into attitudes towards Internet content regulatory initiatives. The study was conducted in Australia, Germany and the USA and involved the collection of data from representative samples of the adult population in each country. Data collection for the study was undertaken in June 1999.

The study examined issues such as the frequency and location of use of the Internet, access by children to the Internet, and the experiences of users who access Internet

content found to be disturbing. The study also considered perceptions of the risks associated with the Internet including the availability of various types of Internet content such as racist messages, pornography and violent material. It explored attitudes to a range of regulatory responses to the risks.

The results, including comparative data for the three countries, were considered, after the date of this report, at the Internet Content Self-Regulation Summit in Germany in September 1999. They will inform the Authority's implementation of the regulatory scheme for Internet content established by the *Broadcasting Services Amendment (Online Services) Act 1999*.

## Continuing research

### Television and radio codes of practice monitoring (fifth survey)

The aim of this research is determine the level of community concern about television and radio content and to assist the Authority monitor the operation of industry codes of practice. The national survey component of the research was conducted in April and May 1999.

As part of its role of monitoring the effectiveness of television industry codes of practice, the Authority has used national surveys to collect information on people's concerns about material they have watched on television. The Authority has conducted surveys in 1994, 1995, 1996, 1997 (which also included radio) and 1999.

The fourth survey determined the level of community concern about television and radio content and examined the main issues of concern. The Authority published the results in its newsletter *ABA Update* (television results in October 1998 and radio results in November 1998).

The fifth survey in the series was conducted in April and May 1999 and provided information on community views about news and current affairs programs on free-to-air television, and movies classified M and MA on commercial television. It also measured community awareness of, and experience with, the complaints process identified in codes of practice. A qualitative component of the research, focus group discussions, was also conducted in February and March 1999. The Authority will publish the results later in 1999.

The results about M and MA classified movies shown on commercial television contributed to a review of the Commercial Television Industry Code of Practice.

### Media usage by migrants to Australia

The Authority has included four questions on the third wave of the Longitudinal Survey of Immigrants (LSIA) being conducted by the Department of Immigration and Multicultural Affairs during 1997 and 1998. The LSIA surveys approximately five thousand people who have migrated to Australia in the last few years.

The Authority is seeking information about media usage and perceptions of the portrayal of ethnic groups on commercial television. The project provides access to the experiences and opinions of a large sample of recently-arrived migrants to Australia. Many of the interviews are held in languages other than English, thereby ensuring input from groups who would generally not be included in 'mainstream' surveys of the population. The research will provide an insight into how our broadcast media is used

and perceived by people new to Australia. The Authority received preliminary results in late 1998 and final results are expected later in 1999.

### **Children's television industry development**

In March 1997, the Authority accepted an invitation to become an industry partner in the study Cultural Diversity and Children's Television Industry Development conducted by Ms Wendy Keys of Griffith University, Brisbane. Ms Keys holds an Australian Postgraduate Award (Industry) to conduct the research as part of a three year Doctoral program through the Australian Key Centre for Cultural and Media Policy.

Other industry partners in the study are the Department of Communications, Information Technology and the Arts and the Seven network. Ms Keys is conducting the research in collaboration with the Authority's Deputy Chairman, Mr Grainger, Ms Dina Browne of the Seven network, Associate Professor Jennifer Craik, and Dr Albert Moran of Griffith University.

This research has continued in 1998–99.

### **Evaluation of online services regulation**

The Authority has joined the Australian Key Centre for Cultural and Media Policy as an industry partner in a three-year doctoral program of research into the implementation of online services regulation in Australia. The Authority has agreed to provide both financial and in-kind support following a successful application to Australia's Research Council for a Strategic Partnership with Industry—Research and Training award. The research started in July 1998.

The focus of the research is a detailed examination of industry practices and user patterns related to regulatory initiatives. It will provide a greater understanding of the impact of regulation on online service providers and of users' experiences with regulatory systems. It will also inform policy development and contribute to the provision of a stable regulatory framework for a rapidly growing industry.

### **Broadcasting financial results**

In line with the Authority's role of informing itself and the government on industry trends, each year the Authority requests that commercial television and radio licensees submit details of their financial performance. Licensees provide information on revenue, expenses and profits for each of their broadcasting services. The Authority collates and publishes the information as *Broadcasting Financial Results* which includes aggregated results for previous financial years. The Authority published results for 1997–98 in March 1999.

The annual financial results are a valuable source of information for the industry, including existing and aspirant broadcasters, the Government, financial advisers and researchers.

## **Anti-siphoning**

The anti-siphoning provisions of the Broadcasting Services Act empower the Minister for Communications, Information Technology and the Arts to list in a formal notice (known as the anti-siphoning list) events which should be available to viewers of free-to-air national or commercial television broadcasting services. The aim of the anti-siphoning

provisions is to prevent pay TV licensees obtaining exclusive rights to broadcast these events.

The anti-siphoning list covers the period up until 31 December 2004 and contains sporting events within 11 sports categories.

The right to broadcast listed events can only be acquired by pay TV licensees if broadcast rights are held by commercial television licensees (who have the right to televise the event to more than 50 per cent of the Australian population) or by a national television broadcaster (the ABC or SBS).

The anti-siphoning list does not guarantee free-to-air broadcasters exclusive rights to listed events or compel them to acquire the rights to such events. Nor do the anti-siphoning provisions deal with the television coverage of events included on the anti-siphoning list.

The Authority is required to report to the Minister if:

- rights to events on the anti-siphoning list are not made available to free-to-air broadcasters;
- it considers that, over time, there has been a sustained reduction in the extent to which free-to-air broadcasters televise listed events; or
- it considers there are grounds for the Minister to add or remove an event from the anti-siphoning list.

Following reports from the Authority, the Minister removed the following events from the anti-siphoning list:

- International Cricket Council Knock-Out tournament 1998 (The Wills International Cup), one-day matches played in Bangladesh between 21 October and 1 November 1998; and
- 1999 Australian Cricket Tour of the West Indies, test and one-day matches played in the West Indies in April 1999.

The Broadcasting Services Amendment Bill 1999 introduced into Parliament in June 1999 includes provisions to discourage broadcasters from hoarding free-to-air rights to live coverage of certain events, as designated by the Minister. Designated events may include events on the anti-siphoning list. The Authority will consult on the implementation of these provisions once the new legislation is in force.

Optimise the Authority's use of resources in serving clients and developing staff

### Key outcomes

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- **The Authority completed implementation of its new structure**
- **Australian Broadcasting Authority Agreement 1998 certified in November 1998**

## Review of structure

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During the reporting period the Authority progressively implemented the outcomes identified in the review of structure conducted in 1998.

Significant among these were:

- filling positions in the new senior management structure;
- strengthening the legal/compliance focus on the organisation;
- increasing the focus and commitment to information needs and management;
- the merging of the Research and Policy Sections;
- bring Licensing and Planning into one branch; and
- changed reporting requirements.

The Authority created and filled, for a fixed term, the position of Chief Information Officer (CIO). The CIO has been developing—in consultation with the Information Committee, managers and staff—a strategic approach to knowledge management. Consultation is continuing with finalisation of reports and recommendations expected in the second half of 1999.

There were also further changes to the Authority structure at section level.

## Certified agreement

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The Australian Broadcasting Authority Agreement 1998 was certified in November 1998. The Agreement is with the unions under section 170LJ of the Workplace Relations Act.

The objectives of the Agreement are to:

enable the ABA to meet the objectives established for it under the law and as detailed in corporate and business plans from time to time;

(ii) achieve a work environment and employment framework which:

- provides productivity based increases in remuneration, consistent with achieving secure employment and avoiding arbitrary job reductions;
- emphasises the importance of continuous improvement within the ABA as a means of delivering a better service to clients and improved job satisfaction;
- establishes and encourages a flexible workforce;
- encourages innovation and performance improvement;
- recognises the changing nature of people management, with managers operating within a more devolved workplace supported by streamlined human resource practices and processes.
- recognises the changes in workplace relations and the employment environment and allows the Authority to manage flexibly and responsibly to meet the challenges of the future.

These objectives will be pursued through:

- a corporate planning and priority-setting process that ensures the amount of work expected of Authority staff is realistic and appropriate, having regard to staffing levels and conditions of employment;

- an integrated performance management and development framework;
- a flexible approach to the organisational structure;
- involving staff and the unions in identifying performance improvement opportunities; and
- communicating with and consulting staff, union and other staff representatives about workplace issues and proposals for change.

In recognition of the ongoing commitment of staff to continuous improvement, including the measures agreed to and implemented in the Agreement, staff have received a pay increase of 3.5 per cent and a bonus. A further 2 per cent pay increase was paid effective from 1 July 1999, after the date of this report.

### **Performance review and development framework**

As part of the Certified Agreement, it was agreed to implement a Performance Review and Development Framework within 12 months of certification of the agreement.

The framework will aim to:

- improve the Authority's performance through the development of a stronger performance culture;
- gain commitment to, and shared understanding of, strategic directions at Authority, branch and section/team levels;
- improve communication between managers and staff;
- improve flexibility in deploying staff;
- provide a framework for staff to plan and develop personal goals and learning needs; and
- provide a process for obtaining constructive feedback about performance.

A draft framework has been distributed for consultation.

## **Planning**

The Authority is developing an integrated planning process. A planning conference was held in August (after the date of this report) and attended by the Authority Members and senior management group—the output of this conference will form the new corporate plan for 1999–2003.

It is intended that the corporate plan, and subsequent business plans, will provide the framework for resource allocation over the next three years. All other Authority plans, such as operational and individual performance plans and the revised Service Charter, will be aligned with the corporate and business planning framework.

In addition, the Authority has developed a Business Continuity Plan. The objective of the plan is to facilitate the continued operation of the Authority in the event of an emergency or disaster which affects all operations—for example, electricity supply failure or inability to access the building. The plan will assist the Authority to continue to function and provide essential services even when faced with an overall systems failure.

## Development and training

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Staff undertook training and study to improve professional, technical and personal skills. Development opportunities included on-the-job training opportunities, private study, participation in organisational committees, conferences, seminars, working groups and training courses and programs. The Authority arranged for training in finance and project management, change management, client service, information technology and Internet research skills and conducted an Induction Program for new staff in April 1999.

Officer training and development received high priority within the Planning and Licensing Branch to ensure that desired outcomes would be achieved through continued workplace efficiency and effectiveness. Training and courses included: Digital Television Technology and Standards Course, Teams and Leadership, Fundamentals of Solaris, Fire Warden, First Aid Officer, Introduction to Excel 97, Accrual Accounting, Introduction to Policy, How to Prepare for Promotion, Access, creating HTML documents for the web; Starting Out with FrontPage, facilitation and project management training, and various seminars.

The Authority engaged a consultant to introduce Personal Express and Oracle Analyser and enable more effective analysis of the *Broadcasting Financial Results*.

## Membership and affiliations

The Authority is a member of a number of organisations, as a means of maintaining a professional standing and keeping up-to-date with developments. These organisations include Australia New Zealand Communication Association, Commonwealth Broadcasting Association, Asia-Pacific Broadcasting Union, International Institute for Communications and Communications and Media Law Association.

## Conferences

To keep up-to-date and contribute to issues and developments, Authority staff attended conference and seminars relating to broadcasting, online communication, policy and management developments and other communications issues.

Authority members and staff delivered papers at a number of national and international conferences—for details, see appendix 2.

## Change management

It was a year of great change for the Planning and Licensing Branch. The need to focus on the conversion to digital television as well as proceeding with the analog licence area planning and the licensing of broadcasting services presented significant challenges.

In looking to obtaining the best possible outcomes for the Branch while under substantial pressure, staff of the Branch focused on the following strategies:

- providing strong, strategic leadership to focus the team on achieving the desired results in the required time-frames;
- encouraging and facilitating a cooperative, friendly and team-based approach within the Branch;
- ensuring the necessary professional development for all staff so that they can maximise their contribution to the Branch;



- providing opportunities for clear and open communication; and
- nurturing productive relationships within the Branch, the Authority and externally.

Particular measures adopted include:

- restructuring the Branch to create a new Digital Section and a new Executive Officer to provide high level assistance to the Branch Head;
- weekly section heads meetings open to all staff;
- monthly Branch meetings with different themes and facilitated by different staff;
- a new induction program for staff commencing in the Branch;
- a new plan to enhance the professional development of engineers;
- developing more comprehensive planning procedures and guidelines for use by Authority engineers and accredited assigners/consultants;
- continuing the Branch's professional development program coordinated by a committee representing all staff; and
- ongoing emphasis on continuous improvement within the Branch.

The year also saw changes in the Policy and Content Regulation Branch: the combined Research and Policy section became effective 1 July 1998, and the increasing momentum for the Authority's role in online content regulation led to the creation of the Online Services Section.

## Information management

The Authority appointed a Chief Information Officer (CIO) in October 1998 for one year to review its information services and collections. The aim of the position is to devise an information and e-commerce strategy for the Authority, improve productivity, client service and the transparency and quality of decision-making. This project sits within the broader policy context of the government online initiatives and underpins the Authority's role as a regulator of online content.

The Authority has identified four areas as critical links for the information strategy: document management, the Library, the web site, intranet and the in-house databases.

The Authority is considering options and costs for extending access to the full range of information from a single point of entry, by expanding the intranet and web site and by improving the quality of information and retrieval from the databases. The way in which these activities can be adequately resourced and expanded is the subject of further work.

Usage of the web site is reviewed on an on-going basis and user feedback is being incorporated into site improvements. This process led to the addition of an index and a site map—a glossary and a more powerful search engine were added in September, after the date of this report.

The Authority has identified an overhaul of many of the databases as a priority. The expected outcome will be better support of reporting requirements and data analysis, closer integration between the tools supporting work on broadcast planning and licence allocation and renewal. These options will be the subject of further investigation and analysis.

The Authority reviewed the role of the Library in the context of changing information technology and comparisons with external agencies. There was particular interest in the extent to which people substituted online resources for more traditional library resources. Preliminary work suggests that online sources are not currently seen as a comprehensive alternative information resource. Future options for the Library are being explored.

## Information technology

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### Outsourcing project

In response to a Government decision in April 1997 that information technology infrastructure services be outsourced (subject to the outcome of a competitive tendering process), the Authority has joined with a group of agencies to tender for these services. Through outsourcing the Authority aims to achieve:

- effective IT support of business needs and service delivery requirements;
- economies of scale resulting in improved efficiency and cost effectiveness; and
- leveraging access to private sector technology and know-how providing improved technology solutions.

The Authority is participating in the tender evaluation process and expects to proceed with a transition to outsourcing in the second half of 1999–2000.

### Y2K

The Authority has been working towards Y2K readiness since 1996 and in October 1998 gave the project priority status and appointed a project manager. A process was developed and endorsed by the Authority for addressing the problem and ensuring that the process delivered an outcome by 31 July 1999. The process involved: investigation and data collection; risk assessment; planning; remediation; testing and executive sign-off. All business-critical systems and equipment have been assessed as compliant. The final report was signed-off, after the date of this report, on 31 July 1999.

The Authority is developing contingency plans for all business critical and essential functions, and to ensure that Y2K readiness is maintained. The Authority also commissioned an independent review of its Y2K process with a reporting date of 31 July 1999.

## Internal communications

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The internal email system continued to be a useful communication tool, with information bulletins such as the *Human Resources Bulletin*, *Digital Update* and *Online Update* featuring regularly throughout the reporting period. The *Human Resources Bulletin* was sent to all staff on a weekly basis and provided information to officers about conditions of service, management, staffing and training issues. The *Bulletin* also disseminates information relating to initiatives in the Australian Public Service. *Digital Update* and *Online Update* continued to provide staff with the latest information and trends relating to digital transmission and online communication. The quarterly *Library*

*Bulletin*, which highlights new and interesting additions to the Library's collection, was also distributed both internally and externally—for the benefit of interest groups.

Authority managers, officers and guest speakers have conducted regular 'tune up' sessions, providing a useful and often entertaining perspective on particular matters of interest.

'All staff' meetings were conducted on a regular basis to assist with the general information flow and to allow for greater interaction between staff at all levels.

## **Intranet**

The Authority's intranet has proved a valuable communication resource and throughout the year continued to be enhanced, providing staff with access to the Authority's policy papers, issues papers, internal bulletins and other matters of interest.

## **Travel contract**

In February 1999 the Authority entered into an agreement with other Communications Portfolio Agencies to form a cluster group seeking tenders for the provision of travel services. This arrangement gave smaller agencies the opportunity to achieve greater savings than would otherwise be possible by combining potential expenditure for travel. The estimated budget for travel in the financial year 1999–2000 for the cluster was \$4.5m. This combined budget gave the cluster considerable bargaining power and made the group an attractive proposition for service providers.

The travel contract negotiated by the cluster provides the Authority with savings of more than twenty-two per cent over the previous contract for local travel. Other benefits include increased levels of service, greater saving for overseas travel and reduced administration costs which will be shared across the cluster.

## **Service charter**

The Authority received one complaint under its service charter during the year. The complaint was dealt with within ten working days.

The Authority has commenced a review of its service charter.





## Appendix 1

### Additional matters

#### Workplace diversity and equal employment opportunity

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During the reporting period the Authority developed a draft Workplace Diversity Program. The Authority aims to be an organisation which values fairness, equity and diversity. The Program is expected to be finalised and implemented in the second half of 1999.

The Workplace Diversity Program will replace the Authority's current Equal Employment Opportunity (EEO) Plan which has operated since 1996. The draft Program retains the basic principles which form the basis of the current EEO Plan, but includes additional strategies aimed at recognising diversity and removing unjustified discrimination.

The current EEO Plan contains four objectives which are supported by strategies and performance indicators. These objectives are to:

- ensure that the Authority is a workplace free of unjustified discrimination and which allows staff to balance their own work and family responsibilities;
- ensure equity in staff selection processes;
- increase the number of Aboriginal and Torres Strait Islander staff within the Authority; and
- maintain the Authority's good performance in employing women, people with disabilities and people from a non-English speaking background.

As at 30 June 1999, the Authority employed 149 staff under the *Public Service Act 1922*. Of these, 86 were women, 29 were from non-English speaking backgrounds and six reported having a disability.

#### EEO in appointments

During the period six new staff members were appointed to the Authority. Of these appointees, three were women and two were from a non-English speaking background.

#### Staffing overview

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##### Training

The net expenditure by the Authority for staff training was \$83 138. Of the 149 staff employed at the Authority, 40 spent a total of 91.25 days on training activities.

##### Participative work practices

The Authority is committed to consulting staff about workplace matters affecting them. During the reporting period, staff, branch, section and team meetings were regularly held, providing an avenue for staff to share information and actively participate and discuss workplace issues affecting them.

Under the Australian Broadcasting Authority Agreement, a Consultative Forum is being established comprising management, union and staff representatives.

During the reporting period elections were held for the positions of staff representatives. The first meeting of the Consultative Forum is expected in the second half of 1999.

## Occupational health and safety

It is the policy of the Authority to promote and maintain a high standard of health, safety and well-being for all staff through:

- preventing accidents and ill-health caused by working conditions;
- protecting staff, contractors and the public from any health hazard which may arise out of their work or the conditions in which it is carried out; and
- placing and maintaining staff in an occupational environment designed to maximise health, safety and well being at work.

The Authority has in place an occupational health and safety agreement which sets out the mechanisms for implementing the Authority's policy.

The Authority has two designated work groups in the Sydney office and one designated work group in the Canberra office. There is one health and safety representative and one deputy for each group. Each representative undertakes a five-day course of training which is accredited by the Commission for the Safety, Rehabilitation and Compensation of Commonwealth Employees. Due to staff departures, elections were held for a new representative and deputy representative in the Sydney office.

The Authority has an Occupational Health and Safety Committee which is made up of management representatives, health and safety representatives and union delegates. The Committee met three times during the reporting period.

The health and safety representatives conduct regular workplace inspections and their reports are presented to each OH&S Committee meeting. Action is then taken to remedy any problems identified and prevent potential hazards.

## Indemnities and insurance premiums

The Authority has directors and officers' liability coverage with Comcover, which indemnifies directors and officers against liability for claims made against them by reason of any wrongful act committed, or alleged to have been committed, in their capacity as a director or officer. Retired directors are covered by this policy. The premium for this policy in 1989-99 was \$10 000. In addition, the ABA has taken out professional indemnity insurance with Comcover from 1 July 1999, at an annual premium of \$66 990.

## Freedom of Information

The following information is provided on the operation of the *Freedom of Information Act 1982* (FOI Act).

## Requests

During 1998–99, the Authority received nine requests for access to documents. The Authority finalised five Freedom of Information requests during the same period, granting at least partial access to documents in three of these requests.

## Applications for review

The Authority received no applications for internal review under section 54(1) of the FOI Act.

## Time taken

Of the five requests finalised during 1989–99, the average time taken from receipt of the request to notification of a decision was 55 days. Eight of the nine requests involved the consultation of other persons or organisations under section 27 of the FOI Act, which extends the statutory response time to 60 days.

## Costs

The total cost to the Authority for Freedom of Information activities in the 1989–99 period was approximately \$16 932. Staff costs for Freedom of Information activities (including overheads) were approximately \$14 850. Non-staff costs were approximately \$1500. During the period, FOI charges totalling \$1812 for the processing of requests have been paid, and the Authority received \$270 in fees for the lodgement of FOI requests.

## Internal and external scrutiny

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### Ombudsman

During 1998–99 there were two matters raised by the Commonwealth Ombudsman concerning the Authority.

On 26 October 1998 the Authority received a letter from the Ombudsman concerning an investigation by the Authority into a complaint of an alleged breach of the Commercial Television Industry Code of Practice. The Ombudsman requested a copy of the program in question and for copies of any legal opinions or guidelines relating to the interpretation and meaning of section 1.6.6 of the code. This section prohibits a licensee from broadcasting a program which is likely to stir up hatred, serious contempt or severe ridicule on the basis of age, colour, gender, national or ethnic origin, physical or mental disability, race, religion or sexual preference. The Ombudsman advised the Authority on 21 May 1999 that, in his view, the Authority's processes in investigating the complaint were reasonable and open, and that no further action would be taken.

On 23 November 1998 the Authority received a letter from the Ombudsman concerning the manner in which the Authority handled a complaint relating to the use of the word 'pom' on ABC radio. The Ombudsman requested comments from the Authority concerning its role in the matter and whether or not the use of the word 'pom' in the manner alleged would come within the Authority's jurisdiction. On 8 February 1999 the Ombudsman advised the Authority that he would take no further action in regard to the complaint.



## AAT Review

There has been no AAT review in the period.

## Litigation

The Authority was not involved in any litigation for the period 1998–1999.

## Other

There were no requests for statements of reasons pursuant to section 13 of the *Administrative Decisions (Judicial Review) Act 1977*.

No matters were raised by the Auditor-General during the period.

Matters relating to Parliamentary scrutiny are dealt with elsewhere in this report.

## Financial and staffing resources summary

	1997–98 ACTUAL \$'000	1998–99 BUDGET (a) \$'000	1998–99 ACTUAL \$'000
Salaries	7 261	8 195	7 818
Superannuation	881	926	897
Administrative Expenses	5 439	5 835	5094
<b>Total Expenditure</b>	<b>13 581</b>	<b>14 956</b>	<b>13 809</b>
Less receipts	(309)	–	(706)
	<b>13 272</b>	<b>14 956</b>	<b>13 103</b>
Less Cash on Hand at beginning of financial year	(1 604)	(1 407)	(1 407)
Plus Cash on Hand at end of financial year	1 407	–	1 853
<b>TOTAL APPROPRIATIONS</b>	<b>13 075</b>	<b>13 549</b>	<b>13 549</b>
<b>TOTAL OUTLAYS</b>	<b>13 075</b>	<b>13 549</b>	<b>13 549</b>
<b>STAFFING</b>			
Staff years (ASL)	142.3	144.0	138.88

(a) Budget figures for 1998–99 have been amended to include additional estimates.

## SYDNEY

Classification	PERMANENT				TEMPORARY				Total
	Full-time Male	Full-time Female	Part-time Male	Part-time Female	Full-time Male	Full-time Female	Part-time Male	Part-time Female	
Members	3		3	1					7
SES Band 2	1								1
SES Band 1	1	3							4
EL2	2	8							10
EL2 Legal	1								1
EL2 Public Affairs	1								1
EL1	4	8	1	1	1				15
EL1 Info Technology	1								1
EL1 Legal		4		1					5
EL1 Public Affairs		1							1
EL1 Library		1							1
APS6	8	7	1	2	1				19
APS6 Info Technology		1							1
APS6 Legal	1								1
APS6 Public Affairs						1			1
APS5	1	1		1					3
APS5 Library					1				1
APS4	5	11							16
APS3	1	6				4		1	12
APS2		1				2	1		4
<b>TOTAL</b>	<b>30</b>	<b>52</b>	<b>5</b>	<b>6</b>	<b>3</b>	<b>7</b>	<b>1</b>	<b>1</b>	<b>105</b>

CANBERRA

Classification	PERMANENT				TEMPORARY				Total
	Full-time	Full-time	Part-time	Part-time	Full-time	Full-time	Part-time	Part-time	
	Male	Female	Male	Female	Male	Female	Male	Female	
SES Band 1	1	1							2
EL2	2								2
EL2 Engineering	5								5
EL1	1	3							4
EL1 Engineering	4								4
EL1 Info Technology	1								1
EL1 Technical	2								2
APS6	3	5							8
APS6 Engineering	4	1							5
APS6 Info Technology	1								1
APS5 Technical	1				1				2
APS4		4		1					5
APS4 Engineering	3								3
APS3		1							1
APS2	1	3		1		1			6
<b>TOTAL</b>	<b>29</b>	<b>18</b>		<b>2</b>	<b>1</b>	<b>1</b>			<b>51</b>

TOTAL SYDNEY & CANBERRA

	59	70	5	8	4	8	1	1	156
TOTAL MALE	69								
TOTAL FEMALE		87							

## Appendix 2

### Presentations, articles and conferences

#### Presentations

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Authority Members and staff gave the following presentations during the reporting period:

*Just as Well Senator Alston Didn't!*, Professor David Flint, ABA Chairman, IBC Digital Broadcasting Conference, Sydney, July 1998.

*The Transition to Digital Television*, Michael Gordon-Smith, ABA Member, IBC Digital Broadcasting Conference, Sydney, July 1998.

*The A(nalogue) to D(igital) of Media Statistics: A Regulator's Perspective*, at KCCMP Cultural and Media Statistics Seminar, August 1998.

*Australian Content Standard and Project Blue Sky*, Lesley Osborne, Manager Standards, participated in a panel discussion as part of the Melbourne Film Festival, August 1998.

*Supervision of Broadcasting and Telecommunications—An International Comparison the Australian Experience*, Gareth Grainger, ABA Deputy Chairman, Communications 2000—Innovation and Responsibility in the Information Society, Bertelsmann Foundation, Gütersloh, Germany, September 1998.

*Digital Broadcasting—The Wedge Widens*, Giles Tanner, ABA General Manager, Communications Research Forum, Sydney, September 1998.

*Planning, LicenSing and Digital Regulation*, Professor David Flint, ABA Chairman, Federation of Australian Radio Broadcasters annual conference, Melbourne, September 1998.

*Youth, Music and the Media* and *Monitoring Community Standards about Television* (co-presentation). *Online Research Round Table*, facilitated by Kaaren Koomen, Manager Special Projects, Communications Research Forum 1998, Canberra, September 1998.

*Internet Content Management* by Lesley Osborne, Manager Standards, Virtual Library conference—Integrating the Internet into the Public Library, State Public Library of NSW, Sydney, September 1998.

*Formulation of Policy Concerning Pornography and Violence* by Lesley Osborne, Manager Standards, guest lecturer at Charles Sturt University, Bathurst, October 1998.

*The Future of Communications Regulation in a Converging Digital Era—National Co-Regulation and International Cooperation*, Gareth Grainger, Deputy Chairman, Key Centre For Cultural and Media Policy Conference, Brisbane, November 1998.

*ABA's Role in the Development of Internet Content Policy* by Lesley Osborne, Manager Standards, EdNA Advisory Council, Sydney, November 1998.

*Headbanging or Dancing?—Youth and Music in Australia*, Michael Gordon-Smith, ABA Member, launch of the publication, Sydney, February 1999.

*Regulating for Traditional Values in New Media* Lesley Osborne, Manager Standards, to the Lyceum Club Sydney (Inc.) February 1999.

*The Regulatory Environment in Australia: Online Content*, Stephen Nugent, Manager Special Projects, Child Safety on the Internet seminar, convened by Cable and Wireless Optus, Sydney, February 1999.

*Internet Content: New Technology—Old Issues* Lesley Osborne, Manager Standards, Chief Librarians' Assoc. (Qld) Inc. Annual Conference, Gladstone, March 1999.

*Digital Television Conversion: Administration Justice and the Public Interest*, Andrea Malone, ABA legal officer, Australian Institute of administrative law annual conference, Canberra, May 1999.

*Sorry Seems to be the Hardest Word*, Professor David Flint, ABA Chairman, Sydney Institute, Sydney, May 1999.

*Choosing a Digital Standard—An Australian Perspective*, Bob Greeney, Director Technology, International symposium, Montreux, Switzerland, June 1999.

*Children's Television*: Presentation to 'Playschool' staff at ABC TV, Nadia Mencinsky, Assistant Manager, Children's Television, at ABC TV, Sydney, June 1999.

*Research into Children's Television*, presentation to students at Institute of Early Childhood, Macquarie University, Margaret Cupitt, ABA Assistant Manager Policy and Research, Sydney, 1999.

## International meetings

In addition to the meetings referred to earlier in the text of this report, the Authority also participated in the following meetings:

- South African Telecommunications Regulatory Authority December, 1998  
Eddie Funde, Deputy Chairman of SATRA; Mr Noluthando Gosa, Councillor of SATRA; Ms Nonkululeko Woko, Manager of International Relations for SATRA; Sue Harlow, Keehn Harlow Pty Ltd.
- Joanna Lisosky PhD, Professor of Communication and Theatre, Pacific Lutheran University, January 1999
- Group of Students from PLU, January 1999
- Cable Television Review Committee of the Republic of China, February 1999
- Abigail Thomas, Research Fellow, Department of Culture, Media and Sport, UK, February 1999
- Taipei Economic and Cultural Office, March 1999:  
Chien-jen Chen, Director General, Government Information Office of ROC; Charles Tung-Tai Lin, Professor and Director, Graduate Institute of Mass Communication, National Taiwan Normal University; Lee Tien-Dow, Associate Professor, Department of Communication Arts; Fu Jan University, Taipei, Taiwan; Ling-Tai Lynette Chou, Chairperson and Professor, Department of Accounting, National Chengchi University; Heng Su, Associate Professor, Department of Journalism, National Chengchi University; Chung-hsin Yang, Research Fellow, The Institute of Economics, Academia Sinica; Liaw, Yih Nan, Professor, National Taiwan College of Law; Mu-Lan Hsu, Professor, Department of Business Administration, National Taiwan University; Jenn-Hwan Tarn, Associate Professor, Department of Communication Engineering, National Chiao-Tung University; Tien-Lai Teng, Director General, Department of

Posts and Telecommunications; Professor Dr Jhy-mou Shih, Attorney at Law, Legal and International Law Office Hong Kong; Chong-Jan, Director of Department of Radio and TV Affairs Government Information Office; Lu, Ching-Hi, Chief of 5th Section, Department of Radio and TV Affairs, Government Information Office; Lee Wen, Administrative Specialist, Department of Radio and TV Affairs, Government Information Office.

- South African Broadcasting Industry Study Tour, April 1999: representatives of MultiChoice; M-Net; Obicom; Cheedle, Thompson and Haysom; Squire; Dempsey.
- Mr Gerald Zackios, Attorney General of the Marshall Islands, April 1999; Mr David Apps, Executive Officer, Pacific Regional Section, Pacific Island Branch, Department of Foreign Affairs and Trade.
- Martin Hart, Head of Sponsorship, Independent Television Commission, UK.
- New Zealand Broadcasting Standards Authority, May 1999; Dr Wiebe E. R. Zwaga, Research and Communications Manager, Broadcasting Standards Authority.
- Deutsch Telecom, Germany and NTL, UK: discussion of implementation issues associated with the introduction of digital television and digital radio.

## Conferences

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Authority staff attended the following conferences

- IBC Conference (July 1998)
- Communications Research Forum (September 1998)
- UNESCO's Asia-Pacific Regional Experts Meeting on a Legal Framework for Cyberspace (September 1998)
- OZRI 12 Conference (September 1998)
- Radio 2000 Conference (September 1998)
- Asia-Pacific Transborder Satellite Broadcasting Working Party meeting (September 1998)
- International Broadcasting Convention (September 1998)
- Cultural Policy in the Digital Age Conference (November 1998)
- Harmony '98 Conference (November 1998)
- Screen Producers' Association of Australia Annual Conference (November 1998)
- Community Broadcasting Association of Australia conference (December 1998)
- Internet Self-Regulation Summit (December 1998)
- Online and On Disc (January 1999)
- 'Six Degrees of Collaboration' Screen West Annual Conference (February 1999)
- Style Council (February 1999)
- Asia-Pacific Internet Conference (March 1999)
- National Association of Broadcasters (NAB) Conference (September 1999)
- Australian Institute of Administrative Law Annual Conference (May 1999)

'Online Services Regulation' Communications and Media Law Association Conference  
(June 1999)  
Digital Transmission Systems Demonstration

## Appendix 3

# Freedom of information

## Section 8 statement

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The *Freedom of Information Act 1982* (the FOI Act) requires Commonwealth Government agencies to make available information about their organisation, functions and operations, and about rules and practices which are used in making decisions which affect people.

Section 8 of the FOI Act requires each agency to publish detailed information about the way it is organised, its powers, the kinds of decisions made, arrangements for public involvement in the work of the agency, documents held by the agency and how these can be accessed by the public.

This statement is correct as at 30 June 1999.

## Establishment

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The Authority was established by subsection 154(1) of the *Broadcasting Services Act 1992* (the Act), and began operations on 5 October 1992. The Authority took over the licensing, programming and ownership and control functions previously performed by the Australian Broadcasting Tribunal, as well as the function of planning the use of the broadcasting spectrum previously carried out by the former Minister for Transport and Communications and his department.

The Authority is an independent statutory authority responsible through the Minister for Communications, Information Technology and the Arts (the Minister) to the Parliament. It is required to prepare and furnish annually to the Minister a report on its operations during the preceding year for tabling in the Parliament. The Act provides for the appointment of a Chairperson, a Deputy Chairperson and at least one, but not more than five, other Members who may be full-time or part-time. The Members of the Authority are appointed by the Governor-General for periods of up to five years and are eligible for re-appointment on one occasion only. The Minister may appoint persons to be Associate Members of the Authority, either generally or for particular investigations or hearings.

## Organisation

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The Authority's present membership consists of a Chairperson, a Deputy Chairperson, one full time Member, three part-time Members and one Associate Member.

The Authority holds regular meetings to make administrative decisions and determine policy. A quorum for such meetings is constituted by three Members. Staff of the Authority are present at the meetings to record the decisions and, as required, to report, to provide advice and to make recommendations to the Authority, and to ensure that the



Authority's directions are carried out. Decisions may also be made by virtue of clause 11 of Schedule 3 of the Act, or by delegation by virtue of clause 18 of Schedule 3 of the Act.

The Authority has established a number of committees, which are designed to allow the deliberative work of the Authority to be considered in more detail and to identify relevant and principal issues that need to be brought to the attention of the full Authority.

The Committees are:

- Audit
- Corporate, Finance and Administration
- Codes and Standards
- Digital
- Legal and Enforcement
- Online
- Planning and Licensing
- Policy and Strategy.

Committee meetings are held regularly. At least three Members sit on each committee which is chaired by a full time Member of the Authority. Authority staff generally act as advisers to the committees, although the General Manager and Director, Corporate Services are members of the Audit Committee.

For the purpose of appointment and employment of staff in accordance with the provisions of the *Public Service Act 1922* (the Public Service Act), the Chairperson has all the powers of a Secretary under the Public Service Act as they relate to the branch of the Australian Public Service comprising the staff of the Authority.

## Staff of the Authority

As can be seen from the organisation chart on the following page, the staff of the Authority are organised on a branch and section basis.

The Authority's Legal and Control Branch, Policy and Content Regulation Branch, Corporate Services Branch and the licensing function of the Planning and Licensing Branch are located in Sydney, where its Members are located, and the spectrum planning function of the Planning and Licensing Branch is located in Canberra.

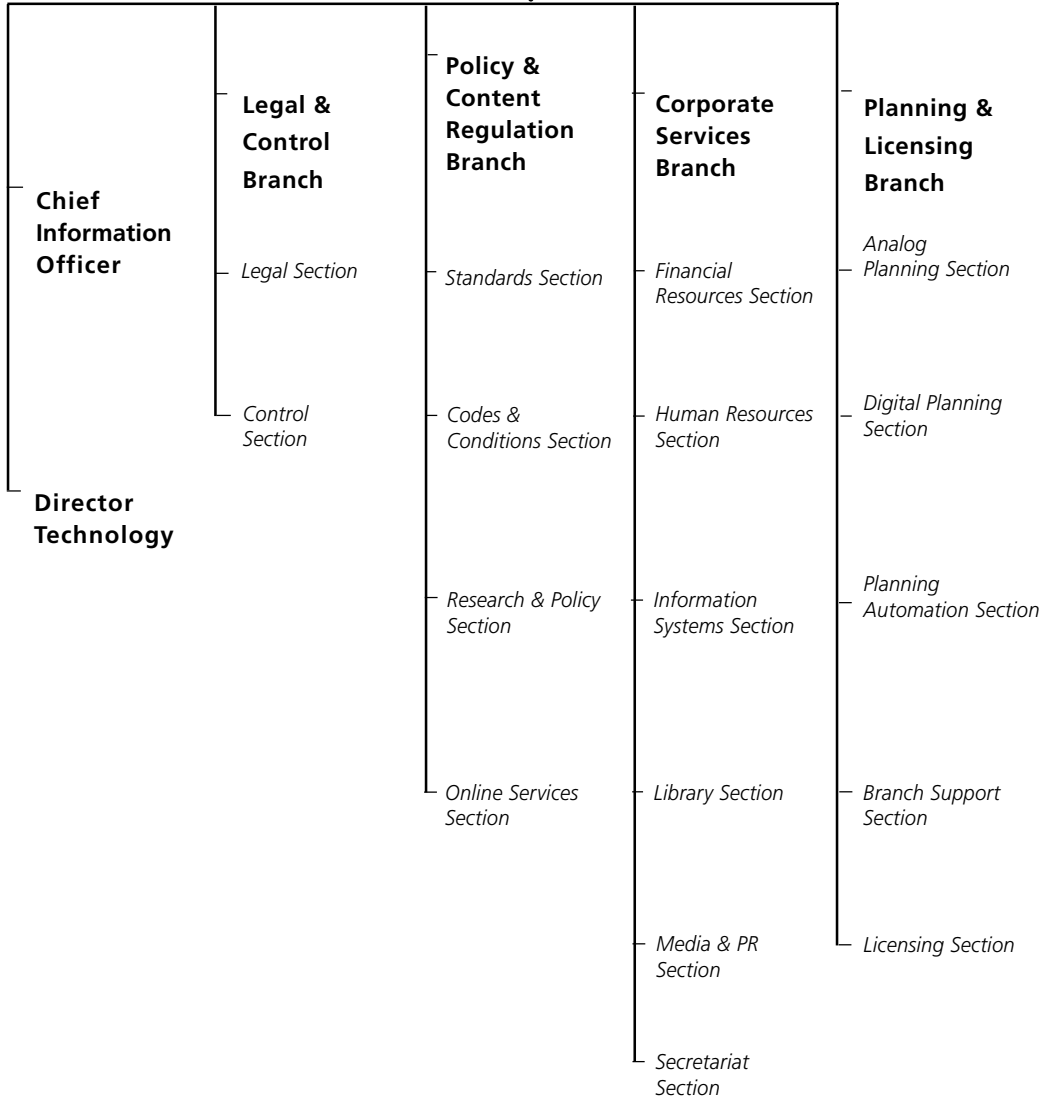
## Functions

The primary functions of the Authority may be summarised as follows:

- (a) to provide advice to the Australian Communications Authority in relation to the spectrum plan and frequency band plans under the *Radiocommunications Act 1992* and the designation of bands for broadcasting purposes;
- (b) to plan the availability of segments of the broadcasting services bands on an area basis;
- (c) to allocate, renew, suspend and cancel licences and to take other enforcement action under the Act;
- (d) to conduct investigations or hearings relating to the allocating of licences for community radio and community television services;
  - (i) to conduct investigations as directed by the Minister under section 171 of the Act;

## Australian Broadcasting Authority

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- (e) to design and administer price-based systems for the allocation of commercial television broadcasting licences and commercial radio broadcasting licences;
- (f) to collect any fees payable in respect of licences;
- (g) to conduct or commission research into community attitudes on issues relating to programs;
- (h) to assist broadcasting service providers to develop codes of practice that, as far as possible, are in accordance with community standards;
- (i) to monitor compliance with those codes of practice;
- (j) to develop program standards relating to broadcasting in Australia;
- (k) to monitor compliance with those standards;
- (l) to monitor and investigate complaints concerning broadcasting services (including national broadcasting services);
- (m) to inform itself and advise the Minister on technological advances and service trends in the broadcasting industry; and
- (n) to monitor, and to report to the Minister on, the operation of the Act.

In addition, the Authority has other functions under the Act and other legislation. These include giving opinions concerning the category to which broadcasting services belong, and determining additional, or clarifying existing, criteria for those categories; giving opinions on whether a person is in a position to exercise control of a licence, company or newspaper; and administering aspects of the ownership and control rules applying to certain categories of licences.

For the purpose of exercising its powers and functions under the Act, the Authority is obliged to take account of:

- the objects of the Act and the regulatory policy set out in the Act;
- any general policies of the Government notified to the Authority by the Minister;
- any directions given to the Authority by the Minister; and
- Australia's obligations under any convention to which Australia is a party or any agreement between Australia and a foreign country.

## **Branch functions and powers**

Staffing of the Authority is organised into four branches, Legal and Control Branch, Policy and Content Regulation Branch, Corporate Services Branch, and Planning and Licensing Branch. Within these Branches, the functions and powers are divided as follows.

### **Legal and Control Branch**

The Legal and Control Branch comprises the Legal Section and the Control Section. The Branch is responsible for:

- preparing opinions on whether a person is in a position to control a licence, a newspaper or a company;
- assessing applications for prior approval of temporary breaches of the control provisions of the Act;

- maintaining registers of notifications of directorship and changes in control, associated newspapers, temporary (approved) breaches, extensions of time granted and notices to persons in breach;
- monitoring compliance with the control limits;
- conducting investigations/hearings into licensees' compliance with the control provisions of the Act and notifying persons to remedy breaches;
- issuing notices relating to breaches of the control provisions of the Act;
- coordinating all tasks carried out under the Freedom of Information Act; and advice to the Minister about matters related to the FOI Act and the *Privacy Act 1988*;
- providing legal advice on issues arising from the Authority's powers and functions;
- preparing matters for referral to the Director of Public Prosecutions; and
- collecting information and conducting investigations or hearings for the purposes of the performance or exercise of any of the Authority's functions or powers.

### **Policy and Content Regulation Branch**

The Policy and Content Regulation Branch comprises the Research and Policy Section, the Conditions and Codes Section, the Standards Section and the Online Services Project. The Branch is responsible for:

- assisting in the identification and exploration of regulatory policy issues to be addressed by the Authority;
- providing policy advice on issues arising from the Authority's powers and functions;
- conducting and commissioning attitudinal research and monitoring service trends;
- developing standards for commercial and community television broadcasting licensees relating to programs for children, for determination by the Authority;
- making decisions about the classification of programs for children;
- developing standards for commercial television broadcasting licensees relating to the Australian content of programs, for determination by the Authority;
- monitoring compliance with program standards;
- monitoring compliance with anti-siphoning provisions and reporting to the Minister on an as-needs basis;
- monitoring compliance with Australian content requirements for pay TV;
- consulting with the industry and the community on the development of codes of practice for each broadcasting sector;
- maintaining a register of codes of practice, and monitoring compliance with those codes;
- investigating unresolved complaints about breaches of the codes of practice for each broadcasting sector, including the ABC and SBS;
- investigating complaints alleging offences against the Act or breaches of licence conditions;

- issuing notices concerning the provision of broadcasting services without a licence to provide a service;
- varying, revoking or imposing conditions on commercial, community and subscription television broadcasting licences and class licences;
- developing additional criteria and clarifying existing criteria for the purpose of distinguishing between categories of broadcasting services, for determination by the Authority;
- collecting information and conducting investigations or hearings for the purposes of the performance or exercise of any of the Authority's functions or powers;
- administering the Internet content regulatory scheme;
- monitoring national and international developments in the online area;
- providing information to the community regarding online issues;
- collecting commercial radio and commercial television licence fees; and
- preparing annual broadcasting financial results.

### **Planning and Licensing Branch**

The Planning and Licensing Branch comprises the Analog Planning Section, the Digital Planning Section, the Licensing Section, the Planning Automation Section and the Branch Support Section. The Branch is responsible for:

- designing and administering price-based systems for the allocation of commercial radio and television broadcasting licences;
- allocating subscription television broadcasting licences, commercial broadcasting licences and community broadcasting licences;
- assessing the eligibility of aspirant community broadcasters to be given temporary community broadcasting licences;
- renewing commercial and community broadcasting licences; and
- suspending and cancelling licences as appropriate, or taking other enforcement action.

The Branch plans all broadcasting services using radiofrequency spectrum for AM and FM radio and VHF and UHF television by:

- developing planning priorities for determination by the Authority and preparing variations to those priorities for the Authority's approval;
- preparing frequency allotment plans, and variations to those plans, for the Authority's consideration;
- preparing licence area plans, and variations to those plans, for the Authority's consideration;
- specifying licence areas, frequencies, siting and power levels for transmitters used for broadcasting;
- designating and varying licence areas;
- developing technical planning guidelines for broadcasting services using frequencies within the broadcasting services bands;
- monitoring new technology and service trends;
- facilitating the conversion of commercial and national television broadcasting from analog mode to digital mode;

- formulating schemes for conversion of commercial and national television broadcasting services from analog mode to digital mode. These schemes require the ABA to prepare a document explaining technical assumptions relating to consideration of 'same level of coverage and potential reception quality' in digital mode, as is achieved in analog mode;
- prepare digital channel plans, which allot and assign channels to television broadcasters, allowing them to transmit programs in analog and digital modes during a simulcast period;
- assess and approve implementation plans submitted by commercial television broadcasters. These plans are the basis on which the broadcaster will convert to digital transmission;
- approve test transmissions of digital signals, at any time before or during a simulcast period;
- issuing exemption certificates for access by commercial and/or national television broadcasters and/or datacasters to broadcasting transmission towers and/or sites;
- issuing apparatus licences (by delegation from the Australian Communications Authority) to authorise the operation of transmitters for commercial, community and national services; for services provided under class licences; and for the retransmission of programs;
- making broadcasting services bands spectrum available for alternative uses for a specified period;
- determining licence area populations;
- allocating call signs for broadcasting services; and
- collecting information and conducting investigations or hearings for the purposes of the performance or exercise of any of the Authority's functions or powers.

### **Corporate Services Branch**

This Branch comprises the Information Systems Section, the Financial Resources Section, the Human Resources Section, the Secretariat Section, the Media and Public Relations Section, the Year 2000 Project and the Library Section.

The functions carried out within this Branch include:

- attending to all matters related to personnel, training and staff development, accommodation and office services;
- liaising with Commonwealth Departments, the Public Service Commission and the Australian National Audit Office on financial, personnel, staff development and general administrative matters including EEO, ID and OH&S;
- coordinating the Authority's budget, and preparing financial statements, estimates and related material;
- maintaining the Authority's records management system;
- maintaining the Authority's accounting system, purchasing and asset control, and internal audit and review;
- promoting the use of information technology to enhance the efficiency and effectiveness of the Authority's operations;
- coordinating the formulation of emerging policy issues throughout the Authority;

- providing secretariat support to the Authority, including organising its regular meetings, preparing formal minutes and maintaining the records of decisions of the Authority;
- producing and marketing publications and informing the public of the functions, activities and decisions of the Authority;
- developing and maintaining the Authority's web site;
- maintaining a full library service for members and staff of the Authority; and
- coordinating briefs and responses to questions arising from Parliamentary processes.

### **Director Technology**

The Authority has a Director Technology who reports to the General Manager and the Members. The Director of Technology provides high level advice to Authority Members and staff on technological developments, particularly free-to-air digital broadcasting and technological policy relating to the broadcasting industry and online services.

### **Chief Information Officer**

The Authority has appointed a Chief Information Officer (CIO), reporting to the General Manager for a one-year period from October 1998. The CIO is reviewing the Authority's information services and devising an information strategy that incorporates e-commerce. The information strategy is a focal point for improving the Authority's productivity, client service and the transparency and quality of decision-making. The CIO works within the context of policy initiatives to offer a full range of government services online.

## **Arrangements for outside participation**

Section 168 of the Act empowers the Authority to inform itself on any matter relevant to its functions. This may be done by consulting with such persons, bodies and groups as the Authority thinks fit, and forming consultative committees for that purpose; by conducting investigations and holding hearings and considering written submissions from the public; and in any other manner it thinks fit. To this end, Authority officers participate in a range of organisations reflecting the broad range of the Authority's functions.

The Authority has entered into the following formal arrangements:

Memorandum of understanding (MOU)

- Federal Communications Commission (FCC), USA (effective for five years from 13 March 1995)
- Independent Broadcasting Authority (IBA), South Africa (effective for five years from 12 June 1995)
- Singapore Broadcasting Authority (SBA) (effective for five years from 20 June 1995)
- Between the Australian Commerce and Industry Office (ACIO) and the Taipei Economic and Cultural Office (TECO) on behalf of the Authority and the

Government Information Office (GIO) in Taipei (effective for five years from 12 May 1997)

Cooperation agreement

- Broadcasting Standards Council (BSC), United Kingdom (signed 30 August 1995)
- Korean Broadcasting Commission (KBC) Korea (effective for five years from 17 June 1996)
- Canadian Radio-Television and Telecommunications Commission (CRTC) Canada (signed 21 April 1997)
- Conseil Supérieur de l'Audiovisuel (CSA), France (signed 22 April 1997)
- Broadcasting Standards Authority (BSA), New Zealand (signed 15 September 1998).

### **Australian Preparatory Groups**

Australian Preparatory Groups consist of representatives from Commonwealth departments and authorities, industry organisations and special interest groups. They work to prepare Australian proposals for the World Administrative Radio Conferences and other major conferences of the International Telecommunication Union. The principal function of these conferences is to seek agreement between member nations on radiocommunications regulations and spectrum allocations. Individual conferences cover specialised aspects of broadcasting, mobile communications, satellite broadcasting, the use of particular frequency bands and the guaranteeing of equitable access to the geostationary satellite orbit for all countries.

Australian Radiocommunications Study Groups (ARSGs) prepare Australian inputs to considerations of the Radiocommunications and Telecommunications Bureaux of the International Telecommunication Union.

The Authority participates in the joint ARSG 10-11, which is concerned with studying principles relating to spectrum management and the preparation of recommendations for technical standards relating to radiocommunications and broadcasting services, in the following ITU forums:

- ITU-T Group 9: Joint Committee on Transmission of Radio and Television broadcasting services and on Telecommunications Networks.
- ITU-R Group 10: Broadcasting Service (sound).
- ITU-R Group 11: Broadcasting Service (television).
- ITU-R Group 12: Inter-service Sharing and Compatibility.

### **Standards Australia Boards and specialist committees**

The Authority is represented on the following:

- TE3 Electromagnetic Interference.
- RC5 Radiocommunications Standards.
- Department of Communications, Information Technology and the Arts' Digital Radio Broadcasting (DRB) Committee as well as the associated Policy and Technical Sub-committees.

The committees are investigating options for the introduction of digital radio broadcasting in Australia.



### **Other external participants**

In addition, the Authority consults and meets with various interested parties, including the Federation of Australian Radio Broadcasters (FARB), the Federation of Australian Commercial Television Stations (FACTS), the National Transmission Agency (NTA) and its replacement, NTL Australia, the Australian Broadcasting Corporation (ABC), the Special Broadcasting Service (SBS), the Community Broadcasting Association of Australia (CBAA), the Community Broadcasting Foundation (CBF), the Progressive Radio Association (PRA), the Australian Association of National Advertisers (AANA), the Advertising Federation of Australia (AFA), the Radiocommunications Consultative Committee, Screen Producers Association of Australia (SPAA), Australian Screen Directors Association (ASDA), Australian Writers Guild (AWG), Communications Law Centre (CLC), the Office of Film and Literature Classification (OFLC), the Australian Subscription Television and Radio Association Inc. (ASTRA) and Digital Convergence Australia (DCA).

The Authority also consults with other regulators such as the Australian Consumer and Competition Commission (ACCC), the Australian Communications Authority (ACA), and the Foreign Investment Review Board (FIRB).

### **Public participation**

In determining standards for commercial and community broadcasters the Authority is required to undertake public consultation before exercising its powers. However, as a matter of course, the Authority consults publicly on a wide range of issues relating to the content of programs and advice to the Minister on programming issues.

In performing its functions in relation to the planning of the broadcasting services bands, particularly the determination of planning priorities, the preparation of frequency allotment plans, the preparation of licence area plans and the preparation of digital channel plans, the Authority is required to consult widely with the public. The Authority places advertisements in newspapers announcing the commencement of its consideration of issues relating to particular planning matters; conducts seminars explaining various aspects of the planning process; and maintains files containing documents relevant to this process for public inspection.

The Authority also seeks the views of the wider community through surveys of public opinion on program issues conducted or commissioned by the Authority.

### **Categories of documents**

Records are maintained by the Authority in various physical forms including paper files, card indexes, microfiche and computer media. Certain documents, such as the advice received and assumptions made by the Authority in performing its planning functions, are required to be publicly available. Certain other information dealing with ownership and control matters and the codes of practice, are required to be maintained in public registers.

#### **Files**

Files are maintained by the Sydney and Canberra offices on a range of topics related to the Authority's functions. The Records Management subsection of Corporate Services Branch and Branch Support subsection in Canberra maintain details of the files used by the Authority.

#### Card indexes

Card indexes are generally used for minor record keeping and indexing reference material.

#### Computer databases

Computer databases are maintained for bulk record keeping.

#### Microfiche

The reports of inquiries conducted by the former Australian Broadcasting Tribunal are available on microfiche in the Authority's Library.

### **Registers**

The Authority is required to maintain Registers of Codes of Practice; Notifications of Controllers, Directors, and Changes in Control; Associated Newspapers; Prior Approvals of Temporary Breaches; Extensions of Time for Temporary Breaches; Notices to Persons in Breach of the Act; Extensions of Time for Compliance with Notices; Approvals of Breaches of Television Ownership Limits in Small Markets; and Approved Implementation Plans.

Persons wishing to inspect any of these Registers should contact the Sydney office of the Authority.

The Authority also prepares a count of population for each commercial licence under section 30 of the Act, which is available for public inspection.

### **Classes of records**

Records are maintained by the Authority in one or more physical forms on the following topics:

#### **Legal and Control Branch**

Registers of notifications of controllers, directors and changes in control, associated newspapers, temporary (approved) breaches, notices to persons in breach and extensions of time for temporary approvals and compliance with notices.

#### **Policy and Content Regulation Branch**

Industry self-regulatory codes of practice; Australian content of programs standards; children's program standards; complaints and comments from the public about broadcasting programs and advertising; rights acquired and prices paid for events specified in the Minister's notice under section 115 of the Act; details, including reports, of research undertaken or commissioned; service licences for all commercial and community stations; financial results of commercial radio and television services; and a register of Authority forms and records of notifications to licensees in relation to licence fees and payments of those fees.

#### **Planning and Licensing Branch**

Technical specifications of national, commercial and community broadcasting services; frequency planning; narrowcasting services; reception of broadcasting services; satellite broadcasting; planning priorities; frequency allotment plans; licence area plans; digital channel plans; Minister's notifications for reservation of spectrum capacity; Minister's

directions; technical planning guidelines; monitoring of new broadcasting technology; population figures; licence areas; price-based commercial licence allocation system; community merit-based allocation system; temporary community broadcasting allocation system; and subscription television broadcasting service licences.

### Corporate Services Branch

Personnel and staffing; finance; purchasing; furniture and fittings; equipment and accommodation; appointment of Members; reports of inquiries conducted by the former Australian Broadcasting Tribunal; records, reports and information papers on Australian and overseas broadcasting; agenda papers and minutes of Authority meetings; Authority publications, including research monographs, news releases and pamphlets; reports on grant of licences under the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992*.

As a matter of course, the Authority makes all discussion and working papers on issues which it is publicly consulting freely available to the public. Information products available to the public, many of which are on the Authority's web site, include:

#### Pamphlets (all free)

*An Introduction to the ABA*  
*Complaints about Programs*  
*Service Charter*

#### Fact sheets (all free)

*ABA Investigations*  
*Allocation of Community Broadcasting Licences*  
*Allocation of non-BSB Commercial Broadcasting Licences*  
*Broadcasting and Communications Industry Regulators in Australia*  
*Callsigns*  
*Class Licences*  
*Community-of-interest Ties: Community Broadcasting Licence Areas*  
*Community Radio Broadcasters and Sponsorship Announcements*  
*How to Read a Licence Area Plan*  
*Notification Obligations of Commercial Licensees and Controllers*  
*Planning for Broadcasting Services*  
*Price-Based Allocation of Commercial Broadcasting Licences*  
*Price-Based Allocation of Transmitter licences for Open Narrowcasting Services*  
*Requests for ABA Opinions Concerning Control of Licences*  
*Retransmission of Broadcasting Services*  
*Special Events*  
*Subscription Television Broadcasting Services in Australia*  
*A Summary of the Control Provisions of the Broadcasting Services Act 1992*  
*Technical Planning Guidelines*  
*Temporary Community Radio Broadcasting Licences*  
*Transmitter Licences for New Commercial and Community Broadcasters*  
*Transmitter Licences for New Open Narrowcasting Services*

#### Reports, papers and guides (all free)

##### Anti-siphoning

*Third Report to the Minister* June 1996

##### Australian content

*Broadcasting Services (Australian Content) Standard* March 1999  
*Proposed Standard: Review of the Australian Content Standard* November 1998  
*Review of the Australian Content Standard Discussion Paper* July 1998

##### Australian content on pay TV

*Australian Content on Pay TV Report to the Minister for Communications and the Arts* May 1997  
*Australian Content on Pay TV Working Paper* March 1997  
*Australian Content on Pay TV Information Paper* November 1996  
*Guidelines for the Implementation of Pay TV 'New Australian Drama' on Pay TV* June 1996  
*Children's Television Standards*  
*Children's Television Standards* March 1999

##### Licensing

*Guide to Allocation of Temporary Community Broadcasting Licences*  
*Guide to Subscription Television Broadcasting Services*  
*Licensing of New Free-to-air Broadcasting Services* August 1996

##### Planning

*Frequency Allotment Plan* August 1994  
*Planning Priorities* September 1993  
*The ABA's General Approach to Planning*

**Licence area plans** (contact the Authority for a complete listing)

*Draft Digital Channel Plans* (May 1999)  
*Sydney; Newcastle, Wollongong, Canberra; Melbourne; Brisbane and Toowoomba; Adelaide; Perth; Hobart; Darwin*

*Digital Terrestrial Television Handbook Second Draft*  
May 1999

*Regulation Impact Statement—draft* May 1999  
*Commercial Television Conversion Scheme* March  
1999

*National Television Conversion Scheme—draft*  
December 1998

### **Programming**

*Guidelines for the Broadcasting of Political Matter*  
August 1998

### **Research**

*International Research Forum Newsletter*

(No.1) November 1995

(No.2) June 1996

(No.3) November 1996

(No.4) June 1997

(No.5) November 1997

(No.6) June 1998

(No.7) December 1998

### **Sixth television channel**

*Inquiry into the Future Use of the Sixth Television  
Channel Issues Paper* July 1996

*Inquiry into the Future Use of the Sixth Television  
Channel Working Paper* October 1996

*Inquiry into the Future Use of the Sixth Television  
Channel Final Report* February 1997

### **PLUS**

*Annual Reports* (various years)

*Corporate Plan 1996–1999*

*Estimated Coverage Areas of UHF Television  
Transmitters—Tasmania* February 1994

*Current Controllers of a Broadcasting Licence  
for the Minister and Department of  
Communications, Information Technology and  
the Arts* July 1997

*International Relations Program of the Australian  
Broadcasting Authority 1992–1997*

*Self-help Guide* (second edition)

### **Publications**

*ABA Update* (11 issues per annum) \$45

### **Monographs**

[*Classification Issues* (out of stock)]

*Living with Television* \$9.95

*The People We See on TV: Cultural Diversity on  
Television* \$9.95

*Supplement: From the Dark Side* by Lester Bostock  
\$5

*'Cool' or 'Gross': Children's Attitudes to Violence,  
Kissing and Swearing on Television* \$9.95

*Music, New Music and All That: Teenage Radio in  
the 90s* \$20

*Families and Electronic Entertainment* \$20

*Kids Talk TV: 'super wikipid' or 'dum' dum* \$20

*Youth and Music in Australia — Part 1 A review*  
\$10

*Headbanging or Dancing: Youth and Music in  
Australia — Part 2* \$20

### **Trends & Issues**

*Audiences and Programs in 1992*

*The Year in Australian Radio and Television* \$5

*Australian Content on Television* \$5

*Viewing Australia Audience Views about Australian  
Programs and Film in 1992* \$5

*Broadcast Audiences in the 90s* \$10

*Views on Viewing* \$10

### **Investigation reports**

*Mighty Morphin Power Rangers* \$10

*The Daniel Yock Story* \$10

*Agro's Cartoon Connection* \$10

*Agro's Cartoon Connection second investigation*  
\$10

*Sex/Life* \$10

*Beverly Hills 90210* \$10

[contact the Authority for a full listing]

### **Investigations into control:**

*CanWest Global Communications Corporation/The  
Ten Group Ltd* \$30

*CanWest Global Communications Corporation/The  
Ten Group Limited second investigation* \$40

*CanWest Global Communications Corporation/The  
Ten Group Limited third investigation* \$40

*Mr Kerry Packer/John Fairfax Holdings Ltd* \$10

*Mr Brian Powers, Mr James Packer, Kerry Packer/  
John Fairfax Holdings Ltd* \$40

*Associated Media Investments/DMG Regional Radio*  
\$10

*News Corporation Limited/Seven Network Limited*  
\$10

### **Specialist publications**

*Australian Content on Pay TV* \$10

*Broadcasting Financial Results 1997–98* \$500

*Broadcasting Planning Seminar 1998* \$25

*Digital Terrestrial Television Broadcasting in  
Australia* \$10

*Digital Radio Broadcasting for Australia* \$10

*Infants and Television* \$20

*Inquiry into the Future Use of the Sixth Television  
Channel* \$20

*The Internet and International Regulatory Issues  
Relating to Content* \$10

*Investigation into the Content of Online Services*  
\$20

*Interim Australian Broadcasting Planning Handbook*  
\$75

*Listening to the Listeners, Radio Research* \$50

*Report into the Allocation of Community Radio  
Broadcasting Licences (Broadcasting Services  
Bands) to serve the Darwin Area* \$10

*R Classified Programs on Pay TV* \$10

*Radio and Television Broadcasting Stations 1998*  
\$50

*Technical Planning Guidelines* \$15

## Facilities for access

The Authority maintains library facilities in the Sydney office where documents available under the Act, or documents for which access is granted under the FOI Act, can be examined. Documents may also be examined in the Canberra office by prior arrangement.

The Authority's offices are at:

Level 15, Darling Park  
201 Sussex Street SYDNEY NSW 2000

Postal address:

PO Box Q500  
QUEEN VICTORIA BUILDING NSW 1230

Tel: (02) 9334 7700

Freecall: 1800 226667

Fax: (02) 9334 7799

TTY: (02) 9334 7777

DX 13012 Market Street, Sydney

Email: [info@aba.gov.au](mailto:info@aba.gov.au)

Web site: [www.aba.gov.au](http://www.aba.gov.au)

Blue Building

Benjamin Offices

Chan Street

BELCONNEN ACT 2617

Postal address:

PO Box 34

BELCONNEN ACT 2616

Tel: (02) 6256 2800

Fax: (02) 6253 3277

## FOI procedures and initial contact point

Requests for access under the FOI Act must be in writing and addressed to the FOI Co-ordinator and be accompanied by an application fee (currently \$30). The FOI Act provides for a reduction of the charges or non-imposition of the charges in certain circumstances. In many cases however, it may not be necessary to use FOI as the information sought may be readily available. The Manager, Media and Public Relations, in the Sydney office should be contacted in the first instance.

Correspondence on FOI matters should be addressed to the FOI Co-ordinator at the ABA's Sydney office at the address given above.

Under the procedures operating in the Authority for the handling of FOI requests, in some instances the FOI Co-ordinator may need to consult applicants for access to documents under the FOI Act. Specific instances are as follows:

- (a) to assist the applicant to more specifically identify documents that have been requested;
- (b) to give the applicant a reasonable opportunity for consultation before refusing a request on grounds of insufficient information (subsection 15(2) of the FOI Act) or if the request requires a substantial and unreasonable diversion of resources (subsection 24(1) of the FOI Act); or
- (c) to notify the applicant of the charges and the deposit that is payable, or to discuss a request that the charges be reduced or not imposed.

As at 30 June 1999, as well as the Members, the General Manager, the Branch Directors and most of the Section Heads were authorised, under section 23 of the FOI Act, to make primary decisions on applications for access to documents held by their area. Generally, access is provided in the form of copies of documents.

In addition to the Members, the General Manager and the Branch Directors are also authorised to make decisions on applications for internal review of primary FOI decisions made by the Authority.

## Appendix 4

# Licence area plans and aspirant community broadcasters

## Licence area plans released in 1998–99

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<b>Final licence area plans</b>	<b>Date released</b>
<b>Australian Capital Territory</b>	
Canberra radio	June 1999
<b>New South Wales</b>	
Armidale radio	September 1998
Bega radio	June 1999
Coffs Harbour radio	October 1998
Goulburn radio	June 1999
Grafton radio	September 1998
Gunnedah radio	July 1998
Inverell radio	July 1998
Kempsey radio	October 1998
Moree radio	July 1998
Muswellbrook radio	October 1998
Newcastle radio	October 1998
Tamworth radio	September 1998
Taree radio	October 1998
Taree radio variation	December 1998
Tenterfield radio variation	December 1998
<b>Queensland</b>	
Cairns radio variation	October 1998
Emerald radio variation	November 1998
Innisfail radio variation	October 1998
Kingaroy radio	October 1998
Toowoomba/Warwick radio	December 1998
<b>Remote services</b>	
Remote Central and Eastern Australia radio variation	December 1998
Remote Central and Eastern Australia television variation	December 1998
Remote and Regional Western Australian television	November 1998

<b>Draft licence area plans</b>	<b>Date released</b>
<b>New South Wales</b>	
Bega radio	October 1998
Canberra radio	October 1998
Cooma radio	October 1998
Goulburn radio	October 1998
Nowra radio	October 1998
Wollongong radio	October 1998

## New transmitters planned 1998–99

The number of new transmitters planned in final licence area plans released in 1998–99, in order of area, and denoting type of service.

Licence area plan	Date published	ABC	Commercial	Community	ONC
<b>Radio</b>					
Armidale	2 September 1998				2
Bega	18 June 1999	3		2	4
Canberra	18 June 1999	3	2	11	4
Coffs Harbour	26 October 1998		1	1	1
Goulburn	18 June 1999		4		2
Grafton	2 September 1998		1	1	1
Gunnedah	17 July 1998			2	1
Inverell	3 July 1998			3	2
Kempsey	26 October 1998		3	2	2
Kingaroy	12 October 1998	1	1	4	2
Moree	17 July 1998			1	1
Muswellbrook	9 October 1998	2	1	2	2
Newcastle	9 October 1998			4	1
Remote Central and Eastern Australia	1 December 1998		1		
Tamworth	2 September 1998			1	1
Taree	9 October 1998			2	2
Tenterfield	1 December 1998			1	
Toowoomba/ Warwick	1 December 1998		8	3	6
<b>Television</b>					
Remote Central and Eastern Australia	22 December 1998		88		

ONC: open narrowcasting

## Aspirant community broadcasters 1998–99

Aspirant community broadcasters issued with a temporary community broadcasting licence in 1998–99, in order of area served.

### Australian Capital Territory

Canberra	ArtSound Inc.
Canberra	Canberra Christian Radio Ltd
Canberra	Canberra Community Radio Inc.
Canberra	Country Music Collective Inc.
Canberra	Ethnic Broadcasting Council of the ACT
Canberra	Radio Antenna International FM Inc.

### New South Wales

Albury-Wodonga	Albury-Wodonga Christian Broadcasters Inc.
Bathurst	Bathurst & District Community Radio Broadcasters
Bathurst	Bathurst Christian Broadcasters Inc.
Bega	Bega Access Radio Inc.
Blacktown and Sydney Western Suburbs	Blacktown City Community Radio Association Inc.
Bourke	Muda Aboriginal Corporation
Byron Bay	Bay FM Community Radio Inc.
Campbelltown	Macarthur Community Radio Association Inc.
Casino	Casino's Own Wireless Inc.
Cessnock/Maitland	Central Hunter Community Broadcasters Inc.
Coffs Harbour	Coffs Harbour Christian Broadcasters
Coffs Harbour	Holiday Coast Community Radio Inc.
Coraki	Community Radio Coraki Association Inc.
Deepwater	Deepwater & District Community FM Radio
Dubbo	Dubbo Christian Broadcasters Inc.
Gilgandra	Warrumbungles Community Broadcasting Association
Gosford	Central Coast Broadcasters Ltd
Gosford	Radio Five O Plus
Gosford	Radio Yesteryear Inc.
Gosford/Wyong	Wyong-Gosford Progressive Community Radio
Hornsby	Hornsby Ku-ring-gai Community Radio
Kempsey	Macleay Valley Community FM Radio Inc.
Lake Macquarie	Lake Waves FM Community Radio Inc.
Lightening Ridge	Lightning Ridge Community Radio
Manning and Great Lakes area	Manning Great Lakes Christian Broadcasters
Moss Vale	Southern Mountain Media Inc.
Murrurundi	Mt Helen FM
Narrabri	Narrabri Shire Community Radio Inc.
Newcastle	Newcastle Christian Broadcasters
Nimmitabel	Nimmitabel Advancement Group Inc.
Penrith	Nepean Riverlands Community Radio Assn
Port Stephens	Port Stephens FM Radio Inc.
Queanbeyan	Queanbeyan Community Radio (QBN FM)
Shoalhaven/Illawarra	Living Sound Broadcasters Limited
Springwood	Nepean Christian Broadcasters Ltd
St Marys	Way Out West Fine Music
Sydney	Chinese Community Radio Association Inc.
Sydney	Combined Multicultural Christian Community
Sydney	Free Broadcast Inc.
Sydney	Gadigal Information Service
Sydney	Islamic Council of NSW
Sydney	Muslim Community Radio Inc.
Sydney	New Wave Broadcasters Ltd
Sydney	OUT FM Sydney Ltd
Sydney	Pump Broadcasters Ltd





## Annual Report 1998–99

Gold Coast  
Gold Coast  
Gympie  
Hervey Bay  
Hervey Bay  
Hervey Bay  
Mareeba  
Noosa  
Rockhampton  
Smithfield  
Sunshine Coast  
Sunshine Coast  
Toowoomba  
Warwick  
Wondai  
Yeppoon

### South Australia

Adelaide  
Adelaide  
Adelaide  
Adelaide  
Kadina  
Mount Gambier  
Port Pirie  
Tanunda  
Victor Harbor  
Victor Harbor

### Western Australia

Armadale  
Esperance  
Geraldton  
Kalamunda

### Tasmania

Hobart  
Port Arthur

### Northern Territory

Borooloola

Hott FM Ltd  
Radio Hope Island Ltd  
Cooloola Christian Radio Broadcasters Inc.  
Community Radio Sandy Straits Association  
Fraser Coast Community Radio Inc.  
Wide Bay Christian Broadcasters Association Inc.  
Living Waters Community Radio Association  
Noosa District Community FM Radio Association  
Central Queensland Aboriginal Corporation for Media  
Smithfield Community Radio Association  
Suncoast Community Radio Inc.  
Sunshine Coast Christian Broadcasters Inc.  
Toowoomba Christian Broadcasters Association  
Warwick Community FM Radio Association Inc.  
Community Radio of Wondai Association  
NAG Radio Broadcasting Association Inc.

Fresh Broadcasters Inc.  
Music Broadcasting Society of SA  
Radio Televisione Italiana (SA) Inc.  
Way Out West Broadcasters  
Peninsula Community Broadcasters  
South East Christian Broadcasters  
Pirie Community Radio Broadcasters Inc.  
Barossa Broadcasting Board Inc.  
Encounter FM Community Broadcasters Association  
Great Southern Community Broadcasters

Heritage FM Inc.  
Esperance Sonshine Broadcasters Inc.  
Soncity FM Inc.  
Kalamunda Community Radio Inc.

Cadence FM  
Tasman Community Broadcasters

Mabunji Resource Assoc Inc.

## Appendix 5

# Investigations completed in 1998–99: no breach finding

<b>Commercial television</b>			
<b>Callsign</b>	<b>program/ advertisement/issue</b>	<b>substance of complaint</b>	<b>relevant code/licence condition</b>
<b>New South Wales</b>			
ATN7 Sydney	Rugby Union	Use of the process known as 'virtual advertising'.	Advertisements must be distinguishable from programs.
ATN7 Sydney	News	Alleged tobacco advertisement in news item.	Tobacco advertising prohibition.*
TCN9 Sydney	Strassman	Sexual references inappropriate for M classified program.	M — sex and nudity.
TCN9 Sydney	Good Medicine	Misleading and inaccurate reporting.	News/current affairs — accuracy, represent viewpoints fairly.
TCN9 Sydney	Cricket	Coverage contained a tobacco advertisement.	Tobacco advertising prohibition.*
TEN10 Sydney	The Usual Suspects	Offended by bad language.	M — language.
CTC Southern NSW	News	Children filmed at a child care centre invading their privacy.	News/current affairs — privacy.
NBN Northern NSW	Advertisement	Advertisement for eucalyptus product was misleading.	Advertisements relating to medicines.*
NBN Northern NSW	Promotion for Third Twin	Unsuitable program promotion in a G viewing period.	Promotions in G time.
NEN Northern NSW	Home Improvement	Subliminal message inserted in opening titles.	Proscribed material — use of subliminal perception.
WIN Southern NSW	A Current Affair	Inaccurate reporting and misrepresentation of viewpoints.	News/current affairs — accuracy, represent viewpoints fairly.
<b>Victoria</b>			
ATV10 Melbourne	News	Inaccurate reporting of changes to gun control laws.	News/current affairs — accuracy.
HSV7 Melbourne	Promotion for Mr Bean	Depiction of Mr Bean exposing himself unsuitable for children.	Promotions in G time — nudity.

## Commercial television

Callsign	program/ advertisement/issue	substance of complaint	relevant code/licence condition
HSV7 Melbourne	Outback Adventures with Troy Dann	Depiction of unhelmeted bike riders dangerous; complaints handling.	G — depiction of dangerous playthings; complaints handling.
<b>Queensland</b>			
QTQ9 Brisbane	Eye on Queensland	Segment was inaccurate, unfair and insensitive.	News/current affairs — accuracy.
QTQ9 Brisbane	Friends	Inappropriate sexual references.	PG — sex/nudity.
STQ Regional Queensland	JAG	Inappropriate level of violence.	G — violence.
<b>South Australia</b>			
ADS10 Adelaide	Sex/Life	Depictions of male genitalia; complaints handling.	Ridicule on the basis of gender; complaints handling.
ADS10 Adelaide	Totally Full Frontal	Program contained blasphemy, violence and drug use.	M — violence, drugs; proscribed material — ridicule.
NWS9 Adelaide	The Drew Carey Show	References to castration and circumcision not suitable.	PG — sex and nudity.
NWS9 Adelaide	A Current Affair	Inaccurate reporting in a segment on the unemployed.	News/current affairs — accuracy.
SAS7 Adelaide	The Professional	Offended by theme and violence.	M — violence, not suitable for television.
<b>Western Australia</b>			
STW9 Perth	Not specified	Existence of code not adequately publicised.	Regular on-air information about the code.
TWV7 Perth	Today Tonight	Unauthorised use of a listening device, invasion of privacy.	Use of service in the commission of an offence against another Act or law. *
<b>All</b>			
	Tax reform advertisements	Advertisement was political matter and needed to be identified as such.	Identification of political matter. *
<b>New South Wales</b>			
2GB Sydney	John Harker	Racist comments made about Chinese swimmers.	Vilification on the basis of nationality.

## Commercial radio

Callsign	program/ advertisement/issue	substance of complaint	relevant code/licence condition/ section of the Act
2GB Sydney	Mike Gibson	Factual material not presented accurately; comments likely to perpetuate hatred.	News/current affairs — accuracy; perpetuate hatred.
2GB Sydney	Brian Wilshire	Factual material not presented accurately; gratuitous vilification of Aborigines.	News/current affairs — accuracy; vilification on the basis of race.
2UE Sydney	John Laws	Offensive lyrics in song, vilification, failure to respond to complaint.	Offensive language, vilification on the basis of nationality, complaints handling.
2UE Sydney	Alan Jones	Inaccurate statements about a school and its principal, failure to respond to complaint.	News/current affairs — accuracy, complaints handling.
2MO Gunnedah	General programming	Service taken on relay over the Easter period: no local funeral announcements were made.	Licensee must contribute to an adequate and comprehensive range of services. *
<b>Victoria</b>			
3AW Melbourne	Steve Price	Comments were inaccurate and misrepresented the Shooters Party.	News/current affairs — accuracy, represent viewpoints fairly.
<b>Queensland</b>			
4TOO Townsville	Stan Zemanek Show	Offensive language, complaint not responded to.	Offensive language, complaints handling.
<b>South Australia</b>			
5AA Adelaide	not specified	Inaccurate claims about Santa Claus, complaint not responded to, station did not retain tapes.	News/current affairs — accuracy; complaints handling; retention of tapes. *
5AA Adelaide	Bob Francis	Revealed personal information, invasion of privacy.	News/current affairs — privacy.
5SSA Adelaide	not specified	Sydney residents described as 'bloody poofters'.	Offensive language.
5SSA Adelaide	Megaphone Sex	Offended by language.	Offensive language.

## Commercial radio

Callsign	program/ advertisement/issue	substance of complaint	relevant code/licence condition* /section of the Act
<b>Western Australia</b>			
6BET Bridgetown	Commencement of service	Licensee failed to commence service within 12 months of licence allocation.	Commence service within 12 months or such longer period as approved by the ABA. *
6FMS Regional WA	General programming	Licensee not providing an adequate and comprehensive service.	Licensee must contribute to an adequate and comprehensive range of services. *
<b>Tasmania</b>			
7TTT Hobart	Advertisement for Tilford Motors	Advertisement simulated an actual event.	Proscribed material — mislead or alarm.
2BBB Bellingen	Management	Management's handling of internal disputes and complaints.	Conflict resolution; complaints handling.

## Community radio (includes services licensed as temporary community radio services)

Cool FM Byron Bay	Transmitter site	Transmitter site not in accordance with licence.	Use of service in the commission of an offence against another Act or law. *
North FM Hornsby	Management	Management denying access to station.	Encouraging participation by members of the community. *
3WRB Melbourne West	Management	No community access to station.	Encouraging participation by members of the community. *
3WRB Melbourne West	Management	Management handling of internal dispute.	Mechanisms to facilitate conflict resolution.
Wild FM Brisbane	Music	Sexually explicit song lyrics.	Offensive language.
Hott FM Gold Coast	Management	Service being operated for profit.	Not operated for profit. #
Fresh FM Adelaide	Management, sponsorship announcements	Sponsorship announcements not tagged; denial of access to airtime.	Prohibition on broadcasting advertisements; encouraging participation by members of the community. *

## Subscription television (pay TV)

Callsign	program/advertisement /issue	substance of complaint	relevant code/licence condition /section of the Act
Optus	Not specified	Optus attempting to retransmit the GWN service without proper authority.	Retransmission rights. #

## ABC television

ABC TV	Order in the House	Inaccurate reporting of comments made by the Speaker of the House.	News/current affairs — accuracy.
ABC TV	News	Inaccurate reporting of the conflict in Iraq.	News/current affairs — accuracy.
ABC TV	Newsbreak	Distressing material broadcast when children likely to be watching.	Distressing material.
ABC TV	Recovery	Segment on body piercing inappropriate for morning program.	Distressing material.

## ABC radio

ABC Radio	Philip Clarke	Alleged discrimination against people from Africa.	Discrimination.
SBS TV	Eat Carpet Mardi Gras Special	Content not suitable for television.	Depictions of sex and nudity; appropriate classification.

## SBS radio

SBS Radio	Turkish	Program biased towards Turkish Government.	News/current affairs — balance.
SBS Radio	Romanian	Failure to broadcast information about government	Provision of air-time for government departments.

All potential breaches of the code of practice unless marked: \* potential breach of licence condition; # potential breach of the Broadcasting Services Act

## Investigations completed in 1998–99: breach finding

No.	Callsign	program/ advertisement/issue	substance of complaint	relevant code/program standard/ licence condition/section of the Act	No. of breaches
<b>Commercial television</b>					
<b>New South Wales</b>					
1	ATN7 Sydney	Scheduling of advertisements	Too many advertisements during the movie The African Queen.	Amount of non-program matter scheduled.	3
2	ATN7 Sydney	Witness	Accuracy; complainant not told of right to refer matter to ABA.	Complaints handling.	1
3	TCN9 Sydney	Scheduling of advertisements	Excessive amount of advertisements.	Amount of non-program matter scheduled.	27
4	TCN9 Sydney	A Current Affair	Stirring up hatred, serious contempt; accuracy and fairness; complaint not responded to.	Complaints handling.	1
5	TCN9 Sydney	Promotion for Sixty Minutes	Placement of program promotion; complaint not substantively responded to.	Complaints handling.	1
6	TCN9 Sydney	Today	Inaccurate representation of Zoroastrians; complaint not substantively responded to.	News/current affairs — accuracy, complaints handling.	2
7	TCN9 Sydney	Just Kidding	Nudity unsuitable for a G classification.	G — nudity.	1
8	TEN10 Sydney	Scheduling of advertisements	Too many advertisements during an episode of 'Seinfeld'.	Amount of non-program matter scheduled.	1
9	NEN Northern NSW	Scheduling of advertisements	Too many advertisements during the movie The African Queen.	Amount of non-program matter scheduled.	3
10	WIN Southern NSW	Australia's Funniest Home Video Show	Too violent for a PG classified program, complaints handling.	PG — violence, complaints handling.	3
<b>Victoria</b>					
11	ATV10 Melbourne	telephone-sex advertisements	Inappropriate screening during a sports program, complaint not responded to.	Complaints handling.	1



No.	Callsign	program/ advertisement/issue	substance of complaint/issue	relevant code/program standard/ licence condition/section of Act	No. of breaches
<b>Commercial television (ctd)</b>					
12	GTV9 Melbourne	A Current Affair	Inaccuracy in item on gun control, complaints handling.	Complaints handling.	2
13	GTV9 Melbourne	National Nine News	Accuracy and bias in item on gun control; complaint not responded to within 10 days.	Complaints handling.	2
14	HSV7 Melbourne	Today Tonight	Invasion of privacy, complaints handling.	Complaints handling.	1
<b>Queensland</b>					
15	QTQ9 Brisbane	Promotion for The Chippendales	M classified promotion during a G classified program.	Program promotions — promotions in G viewing periods.	3
16	QTQ9 Brisbane	promotion for the movie Creature	Unsuitable promotion in a G viewing period.	Program promotions — promotions in G viewing periods.	1
17	BTQ7 Brisbane	Children's program	Displacement of C program.	Displacement notice not lodged within 48 hours. *	1
18	QQQ Regional Queensland	Children's programs	Displacement of C programs.	Displacement notices not lodged within 48 hours. *	1
19	BTQ7,QTQ9,TVQ10 Brisbane, RTQ,STQ,TNQ Regional Queensland	Queensland Government advertisements	Advertisements were political matter and needed to be identified as such.	Identification of political matter. *	28
<b>South Australia</b>					
20	NWS9 Adelaide	Today	Distressing material unsuitable for a program that children are likely to be watching.	Classification — exercise care in news/current affairs programs broadcast during G time.	1
21	RTS Renmark/Loxton SES Mount Gambier	Children's programs	C classification expired: failure to broadcast quota.	Quota for C programs. * Broadcasting non-classified program in C time band. *	2
<b>Western Australia</b>					
22	NEW10 Perth	News	Inaccuracy in news item, complaints handling.	Complaints handling.	1

No.	Callsign	program/ advertisement/issue	substance of complaint/issue	relevant code/program standard/ licence condition/section of Act	No. of breaches
<b>Commercial television (ctd)</b>					
23	STW9 Perth	News	Offensive material in news item; complaints handling.	Complaints handling.	1
24	STW9 Perth	Children's program	Displacement of P program outside P time band.	Displacement cannot occur outside specified time band.*	1
25	STW9 Perth	Children's program	Displacement of C program.	C programs cannot be displaced for news bulletins.*	1
26	GTW, SSW, VEW, WAW Regional WA	Children's program	C classification expired: failure to broadcast quota.	Quota for C Drama.* Broadcasting non-classified program in C time band.*	4
<b>Tasmania</b>					
27	TVT Tasmania	Burke's Backyard	References to rape in a PG classified program.	PG — sex and nudity.	1
<b>Northern Territory</b>					
28	NTD Darwin	Children's programs	C classification expired: failure to broadcast quota	Quota for C programs. * Broadcasting non-classified program in C time band.*	1
29	NTD Darwin	Children's program	Displacement of P program outside P time band.	Displacement cannot occur outside specified time band.*	1
30	TND Darwin	Children's programs	Displacement of C programs.	Displacement notice not lodged within 48 hours. Displaced programs not broadcast as notified.*	1
31	TEN10 Sydney, ATV10 Melbourne, NEW10 Perth, TVQ10 Brisbane, ADS10 Adelaide, CTC Southern NSW, NRN Northern NSW, BCG/GLV Regional Victoria, TNQ,ITQ,QQQ Regional Queensland	Deepwater Haven	C classification expired.	Broadcasting non-classified program in C time band.*	11

No.	Callsign	program/ advertisement/issue	substance of complaint	relevant code/program standard/ licence condition/section of Act	No. of breaches
<b>Commercial radio</b>					
<b>NSW</b>					
32	2GB Sydney	Mike Jeffreys	Vilification of minorities, complaint not responded to.	Complaints handling.	1
33	2PK Parkes	Year My Country Broke	Gratuitous vilification, complaints handling.	Complaints handling.	1
<b>Queensland</b>					
34	4BC Brisbane	Breakfast program	Recording and broadcasting of conversations without consent of party.	Broadcasting words of an identifiable person without consent.	1
35	4TOO Townsville	News	Broadcast material not retained.	Retention of matter broadcast.*	1
<b>South Australia</b>					
36	5ADD Adelaide	News	Too much detail in news report on a case of sexual violence, complaints handling.	Complaints handling.	1
<b>Community radio</b>					
37	2CR Sydney (temp. licence)	Advertisements	Too many advertisements broadcast.	Prohibition on broadcasting advertisements.*	1
38	2REM Albury	Sponsorship announcements	Sponsorship announcements not individually 'tagged'.	Prohibition on broadcasting advertisements.*	1
39	3WRB Melbourne West	Dispute resolution	Presenters taken off air, inadequate and unfair dispute resolution procedures.	Dispute resolution.	2
40	3WRB Melbourne West	Dispute resolution	Presenter taken off air, inadequate handling of dispute.	Dispute resolution.	1
41	3CCC Bendigo	Dispute resolution	Unfair suspension of presenter, complaint not responded to.	Dispute resolution, complaints handling.	2
42	3CCC Bendigo	Dispute resolution	Not abiding by dispute resolution procedures.	Dispute resolution.	3

No.	Callsign	program/ advertisement/issue	substance of complaint	relevant code/licence condition/ section of Act	No. of breaches
<b>Open narrowcast radio</b>					
43	Smooth FM Byron Bay	General program content	Providing a service of broad appeal.	Providing a commercial radio broadcasting service without a licence. #	1
44	KFM88 Kingaroy	General program content	Providing a service of broad appeal.	Providing a commercial radio broadcasting service without a licence. #	1
45	Best FM Bundaberg	General program content	Providing a service of broad appeal.	Providing a commercial radio broadcasting service without a licence. #	1
46	Best FM Bundaberg	General program content	Providing a service of broad appeal.	Providing a commercial radio broadcasting service without a licence. #	1
47	FM88 Springwood/ Logan City	General program content	Providing a service of broad appeal.	Providing a commercial radio broadcasting service without a licence. #	1
48	Classic Hits FM Sunshine Coast	General program content	Providing a service of broad appeal.	Providing a commercial radio broadcasting service without a licence. #	1
<b>ABC television</b>					
49	ABC TV	Wildside	Nudity/sex scenes inappropriate for television, complaints handling.	Complaints handling.	1
50	ABC TV	News	Prime Minister's announcement of election was edited so as to misrepresent him.	News/current affairs — accuracy, errors corrected in a timely manner.	1
51	ABC TV	News	Discussion of sex/sexuality not handled with integrity, complaint handling.	Discussion of sex/sexuality to be handled with integrity, complaints handling.	2
<b>ABC radio</b>					
52	Radio National	Peter Thompson	Inappropriate language in breakfast program, complaints handling.	Offensive language, complaints handling.	2

All breaches were of a code of practice unless marked: \* breach of licence condition; ; # breach of the Broadcasting Services Act.

# Summaries of breaches found in investigations into program matters

## Commercial television

### Code: Commercial television industry code of practice

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#### 1. ATN7 Sydney

##### **Issue: Scheduling of advertisements**

##### **Complaint: Too many advertisements during the movie *The African Queen***

The complainant alleged that too many advertisements were scheduled during the movie *The African Queen*, broadcast in November 1997.

The Authority found that the licensee had exceeded the amount of non-program matter permitted per hour in two of the hours between 6 p.m. and midnight on 21 November 1997. The Authority also found that the licensee had exceeded the maximum level of non-program matter that may be scheduled over the six-hour prime time period on that night.

The licensee accounted for the excess non-program matter as time 'made up' from the commercial-free broadcast of the movie *Schindler's List*, which occurred a few days after *The African Queen* was broadcast. The code allows licensees to make-up time in this way when they broadcast programs of a, 'clearly charitable or community service nature without the insertion of non-program matter'. The Authority did not accept the licensee submission that *Schindler's List* was of a clearly charitable or community service nature.

As a result of this and similar investigations the commercial television industry undertook to review the relevant sections of the code to avoid similar disagreements in the future.

#### 2. ATN7 Sydney

##### **Program: Witness**

##### **Complaint: Factual material not presented accurately; failure to advise complainant of right to refer the matter to the Authority**

The complainant alleged that during an interview with an American legal advocate, Linda Fairstein, misleading and inaccurate statements were made concerning an Australian judge.

The Authority did not uphold the complaint with regard to the accuracy of the statements. However, the Authority found that the licensee breached section 7.8 of the code in that it did not advise the complainant that if he was not satisfied with the response received he could refer the matter to the Authority. The licensee advised that the matter was brought to the attention of the executive producer of the program. The Authority took no further action other than to publish its findings on the matter.

### 3. TCN9 Sydney

**Issue: Scheduling of advertisements**

**Complaint: Excessive amount of advertising over a number of nights**

The complainant, Seven Network, alleged that the licensee had scheduled too many advertisements on 17 nights in April and May of 1998.

The Authority found that on each of the nights investigated the licensee exceeded the amount of scheduled non-program matter allowable under the code. The excess resulted from either scheduling an average of more than 13 minutes per hour and/or scheduling more than 15 minutes in any one hour, between 6 p.m. and midnight. The Authority found a total of 27 breaches of the code over the 17 nights.

The investigation revealed that there were different interpretations of the code, resulting in confusion and misunderstandings. The commercial television industry undertook to review the relevant sections of the code and the Authority has undertaken to monitor the amount of non-program matter scheduled by licensees.

### 4. TCN9 Sydney

**Program: A Current Affair**

**Complaint: Stirring up hatred, serious contempt; inaccurate reporting; failure to respond to the complainant**

The complainant alleged that a segment on Asian drivers was inaccurate, likely to stir up hatred or serious contempt against people of Asian backgrounds and that the station failed to respond to the complaint.

The Authority did not uphold the complaints with regard to accuracy, stirring up hatred or serious contempt. The Authority found that the licensee breached section 7.8 of the code by not responding to the complaint within the time limits allowed.

During the course of the investigation the licensee wrote to the complainant and apologised for not responding to the complainant within the required timeframe. The Authority was satisfied with this action and took no further action other than to publish its findings on the matter.

### 5. TCN9 Sydney

**Program: Promotion for Sixty Minutes**

**Complaint: Placement of promotion inappropriate; failure to provide a substantive response to the complaint**

The complainant alleged that promotions for the program 'Sixty Minutes' that were broadcast during broadcasts of Rugby League and the movie *Annie* failed to comply with the G and PG classifications as required by the code. The complainant was also dissatisfied with the response received.

The Authority did not uphold the complaints concerning the classifications of the promotions. The Authority did find, however, that the licensee breached section 7.8 of the code by not advising the complainant of his right to refer the matter to the Authority for investigation. The Authority took no further action other than to publish its findings on the matter.

## 6. TCN9 Sydney

**Program: Today**

**Complaint: Inaccurate representation;  
complaint not substantively responded to**

The complainant alleged that a segment on witchcraft misrepresented Zoroastrians by branding followers of the religion in the same category as witches.

The Authority found that by failing to inform viewers of the clear distinction between Zoroastrianism and witchcraft the licensee breached section 4.3.1 of the code. The Authority also found that, by failing to advise the complainant of their right to refer the matter to the Authority, the licensee breached section 7.8 of the code. The licensee conceded that Zoroastrianism was not adequately distinguished from witchcraft. The Authority published its findings on the matter but took no further action.

## 7. TCN9 Sydney

**Program: Just Kidding**

**Complaint: Unacceptable level of nudity for G viewing time**

The complainant alleged that a segment within the program which showed semi-naked women and a shot of a woman's nipple was unacceptable for G viewing time.

The Authority found that the licensee breached section 2.10 of the code in that it broadcast a G classified program that contained material likely to be unsuitable for children to watch without the supervision of a parent or guardian. The segment contained a depiction of nudity that was not discreet, nor absolutely necessary to the story line or program context.

The licensee admitted that there had been an error in editing the program and that the segment was not suitable for a G classification. The licensee apologised to the complainant for any offence the segment may have caused.

As a result of the Authority's investigation the licensee has installed new computer software alerting those scheduling programs to any necessary edits before a program can be broadcast. The licensee submitted that this is a substantial upgrade to the classification checking system previously used. The Authority is satisfied with the action taken by the licensee.

## 8. TEN10 Sydney

**Issue: Scheduling of advertisements**

**Complaint: Too many advertisements during an episode of Seinfeld**

The complainant alleged that there were too many advertisements broadcast during an episode of 'Seinfeld' in May 1998.

The Authority found that in the hour 7 p.m. to 8 p.m. on 5 May 1998 the licensee exceeded by 50 seconds the maximum of 15 minutes of scheduled non-program matter allowable under the code. The excess resulted from one instance of scheduling an item which the licensee argued was a sponsorship announcement but the Authority considered was a spot commercial, and five instances where the Authority determined that an item was a program promotion rather than a program line-up as argued by the licensee.

The licensee assured the Authority that it had taken steps to limit the likelihood of further similar breaches. The commercial television industry also undertook to review the relevant codes to clarify what is and what is not non-program matter.

## 9. NEN Northern NSW

### **Issue: Scheduling of advertisements**

#### **Complaint: Too many advertisements during the movie *The African Queen***

The complainant alleged that too many advertisements were scheduled during the movie *The African Queen*, broadcast in November 1997.

The Authority found that the licensee had exceeded the amount of non-program matter permitted per hour in two of the hours between 6 p.m. and midnight on 21 November 1997. The Authority also found that the licensee had exceeded the maximum level of non-program matter that may be scheduled over the six-hour prime time period on that night.

The licensee accounted for the excess non-program matter as time ‘made up’ from the commercial-free broadcast of the movie *Schindler’s List*, which occurred a few days after *The African Queen* was broadcast. The code allows licensees to ‘make-up’ time in this way when they broadcast programs of a, ‘clearly charitable or community service nature without the insertion of non-program matter’. The Authority did not accept the licensee’s submission that *Schindler’s List* was of a clearly charitable or community service nature.

As a result of this and similar investigations the commercial television industry undertook to review the relevant sections of the code so as to avoid similar disagreements in the future.

## 10. WIN Southern NSW

### **Program: Australia’s Funniest Home Video Show**

#### **Complaint: Too violent for PG timelset; complaints handling**

The complainant alleged that a segment which showed a soccer referee being punched in the head by a player was too violent for a PG classified program.

The Authority found that the licensee breached section 2.12 of the code as the violence depicted was explicit, indiscreet and not stylised. The sound effects emphasised the image rather than give it a ‘light hearted’ tone and the overall impact was not reduced by either the introductory comments, or by the nature of the other clips. The Authority also found that the licensee breached sections 7.8 and 7.9 of the code by not responding within the timeframes set down and not advising the complainant of their right to refer the matter to the Authority.

As a result of the investigation the licensee provided a written apology to the complainant for the manner in which the complaint was dealt with. The licensee also advised the Authority that it had reviewed its complaints handling procedures. The Authority is satisfied with the action taken by the licensee.

## 11. ATV10 Melbourne

### **Program: Telephone-sex advertisements**

#### **Complaint: Inappropriate scheduling of such advertisements in sporting program; failure to respond to the complaint**

The complainant alleged that advertisements for telephone sex during a commercial break of ‘Sports Tonight’ broadcast between 11.30 p.m. and midnight was not appropriate as children may record the program. The complainant also alleged that the complaint was not responded to.



The Authority found that the licensee breached section 7.8 of the code by not responding to the complainant but did not uphold the complaint with regard to the classification and placement of the advertisements.

To prevent future similar breaches, the licensee highlighted the issue at a Network management meeting and emphasised to all managers how important it is to respond to complaints. In addition, memorandum was issued to all staff to remind them how important it is that these issues are dealt with promptly and correctly. The Authority is satisfied with this action but will closely monitor the licensee's handling of complaints in the future.

## 12. GTV9 Melbourne

**Program: A Current Affair**

**Complaint: Inaccurate reporting in an item on gun control; failure to respond to the complaint within the required timeframe**

The complainant alleged that the visual images in an item on gun control were inaccurate and that the licensee failed to respond to the complaint within the required timeframe.

The Authority did not uphold the complaint with regard to the accuracy of the visual images. However, the Authority found that the licensee breached sections 7.8 and 7.9 of the code by not responding to the complaint within the required time and not advising the complainant of his right to refer the matter to the Authority.

The licensee undertook to address the breach by employing a part-time administrative assistant to provide assistance in responding to all complaints in a timely manner. The Authority is satisfied with this action but will closely monitor the licensee's complaints-handling procedures.

## 13. GTV9 Melbourne

**Program: National Nine News**

**Complaint: Inaccurate reporting in an item on gun control; complaint not responded to within the required timeframe**

The complainant alleged that an item concerning changes to the State's gun laws was inaccurate and that the station failed to respond to the complaint within the required time.

The Authority did not uphold the complaint with regard to the accuracy of the item. However, the Authority found that the licensee breached sections 7.8 and 7.9 of the code by not responding to the complaint within the required timeframe and not advising the complainant of his right to refer the matter to the Authority.

The licensee undertook to address the breach by employing a part-time administrative assistant to provide assistance in responding to all complaints in a timely manner. The Authority is satisfied with this action but will closely monitor the licensee's complaints-handling procedures.

## 14. HSV7 Melbourne

**Program: Today Tonight**

**Complaint: Invasion of privacy; failure to advise the complainant of their right to refer the matter to the Authority**

The complainant alleged that in filming patients in a hospital the licensee had invaded individual's privacy and that the licensee failed to advise them of their right to refer the matter to the Authority.

The Authority did not uphold the complaint with regard to privacy but found that the licensee breached section 7.8 of the code by not advising the complainant of their right to refer the matter to the Authority.

The licensee advised that the omission of this advice was an oversight and that it had raised the matter with the relevant staff. The Authority took no further action with regard to the matter other than to publish its findings.

## 15. QTQ9 Brisbane

**Program: Promotion for The Chippendales**

**Complaint: Promotion not suitable for G viewing time**

The complainant alleged that the promotion which was broadcast during a G classified movie contained depictions of nudity and sexual activity which were not appropriate.

The Authority found that the licensee breached section 3.4.3 of the code by broadcasting a promotion for an M classified program during a G classified program. The Authority also found that the promotion exceeded the criteria for depictions of nudity and sexual activity in program promotions in a G classified period in breach of sections 3.6.8 and 3.6.9 of the code.

As a result of the investigation the licensee provided a written apology to the complainant for any offence caused by the promotion. The licensee also undertook to provide thorough training of staff concerned with the production of promotions to prevent a similar breach in the future.

## 16. QTQ9 Brisbane

**Program: Promotion for the movie Creature**

**Complaint: Promotion not suitable for G viewing time**

The complainant alleged that the promotion contained material that was frightening for children.

The Authority found that the licensee breached section 3.6.4 of the code by broadcasting a promotion in a G viewing period that contained material involving genuinely threatening or frightening situations.

The Authority noted that the promotion was broadcast only 11 days after the promotion for the 'Chippendales' (above). As a result of that investigation the licensee undertook to implement a number of procedural changes which have not yet been implemented. The licensee also undertook to provide a written apology to the complainant. The Authority is satisfied with this action but will closely monitor the licensee's future compliance in scheduling program promotions.

## 18. QQQ Regional Queensland

### Issue: Children's program

The Authority found that the licensee failed to lodge three displacement notices within the required 48 hour timeframe.

## 19. BTQ7, QTQ9, TVQ10 Brisbane and RTQ, STQ, TNQ Regional Queensland

### Program: Queensland Government advertisements

### Complaint: Advertisements were political matter and ought to be identified as such

The complainant alleged that six Queensland Government advertisements contained political matter and ought to have been identified as such.

The Authority found that five of the six advertisements contained political matter and ought to have been immediately followed by an announcement of the required particulars (the written and authorised tag). In broadcasting the advertisements without the required particulars licensees were in breach of a condition of their licence.

The Authority acknowledged that at the time of the investigation licensees were having difficulties in applying the requirements of the legislation with certainty and that licensees did not have the benefit of the Authority's *Guidelines for the Broadcasting of Political Matter* at the time of the broadcasts.

The Authority took no further action with regard to the matter. However, licensees were put on notice that any further such breaches would be considered serious now that they have the *Guidelines* to assist them.

## 20. NWS9 Adelaide

### Program: Today

### Complaint: Distressing material unsuitable for children

The complainant alleged that a segment featuring a family preparing and cooking a human placenta was unsuitable for broadcast in a program which children may be watching.

The Authority found that the licensee breached section 2.6 of the code by not exercising care in the selection and broadcast of material in a current affairs-style program broadcast in a G viewing period.

The licensee provided the complainant with a written apology for any offence caused by the segment. The Authority took no further action but will monitor the licensee's future compliance with section 2.6 of the code.

## 21. RTS Renmark/Loxton and SES Mount Gambier

### Issue: Children's program

The Authority found that the licensees had breached the Children's Television Standards by broadcasting programs whose C classification had expired and subsequently the licensees failed to broadcast the required level of C programs.

The licensees advised the Authority that they had put in place new systems and procedures to ensure that similar breaches do not occur again. The Authority took no further action with regard to the matter but expects the licensees to have in place appropriate compliance procedures in order to meet the Children's Television Standards.

## 22. NEW10 Perth

**Program: News**

**Complaint: Inaccuracy in news item; failure to respond to complaint**

The complainant alleged that an item referring to a break-in at the Western Australian Premier's house was inaccurate and that the station failed to respond to the complaint.

The Authority did not uphold the complaint with regard to the accuracy of the item. However, the Authority found that the licensee breached section 7.8 of the code as it did not provide the complainant with a written response.

The Authority took no further action with regard to the matter other than to publish its findings.

## 23. STW9 Perth

**Program: News**

**Complaint: Offensive material in news item; failure to respond adequately to the complaint**

The complainant alleged that the news item concerning publications containing nude shots of members of the Spice Girls was offensive and inappropriate. The complainant also alleged that the licensee failed to advise of her right to refer the matter to the Authority.

The Authority did not uphold the complaint concerning the appropriateness of the material. The Authority found that the licensee breached section 7.8 of the code by not advising the complainant of her right to refer the matter to the Authority. The licensee undertook to remind relevant staff of the requirements of the code. The Authority took no further action other than to publicise its findings on the matter.

## 24. STW9 Perth

**Issue: Children's program**

The Authority found that the licensee breached the Children's Television Standards by failing to broadcast a P classified program at the scheduled time of 3.30 p.m. The scheduled program was broadcast outside the time band required by the Children's Television Standards.

## 25. STW9 Perth

**Issue: Children's program**

**Complaint: Children's program displaced for news bulletin**

The complainant alleged that the licensee broadcast a news bulletin instead of the scheduled children's program.

The Authority found that the licensee breached the Children's Television Standards by broadcasting a news bulletin instead of its children's program. The Children's Television Standards allow for the displacement of C programs in certain circumstances—such as for programs of national interest. However, the Authority did not accept that a news bulletin fell into this category.

The Authority also acknowledged the difficulty experienced by the licensee which was locked into a live telecast of the Commonwealth Games from the eastern States. The Authority instructed the licensee to report to it in six months on the operation of new compliance procedures implemented to ensure future compliance.

## 26. GTW, SSW, VEW and WAW Regional Western Australia

### **Issue: Australian Children's drama**

The Authority found that the licensees had breached the Children's Television Standards and the Australian Content Standard by broadcasting programs whose C classification had expired. As a result, the licensees had not met their annual quota requirement for the broadcast of C classified programs.

The licensees undertook to implement new procedures to ensure future compliance. The Authority instructed the licensees to report to it in six months on the operation of the new compliance procedures.

## 27. TVT Tasmania

### **Program: Burke's Backyard**

### **Complaint: Sexual violence inappropriate for PG viewing time**

The complainant alleged that an item concerning a guest from the former program 'Number 96' contained depictions of sexual violence that were inappropriate for a PG classified program.

The Authority found that the licensee breached section 2.10 of the code by broadcasting sexual violence within a program classified PG. The Authority was not persuaded that the tongue-in-cheek nature of many of the comments lessened the impact of the segment.

The licensee advised the Authority that it had forwarded the findings to the producers of the program for consideration in the production of future episodes. The Authority took no further action other than to publish its findings regarding the matter.

## 28. NTD Darwin

### **Issue: Children's program**

The Authority found that the licensee breached the Children's Television Standards by broadcasting programs whose C classification had expired, leading to a shortfall in the total amount of C programs broadcast by the licensee. The licensee advised the Authority that it would put in place appropriate procedures to ensure future compliance with the Children's Television Standards.

## 29. NTD Darwin

### **Issue: Children's program**

The Authority found that the licensee breached the Children's Television Standards by displacing a P program and broadcasting it outside the required P time band. The Authority acknowledged the difficulties experienced by the licensee when taking a direct feed of sporting programs from the eastern states, however, the Authority reminded the licensee of its obligations under the Children's Television Standards and of its expectation that it will comply in the future.

## 30. TND Darwin

### **Issue: Children's program**

The Authority found that the licensee breached the Children's Television Standards by not lodging its displacement within the required 48 hour period. The licensee advised the Authority that it would schedule additional C programming to make up for the

displaced programs. The licensee also advised that procedures had been put in place to ensure that similar breaches do not occur again.

**31. TEN10 Sydney, NRN Northern NSW, CTC Southern NSW, ATV10 Melbourne, BCV/GLV Regional Victoria, TVQ10 Brisbane, TNQ, ITQ & QQQ Regional Queensland, ADS10 Adelaide , NEW10 Perth**

**Program: Deepwater Haven**

The Authority found that the licensees breached the Children’s Television Standards by broadcasting a program whose C classification had expired. The licensees advised the Authority that the error had occurred as a result of a computer programming error that had been corrected to ensure future compliance. The licensees also advised that they would schedule additional C programming to ensure that they met the overall quota requirements for 1998.

**Commercial radio**

**Code: commercial radio codes of practice**

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**32. 2GB Sydney**

**Program: Mike Jeffreys**

**Complaint: Vilification of minorities, complaint not respond to**

The complaint alleged that the Mike Jeffreys’ program, and others, amounted to the vilification of minorities and that the licensee failed to respond to the complaint.

The Authority did not uphold the complaints concerning vilification but did find that the licensee breached section 5 of the code by not responding to the complaint. The licensee advised the Authority that it had put in place new procedures to ensure that all complaints are responded to in a timely way. The Authority took no further action but will closely monitor the licensee’s complaints handling.

**33. 2PK Parkes**

**Program: Year My Country Broke**

**Complaint: Gratuitous vilification; failure to respond to the complaint**

The complaint alleged that the program amounted to gratuitous vilification on the basis of religion and that the licensee failed to respond to the complaint.

The Authority did not uphold the complaint concerning vilification but did find that the licensee breached section 5 of the code by not responding to the complaint. The licensee undertook to improve its complaints-handling procedures. The Authority will closely monitor the licensee’s handling of complaints.

### 34. 4BC Brisbane

**Program: Breakfast program**

**Complaint: Recording and broadcasting conversations without consent**

The Authority found that the licensee breached section 6 of the code by broadcasting the words of an identifiable person without that person being informed in advance or being aware that the words may be broadcast.

As a result of the investigation the licensee issued a directive to staff reminding them, on pain of dismissal, that no recording of any telephone conversation is to occur until the other party has been explicitly and clearly informed that the conversation is being recorded and that no such conversations are to be put to air unless the other party has given approval.

The Authority is satisfied with the action taken by the licensee.

### 35. 4TOO Townsville

**Program: News**

**Complaint: Broadcast material not retained**

The complainant alleged that the licensee did not retain a complete record of a matter broadcast which related to current affairs, as required by the conditions of licence.

The Authority found that the licensee had breached the licence condition by not retaining a record of the lead-in to a news item. The licensee submitted that this was due to an operational error and that new procedures had been implemented to ensure that relevant matter is retained in the future. The licensee also advised that it had replaced its old tape recording system with a new digital logging system.

The Authority is satisfied with the action taken by the licensee and took no further action regarding the matter.

### 36. 5ADD Adelaide

**Program: News**

**Complaint: Too much detail in report of a case of sexual violence; complaint not responded to**

The complainant alleged that a report of a murder that involved sexual violence contained too much detail and was inappropriate for broadcast. The complainant also alleged that the station did not respond to the complaint.

The Authority was unable to make a finding with regard to the actual report as the licensee no longer had a copy of the news report. Under the Act, licensees are only required to keep records of such matters for a period of six months. The Authority found that the licensee had breached section 5 of the code by not responding to the complaint.

As a result of the investigation the licensee provided a written apology to the complainant. The licensee also provided the Authority with an assurance that procedures have been implemented to ensure an efficient editing process for all future news items. The Authority is satisfied with the action taken by the licensee.

## Community radio

### Code: Community broadcasting codes of practice

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#### 37. 2CR Sydney (temporary community broadcasting licensee)

**Program: Advertisements**

**Complaint: Too many advertisements**

The complainant alleged that the licensee broadcast too many advertisements.

The Authority found that the licensee had breached a condition of its licence by broadcasting advertisements. Under the Act, community broadcasting licensees are prohibited from broadcasting advertisements and may only broadcast up to four minutes per hour of sponsorship announcements.

The licensee undertook to implement new procedures to ensure that it does not broadcast advertisements and that no more than four minutes per hour of sponsorship announcements are broadcast.

The Authority took no further action but will closely monitor the licensee's future compliance with its licence conditions.

#### 38. 2REM Albury

**Program: Sponsorship announcements**

**Complaint: Sponsorship announcements not individually tagged**

The complainant alleged that the licensee was not tagging each individual sponsorship announcement in accordance with the conditions of its licence.

The Authority found that, in not tagging each individual announcement, the licensee had broadcast advertisements in breach of its licence conditions. The licensee undertook to ensure that in future each sponsorship announcement would be tagged accordingly. The Authority took no further action but will closely monitor the licensee's compliance with the conditions of its licence.

#### 39. 3WRB Melbourne West

**Issue: Management**

**Complaint: Inadequate dispute resolution**

The complainant alleged that presenters were taken off-air and that the licensee had inadequate and unfair dispute resolution procedures.

The Authority found that the licensee had breached sections 6.3 and 6.4 of the code by not negotiating for dispute resolution by managing discussion between the complainant and itself, and that the licensee did not seek alternative dispute resolution mechanisms.

The licensee advised the Authority that it had implemented new dispute resolution procedures to deal with future disputes. The Authority took no further action with regard to the matter, other than to publish its findings.



#### 40. 3WRB Melbourne West

**Issue: Management**

**Complaint: Presenter taken off the air, inadequate handling of dispute**

The complainant alleged that he had been prevented from broadcasting and that the licensee failed to adequately deal with the dispute.

The Authority acknowledged that this matter arose prior to the licensee adopting its new dispute-resolution procedures. However, the Authority found that the licensee breached section 6.2 of the code by failing to make every reasonable effort to resolve the dispute conscientiously and as soon as practicable. The Authority requested that the licensee attempt to resolve the dispute using its new procedures that are now in place. The Authority is awaiting advice from the licensee regarding a final resolution of the matter.

#### 41. 3CCC Bendigo

**Issue: Management**

**Complaint: Unfair suspension of presenter; complaint not responded to**

The complainant alleged that they had been unfairly suspended by the licensee and that the complaint was not responded to.

The Authority found that the licensee breached section 6.2 of the code by failing to make every reasonable effort to resolve the dispute and that the licensee breached section 7 of the code by failing to respond to the complaint.

As a result of the investigation the licensee implemented new dispute resolution and complaint-handling procedures. The Authority took no further action with regard to the matter other than to publish its findings.

#### 42. 3CCC Bendigo

**Issue: Management**

**Complaint: Not abiding by dispute resolution procedures**

The complainant alleged that they were unfairly dismissed from the station and that the licensee failed to abide by its dispute resolution procedures.

The Authority found that the licensee breached sections 6.2, 6.3 and 6.4 of the code by not making every reasonable effort to resolve the dispute, manage discussion between the parties, and seek independent mediation.

The Authority instructed the licensee to seek independent mediation and to advise the Authority of the outcome of the mediation. The Authority is awaiting advice as to the outcome of the process.

## Open narrowcast radio

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### 43. Smooth FM Byron Bay

**Issue: General program content**

**Complaint: Providing a service of broad appeal**

The complainant alleged that the licensee was providing a service of broad commercial appeal intended for the general public.

The Authority found that the service provided by Smooth FM did not fulfil any of the criteria in section 18 of the Act for an open narrowcast service. The Authority found that Smooth FM was providing a commercial radio broadcasting service as defined in section 14 of the Act. The Authority also found that Smooth FM was in breach of section 133 of the Act as it did not hold a licence to provide a commercial radio broadcasting service.

As a result of its findings the Authority issued a notice to the licensee, under section 137 of the Act, directing it to cease providing a commercial radio broadcasting service. The licensee ceased providing the service upon receipt of the notice.

### 44. KFM88 Kingaroy

**Issue: General program content**

**Complaint: Providing a service of broad appeal**

The complainant alleged that the licensee was providing a service of broad commercial appeal intended for the general public.

The Authority found that the service provided by KFM88 did not fulfil any of the criteria in section 18 of the Act for an open narrowcast service. The Authority found that KFM88 was providing a commercial radio broadcasting service as defined in the Act (section 14). The Authority also found that KFM88 was in breach of section 133 of the Act as it did not hold a licence to provide a commercial radio broadcasting service.

As a result of its findings the Authority issued a notice to the licensee under section 137 of the Act directing it to cease providing a commercial radio broadcasting service. The matter is ongoing at the end of the reporting period.

### 45. Best FM Bundaberg

**Issue: General program content**

**Complaint: Providing a service of broad appeal**

The complainant alleged that the licensee was providing a service of broad commercial appeal intended for the general public.

The Authority found that the service provided by Best FM did not fulfil any of the criteria for an open narrowcast service (section 18 of the Act). The Authority found that Best FM was providing a commercial radio broadcasting service as defined in section 14 of the Act. The Authority also found that the licensee was in breach of section 133 of the Act as it did not hold a licence to provide a commercial radio broadcasting service.

As a result of its findings, the Authority issued a notice to the person who it believed to be the licensee. The notice was issued under section 137 of the Act and directed the licensee to cease providing a commercial radio broadcasting service. The Authority subsequently became aware that the notice was incorrectly addressed, and started a new investigation.

## 46. Best FM Bundaberg

**Issue: General program content**

**Complaint: Providing a service of broad appeal**

The Authority found that the service provided by Best FM did not fulfil any of the criteria for an open narrowcast service (section 18 of the Act). The Authority found that Best FM was providing a commercial radio broadcasting service as defined in section 14 of the Act. The Authority also found that the licensee was in breach of section 133 of the Act as it did not hold a licence to provide a commercial radio broadcasting service.

As a result of its findings the Authority issued a notice to the licensee, under section 137 of the Act, directing it to cease providing a commercial radio broadcasting service. The matter is ongoing at the end of the reporting period.

## 47. FM88 Springwood/Logan City

**Issue: General program content**

**Complaint: Providing a service of broad appeal**

The complainant alleged that the licensee was providing a service of broad commercial appeal intended for the general public.

The Authority found that the service provided by FM88 did not fulfil any of the criteria set down in section 18 of the Act for an open narrowcast service, but found that FM88 was providing a commercial radio broadcasting service as defined in section 14 of the Act. The Authority also found that the licensee was in breach of section 133 of the Act as it did not hold a licence to provide a commercial radio broadcasting service.

As a result of its findings the Authority issued a notice to the licensee under section 137 of the Act directing it to cease providing a commercial radio broadcasting service. The matter is ongoing at the end of the reporting period.

## 48. Classic Hits FM Sunshine Coast

**Issue: General program content**

**Complaint: Providing a service of broad appeal**

The complainant alleged that the licensee was providing a service of broad commercial appeal intended for the general public.

The Authority found that the service provided by Classic Hits FM did not fulfil any of the criteria set down in section 18 of the Act for an open narrowcast service, but found that Classic Hits FM was providing a commercial radio broadcasting service as defined in section 14 of the Act. The Authority also found that the licensee was in breach of section 133 of the Act as it did not hold a licence to provide a commercial radio broadcasting service.

As a result of its findings the Authority issued a notice to the licensee under section 137 of the Act directing it to cease providing a commercial radio broadcasting service. The licensee ceased to provide the service on receipt of the notice.

## ABC television

### Code: ABC code of practice

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#### 49. Program: Wildside

**Complaint: Nudity/sex scenes inappropriate for television; complaints handling**

The complainant alleged that depictions of sex and nudity in the program were unsuitable for television and that the ABC failed to respond to the complaint.

The Authority did not uphold the complaint concerning the depictions of sex and nudity within the program. However, the Authority found that the ABC breached section 8.1 of the code by failing to respond to the complainant.

The ABC submitted that the letter of complaint had been inadvertently misfiled and subsequently provided a written apology to the complainant. The ABC was also in the process of reviewing its complaints-handling procedures as a result of a number of similar findings in the previous reporting period. The Authority is satisfied with the action taken but will closely monitor the ABC's handling of complaints.

#### 50. Program: News

**Complaint: Prime Minister's announcement of election was edited so as to misrepresent him**

The complainant alleged that the ABC, in its 7 p.m. news bulletin, edited footage of the Prime Minister's announcement of the then forthcoming 1998 Federal election so that it portrayed the Prime Minister in a negative light.

The Authority viewed the Prime Minister's press conference, a segment of which was included in the later news bulletin, and found that the journalist's original question at the press conference included a reference which was removed in editing. The Authority found that by retaining the footage of the Prime Minister laughing but not including any reference to what the Prime Minister was laughing at, the ABC created a misleading impression which amounted to an inaccuracy. The Authority also considered that an apology should have been made during the election campaign.

The Authority found that the ABC breached clause 4(1)(a) of the code and on 26 February 1999 issued a notice, under section 152 of the Act, recommending that the ABC broadcast an apology in the 7 p.m. news bulletin. The ABC broadcast an apology in that evening's bulletin.

#### 51. Program: News

**Complaint: Discussion of sex/sexuality not handled with integrity, complaints handling**

The complainant alleged that an item regarding the Sexpo, held in Sydney, contained explicit sexual scenes that were highly offensive and that the ABC did not respond to the complaint.

The Authority found that although the item was presented in a light-hearted manner, it contained a number of visual shots of bare-breasted women and a variety of sex toys. The Authority found that this material was inappropriate in the context of a 7 p.m. news bulletin and not essential to the reporting of the event. The Authority found that many viewers would have found such visuals highly offensive and that in broadcasting the

item in its 7 p.m. news bulletin the ABC breached section 2.3 of the code. The Authority also found that the ABC breached section 8.1 of the code by not responding to the complaint. The ABC advised that it received a number of written complaints about the item but for reasons that were unclear, the complainant's letter was not responded to.

As a result of the Authority's findings the ABC provided the complainant with a written apology for any offence caused by the item and undertook to review its procedures for handling complaints about news programs.

## **ABC radio**

### **Code: ABC code of practice**

#### **52. ABC Radio National**

**Program: Peter Thompson**

**Complaint: Inappropriate language in the breakfast program; complaints handling**

The complainant alleged that the ABC inappropriately broadcast the repeated use of word 'f...' by Mr Paul McDermott in a report concerning the ARIA Awards presentation. The complainant also alleged that the ABC failed to respond to the complaint.

The ABC advised the Authority that the language was inappropriate, particularly during the breakfast program, and that its broadcast was a serious editorial misjudgement.

The Authority found that the ABC breached section 2.2 of the code in that the program contained language that was gratuitous and could not be justified for the time broadcast. The Authority also found that the ABC breached section 8.1 of the code by not responding to the complaint.

The ABC advised that as a result of broadcast it had counselled the staff responsible for allowing the language to be broadcast. The Authority took no further action with regard to the matter.

## Appendix 6

# Children’s television

## Children’s television consultants 1998–1999

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<b>Name</b>	<b>Expertise</b>
Ewan Burnett	Production
Donato Caretti	Production/Presenting/Puppeteering
Glenn Cupit	Curriculum/Child development/Early childhood
Kim Elliott	Early childhood
Ian Fairweather	Ex–CPC/Production
Megs Gildea	Animation
Robert Greenberg	Script assessment
Alan Hardy	Production
Susan Howard	Curriculum/Child development/Human learning
Harold Lander	Script assessment
Elly Levis	Early childhood
Angela McLean	Early childhood/Child development
Stephen Measday	Script assessment
Fiona Mitchell	Curriculum/Child development/Early childhood
Steve Moltzen	Animation
Denis O’Connell	Child development
John Reeves	Script assessment
Susan Roberts	Curriculum/Child development/Early childhood
Wendy Schiller	Ex–CPC/Early childhood
Susan Scowcroft	Curriculum/Child development
John Upton	Script assessment

## C & P classified programs

Programs granted C or P classification between 1 July 1998 and 30 June 1999

### Children's — C

Program title	Style	Type	Origin	Class	Applicant
BUSH BEAT	Live action	Magazine	Australia	C	Queensland Television Ltd
DOWNLOAD	Live action	Game	Australia	C	Becker Entertainment
GOODSPORTS (SERIES 8)	Live action	Magazine	Australia	C	WIN Television
GYM JAM CLUB	Live action	Magazine	Australia	C	Fit TV Pty Ltd
JIM'S GIFT	Live action	Drama	UK	C	Channel 9 South Australia Pty Ltd
JIRIMPIMBIRA, AN AFRICAN FOLK TALE	Animated	Drama	USA	C	Channel 9 South Australia Pty Ltd
KIDSPEAK: I AM ANGRY — A BREATH OF FRESH AIR	Live action	Documentary	Australia	C	WIN Television
KIDSPEAK: THE CURFEW	Live action	Documentary	Australia	C	WIN Television
NOW YOU SEE IT (SERIES 10)	Live action	Game	Australia	C	Becker Entertainment Pty Ltd
PICK YOUR FACE	Live action	Game	Australia	C	Banksia Productions
SMOKESCREEN	Live action	Drama	UK	C	Channel 9 South Australia Pty Ltd
WILLIAM SHATNER'S A TWIST IN THE TALE	Live action	Drama	New Zealand	C	Cloud 9 Screen Limited, New Zealand
WIPEOUT (SERIES 1)	Live action	Game	Australia	C	Southern Star Entertainment Pty Ltd
WIPEOUT (SERIES 2)	Live action	Game	Australia	C	Southern Star Concept
WIPEOUT (SERIES 3)	Live action	Game	Australia	C	Southern Star Concept
WITCH'S DAUGHTER; THE Y?	Live action	Drama	Scotland	C	Channel 9 South Australia Pty Ltd
	Live action	Information	Australia	C	Southern Star Entertainment Pty Ltd

### Provisional C — PRC

BAREFOOT KIDS	Live action	Drama	Australia	PRC	YPH Film Management Pty Ltd
BUSH BEAT	Live action	Magazine	Australia	PRC	Queensland Television Ltd (QTQ 9)
DUMB BUNNIES; THE	Animated	Drama	Australia	PRC	Yoram Gross-Village Roadshow Pty Ltd
FLIPPER AND LOPAKA	Animated	Drama	Australia	PRC	Yoram Gross-Village Roadshow Pty Ltd
HIGH FLYERS (SERIES 1)	Live action	Drama	Australia	PRC	Southern Star Entertainment Pty Ltd
PIG'S BREAKFAST	Live action	Drama	Australia	PRC	Southern Star Entertainment Pty Ltd
PIG'S BREAKFAST (SERIES 2)	Live action	Drama	Australia	PRC	Southern Star Entertainment Pty Ltd
SEARCH FOR TREASURE ISLAND (SERIES 2)	Live action	Drama	Australia	PRC	Grundy Television Pty Ltd
THE DUMB BUNNIES (SERIES 2): EPISODES 14–26	Animated	Drama	Australia	PRC	Yoram Gross-Village Roadshow Pty Ltd
VALLEY OF THE GIANTS	Live action	Drama	Australia	PRC	Becker Entertainment

C: childrens, P — preschool, PRC — provisional C, CAD — Australian children's drama (C Drama replaced CAD (Australian children's drama) on 12 March 1999)

## Australian children's drama — C Drama

Program title	Style	Type	Origin	Class	Applicant
ANNA AND THE KING	Animated	Drama	Australia	CAD	Burbank Animation Studios Pty Ltd
CRASH ZONE; THE	Live action	Drama	Australia	CAD	The Australian Children's Television Foundation
DRIVEN CRAZY!	Live action	Drama	Australia	CAD	Barron Television Ltd
ENCHANTED BILLABONG; THE	Animated	Drama	Australia	CAD	Imagine If Pty Ltd
FAST TRACKS (SERIES 1)	Live action	Drama	Australia	CAD	Barron Television Ltd
FAST TRACKS (SERIES 2)	Live action	Drama	Australia	CAD	Barron Television Ltd
FIRST CHRISTMAS; THE	Animated	Drama	Australia	CAD	Burbank Animation Studios Pty Ltd
FRANKENSTEIN (FRANKENHOUND)	Animated	Drama	Australia	CAD	Burbank Animation Studios Pty Ltd
GINGER MEGGS (SERIES 1)	Animated	Drama	Australia	CAD	ICA Productions Australia
GINGER MEGGS (SERIES 2): EPISODES 14,19,20,22,23,25,26	Animated	Drama	Australia	CAD	ICA Productions Australia
GINGER MEGGS (SERIES 2): EPISODES 15–18,21,24	Animated	Drama	Australia	CAD	ICA Productions Pty Ltd
HIGH FLYERS (SERIES 1)	Live action	Drama	Australia	CAD	Southern Star Entertainment Pty Ltd
KETCHUP (SERIES 2)	Animated	Drama	Australia	CAD	Southern Star Entertainment Pty Ltd
KETCHUP (SERIES 3)	Animated	Drama	Australia	CAD	Southern Star Entertainment Pty Ltd
KETCHUP (SERIES 4)	Animated	Drama	Australia	CAD	Southern Star Entertainment Pty Ltd
NEW ADVENTURES OF OCEAN GIRL; THE	Animated	Drama	Australia	CAD	Media World Pty Ltd
NO WORRIES	Live action	Drama	Australia	CAD	The Seven Network
PIG'S BREAKFAST (SERIES 1)	Live action	Drama	Australia	CAD	Southern Star Entertainment Pty Ltd
PRINCE OF THE NILE: THE STORY OF MOSES	Live action	Drama	Australia	CAD	Burbank Animation Studios Pty Ltd
ROGUE STALLION; THE	Live action	Drama	Australia	CAD	Grundy Television Pty Ltd
SKIPPY — ADVENTURES IN BUSHTOWN: EPISODE 14	Animated	Drama	Australia	CAD	Yoram Gross-Village Roadshow Pty Ltd
SKIPPY — ADVENTURES IN BUSHTOWN: EPISODES 1,4,7,8,15	Animated	Drama	Australia	CAD	Yoram Gross-Village Roadshow Pty Ltd
SKIPPY — ADVENTURES IN BUSHTOWN: EPISODES 2,3,5,6, 9-13,	Animated	Drama	Australia	CAD	Yoram Gross-Village Roadshow Pty Ltd
THE ADVENTURES OF CHUCK FINN (SERIES 1)	Live action	Drama	Australia	CAD	Barron Television Ltd
THE DUMB BUNNIES (SERIES 1): EPISODES 1–13	Animated	Drama	Australia	CAD	Yoram Gross-Village Roadshow Pty Ltd
THUNDERSTONE 2	Live action	Drama	Australia	CAD	Jonathan M. Shiff Productions
TOOTHBRUSH FAMILY; THE (SERIES 3)	Animated	Drama	Australia	CAD	Southern Star Entertainment Pty Ltd
TOOTHBRUSH FAMILY; THE (SERIES 2)	Animated	Drama	Australia	CAD	Southern Star Entertainment Pty Ltd

## Preschool — P

Program title	Style	Type	Origin	Class	Applicant
HI-5	Live action	Entertainment	Australia	P	Kids Like Us Pty Ltd
IN THE BOX	Live action	Information	Australia	P	Network Ten Pty Ltd

*C Drama replaced CAD (Australian children's drama) on 12 March 1999.*



## **Appendix 7**



**Reserved for audit report**

**Reserved for audit report/members' statement**

## AUSTRALIAN BROADCASTING AUTHORITY OPERATING STATEMENT FOR THE YEAR ENDED 30 JUNE 1999

	Notes	1999 \$	1998 \$
<b>NET COST OF SERVICES</b>			
<b>Operating expenses</b>			
Employee expenses	5A	9 021 555	8 045 691
Supplier expenses	5B	4 531 754	5 287 143
Depreciation	5C	339 234	425 795
Net loss on disposal of non-current ass	5D	11 907	47 618
<b>Total operating expenses</b>		<b>13 904 450</b>	<b>13 806 247</b>
<b>Revenues from independent sources</b>			
Sales of goods and services	6A	180 824	193 291
Interest	6B	41 576	36 610
Other	6C	169 889	407 520
<b>Total revenues from independent sources</b>		<b>392 289</b>	<b>637 421</b>
<b>Net cost of services</b>		<b>13 512 161</b>	<b>13 168 826</b>
REVENUES FROM GOVERNMENT			
<b>Revenues from government</b>			
Parliamentary appropriations received	7A	13 549 000	12 984 500
<b>Total revenues from government</b>		<b>13 549 000</b>	<b>12 984 500</b>
<b>Surplus (deficit) of revenues from government over net cost of services</b>		<b>36 839</b>	<b>(184 326)</b>
<b>Surplus (Deficit)</b>		<b>36 839</b>	<b>(184 326)</b>
Accumulated surplus at beginning of reporting period	9	86 306	270 632
<b>Accumulated surplus at end of reporting period</b>	9	<b>123 145</b>	<b>86 306</b>

The accompanying notes form an integral part of these financial statements

## AUSTRALIAN BROADCASTING AUTHORITY STATEMENT OF ASSETS AND LIABILITIES AS AT 30 JUNE 1999

		1999	1998
	Notes	\$	\$
<b>PROVISIONS AND PAYABLES</b>			
Employees	8A	2 615 120	2 290 251
Suppliers	8B	47 317	59 906
Other	8C	0	210 000
<b>Total provisions and payables</b>		<u>2 662 437</u>	<u>2 560 157</u>
<b>Total liabilities</b>		<u>2 662 437</u>	<u>2 560 157</u>
<b>EQUITY</b>			
Accumulated surplus	9	123 145	86 306
<b>Total equity</b>		<u>123 145</u>	<u>86 306</u>
<b>Total liabilities and equity</b>		<u>2 785 582</u>	<u>2 646 463</u>
<b>FINANCIAL ASSETS</b>			
Cash	10A	1 852 492	1 406 901
Receivables	10B	23 781	13 976
Other	10B	0	333 523
<b>Total financial assets</b>		<u>1 876 273</u>	<u>1 754 400</u>
<b>NON-FINANCIAL ASSETS</b>			
Plant and equipment	11A,11B	705 697	747 697
Other	11C	203 612	144 366
<b>Total non-financial assets</b>		<u>909 309</u>	<u>892 063</u>
<b>Total assets</b>		<u>2 785 582</u>	<u>2 646 463</u>
<b>Current liabilities</b>		<b>1 260 250</b>	1 295 815
<b>Non-current liabilities</b>		<b>1 402 187</b>	1 264 342
<b>Current assets</b>		<b>2 079 885</b>	1 898 766
<b>Non-current assets</b>		<b>705 697</b>	747 697

The accompanying notes form an integral part of these financial statements

## AUSTRALIAN BROADCASTING AUTHORITY STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 1999

	1999	1998
	\$	\$
<b>OPERATING ACTIVITIES</b>		
<b>Cash received</b>		
Appropriations	13 549 000	13 075 000
Sale of goods and services	676 882	271 071
Interest	39 124	38 914
<b>Total cash received</b>	14 265 006	13 384 985
<b>Cash used</b>		
Employees	(8 696 686)	(8 150 759)
Suppliers	(4 840 785)	(5 078 345)
<b>Total cash used</b>	(13 537 471)	(13 229 104)
<b>Net cash from operating activities</b>	727 535	155 881
<b>INVESTING ACTIVITIES</b>		
<b>Cash received</b>		
Proceeds from sales of plant and equipment	2 000	850
<b>Total cash received</b>	2 000	850
<b>Cash used</b>		
Purchase of plant and equipment	(283 944)	(354 144)
<b>Total cash used</b>	(283 944)	(354 144)
<b>Net cash from investing activities</b>	(281 944)	(353 294)
<b>Net increase (decrease) in cash held</b>	445 591	(197 413)
add cash at 1 July	1 406 901	1 604 314
<b>Cash at 30 June</b>	1 852 492	1 406 901

*The accompanying notes form an integral part of these financial statements*

## AUSTRALIAN BROADCASTING AUTHORITY SCHEDULE OF COMMITMENTS AS AT 30 JUNE 1999

	1999	1998
	\$	\$
<b>BY TYPE</b>		
OTHER COMMITMENTS		
Operating lease	5 734 715	6 843 486
<b>Total other commitments</b>	<u>5 734 715</u>	<u>6 843 486</u>
<b>Total commitments payable</b>	5 734 715	6 843 486
<b>Net commitments</b>	<u>5 734 715</u>	<u>6 843 486</u>
<b>BY MATURITY</b>		
<b>All net commitments</b>		
One year or less	1 370 032	1 343 504
From one to two years	1 391 953	1 344 847
From two to five years	2 972 730	4 042 616
Over five years		112 519
<b>Net commitments</b>	<u>5 734 715</u>	<u>6 843 486</u>
<b>Operating lease commitments</b>		
One year or less	1 370 032	1 343 504
From one to five years	4 364 683	5 387 463
Over five years		112 519
<b>Operating lease commitments</b>	<u>5 734 715</u>	<u>6 843 486</u>

*The accompanying notes form an integral part of these financial statements*



**AUSTRALIAN BROADCASTING AUTHORITY SCHEDULE OF  
CONTINGENCIES AS AT 30 JUNE 1999**

.....  
There are no known contingencies.

*The accompanying notes form an integral part of these financial statements*

**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*for the year ended 30 June 1999*

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<b>Note</b>	<b>Description</b>
1	Summary of Significant Accounting Policies
2	Segment Reporting
3	Economic Dependency
4	Subsequent Events
5	Goods and services expenses
6	Revenue from Independent Sources
7	Revenues from Government
8	Provisions and payables
9	Equity
10	Financial Assets
11	Non-financial Assets
12	Cash Flow Reconciliation
13	Remuneration of Members
14	Related Party Disclosures
15	Remuneration of Officers
16	Remuneration of Auditors
17	Public Money
18	Financial Instruments

## 1. Summary of Significant Accounting Policies

### 1.1 Basis of accounting

The financial statements are a general purpose financial report.

They have been prepared in accordance with Schedule 2 to Orders issued by the Finance Minister under the *Commonwealth Authorities and Companies Act 1997*.

The financial statements have been prepared

- In accordance with Australian Accounting Standards, other authoritative pronouncements of the Accounting Standards Boards (Accounting Guidance Releases) and the Consensus Views of the Urgent Issues Group, and
- having regard to Statements of Accounting Concepts.

The financial statements have been prepared on an accrual basis and are in accordance with historical cost convention, except for certain assets which, as noted, are at valuation. Except where stated, no allowance is made for the effect of changing prices on the results or on the financial position.

### 1.2 Rounding

Figures have been rounded to the nearest dollar.

### 1.3 Taxation

The Authority is exempt from all forms of taxation except fringe benefits tax.

### 1.4 Property, plant and equipment

Purchases of property, plant and equipment are recognised initially at cost in the Statement of Assets and Liabilities, except for purchases costing less than \$2,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total). The \$2,000 threshold was selected because it facilitates efficient asset management and recording without materially affecting asset values recognised.

Property, plant and equipment acquired for free or for a nominal amount is recognised initially at fair value.

Schedule 2 requires that property, plant and equipment be progressively revalued in accordance with the 'deprival' method of valuation by no later than 1 July 1999 and thereafter be revalued progressively on that basis every three years.

Depreciable property, plant and equipment assets are written off to their estimated residual values over their estimated useful lives to the Authority using, in all cases, the straight line method of depreciation. Leasehold improvements are amortised on a

straight line basis over the lesser of the estimated useful life of the improvements or the unexpired period of the lease.

Gains and losses upon disposal of assets arising in the ordinary course of business are taken into account in determining the operating result for the period.

Non-current assets purchased during the period have been depreciated from the date of purchase.

The aggregate amount of depreciation allocated for each class of asset during the reporting period is disclosed in Note 5C.

### **1.5 Liability for Employee Entitlements**

The liability for employee entitlements encompasses provisions for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken by employees is less than the annual entitlement for sick leave.

The provision for annual leave reflects the value of total annual leave entitlements of all employees at 30 June 1999 and is recognised at its nominal value.

The liability for long service leave is recognised and measured at the present value of the estimated future cash flows to be made in respect of all employees at 30 June 1999. In determining the present value of the liability, attrition rates and pay increases through promotion and inflation have been taken into account.

Provision is also made for separation and redundancy payments in circumstances where the Authority has formally identified positions as excess to requirements and publicly communicated this information and a reliable estimate of the amount of payments can be determined.

### **1.6 Leases**

A distinction is made between finance leases, which effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of leased assets, and operating leases, under which the lessor effectively retains all such risks and benefits. All leases entered into by the Authority have been classified as operating leases.

Operating lease payments are charged to expense on a basis which is representative of the pattern of benefits derived from the leased assets.

### **1.7 Cash**

Cash comprises cash at bank, cash on hand and salaries trust account.

### **1.8 Revenue**

Appropriation revenue is recognised at the time the Authority becomes entitled to receive the revenue.

Resources received free of charge are recognised as revenues in the Operating Statement when received and their fair value can be reliably measured. Use of the resources is recognised as an expense or an asset, according to whether there is a long term benefit.

Revenue from the sale of goods is recognised upon the receipt of an order from customers. Interest revenue is recognised on a proportional basis taking into account the interest rates applicable to the financial assets.

Revenue from the rendering of a service is recognised when an invoice for services is raised.

## 1.9 Financial Instruments

Accounting policy in relation to financial instruments is disclosed in Note 18.

## 1.10 Comparative figures

Where necessary, comparative figures have been adjusted to conform with changes in presentation in these financial statements.

## 2. Segment Reporting

The Authority operates in a single industry and geographic segment being the regulation of commercial television and commercial and public radio in Australia.

## 3. Economic Dependency

The Australian Broadcasting Authority is controlled by the Government of the Commonwealth of Australia.

The Authority is dependent on appropriations from Parliament of the Commonwealth for its continued existence and ability to carry out its normal activities.

## 4. Subsequent Events

From the balance date to the date of these financial statements all events that have occurred which are of importance have been disclosed in the financial statements.

## 5. Goods and services expenses

### 5A Employee Expenses

	1999 \$	1998 \$
Basic remuneration for services provided	<u>9 021 555</u>	<u>8 045 691</u>

### 5B Supplier Expenses

	1999 \$	1998 \$
Consultancy fees	<b>169 616</b>	87 148
Fees and Services	<b>195 772</b>	238 281
Computer services	<b>93 355</b>	90 688
Travel	<b>750 750</b>	720 371
Office requisites	<b>328 343</b>	375 568
Postage, telephones etc	<b>301 238</b>	282 738
Repairs & maintenance	<b>107 519</b>	78 838

## Annual Report 1998–99

Incidentals	581 797	741 219
Office rental	1 633 415	1 705 082
Legal fees	185 268	835 794
Minor assets	184 681	131 416
Total	<u>4 531 754</u>	<u>5 287 143</u>

### **5C Depreciation**

	1999	1998
	\$	\$
Depreciation of plant and equipment	<u>339 234</u>	<u>425 795</u>

### **5D Net loss from disposal of assets**

	1999	1998
	\$	\$
Plant and equipment	<u>11 907</u>	<u>47 618</u>

## **6. Revenue from Independent Sources**

All revenues from independent sources arise from outside the operating activities (ie non-core activities) of the Authority.

### **6A Sale of goods and services**

	1999	1998
	\$	\$
Sale of goods	48 048	75 211
Rendering of services	132 776	118 080
	<u>180 824</u>	<u>193 291</u>

### **6B Interest**

	1999	1998
	\$	\$
Deposits	<u>41 576</u>	<u>36 610</u>

### **6C Other revenue**

	1999	1998
	\$	\$
Miscellaneous revenue	<u>169 889</u>	<u>407 520</u>

## **7. Revenues from Government**

### **7A Parliamentary Appropriations**

	1999	1998
	\$	\$
Appropriation Act No. 1	13 049 000	12 980 000
Appropriation Act No. 3	500 000	95 000
	<u>13 549 000</u>	<u>13 075 000</u>

## **8. Provisions and payables**

### **8A Liabilities to Employees**

	1999	1998
	\$	\$
Salaries and wages	152 711	126 608
Annual Leave	904 423	758 819
Long Service Leave	1 557 986	1 404 824
Aggregate employee entitlement liability	<u>2 615 120</u>	<u>2 290 251</u>

**8B Suppliers**

	<b>1999</b>	1998
	<b>\$</b>	<b>\$</b>
Trade Creditors	<b>47 317</b>	59 906
	<u><u>          </u></u>	<u><u>          </u></u>

**8C Other**

	<b>1999</b>	1998
	<b>\$</b>	<b>\$</b>
Other creditors	-	210 000
	<u><u>          </u></u>	<u><u>          </u></u>

**9. Equity**

	<b>Accumulated results</b>		<b>TOTAL EQUITY</b>	
	<b>1999</b>	1998	<b>1999</b>	1998
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Accumulated surplus 1 July</b>	<b>86 306</b>	270 632	<b>86 306</b>	270 632
Surplus/(Deficit)	<b>36 839</b>	(184 326)	<b>36 839</b>	(184 326)
<b>Accumulated surplus 30 June</b>	<b>123 145</b>	86 306	<b>123 145</b>	86 306

**10. Financial Assets****10A. Cash**

	<b>1999</b>	1998
	<b>\$</b>	<b>\$</b>
Cash at bank and on hand	<b>1 852 492</b>	1 406 901

**10B Receivables**

	<b>1999</b>	1998
	<b>\$</b>	<b>\$</b>
Goods and services	<b>23 781</b>	13 976
Other debtors	-	<u>333 523</u>
Total receivables	<b>23 781</b>	<u>347 499</u>
Receivables includes receivables overdue by		
- less than 30 days	<b>5 848</b>	336 919
- 30 to 60 days	<b>480</b>	1 250
- more than 60 days	<b>16 673</b>	9 330
	<u><u>23 001</u></u>	<u><u>347 499</u></u>

**11. Non-financial assets****11A Plant and equipment**

	<b>1999</b>	1998
	<b>\$</b>	<b>\$</b>
Plant & equipment - at cost	<b>2 594 534</b>	2 653 495
Accumulated depreciation	<b>(1 888 837)</b>	(1 905 798)
<b>Total Plant and Equipment</b>	<u><u>705 697</u></u>	<u><u>747 697</u></u>

## 11B. Analysis of Plant and Equipment

TABLE A - Movement summary 1998-99 for all assets irrespective of valuation basis

Item	Land	Buildings	Total land and buildings	Other infrastructure, plant & equipment	Total property, plant & equipment	Intangibles	Total
	\$	\$	\$	\$	\$	\$	\$
Gross value as at 1 July 1998	-	-	-	2 653 495	2 653 495	-	2 653 495
Additions	-	-	-	314 641	314 641	-	314 641
Revaluations	-	-	-	-	-	-	-
Disposals	-	-	-	(373 602)	(373 602)	-	(373 602)
Gross value as at 30 June 1999	-	-	-	2 594 534	2 594 534	-	2 594 534
Accumulated Depreciation as at 1 July 1998	-	-	-	1 905 798	1 905 798	-	1 905 798
Depreciation charge for assets held 1 July 1998	-	-	-	283 720	283 720	-	283 720
Depreciation charge for additions	-	-	-	55 514	55 514	-	55 514
Adjustment for revaluations	-	-	-	-	-	-	-
Adjustment for Disposals	-	-	-	(356 195)	(356 195)	-	(356 195)
Accumulated Depreciation as at 30 June 1999	-	-	-	1 888 837	1 888 837	-	1 888 837
Net value as at 30 June 1999	-	-	-	705 697	705 697	-	705 697
Net book value as at 1 July 1998	-	-	-	747 697	747 697	-	747 697

## 11C Other Non-Financial Assets

	1999	1998
	\$	\$
Prepaid property rentals	20 887	44 828
Other prepayments	182 725	99 538
	<u>203 612</u>	<u>144 366</u>

## 12. Cash Flow Reconciliation

Reconciliation of net cash flows from operating activities to Net Cost of Services.

	1999	1998
	\$	\$
<b>Net Cost of Services</b>	<b>(13 512 161)</b>	<b>(13 168 826)</b>
Revenues from Government	13 549 000	12 984 500
<b>Operating Surplus/(Deficit)</b>	<b>36 839</b>	<b>(184 326)</b>
Depreciation of plant & equipment	339 234	425 795
Loss on disposal of plant & equipment	13 729	48 718
Gain on disposal of plant & equipment	(1 822)	(1 100)
Changes in assets and liabilities		
Decrease/(increase) in receivables	(9 805)	96 587
Increase/(decrease) in employee liabilities	324 869	(105 068)
Increase/(decrease) in liability to suppliers	(12 589)	(47 653)
Increase/(decrease) in liability to other suppliers	(210 000)	210 000
Decrease/(increase) in other assets	(86 443)	46 451
Decrease/(increase) in other financial assets	333 523	(333 523)
<b>Net cash provided by operating activities</b>	<b>727 535</b>	<b>155 881</b>



**13. Remuneration of Members**

	Number	
	1999	1998
	\$	\$
Aggregate amount of superannuation payments in connection with retirement of members	53 696	39 278
Other remuneration received or due and receivable by members of the Authority	<u>587 066</u>	<u>563 390</u>
Total remuneration received or due and receivable by members of the Authority:	<u>640 762</u>	<u>602 668</u>

The number of members of the Authority included in these figures are shown below in the relevant remuneration bands.

	Number	
	1999	1998
\$ Nil-\$ 10 000	1	1
\$ 20 001-\$ 30 000	1	2
\$ 30 001-\$ 40 000	1	-
\$ 40 001-\$ 50 000	-	1
\$ 50 001-\$ 60 000	1	-
\$100 001-\$110 000	-	2
\$130 001-\$140 000	-	1
\$140 001-\$150 000	1	-
\$160 001-\$170 000	1	1
\$190 001-\$200 000	<u>1</u>	<u>-</u>
	<u>7</u>	<u>8</u>

**14. Related Party Disclosures**

Members of the Authority

The Members of the Authority during the year were:

D. Flint (Chairman)

G. Grainger (Deputy Chairman)

M. Gordon-Smith

K. Henderson

J. Rimmer

I. Robertson

R. Horton

J. Hilton (Ceased 5/11/98)

The aggregate remuneration of Members is disclosed in Note 13.

**15. Remuneration of Officers**

	1999	1998
	\$	\$
Income received or due and receivable by officers:	<b>686 204</b>	416 719

The number of officers included in these figures are shown below in the relevant income bands:

	Number	
	1999	1998
\$100 001-\$110 000	1	-
\$110 001-\$120 000	2	1
\$120 001-\$130 000	-	1
\$130 001-\$140 000	1	-
\$170 001-\$180 000	-	1
	<b>4</b>	<b>3</b>

Includes all officers concerned with or taking part in the management of the economic entity during 1998-99 whose remuneration was in excess of \$100 000.

No performance pay was received or due and receivable by officers.

## 16. Remuneration of Auditors

	1999	1998
	\$	\$
Remuneration to the Auditor-General for auditing the financial statements for the reporting period.	<b>34 000</b>	<u>37 000</u>

No other services were provided by the Auditor-General during the reporting period.

## 17. Public Money

The Authority collects moneys on behalf of the Commonwealth Government under the *Broadcasting Services Act 1992* for the Department of Communications, Information Technology and the Arts.

The ABA received **\$206 651 823** in licence fees for the 1998/99 collection year, which is comprised of **\$194 584 745** in television licence fees and **\$12 067 078** in radio licence fees.

The ABA allowed aggregation rebates of **\$5 727 136** to licencees under the Television Licence Fees Regulations.

Licence fees received from Price Based Allocations of licences was **\$5 432 500**.

	1999	1998
	\$	\$
Cash Balance 1 July	<b>82 800</b>	-
Add: Moneys collected during the year	<b>212 084 323</b>	218 462 357
Less: Moneys transferred to the Commonwealth	<b>212 167 123</b>	<u>218 379 557</u>
Cash Balance 30 June	<b>0</b>	<u>82 800</u>

## 18. Financial Instruments

## (a) Terms, conditions and accounting policies

Financial Instrument	Notes	Accounting Policies and Methods (including recognition criteria and measurement basis)	Nature of underlying instrument (including significant terms and conditions affecting the amount, timing and certainty of cash flows)
Financial assets		Financial assets are recognised when the company has control over the asset and the benefits from the asset are expected to flow to the company. Financial assets are measured at fair value less expected credit losses.	
Financial liabilities		Financial liabilities are recognised when the company has an obligation to transfer cash or another financial asset to another party in the future and the obligation is measured at fair value less expected credit losses.	
Trade receivables	18B	As for trade receivables provided services.	
Trade payables	18B	As for trade payables provided services.	
Trade receivables	18B	Trade receivables are recognised when a present obligation to transfer cash or another financial asset to another party is entered into and the amount of the liability is reliably measurable.	
Trade payables	18B	Trade payables are recognised when a present obligation to transfer cash or another financial asset to another party is entered into and the amount of the liability is reliably measurable.	
Other receivables	18C	As for trade receivables.	
Other payables	18C	As for trade payables.	

Note 18 Financial Instruments (cont.)

Financial Instrument	Dates	Floating Interest Rate	Fixed Interest Rate						Non-Interest Bearing	Total	Weighted Average Effective Interest Rate
			1 year or less		2 to 5 years		> 5 years				
			1998-99	1999-00	1998-99	1999-00	1998-99	1999-00			
Financial Assets (Receivables)											
Cost of Stock	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	
	₹	₹	₹	₹	₹	₹	₹	₹	₹	₹	
Tradeables for											
Financial Services	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	
Other Debtors	₹	₹	₹	₹	₹	₹	₹	₹	₹	₹	
Total Financial Assets (Receivables)	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	
	₹	₹	₹	₹	₹	₹	₹	₹	₹	₹	
Financial Liabilities (Payables)											
Cost of Stock	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	
	₹	₹	₹	₹	₹	₹	₹	₹	₹	₹	
Tradeables for											
Financial Services	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	
Other Debtors	₹	₹	₹	₹	₹	₹	₹	₹	₹	₹	
Total Financial Liabilities (Payables)	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	
	₹	₹	₹	₹	₹	₹	₹	₹	₹	₹	

Note 18 Financial Instruments (cont.)

(c) Interest rate risk

Financial Instrument	Dates	Floating Interest Rate	Fixed Interest Rate						Non-Interest Bearing	Total	Weighted Average Effective Interest Rate
			1 year or less		2 to 5 years		> 5 years				
			1998-99	1999-00	1998-99	1999-00	1998-99	1999-00			
Financial Assets (Receivables)											
Cost of Stock	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	
	₹	₹	₹	₹	₹	₹	₹	₹	₹	₹	
Tradeables for											
Financial Services	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	
Other Debtors	₹	₹	₹	₹	₹	₹	₹	₹	₹	₹	
Total Financial Assets (Receivables)	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	
	₹	₹	₹	₹	₹	₹	₹	₹	₹	₹	
Financial Liabilities (Payables)											
Cost of Stock	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	
	₹	₹	₹	₹	₹	₹	₹	₹	₹	₹	
Tradeables for											
Financial Services	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	
Other Debtors	₹	₹	₹	₹	₹	₹	₹	₹	₹	₹	
Total Financial Liabilities (Payables)	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00	
	₹	₹	₹	₹	₹	₹	₹	₹	₹	₹	

## Note 18 Financial instruments

### (c) Net Fair Value of Financial Assets and Liabilities

	Note	1998-99 Total carrying amount \$	1997-98 Aggregate net fair value \$
<b>Financial Assets</b>			
Cash at Bank	10A	1 852 492	1 406 901
Receivables for Goods and Services	10B	23 781	13 976
Other debtors	10B	-	333 523
<b>Total Financial Assets</b>		<u>1 876 273</u>	<u>1 754 400</u>
<b>Financial Liabilities (Recognised)</b>			
Trade creditors	8B	47 317	59 906
Other	8C	-	210 000
<b>Total Financial Liabilities (Recognised)</b>		<u>47 317</u>	<u>269 906</u>

#### Financial assets

The net fair values of cash and non-interest-bearing monetary financial assets approximate their carrying amounts.

None of the classes of financial assets are readily traded on organised markets in standardised form.

#### Financial liabilities

The net fair value for trade and other creditors which are short-term in nature, are approximated by their carrying amounts.

### (d) Credit Risk Exposures

The economic entity's maximum exposures to credit risk at reporting date in relation to each class of recognised financial assets is the carrying amount of those assets as indicated in the Statement of Assets and Liabilities.

The economic entity has no significant exposures to any concentrations of credit risk.

