AUSTRALIAN BROADCASTING AUTHORITY

annual report

Sydney
1998

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Reserved for letter of transmission

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Introduction to the report

The report is presented in accordance with the reporting requirements for departmental annual reports.

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.25.

In summary, the contents of this annual report are:

- The year in review, 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.
- Social justice, including social justice and equity, EEO, internal and external scrutiny.
- Summary statements, performance pay, staffing matters.
- Freedom of information.

The Year In Review 1997–98

Highlights of the year

- **The Minister announced that digital terrestrial television broadcasting would be introduced into Australia from January 2001. The Authority will have a key role in planning the spectrum for digital services and developing conversion schemes for commercial and national services.**
- **Digital radio broadcasting is also to commence in 2001. The Authority is working with the Government's Digital Radio Planning and Steering Committee to establish the necessary spectrum plans and licensing arrangements.**
- **The Authority issued final licence area plans for 17 markets and varied three previously issued plans. Channels were made available for 14 new commercial radio services, 26 new community radio licences and 55 new open narrowcasting services.**
- **A new commercial television licence to serve the whole of Western Australia outside Perth was auctioned for $36 million. The Authority also auctioned four new commercial radio licences and allocated 18 community radio licences.**
- **The Authority decided to commence an investigation into whether Mr Brian Powers, Mr Kerry Packer, Mr James Packer, Publishing and Broadcasting Limited, Consolidated Press Holdings Limited or any related or associated persons have since 17 May 1998 committed any breaches of the cross-media provisions of the *Broadcasting Services Act 1992*.**
- **The number of investigations into programming matters increased by 32 per cent and the number of breaches of codes of practice, licence conditions and the Act resulting from these investigations was up 71 per cent.**
- **Following the High Court of Australia's ruling that the Authority's program standard for Australian content on commercial television was in breach of Australia's obligations under the Australia New Zealand Closer Economic Relations Agreement, the Authority started a review of the Australian content standard to remedy this inconsistency and to comply with the Act.**

- **The Authority has been shortlisted for the 1998 Carl Bertelsmann Prize for its general co-regulatory approach to broadcasting services, and in particular its use of this model in relation to on-line services.**
- **Professor David Flint, Authority Chairman launched the *Australian Broadcasting Authority Service Charter* at a broadcasting industry reception in Melbourne in November 1997.**

Last year saw the appointment of a new Chairman of the Authority, Professor David Flint AM. A new Deputy Chairman, Mr Gareth Grainger, was also appointed, as was new full time member, Mr Michael Gordon Smith, part time members, Mr John Rimmer and Mr Ian Robertson and associate members, Mr Jeffrey Hilton SC and Mr Robert Horton.

Such was the change at the board level of the organisation, that Ms Kerrie Henderson is the only member of the Authority who was a member at 30 June 1997.

At a broadcasting industry reception in Sydney on 16 October 1997, the first of a number held around the country for the new Authority members to meet and discuss issues with industry representatives, Professor Flint said the new Authority will function much as a board of directors.

'The Authority is determined to fulfil its obligations with due process and appropriate despatch. Due process is of the upmost importance. We must of course make decisions as early as possible, "justice delayed is justice denied".'

'But we have to be properly informed. We have to hear from everyone who is entitled to be heard. Ours must be informed decisions, made of course in good faith. But made as early as possible.'

'Our task is to suggest and administer regulatory frameworks which allow the full exploitation of new technological developments, and the unleashing of competitive forces - all of course within our specific statutory objectives,' he said. At the reception, Professor Flint also paid tribute to his predecessor Mr Peter Webb and his colleagues, 'who gave such excellent service to the Authority'.

During the year the Authority 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. At least three members sit on each committee which is chaired by a member of the Authority. Authority staff generally act as advisers to the committees.

Structure

The Authority reviewed its structure with the aim of developing a unified organisation which provides effective support to a collegiate decision making body. The Authority's key principles in undertaking this were:

- ensuring authoritative expertise in the industries and issues it regulates;
- excellence in the management of information; and
- the cost effective administration of the Act, in moving from the introductory phase of the operation of the Act into a phase where ensuring long term compliance assumes greater priority.

The review was undertaken on a cost neutral basis and its main objectives were increased adaptability to change and greater responsiveness to peaks and troughs in the flow of work through speedier re-allocation of work or staff on projects. The review process involved extensive consultation with staff and workplace delegates.

Outcomes of the review included: the implementation of a new senior management structure; strengthening of the legal/compliance focus for the organisation; an increased focus on information needs and management; a merger of the Policy and Research Sections; changed reporting arrangements; and the establishment of a dedicated Secretariat. These outcomes have been progressively implemented and are expected to be completed in the second half of 1998.

Corporate planning

The Authority held a three day conference in March 1998 for its members and managers. The purpose of the conference was to develop a shared sense of direction and planning framework for the Authority. The Authority was seeking to establish a planning framework which provides clarity of roles, a strong sense of teamwork and the basis for business and strategic policy planning. Guest speakers addressed the conference about the operating environment for the Authority between 1998 and 2001.

Before the conference the Authority convened a consultative forum, comprising a diverse range of experts in the media field, to contribute to the process of identifying key areas of strategic policy focus for the Authority.

The Authority agreed the key areas of strategic policy focus for the next financial year (1998–99) would be:

- The Authority will provide regulatory policy leadership in a convergent future.
- The Authority will endeavour to maintain a balance between social and commercial interests in relevant policy forums and public debates.
- The Authority will adopt vigorous, innovative and credible compliance and enforcement strategies.
- The Authority will target a small group of issues of importance to the public interest, in particular, diversity in the media, fairness and accuracy, and privacy.

Digital broadcasting

In July 1997, in a paper to the Minister for Communications, the Information Economy and the Arts, the Authority recommended that digital terrestrial television broadcasting be introduced on the basis that existing free-to-air broadcasters be allocated sufficient extra spectrum to broadcast in high definition format (HDTV). This additional spectrum should be in the form of a loan, the Authority said. After a period of simulcasting in analog and digital, until the transition from analog to digital is achieved, broadcasters would have to return an equivalent amount of spectrum to the Government.

On 24 March 1998, the Minister announced that digital terrestrial television broadcasting would be introduced into Australia from January 2001, along the lines of the model suggested by the Authority. The Authority will have a key role in planning the spectrum for digital services and developing conversion schemes for commercial and national services.

In June 1998, the digital terrestrial television broadcasting Selection Panel, comprising representatives from the Authority, the Department of Communications and the Arts' Communications Laboratory and national and commercial broadcasters, unanimously

recommended that Australia adopt the European DVB-T standard for the delivery of digital terrestrial television services.

The Minister also announced on 24 March 1998, that digital radio broadcasting is to commence in 2001 using the Eureka 147 standard in the L-Band (1452 to 1492 MHz) with the use of VHF spectrum to be considered in regional areas. The Authority is working with the Government's Digital Radio Planning and Steering Committee to establish spectrum plans and licensing arrangements for the introduction of digital radio broadcasting by 2001.

Online services

In September 1997, the Minister for Communications and the Arts directed the Authority to investigate matters relating to the future regulatory arrangements for the content of online services, having regard to the principles for a regulatory framework released by the Government on 15 July 1997. In December 1997 the Authority established the Children and Content Online Task Force to assist it with its investigation, in particular, its consideration of content labelling. Content labelling allows parents and supervisors to limit access to Internet content which they do not consider appropriate for children, without affecting the rights of those who do not wish to use such tools.

The Task Force identified three key areas which affect children: contact and safety issues, illegal content and unsuitable content. The Task Force considered the community needs associated with these three areas, and developed a set of practical recommendations to address the issues. In its report, released in June 1998, the Task Force recommended that the Government fund a community education campaign to provide information about its beneficial uses as well as issues relating to the protection of children from harmful and unsuitable content.

In October 1997, the Authority published the UNESCO-commissioned study *The Internet and Some International Regulatory Issues Relating to Content*, which considered the introduction of online services in Australia, Malaysia, Singapore and the United Kingdom In particular the pilot study considered the way in which the four countries dealt with illegal content online, children's access to content considered unsuitable for them (including the use of filter software and labelling schemes), the ways in which online services are being used in the education sector and the role of community education. The Authority has recently been funded by UNESCO to hold a Regional Forum on Online Services in the Asia and Pacific region. The Authority is also participating in UNESCO's consultations on the development of international principles for cyberspace.

The Authority has been shortlisted for the 1998 Carl Bertelsmann Prize for its general co-regulatory approach to broadcasting services, and in particular its use of this model in relation to online services. The Authority has been selected by the German based Bertelsmann Foundation, from more than a hundred possible prize candidates, as one of six organisations from around the world that stand for responsibility on the way into the digital era. The Prize, in recognition of innovative contributions in key areas of social policy, is to be awarded in September 1998 in Gutersloh, Germany by the German President, Professor Roman Herzog.

Planning and licensing

The year saw a significant increase in the speed of planning of new services, partly due to a brand new set of Australian-designed software tools (RADCOM). The Authority

issued final licence area plans for 17 markets and varied three previously issued plans. Channels were made available for 14 new commercial radio services, 26 new community radio licences and 55 new open narrowcasting services.

A new commercial television licence to serve the whole of Western Australia outside Perth was auctioned for $36 million. The Authority also auctioned four new commercial radio licences and allocated 18 community radio licences. Following the amendment to the Broadcasting Services Act to provide a new power for the Authority to allocate temporary community broadcasting licences, the Authority has allocated 194 of these licences. There are 156 active groups seeking to obtain a permanent community radio licence across Australia.

Ownership and control

In April 1997, the Authority issued notices to CanWest Global Communications Corporation to rectify breaches of the foreign ownership provisions of the *Broadcasting Services Act 1992*. The issue of the notices followed the Authority's finding that CanWest was in a position to control the Ten network commercial television licences.

The Authority's notices specified a period of six months to rectify the breaches. In August 1997, CanWest applied for an extension of time to rectify the breaches. In October, the Authority granted an extension of four and a half months. CanWest successfully appealed this decision of the Authority. In January 1998, the Authority extended the time to 4 April 1998. Since 4 April, the Authority has been assessing the compliance action taken by CanWest to determine whether the breaches have been rectified.

On 18 May 1998, the Authority decided to commence an investigation into whether Mr Brian Powers, Mr Kerry Packer, Mr James Packer, Publishing and Broadcasting Limited, Consolidated Press Holdings Limited or any related or associated persons have since 17 May 1998 committed any breaches of the cross media provisions of the Broadcasting Services Act.

Mr Powers was previously a director and the Executive Chairman of Publishing and Broadcasting Limited. He was also Chief Executive Officer of Consolidated Press Holdings Limited. He resigned from these positions on 18 May 1998, the day he was appointed to the board of John Fairfax Holdings Limited

Consolidated Press Holdings Limited, and Publishing and Broadcasting Limited (and others) are registered with the Authority as being in a position to exercise control of the Nine network commercial television licences. Under the Act, they are prohibited from being in a position to exercise control of newspapers which are associated with the licence area of those licences.

If a newspaper is published by a company, a person is in a position to exercise control of that newspaper if the person is in a position to exercise control of the company, either alone or together with an associate.

John Fairfax Holdings Limited publishes newspapers (the *Sydney Morning Herald* and the *Age*) which are associated with the licence areas of the Sydney and Melbourne television licences of the Nine network. Accordingly Consolidated Press Holdings Limited and Publishing and Broadcasting Limited are prohibited from being in a position to exercise control of Fairfax, either alone or together with an associate.

Codes and content regulation

In terms of codes of practice and content issues, the Authority in entering its sixth year is interested in more active evaluation and assessment of the co-regulation scheme that has now been operating since 1992.

During 1997–98, the number of investigations into programming matters increased by 32 per cent and the number of breaches of codes of practice, licence conditions and the Act resulting from these investigations was up 71 per cent. The increase partly reflects a more vigorous compliance regime practised by the Authority but also suggests a trend against compliance by licensees, in particular commercial television licensees and ABC radio.

In September 1997 the Authority reviewed its investigation procedures so it could reduce the time taken to complete investigations. As a result of this review, in this reporting period, the average time for the Authority to complete an investigation was approximately 11 weeks, almost half the 20 weeks taken in the previous reporting period.

Officers and members of the Authority met with the Federation of Australian Commercial Television Stations (FACTS) on a number of occasions during the year to discuss issues relating to a draft of the revised Commercial Television Industry Code of Practice. A number of issues relevant to the revised code were also raised directly with the industry by the Minister for Communications, the Information Economy and the Arts and by the Senate Select Committee on Information Technologies. The Authority expects that the outstanding issues will be resolved and the revised code registered later in 1998.

The Federation of Australian Radio Broadcasters will conduct a review of the Commercial Radio Codes of Practice in the near future. Officers of the Authority and FARB representatives have held preliminary meetings to discuss matters identified as being of concern in the codes, and questions of process.

During the year, the Authority registered the codes of practice for narrowcasting services and continued to consult with the Australian Subscription Television and Radio Association (ASTRA) in relation to the codes of practice for subscription television broadcasting services.

Australian content

On 28 April 1998, the High Court of Australia ruled that the Authority's program standard for Australian content on commercial television was in breach of Australia's obligations under the Australia New Zealand Closer Economic Relations Agreement (CER), in that New Zealand programs have less favourable access rights to the market for television programs than Australian programs.

In ruling that New Zealand programs must be treated the same as Australian programs, the High Court said the Authority cannot give preference to the objective of promoting the role of broadcasting services in developing and reflecting a sense of Australian identity, character and cultural diversity over Australia's international obligations. Any program standard developed by the Authority must be consistent with Australia's agreements with foreign countries.

The Authority has started a review of the Australian content standard to remedy this inconsistency and to comply with the Act. The Authority will seek submissions on how a new standard that complies with Australia's CER obligations can, as far as possible,

promote the role of television in reflecting a sense of Australian identity, character and cultural diversity.

In July 1998, the Authority released a discussion paper which canvassed a number of issues and options for consideration and called for public submissions on those issues.

All commercial television networks met their 1997 Australian content obligations for annual transmission, adult drama and documentary quotas. The six Seven network stations failed to meet the requirements of the Australian Content Standard and the Children's Television Standards on two occasions in 1997 by not broadcasting the required amount of Australian children's drama. Failure to comply with these standards is a breach of a condition of the stations' licences. The Seven network has undertaken to broadcast additional Australian children's drama over and above the quota in 1998 and 1999.

By means of a licence condition, given effect by section 102 of the Broadcasting Services Act, licensees of predominantly drama services on pay TV are required to spend 10 per cent of their annual program budget on new Australian drama programs. This requirement is currently unenforceable because the legislation did not anticipate the structure of the industry. Following the review undertaken by the Minister for Communications, the Information Economy and the Arts pursuant to section 215(2) of the Act, the Minister announced in April 1998 that the Government has decided to amend the Act to make the existing Australian content licence condition enforceable. These amendments are expected to be introduced into the Parliament later in 1998. The voluntary guidelines will remain in place pending the passage of these amendments to the Act.

In April 1998 the Authority published the results of monitoring compliance with the voluntary guidelines for the financial year 1996–97. Figures on spending by pay TV on new Australian drama for 1996–97 show an underspend for the second year in succession, and a decline on the previous year's performance. Figures for the 15 predominantly drama channels showed just 5.02 per cent of total drama program expenditure by pay TV was spent on new Australian drama in the period ending 30 June 1997. In 1995–96 the aggregate figure was 7.1 per cent based on 11 predominantly drama channels.

Research

The Authority's 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.

In April 1998, the Authority released the findings of a longitudinal study conducted in the Sydney metropolitan region between 1988 and 1994, in its report, *Infants and Television*. The study tracked the exposure to television by children aged under two and a half years from 145 families across the Sydney metropolitan area. *Infants and Television* reports on what television programs infants are being exposed to and the extent to which parents are monitoring and controlling their child's exposure to television.

As part of its role of monitoring the effectiveness of the Commercial Television Industry Code of Practice, since 1994 the Authority has used a national survey to collect information on people's concerns about material they have watched on television.

In August 1997, the Authority published the results of the fourth survey, conducted in 1996 as *Views on Viewing: Community Views about Commercial Television, 1994–1996*. This publication provided a three year comparison of the results. The research also determined community awareness of the television classifications, in particular the M and MA classifications, and the perceived suitability of movies on commercial television starting at 8.30 p.m., particularly in relation to the use of swearing, and the presentation of sex scenes, nudity and violence.

The annual survey conducted in October 1997 identified community concerns about television and radio content. The results have informed the Authority as well as the commercial television and radio industries during their review of the industry codes of practice. The Authority provided preliminary results to Federation of Australian Commercial Television Stations, the Federation of Australian Radio Broadcasters, the Minister for Communications, the Information Economy and the Arts, and the Senate Select Committee on Information Technology. The Authority will publish the results later in 1998.

The Authority's Deputy Chairman, Mr Gareth Grainger, took up the position of Chairman of the International Committee for Research on Youth and Media in March 1998. The second of these forums will be hosted by the Authority in Sydney in November 2000.

Service Charter

The Authority is committed to providing a high quality service to its stakeholders. While it always strives to deliver quality service, sometimes clients may wish to make a comment about their dealings with it.

The Charter articulates the standards of service that the Authority's clients can expect, and details the steps that may be taken if these standards are not met. The Authority's commitment is to try to resolve any problems or complaints quickly and effectively.

Professor David Flint, Authority Chairman launched the *Australian Broadcasting Authority Service Charter* at a broadcasting industry reception in Melbourne in November 1997.

Corporate Overview

Australian Broadcasting Authority

Members

Chairman:
Professor David Flint, AM

Deputy Chairman:
Gareth Grainger

Member:
Michael Gordon-Smith

Member:
Kerrie Henderson

Member:
John Rimmer

Member:
Ian Robertson

Associate members
Jeffrey Hilton, SC
Dr. Robert Horton

At 30 June 1998 the members of the Authority are:

Chairman: Professor David Flint AM

Appointed 5 October 1997 for three years.

Professor Flint, Professor of Law, was Chairman of the Australian Press Council from 1987–1997 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

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 SBS in 1992–93. He is chairman of the International Committee on Youth and Media Research.

Member: Michael Gordon-Smith

Appointed 15 September 1997 for three years.

For almost five years, from 1992–1997, 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

Appointed 17 February 1995 for five years.

From 1994 to mid-1997, Ms Henderson was also 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. She also works in the area of cross-cultural business management and expatriate training, with a particular emphasis on Indonesia. Ms Henderson practised as a commercial lawyer in Sydney from 1980 to 1993.

Member: Ian Robertson

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. Limited, publisher of the *Age*.

Member: John Rimmer

Appointed 5 October 1997 for three years.

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

Until March 1997, Mr Rimmer was Executive Director of Multimedia Victoria. Before 1997, Mr Rimmer held a number of senior policy and management positions in the Victorian Public Service.

Associate members

Jeffrey Hilton, Senior Counsel, barrister, member of the Australian Competition and Consumer Commission, appointed 1 march 1998 for the general purposes of the Authority, until 5 November 2000.

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

Operations: committees

During the year the Authority 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. At least three members sit on each committee which is usually chaired by a member of the Authority. Authority staff generally act as advisers to the committees.

The Committees are:

Audit Committee

Chair: John Rimmer
Members: Kerrie Henderson, Ian Robertson

Codes and Standards Committee

Chair: Gareth Grainger
Members: David Flint, Michael Gordon-Smith, Kerrie Henderson, Ian Robertson

Corporate, Finance and Administration Committee

Chair: Michael Gordon-Smith
Members: David Flint, Gareth Grainger, Kerrie Henderson

Policy and Strategy Committee

Chair: Gareth Grainger
Members: David Flint, Michael Gordon-Smith, John Rimmer

Online Committee

Chair: Gareth Grainger
Members: David Flint, Michael Gordon-Smith, John Rimmer

Digital Committee

Chair: Michael Gordon-Smith
Members: David Flint, Gareth Grainger, John Rimmer, Ian Robertson

Legal and Enforcement Committee

Chair: Gareth Grainger
Members: David Flint, Michael Gordon Smith, Kerrie Henderson, Ian Robertson

Planning and Allocation Committee

Chair: Michael Gordon-Smith
Members: David Flint, Gareth Grainger, Kerrie Henderson

Powers and functions

The Authority is the broadcasting regulator for radio and television 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 services.

The Authority monitors the suitability of 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.

For more detail about the powers and functions of the Authority see appendix 6—Freedom of Information statement.

Minister

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

Australian Broadcasting Authority: Senior staffing structure

General Manager

Giles Tanner

Policy & Content Regulation Branch: Director: Lesley Osborne

Conditions & Codes Section: Manager: Jonquil Ritter

Research & Policy Section: Managers: Phyllis Fong, Margaret Cupitt

Standards Section: Manager: Deb Sims

Lesley Osborne

Legal & Control Branch: General Counsel: Connie Ceramidas

Control Section: Manager: Anita Sekar

Legal Section: Manager: John Corker

Connie Ceramidas

Planning Branch: Director: Bob Greeney

Licensing Section: Manager: Nigel Ryan

Planning Engineering Section: Manager: Fred Gengaroli

Services Planning Section: Manager: Mike Salloom

Bob Greeney

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

Online Services Project: Manager: Kaaren Koomen

Director Technology: vacant

Chief Information Officer: vacant

as at 30 June 1998

Structure

The Authority has adopted a new structure, which has been progressively implemented from April 1998. It is expected to be fully implemented by the end of 1998. As part of the restructure the Authority has moved from two General Managers heading up two Divisions to one General Manager the divisional structure has been abolished, the reorganisation of the sections in the four Branches have been restructured and a Technical Adviser position has been established.

The four Branches, headed by SES Band 1 positions are:

- Legal and Control, headed by the General Counsel
- Policy and Content Regulation which brings together the sections responsible for policy and programs work
- Planning and Licensing which aligns the former Allocations and Renewals Section with the Planning Branch
- Corporate Services which expands the Branch to include Media and Public Relations and the Library and the newly established Secretariat.

The Technical Adviser position when filled will provide high level technical expertise of particular relevance to the Authority's planning function.

The structure is detailed at p.154, and further information on the principles and outcomes is included in Objective 6.

See opposite for a summary of the staffing structure. A detailed exposition of the Authority's structure is in appendix 6—Freedom of Information statement.

Former members

Former members of the Authority during the reporting period were:

Mr Peter Webb

Mr Peter Webb, former Chairman, completed his term on 4 October 1997.

Mr Webb was appointed Chairman of the Authority in April 1995. He was initially appointed a member of the Authority for the period 5 October 1992 to 4 October 1997 and then Deputy Chairman from 1 February 1993 for the remainder of his term.

Mr Webb was Acting Chairman of the former Australian Broadcasting Tribunal from 1 July to 4 October 1992, following his appointment as Vice Chairman of the ABT on 11 May 1992. He was appointed an associate member of the Trade Practices Commission in 1993 and of the Australian Competition and Consumer Commission upon its creation in 1995.

Mr Tim O'Keefe

Mr O'Keefe resigned as part time member, effective 15 September 1997. Mr O'Keefe had resigned his appointment as full time member on 31 March 1997 to take up a position at Australian Multimedia Enterprises. Mr O'Keefe was appointed as a part time member of the Authority for the six months from 1 April 1997 to 4 October 1997.

Senior management

The senior management of the Authority, as at 30 June 1998, was:

Mr Giles Tanner	General Manager
Ms Lesley Osborne	Director (A/g), Policy and Content Regulation Branch
Ms Connie Ceramidas	General Counsel (A/g), Legal and Control Branch
Mr Bob Greeney	Director (A/g), Planning and Licensing Branch
Ms Louise Harkness	Director (A/g), Corporate Services Branch.

At the date of this report, while the new senior management structure is being implemented, the Branch Head positions are being filled on a temporary basis. Rotational arrangements are in place in two of the branches.

Changes to senior staff

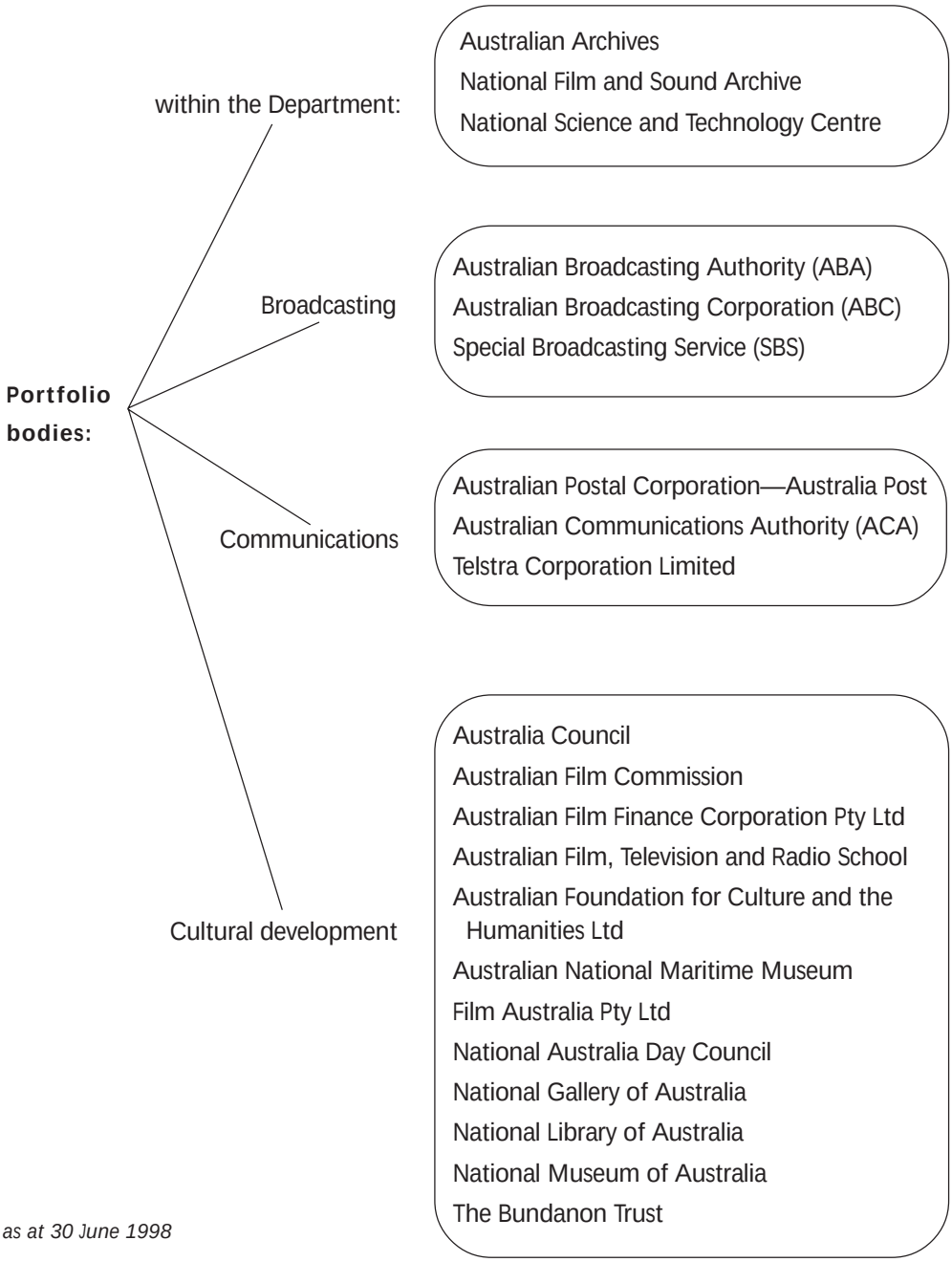
Mr Colin Knowles, General Manager, Planning and Corporate Services Division, resigned from the Authority on 22 August 1997.
Ms Debra Richards, Director, Program Services Branch resigned from the Authority on 10 February 1998.
Ms Pat Manser, Director, Policy and Communications Branch, resigned from the Authority on 30 May 1998.
Mr Nick Herd, Manager Codes and Conditions, resigned from the Authority on 29 August 1997.

Communications and the Arts Portfolio

Where we sit within the portfolio

Minister: for Communications, the Information Economy and the Arts

Department: Communications and the Arts



as at 30 June 1998

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

Key outcomes

- **Digital terrestrial television broadcasting is to be introduced in Australia from January 2001 along the lines of the model suggested by the Authority**
- **The Authority published the UNESCO commissioned pilot study into the Internet and international regulatory issues in October 1997**
- **The Authority hosted the first meeting of the Transborder Satellite Broadcasting Working Party of the Asia-Pacific Regulatory Roundtable in September 1997**
- **The new Authority web site, www.aba.gov.au was launched in June 1998**
- **The second Broadcasting Planning Seminar organised by the Authority was held, in February 1998**

Advice to the government

Digital terrestrial television broadcasting

As reported in last year's annual report, the Authority convened the Digital Terrestrial Television Broadcasting Specialist Group in 1993. The purpose of the group was to consider the application of digital transmission technology to terrestrial broadcasting in Australia. The group, composed of Authority and industry representatives, closely followed international developments and the potential availability of equipment to further evaluate options for Australia.

In January 1998, the Specialist Group presented its final report, *Digital Terrestrial Television Broadcasting in Australia*, to the Authority for consideration.

In July 1997, in a paper to the Minister for Communications, the Information Economy and the Arts, the Authority recommended that digital terrestrial television broadcasting be introduced on the basis that existing free-to-air broadcasters be allocated sufficient extra spectrum to broadcast in high definition format (HDTV). This additional spectrum should be in the form of a loan, the Authority said. After a period of simulcasting in analog and digital, until the transition from analog to digital is achieved, broadcasters would have to return an equivalent amount of spectrum to the Government.

On 24 March 1998, the Minister announced that digital terrestrial television broadcasting would be introduced into Australia from January 2001, along the lines of the model suggested by the Authority. The Authority will have 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.

Digital television standard

During the reporting period, the Authority was invited to participate in the work of an industry group convened by the Federation of Australian Commercial Television Stations. This group focused on testing, analysis and reporting on the American and European digital terrestrial television broadcasting systems being proposed for adoption as the standard for the introduction of digital television in Australia.

Digital terrestrial television broadcasting field trials were conducted in November 1997 in Sydney. The tests involved the Communications Laboratory of the Department of Communications and the Arts, the industry group and the Authority. The main purpose of the trials was to compare the US and European systems under Australian conditions. A report on the technical evaluation of the trials was produced in April 1998.

In June 1998, the digital terrestrial television broadcasting Selection Panel, comprising representatives from the Authority, the Department of Communications and the Arts' Communications Laboratory and national and commercial broadcasters, unanimously recommended that Australia adopt the European DVB-T standard for the delivery of digital terrestrial television services.

Digital radio broadcasting

As discussed in last year's report, the Authority convened a task force of Authority and industry representatives to consider broadcasting requirements for the development of digital radio broadcasting services (DRB) in Australia. This group has contributed to the

Digital Radio Advisory Committee (DRAC) established by the Minister for Communications, the Information Economy and the Arts.

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 spectrum to be considered in regional areas. The Authority is working with the Government's Digital Radio Planning and Steering Committee to establish spectrum plans and licensing arrangements for the introduction of digital radio broadcasting by 2001.

Online services

Direction to investigate issues relating to the content of online services

In September 1997, the Minister for Communications, the Information Economy and the Arts directed the Authority to investigate matters relating to the future regulatory arrangements for the content of online services. In carrying out this task the Minister indicated the Authority should have regard to the principles for a regulatory framework released by the Government on 15 July 1997. Specifically, the Minister directed the Authority to investigate:

(a) the matters which might be included in industry codes of practice that will apply to online service providers including the operation of effective complaints procedures;

(b) national and international developments in the use of online content labelling services to protect children from content which may be unsuitable for them;

(c) national educational strategies to ensure that Australians accessing services available online utilise these services in the most effective and productive manner;

(d) international developments in relation to the regulation of the content of online services.

The direction originally required the Authority to prepare a short report to the Minister on the investigation on or before 30 June 1998. However, in June 1998 the Minister extended the reporting date to 31 December 1998.

In July 1998, the Authority provided the Minister with an interim report on the work it has done to date under the direction.

This is the second investigation which the Authority has been directed to conduct in relation to online services. The first direction was issued in July 1995 and the Authority released a report on its investigation in June 1996.

International developments

Throughout the past 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 Superieur de l'Audiovisuel, France;
Internet Hotline Service Against Child Pornography, The Netherlands;

Electronic Commerce Forum, Germany;
European Commission, Belgium;
Federal Communications Commission, USA;
INCORE (a venture of the Internet Industry Association of Europe), 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.

Carl Bertelsmann Prize 1998

The Authority has been short listed for the Carl Bertelsmann Prize in 1998. The Bertelsmann Foundation awards the Carl Bertelsmann Prize each year in recognition of innovative contributions in key areas of social policy. The goal is to spark and promote public and political debates. In awarding the prize, the Bertelsmann Foundation seeks to highlight viable models for regulating the media and communications markets in the future. The Carl Bertelsmann Prize 1998 has the theme 'Communications 2000—Innovation and Responsibility in the Information Society'.

The Prize is to be awarded in September 1998 in Gutersloh, Germany by the German President, Professor Roman Herzog.

International Working Group on Content Rating

In July 1997 the Authority was invited to join an international working group to consider issues of content rating in a global context. The group is called the International Working Group on Content Rating. The other members of the group are the Internet Watch Foundation (UK), the Recreational Software Advisory Council (USA), the ECO Forum (Germany), and Childnet International (an international charity with offices in the UK and the USA).

The group is considering the feasibility of developing an internationally acceptable labelling system which is appropriate for cross cultural use, and to consider various strategies for achieving this. The group has agreed on a number of fundamental principles, including that labelling should be voluntary for users and content providers and should be based on a self-labelling system. It has also been agreed that an international labelling scheme should aim to describe rather than evaluate Internet content so that users can apply their own standards and values to the labels based on that information.

The group has continued to discuss these issues and in April 1998 met at the Authority's offices in Sydney to consider an appropriate consultation process for developing an international labelling scheme.

At the International Working Group on Content Rating meeting at the ABA in April: L-R: Jenny Brigg ABA; Stephen Balkam Recreational Software Advisory Council; Nigel Williams Childnet International; Kaaren Koomen ABA; David Kerr, Internet Watch Foundation; and David Goldstein ABA

UNESCO

In January 1997 the United Nations Educational, Scientific and Cultural Organisation (UNESCO) commissioned the Authority to conduct a pilot study into the Internet and international regulatory issues. The study looked at the issues in the online environment, particularly those which relate to content. Published in October 1997, *The Internet and Some International Regulatory Issues Relating to Content* considered the introduction of online services in Australia, Malaysia, Singapore and the United Kingdom.

In particular the pilot study considered the way in which the four countries dealt with illegal content online, children's access to content considered unsuitable for them (including the use of filter software and labelling schemes), the ways online services are being used in the education sector, and the role of community education.

UNESCO has also provided funding for the Authority to hold a regional forum on Online Services in the Asia and Pacific region. The regional forum will seek to advance discussion about online issues in the Asia–Pacific region.

Parliamentary committees

In May 1998, the Authority made a submission to the Joint Standing Committee on Treaties inquiry into the potential consequences for regulation of broadcasting in Australia arising from the Multilateral Agreement on Investment.

The Authority's submission was on the basis of the information available at the time of writing, that being the Multilateral Agreement on Investment negotiating text and commentary dated 14 February 1998 obtained from the Organisation for Economic Cooperation and Development (OECD), and the revised schedule of preliminary reservations for Australia dated October 1997 obtained from the Department of the Treasury.

During the year, the Authority also made submissions to the Joint Standing Committee on External Territories (planning for broadcasting services in external territories), as well

as responding to questions on notice from the Senate Environment, Recreation, Communications and the Arts Legislation Committee (Television Broadcasting Services (Digital Conversion) Bill 1998 and Datacasting Charge (Imposition) Bill 1998).

The Authority made submissions to the Senate Select Committee on Information Technologies in relation to its inquiry into Self-regulation in the Information and Communication Industries, on 5 February 1998.

The Authority also provided information about research relevant to this inquiry including the preliminary results of its 1997 radio and television codes of practice monitoring research, and on various research topics on media to Senate Estimates Committees and, the Minister for Communications, the Information Economy and the Arts.

The Authority contributed to the State Parliamentary Inquiry into the Effects of Television (and Multimedia) on Children and Families in Victoria, in the form of comment on the inquiry's draft discussion paper and meeting with Committee members on 3 June 1998.

International liaison

Memoranda of understanding

As detailed in its *Annual Report 1996–97*, the Authority has signed memoranda of understanding or cooperation agreements with a number of overseas regulators. During 1997–98, 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 Taipei Economic and Cultural Office on behalf of the Authority and the Taipei Government Information Office, the Korean Broadcasting Commission, the French Conseil Superieur de l'Audiovisuel and the Canadian Radio-Television and Telecommunications Commission.

International meetings

The Authority has exchanged information with a number of visitors from overseas regulatory bodies during the year. Visitors included Mr Eddy Chan, Commissioner and Ms Camy Kwan-hung Mak, Principal Entertainment Standards Control Officer of the Hong Kong Television and Entertainment Licensing Authority in December 1997; and Mr Ham Sang-Gyoo and Mr Eom Jong-Hwan from the Korean Broadcasting Commission in September 1997.

In addition, members and officers of the Authority met with a number of other overseas visitors and representatives of overseas organisations. See appendix 5 for the full listing.

Asia-Pacific Regulatory Roundtable meeting:

The meeting in Tokyo, Japan, discussed issues relating to broadcasting in the twenty-first century, transborder satellite broadcasts, cable television, Internet content regulation, anti-siphoning, standards for pay TV and free-to-air services, and the role of regulatory authorities. Two working parties were established.

One of the Transborder Satellite Broadcasting Working Party of the Asia-Pacific Regulatory Roundtable held its first meeting at the Authority in September 1997.

The first working party is developing frameworks and models for transborder satellite

broadcasting for consideration by the 1998 roundtable meeting. It is chaired by Korea and its members are Australia, India and Japan.

The second working party is setting up an online regulatory roundtable network, possibly by hypertext linking the content of regulators' web sites. This working party is chaired by Australia, with Japan, Malaysia and Philippines as members. It will provide progress reports to each regulatory authority over the coming year.

The next regulatory roundtable meeting is scheduled to be hosted by the Korean Broadcasting Commission and the Korean Cable Communications Commission in Seoul, Korea, in September 1998.

International Telecommunications Union

Mr Bob Greeney, Director Planning and Licensing and officers from the Planning and Licensing Branch attended meetings of the International Telecommunications Union (ITU) in Hawaii, January 1998. 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 meetings, Authority officers 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 working parties of the ITU which deal with television planning.

Asian Broadcasting Union

The Authority is an associate member of the Asian Broadcasting Union (ABU). Ms Kerrie Henderson, Member, attended the ABU General Assembly and an officer of the Planning and Licensing Branch attended the ABU Engineering Committee in Seoul, Korea in September 1997.

International exchange

The Authority played host to Mr Ham Sang-Gyoo and Mr Eom Jong-Hwan from the Korean Broadcasting Commission from 1 September to 31 October 1997. While at the Authority, Mr Ham Sang-Gyoo and Mr Eom Jong-Hwan gained expertise in the areas of program standards, media and public relations, online services regulation and media ownership and regulation of the broadcasting industry. During their stay, they called on the Australian Film, Television and Radio School, the Federation of Australian Commercial Television Stations, Channel Ten, ABC, SBS, and the Office of Film and Literature Classification.

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 researchers as well as with researchers and regulators in other countries. The forum has grown to more than 430 members 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 and in turn the Authority has 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 forum also facilitates the sharing of information on research methodologies and findings and encourages the exploration of opportunities for joint research on issues of common interest. The Authority released the fifth edition of the biannual IRFCAM newsletter in December 1997 and the sixth edition in July 1998.

International clearing house on children and violence

During the reporting period, the Authority has continued to contribute to the work of the International Clearing house on Children and Violence on the Screen. The Clearing house is a UNESCO initiative, established in January 1997 in response to the ongoing debate about the possible consequences of the portrayal of violence in the media for children and youth. See appendix 5 for details of the articles.

Second International Forum of Researchers on Youth and the Media

The Authority will host the Second International Forum of Researchers on Youth and the Media in Sydney in November 2000. The Deputy Chairman of the Authority, Mr Gareth Grainger, is Chairman of the International Committee for Research on Youth and Media.

The Authority plans to provide information about the Sydney 2000 forum through the series, *Forum Chronicle*, which continues on from the *Chroniques du Forum* produced by the Groupe de Recherche sur la Relation Enfants Medias who hosted the first forum in 1997 in Paris. The first edition of the *Forum Chronicle* was sent to members of International Research Forum on Children And the Media and the International Committee in July 1998.

International codes

The Authority maintains a watching brief on approaches adopted by overseas broadcasting regulators to balance the tension between the commercial interests of broadcasting industries, audience demand for program diversity and community aspirations for a national identity. For example, the Authority participated in negotiations for regional codes of practice for transborder satellite broadcasting, including meeting with regulators in the region to discuss cultural concerns about such broadcasting. The Authority also appraised USA legislation requiring the installation of a V-chip in receivers and monitored international debate on this issue.

International program 1992–1997

In September 1997 the Authority released a booklet, *International Relations Program of the Australian Broadcasting Authority 1992–97* which provides a overview of the Authority's international relations program. It also provides a description of the Authority's bilateral and multilateral activities in this period.

External liaison

Authority receptions

The Authority held broadcasting industry receptions around Australia during the year. The receptions provided the opportunity for Authority members and senior staff to meet with representatives of the broadcasting and related industries. The Authority aimed to increase its awareness of State and local issues through the receptions. They also enabled the Authority to explain its work program and priorities.

At the reception in Perth: L-R: The Hon. Hendy Cowan MSA, WA Deputy Premier; Professor David Flint, ABA Chairman; Jack Shellbourne, Australian Communications Authority; Kevin Campbell, TVW 7

An initial reception in Sydney in October 1997 was followed by receptions in Melbourne (November 1997), Adelaide (February 1998), Perth (April 1998) and Brisbane (June 1998). Each of the receptions coincided with the Authority's regular monthly meetings. The Perth meeting also coincided with the auction of the second commercial television licence for Remote and Regional Western Australia. The Brisbane reception coincided with the auction of commercial and open narrowcasting radio licences for various areas of regional Queensland.

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 imposes a charge for subscribers to its newsletter, *ABA Update*, and charges for copies of its research monographs, Trends & Issues papers and a number of its other publications. Receipts from sale of publications totalled $49 498 in the reporting period.

Copies of the Authority's annual reports, program standards, corporate plan, fact sheets, information pamphlets, guides and discussion papers are free.

A full listing of Authority publications can be found at appendix 6.

ABA Update

The Authority's newsletter, *ABA Update*, continued to be a major vehicle for disseminating information about the Authority's activities and broadcasting issues.

Issues covered by *ABA Update* articles included the Authority's work on regulation of the content of online services, broadcasters' compliance with Australian content and children's television standards, research results and spectrum planning and licensing activities. The 'Innovations' series covered a range of technical issues including updates on digital terrestrial television broadcasting and other 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.

Web site

The Authority launched its new web site, www.aba.gov.au on 23 June 1998.

The site is designed with ease of access in mind so that users with less than cutting edge computers and browsers can move around the site and download documents quickly. It conforms to the Australian Government publishing guidelines including the Government standard accessibility guidelines for web sites.

There are more than 400 pages on the site which is based around five major areas of the Authority's work; program content, planning and licensing, research, online services and complaints. The site also provides up-to-date information on its public inquiries and reviews, including the current review of the Australian Content Standard.

The site enables access to major reports such as the Authority's investigations into control, Australian content on pay TV, digital television for Australia and the content of online services. Major reports are included as PDF (page document format) files. In line with its policy of encouraging Internet service providers to label content that they create, the Authority labelled its site using the Recreational Software Advisory Council labelling system for the Internet (RSACi).

This is the third generation Authority web site and supersedes the version hosted by the Department of Communications and the Arts.

Media liaison

The Authority adopts a proactive 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 a total of 131 media releases, most of them with background briefings and dealt with a total of 1280 inquiries from journalists during 1997–98.

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.

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 regular current awareness services advised the Authority's staff of new acquisitions and selected journal articles. The frequency of these services was increased during the year. 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.

During the year the Library participated in the establishment of the Screen Network Information Providers Network (SNIP). This is an informal network of the five major Australian collections and providers of specialist information in the screen and broadcasting industries. Other members are the Australian Film Institute, the Australian Film Commission, the Australian Film, Television and Radio School and the National Film and Sound Archive. SNIP's aims are to ensure comprehensive Australian coverage of specialist information in the screen industries sector and to raise awareness of the information resources available within the screen and broadcasting sectors among the screen and educational communities

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.

Broadcasting industry

The members and staff of the Authority met regularly with industry groups and other regulators. The Authority held regular quarterly meetings with the Federation of Australian Radio Broadcasters. The Authority also held meetings with the Federation of Australian Commercial Television Stations and the Community Broadcasting Association of Australia. The Authority also 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 groups:

Australian Communications Authority;
Broadcasting Industry Advisory Council;
Broadcasting Industry Technology Advisory Group;
Digital Radio Broadcasting Task Force;
FACTS' Specialist Group—Digital Terrestrial Television Broadcasting;
Key Centre for Cultural and Media Policy;
National Study Groups of the International Telecommunications Union;
National Transmission Agency; and
Standards Australia.

In May 1998, staff from the Authority's Children's Television Section visited the Brisbane studios of the Nine and Ten networks to discuss and view the production of their children's programs.

Educational organisations

For the third year, the Authority assisted third year students in the School of Social Science and Policy at the University of New South Wales on their major social science project by providing information and comment. The research, conducted between August and November 1997, looked at the role of commercial strategies in online services accessed by children and explored some of the surrounding policy issues. The students' supervisor, Professor Ralph Hall, prepared the final report, *Children, Commercial Strategies and Online Services*.

Advice and information to other researchers and industry

Information and advice was provided to other researchers and organisations, both in Australia and overseas.

On a number of occasions this year Authority researchers exchanged information with Dale Kunkel and Ed Donnerstein, two of the researchers involved in the three year US National Television Violence Study. The possibility of future collaboration on research projects about television classification systems was discussed.

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 the previous financial year, as well as trends in financial performance over a five year period. The Authority published results for 1996–97 in February 1998 and included a summary in the March 1998 issue of *ABA Update*.

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

Seminars and conferences

Forum on the depiction of suicide on television

In July 1997 the Authority found that an episode of 'Beverly Hills 90210' had breached the Commercial Television Industry Code of Practice by not depicting an attempted suicide inexplicility or discreetly. As a result of this finding the Australian Medical Association (AMA) organised a forum on the depiction of suicide on television, which the Authority hosted, on 1 September 1997. Representatives of the Authority, various television industry sectors, related government departments and other organisations specifically concerned with suicide research and prevention attended the forum. The AMA presented for discussion draft principles to assist broadcasters in their depiction of suicide on television.

The Authority contacted all who participated in the forum seeking comments on these draft principles, collated the comments and passed them on to the AMA for consideration. These principles will be incorporated into a media resource kit which will in turn form part of a Life Promoting media strategy currently being developed by the Department of Health and Family Services. The Authority is party to the consultation on this strategy before it is finalised.

Broadcasting planning seminar

The Authority held a successful two day Planning Seminar in Canberra on 17–18 February 1998. The seminar was attended by 135 people. Authority staff gave presentations on a wide range of topics and there were presentations from representatives of the Australian Communications Authority, Western Australian Premier's Department, Itelco, Radio Frequency Systems, the SBS, WIN Television, the NTA, ASTRA, OPTUS, and Imparja. Topics covered included planning for the introduction of digital radio and digital television, licence area planning, remote area broadcasting, the effect of new technology on the delivery of services and reports on digital terrestrial television broadcasting trials in Australia.

Bruce Robertson, Nine Network (L) and Dick Barton, FACTS (R) flank Colin Knowles, ABC as he makes digital broadcasting issues clearer

Children's television producers' forum

In conjunction with the Screen Producers Association of Australia (SPAA), the Authority hosted a Children's Television Producers' Forum on 6 May 1998. More than 90 participants from the children's television production industry including producers, writers, directors, animators and commercial and pay TV representatives, attended the forum. Participants were briefed on the classification of C and P programs and discussed a variety of children's television issues.

Other conferences and seminars

During the year, members and staff of the Authority presented papers at a number of conferences and seminars, and participated in workshops and panels. See appendix 5 for the full listing.

L-R: Richard Lyle (Channel 9), Sally Stockbridge (Channel 10), Kris Noble (Channel 9) at the Children's television producers' forum

Plan the use of 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

- **Seventeen final licence area plans were released, plus variations to three previously released licence area plans**
- **Channels were made available for 14 new commercial radio services; 26 new community radio services; and 55 new medium and high power open narrowcasting radio services**
- **Final licence area plans included technical specifications for either an increase in power or translators for 27 commercial and community radio services**
- **Final licence area plans included technical specifications for either an increase in transmitter power or translators for 13 national radio services**

The planning process

Spectrum planning and licensing of broadcasting services are among the primary functions of the Authority as set out in the Broadcasting Services Act.

The Act envisages a three stage process for planning the use of the spectrum set aside for broadcasting. In performing its planning functions, the Authority must undertake wide public consultation. Once planning is completed in different areas of Australia, the Authority may allocate licences made available for broadcasting services.

The first step in the planning process is the determination of priorities between different areas of Australia and between different parts of the radiofrequency spectrum. The Authority determined its priorities on 29 September 1993 and divided the country into planning zones (22 for television and 23 for radio) and put each zone into one of five priority groups, with group one zones having the highest priority. The Authority gave higher priority to areas that have fewer broadcasting services.

The second stage of the planning process was preparing a frequency allotment plan which determines the number of channels that are to be available in particular areas of Australia to provide broadcasting services. The Authority determined the frequency allotment plan for MF-AM radio, VHF-FM radio and television in August 1994. (For more detail on planning priorities and the frequency allotment plan, see *Annual Reports 1993–94*, *1994–95* and *1995–96*).

At the time of its determination, the frequency allotment plan made assumptions about demand, nominal transmitter specifications and siting. These assumptions are being re-examined during the third stage of planning, the preparation of licence area plans. Determination of licence area plans will result in variations to the frequency allotment plan. Licence area plans determine the number and characteristics, including technical specifications, of broadcasting services using the broadcasting services bands that are to be available in particular areas of Australia.

Final licence area plans—radio

Final radio licence area plans were issued in 1997–98 in the following planning zones: Albury, Shepparton and Wangaratta; Central Victoria and Central Murray; Northern Queensland; and Central Coast Queensland.

Mildura/Sunraysia (July 1997)
Mildura/Sunraysia

In the variation to the licence area plan for Mildura/Sunraysia, the Authority extended the licence area and made a channel available in Ouyen for broadcast of the 3HOT Mildura community service.

Central Victoria and Central Murray radio
Ballarat (August 1997)

In the licence area plan for the Ballarat region of Victoria, the Authority made channels available for one additional commercial service and one additional community service in Ballarat; and a channel at Daylesford for transmission of the existing commercial service 3BA Ballarat.

Bendigo (August 1997)

In the licence area plan for the Bendigo/Maryborough region of Victoria, the Authority made channels available for one additional commercial service in Bendigo; four additional community services, two in Bendigo, one each in Kyneton and Echuca; and one additional open narrowcasting service in Bendigo/Maryborough.

Swan Hill (September 1997)

In the variation to the licence area plan for Swan Hill region, originally determined in June 1997, the Authority made a channel available for one open narrowcasting service for Barham, NSW.

Albury, Shepparton and Wangaratta (September 1997)

Albury

In the licence area plan for the Albury region of New South Wales, the Authority made channels available for one additional commercial radio service in Albury; three additional community services, in Albury, Corryong and Walwa/Jingellic; and seven additional open narrowcasting services, two at Albury, and one each in Corowa, Culcairn, Henty, Holbrook and Mulwala.

Deniliquin

In the licence area plan for the Deniliquin region of New South Wales, the Authority made channels available for one additional community radio service in Deniliquin; and seven additional open narrowcasting services, in Berrigan, Deniliquin, Finley, Jerilderie, Moama, Tocumwal and Wakool.

Shepparton

In the licence area plan for the Shepparton region of Victoria, the Authority made channels available for one additional commercial radio service in Shepparton; three additional community services, in Alexandra/Eildon, Mansfield and Shepparton; and four additional open narrowcasting services, in Benalla, Euroa, Seymour and Shepparton000.

Wangaratta

In the licence area plan for the Wangaratta region of Victoria, the Authority made channels available for two additional community services, in Mt Beauty and Wangaratta; and one additional open narrowcasting service in Wangaratta.

Northern Queensland

Atherton and Mareeba (November 1997)

In the licence area plan for Atherton, North Queensland, the Authority decided to make channels available for one new commercial radio service (section 39) and two new open narrowcasting radio services.

In Mareeba, one channel was made available for a new community radio service.

Channels were reserved for two new national radio services in Ravenshoe.

Cairns (October 1997)

In the licence area plan for radio in Cairns, North Queensland, the Authority decided to

make channels available for two new commercial radio services, one new community radio service, and one new open narrowcasting service in Cairns.

A channel for a new open narrowcasting service was also made available to serve the Mossman region.

Innisfail (November 1997)

In the licence area plan for Innisfail, North Queensland, the Authority decided to make channels available for two new open narrowcasting services in Innisfail and two open narrowcasting services in Tully.

Channels for two national radio services to serve the Babinda region were also reserved by the Authority.

Townsville, Mackay and Charters Towers (November 1997)

In the licence area plans for Townsville, Mackay and Charters Towers, North Queensland, the Authority decided to make channels available for four new commercial radio services, two each in Townsville and Mackay. Channels for ten new open narrowcasting radio services, two in each of Townsville and Mackay, and one in each of Ayr, Bowen, Charters Towers, Ingham, Proserpine and Sarina were also made available.

Channels for one new community radio service were also made available in each of Townsville, Mackay, Bowen and Palm Island.

The Authority has reserved two channels for local coverage national radio services to serve the Glenden region.

Central Coast Queensland
Bundaberg and Maryborough (February 1998)

In the licence area plan for radio in Bundaberg and Maryborough, Central Coast Queensland, the Authority decided to make channels available for three new commercial radio services, two to serve Maryborough and one to serve Bundaberg. The Authority also made channels available for three open narrowcasting radio services, two to serve Bundaberg and one to serve Maryborough.

Channels were also made available for new community radio services in Bundaberg, Maryborough and Hervey Bay.

Rockhampton, Gladstone and Emerald (March 1998)

In the licence area plan for radio in Rockhampton, Gladstone and Emerald, Central Coast Queensland, the Authority decided to make channels available for 15 new radio services.

In Rockhampton and Gladstone, the Authority decided to combine the licence areas of the existing commercial radio services 4RO Rockhampton and 4CC Gladstone to form one new commercial radio licence area. The Authority made this decision due to a large overlap between services in the two regions. The Authority made channels available for two new commercial radio services for this combined licence area of Rockhampton/ Gladstone.

Channels were also made available for one new community radio service in each of Rockhampton, Gladstone, Yeppoon and Emerald.

Channels were made available for two new open narrowcasting radio services in

Rockhampton. Channels for new open narrowcasting radio services were also made available for each of Biloela, Emerald, Moranbah, Saraji, Dysart, Middlemount and Tieri. The channels currently used for an open narrowcasting service in each of Gladstone, Yeppoon, Emerald, Blackwater and Clermont will be made available for open narrowcasting services once again when the existing licences expire.

The Authority reserved channels for two national radio services at each of Emerald, Clermont, Dysart, Middlemount and Moranbah, and one national radio service at each of Blackwater, Capella and Springsure.

Public consultation

The Authority released a technical options paper *Availability of High Power FM Frequencies in Perth* for public comment in November 1997.

The Authority also released information papers on planning radio services in each of the mainland metropolitan and surrounding markets, in February and March 1998. Meetings with all interested parties in the metropolitan and surrounding markets took place during March, April and May 1998. The Authority invited submissions for each market, deadline 15 June 1998.

Sydney, Katoomba and Gosford

In an information booklet on the Sydney, Katoomba and Gosford commercial radio markets, the Authority identified six high power radio channels, two AM and four FM, as being potentially available in the Sydney market.

In addition to the two wide coverage AM channels in Sydney, the Authority identified a local coverage AM channel available in the Penrith area.

As well as the four wide coverage FM channels in Sydney, five local coverage FM channels were also identified as potentially available. These include a channel each to cover the Penrith/Blacktown, Penrith, Blacktown, Hornsby and Campbelltown areas.

Dependent on information received during the consultation process, the Authority is also considering the potential availability of an additional five FM frequencies in Sydney.

For the Katoomba market, the Authority has identified one high powered AM channel (formerly used by 2KA Katoomba) as potentially available.

A wide coverage AM channel (formerly used by 2GO Gosford), is potentially available for use in Gosford.

A further three medium powered FM channels have been identified as potentially available in the Gosford area. An additional high powered FM frequency may be available for use in Gosford if it is not made available in Newcastle.

Melbourne, Geelong and Colac

In an information booklet on the Melbourne, Geelong and Colac commercial radio markets, the Authority identified seven high power radio channels, three AM and four FM, as being potentially available in Melbourne.

As well as the four wide coverage FM channels in Melbourne, six local coverage FM channels were also identified as potentially available. These include a channel each to

cover the Melbourne CBD, Bacchus Marsh, Camberwell, Sunbury, Waverley and Werribee.

The three wide coverage AM frequencies potentially available in the Melbourne market are being used for open narrowcasting services until 31 December 1998.

For the Geelong area, the Authority identified two high power frequencies as potentially available, although one of these has been identified as a possible alternative frequency for the existing community radio service 3YYR Geelong

One wide coverage AM frequency in Geelong, being used to provide an open narrowcasting service until 31 December 1998, is potentially available.

For the Colac area, the Authority identified one high power FM frequency as potentially available.

Brisbane, Gold Coast, Sunshine Coast, Gympie, Lismore and Murwillumbah

In an information booklet on the Brisbane, Gold Coast, Sunshine Coast, Gympie, Lismore and Murwillumbah commercial radio markets, the Authority identified six high power FM radio channels as being potentially available in the Brisbane market, subject to FM channel demand at the Gold Coast and Sunshine Coast.

The Authority identified a medium power channel as potentially available for use at Beaudesert, in the Brisbane market.

For the Gold Coast, the Authority identified four high power channels as potentially available, subject to FM channel demand in Brisbane.

One high power and one low power AM channel, formerly used at the Gold Coast, are potentially available for use in either the Brisbane, Gold Coast or Murwillumbah markets.

For the Nambour market the Authority identified one high power and two medium FM channels as potentially available, as well as one high power AM channel.

In the Lismore market, one high power FM channel is potentially available, as well as local coverage FM channels for each of Byron Bay, Casino and Coraki.

In the Gympie market, the Authority has identified one high power and one medium power FM channel as potentially available for use, as well as one medium power FM channel for Noosa.

Adelaide

In an information booklet on the Adelaide commercial radio market, the Authority identified five high power radio channels, one AM and four FM, as being potentially available in Adelaide.

The booklet presented five options ranging from two new high power FM services up to a maximum of four new high power FM services. Each option presents a range of technical implications associated with the proposed new services.

In order to rationalise the frequencies in the Adelaide area, the Authority's options include proposals which would require some local coverage community radio services and a commercial radio service translator to move to alternative frequencies. These proposals would allow for additional wide coverage FM radio services in the Adelaide area.

The proposals could affect up to three FM channels presently used by 5CST Adelaide Southern and Western Suburbs (88.5 MHz), 5DDD Adelaide (93.7 MHz) and a translator used by 5SSA Adelaide (91.1 MHz).

Dependent on information received during the consultation process the Authority is also considering the potential availability of an additional five low power FM frequencies in Adelaide.

Perth

In an information booklet on the Perth radio market the Authority identified three high power radio channels, one AM and two FM, as being potentially available in the Perth market.

In order to rationalise the frequencies in the Perth area, the Authority proposed that a Fremantle community radio service move to an alternative frequency to allow for an additional wide coverage FM radio service in the Perth area.

As well as the two wide coverage FM channels in Perth, three local coverage FM channels have also been identified as potentially available. These include a channel each to cover Armadale, Fremantle and Kalamunda. The Fremantle channel has been identified as a possible frequency for the existing community radio service 6CCR Fremantle.

One wide coverage AM frequency, being used for open narrowcasting until 31 December 1998, is potentially available in the Perth market.

Licensing 3

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

Key outcomes

- **A new commercial television licence for Remote and Regional Western Australia was allocated**
- **Four new commercial radio licences were allocated as a result of price-based allocation exercises**
- **Two new commercial radio licences were allocated to existing operators under section 39 of the Broadcasting Services Act**
- **18 community radio licences allocated**
- **194 temporary community radio licences allocated**
- **132 special event licences approved**
- **105 licences for retransmissions of broadcasting services issued**
- **152 national (ABC and SBS) apparatus licences issued**
- **221 temporary transmission licences issued**

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 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 section28 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* (the Determination).

Applicants for licences allocated under the Determination must pay an application fee. The application fee was set at $1000 per application for licences offered in June 1998.

Commercial television broadcasting licence

On 1 April 1998, the Authority conducted a licence allocation exercise for a commercial television broadcasting licence for Remote and Regional Western Australia.

The successful applicant was WIN International Sales Pty Ltd which bid $36 million for the licence. The licence was allocated on 28 May 1998. In June 1998 the Authority received notification that the company name of the licensee had been changed to WIN Television WA Pty Ltd.

After the successful bid for the new Western Australian television licence: John Rushton, WIN International

Commercial radio broadcasting licences (section 36 of the Act)

On 20 November 1997, the Authority conducted licence allocation exercises for seven commercial radio broadcasting licences in New South Wales and Victoria. The outcomes of the licence allocation exercises were as follows:

Table 3: Commercial radio licences offered at auction on 20 November 1997

Area	Service licence number	Successful applicant	Amount paid	Date licence allocated
NSW				
Albury	SL1150011	RG Capital Radio Pty Ltd	$2.325m	22 January 1998
Dubbo	SL10053	Radio Country Music Pty Ltd	$1.6m	22 January 1998
Orange	SL10277	AMI Radio Pty Ltd	$1.5m	N/A*
Vic				
Ballarat,	SL10284	Radio Ballarat Pty Ltd	$800 000	22 January 1998
Shepparton	SL103390	RG Capital Radio Pty Ltd	$1.25m	22 January 1998
Bendigo	SL10258	AMI Radio Pty Ltd	$1.22m	N/A*
WA				
Bunbury	SL010074	AMI Radio Pty Ltd	$120 000	N/A*

N/A: not yet allocated

* The Authority has been considering the relationship and proposed arrangements between AMI Radio Pty Ltd and DMG Regional Radio Pty Ltd (which controls both existing commercial radio licences in each of the Bendigo, Bunbury and Orange licence areas) before allocating these licences.

On 26 June 1998, the Authority conducted licence allocation exercises for seven commercial radio broadcasting licences in Queensland. The outcomes of the licence allocation exercises were as follows:

Table 4: Commercial radio licences offered at auction on 26 June 1998

Area	Service licence number	Successful applicant	Amount paid	Date licence allocated
Qld				
Bundaberg	SL1150057	Maryborough Broadcasting Company Pty Ltd	$600 000	27 August 1998
Cairns	SL1150014	Greater Cairns Radio Pty Ltd	$550 000	27 August 1998
Cairns	SL1150044	Border FM Broadcasters Pty Ltd	$500 000	27 August 1998
Mackay	SL1150018	Barrier Reef Broadcasting Pty Ltd	$400 000	27 August 1998
Mackay	SL1150089	Whitsunday Broadcasters Pty Ltd	$325 000	27 August 1998
Townsville	SL1150009	Central Victoria Broadcasters Pty Ltd	$500 000	27 August 1998
Townsville	SL1150091	Central Victoria Broadcasters Pty Ltd	$500 000	27 August 1998

The highest bidder paid a deposit of ten per cent of the price bid and completed a form of acknowledgment immediately after the licence allocation exercise, as required by the Determination. Full payment for the licence must be made between the 45th and the 47th day after the licence allocation exercise, in this case, 10–12 August 1998.

The licences were allocated on 27 August 1998.

Allocation of commercial radio broadcasting licences (section 39 of the Act)

Under section 39 of the Broadcasting Services Act, 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 (BSB) spectrum is available for providing another commercial radio broadcasting service in the licence area.

Fifty-six commercial radio licensees are currently eligible for an additional licence under section 39. The Authority has allocated 51 of these licences, with two, in Atherton/ Mareeba and Kingaroy, Queensland, being allocated during 1997–98. The remaining section 39 licences are expected to 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 partially cover the Authority's costs in planning and allocating the additional licence.

Non-BSB commercial radio broadcasting licences (section 40 of the Act)

During the reporting period, the Authority received three applications for commercial radio broadcasting licences under section 40 of the Act. The Authority is currently considering the applications. Section 40 provides for the allocation, on application in writing, of commercial radio broadcasting licences which do not use the BSB. A section 40 licence does not entitle the licensee to any means of transmitting or disseminating its 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.

Table 5: Extensions of time to commence service

Callsign	Date licence allocated	Extension granted to	Service commenced
2EEE Bega	8 March 1996	30 September 1997	24 September 1997
2GGG Gunnedah	21 May 1996	15 August 1997	17 September 1997
2SKI Snowy Mtns	26 August 1996	18 February 1998	15 February 1998
4CCC Charleville	26 August 1996	30 August 1998	not commenced*
5RIV Riverland	25 August 1996	1 July 1998	1 July 1998
5SEF Mt Gambier	23 April 1996	1 June 1998	16 May 1998
6NAN Narrogin	22 October 1996	31 July 1998	not commenced*
6KAN Katanning	22 October 1996	31 July 1998	not commenced*
6BET Bridgetown	5 November 1996	30 September 1998	not commenced*
6CAR Carnarvon	17 April 1996	2 December 1998	not commenced*
7AUS Devonport	1 March 1996	1 January 1998	1 January 1998
7DDD Launceston	18 October 1996	29 May 1998	1 June 1998

* at date of this report

Extensions of time

Once a company has been allocated a commercial radio licence, it has 12 months in which to commence a service, unless the Authority grants an extension of time. During the reporting period the Authority granted extensions to 12 commercial radio licensees.

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

Transmitter licences to provide open narrowcasting services are issued by the Authority 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), which was determined by the Australian Communications Authority for use by this Authority, under section 106 of the *Radiocommunications Act 1992*.

In 1997–98 the Authority conducted three rounds of licence allocation exercises to issue transmitter licences to provide open narrowcasting services.

A total of 73 licences were offered over the three rounds. Applications were received for 56 of the licences.

The Authority issued 28 licences during 1997–98 for receipts of $730 000.

Full payment had been received for a further 28 licences by 30 June 1998; these licences are expected to be issued by September. The Authority has issued a total of 83 licences in five rounds of licence allocation exercises held since November 1996.

A total of $1 293 000 has been paid for the 111 licences.

A complete list of licences offered in 1997–98 is included at appendix 2.

The scene at the auction for commercial and open narrowcasting radio licences in November 1997.

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 18 community radio licences during the reporting period, bringing the total allocated under the system to 23.

Table 9: Community radio licences allocated 1997–98

Area served	No. of applications	Date allocated	Licence allocated to
NSW			
Barham	1	2–4–98	Two States Community Radio Inc.
Cobar	1	22–1–98	Cobar Community Radio Incorporated
Kandos	1	22–1–98	Kandos Rylstone Community Radio Inc.
Orange	1	22–1–98	Orange Community Broadcasters Apple FM Inc.
Orange	1	22–1–98	Canobolas Christian Broadcasters Association Inc.
Vic			
Alexandra/Eildon	1	14–5–98	Upper Goulburn Community Radio Inc.
Ballarat	1	2–4–98	Ballarat Gospel Radio Inc.
Echuca	1	2–4–98	Echuca-Moama Broadcast Service Inc.
Kyneton	1	25–6–98	Central Highlands Broadcasting Inc.
Wangaratta	1	14–5–98	Wangaratta Community Radio Association Inc.
Qld			
Mount Isa	1	12–9–97	Mt Isa Christian Broadcasters Association Inc.
Mount Isa	2	12–9–97	Mt Isa Aboriginal Media Association
Torres Strait	1	28–8–97	Torres Strait Islanders' Media Association Inc.
WA			
Albany	2	27–11–97	Albany Community Radio Inc.
Broome	1	8–8–97	Broome Aboriginal Media Association
Halls Creek	1	26–8–97	Puranyangu-Rangka Kerrem (Aboriginal Radio)
NT			
Darwin	3	11–06–98	Darwin Christian Broadcasters Association Inc.
Darwin	3	11–06–98	Radio Larrakia Association Inc.

In December 1995, the Authority advertised that two community broadcasting licences were available in Darwin, Northern Territory. When applications closed in February 1996, there were three applicants, with each of the three applicants applying for both licences. The Authority encountered difficulties in assessing the licence allocations—partly because the licences were contested and partly because the applications did not contain all the required information essential to the merit assessment process.

In March 1997, after some difficulty in implementing the merit-based licence allocation process, the Authority formed the view that it was not in a position to make a decision on the individual merit of each of the applicants without more information. Following the provision of the additional information, the Authority decided in November 1997 to conduct a hearing. The hearing was held in April 1998 and in June 1998 the Authority allocated a licence to each of Darwin Christian Broadcasters Association Inc. and Radio Larrakia Association Inc.

The Authority has advertised that one community broadcasting licence is available for

allocation in the locations listed in the table 9. There was one applicant for each of these licences at the close of applications.

Table 9: Community radio licences—applications received but licences not yet allocated

Area served		Applications invited	Applications closed	No. of applications
NSW	Bathurst	17–10–97	2–12–97	2
	Dubbo	18–12–97	12–3–98	1
	Walwa/Jingellic	25–2–98	14–4–98	1
Vic	Bendigo	13–12–97	9–3–98	4
	Bendigo	13–12–97	9–3–98	2
	Corryong	25–2–98	14–4–98	2
	Mansfield	25–2–98	22–4–98	1
	Albury	27–2–98	14–4–98	2
	Shepparton	27–2–98	14–4–98	2
Qld	Cunnamulla	22–4–98	10–6–98	1
	Cairns	25–4–98	3–7–98	1
	Townsville	25–4–98	10–6–98	1
WA	Derby	31–10–96	14–11–97	2
	Meekatharra	3–2–97	21–3–97	1

Temporary community broadcasting licences

On 27 June 1997, Parliament passed the *Communications Legislation Amendment Act (No. 1) 1997* to amend the Broadcasting Services 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 test transmissions of 90 days per aspirant per year, by making spectrum available to aspirants to provide 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. Services provided by holders of temporary community broadcasting licences are community broadcasting services and as such 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 will be 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.

Since the amendments came into effect on 4 August 1997 the Authority has allocated 194 temporary community broadcasting licences. There are 156 active aspirant community broadcasting groups across Australia.

As 1997–98 was a transition period between the old scheme of issuing limited term apparatus licences for open narrowcasting services and the new scheme for issuing temporary community broadcasting licences, the Authority also issued 221 temporary transmission licences to aspirant community broadcasters during the year.

See appendix 2 for lists of aspirant community groups awarded temporary transmission licences and temporary community broadcasting licences during the year.

Special events

There were 132 special event licences for distinct and organised events of major cultural, sporting or other community significance approved during the year.

Retransmissions

The Act provides for the retransmission of commercial and community broadcasting services within and, with Authority permission, outside, the licence area of the originating licensee. It also provides for the retransmission of national services. A person who retransmits a service with Authority permission or within the originating licence area is exempted from the regulatory regime of the Act and protected from any other legal action which could arise in relation to the provision of the service (section 212).

Section 212 also enables individuals or communities to develop self-help arrangements or cooperative ventures between broadcasters and communities. These arrangements can then bring services to areas that may otherwise not be adequately served. Most retransmission applications are for remote and regional areas where relatively few broadcasting services are available.

The Authority issued 105 licences for retransmissions of broadcasting services during the period.

In the period of this report, the Authority received two applications under section 212 for permission to retransmit radio and television services into areas outside the licence area of the originating service. The Authority considered a total of 19 applications during the year, including 17 applications carried over from 1996–97. No applications were approved and eight were refused. Nine applications are currently active and two applications are dormant (no action has been taken during the year as applicant appears to have lost interest but has not withdrawn its application).

Community television

In March 1994, the then Minister for Communications and the Arts directed the Authority to reserve the last high power television channel in most parts of Australia (the so-called 'sixth channel'), for national or community broadcasting services. He also directed the Authority to give favourable consideration to making the channel available immediately for community and educational television on a continuing trial basis.

Since April 1994 the Authority has made the channel available on an area by area basis for open narrowcasting services by community and educational non-profit groups. Following receipt of advice from the Minister for Communications, the Information Economy and the Arts, the Authority extended the community television trial on the sixth high power television channel to 30 June 2000 in all areas in which services were being provided: Sydney, Melbourne, Brisbane, Lismore, Adelaide. Licensees in Perth (including Mandurah), Hobart and Bendigo have until 30 June 1999 to get on air.

The Authority did not issue any further licences in the reporting period.

Eighty of the community television services operated by Aboriginal groups in remote Australia were renewed in the reporting period.

National services

The Broadcasting Services Act requires apparatus licences for all national television and radio broadcasting services. In the reporting period, the Authority issued 152 national (ABC and SBS) radio and television apparatus licences.

Subscription television broadcasting licences

Until 1 July 1997, the Broadcasting Services Act drew a distinction between 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 which allow services to be delivered by any means, including satellite.

The Authority allocated 101 subscription television broadcasting licences under section 96 of the Act in this reporting period.

Since 1992, the Authority has issued a total of 1557 subscription television broadcasting licences to 36 separate licensees, and two satellite licences—satellite licences A and B. Satellite licence C was issued by the then Minister for Communications and the Arts.

A full list of these licences is included at appendix 2.

Table 10: Subscription television broadcasting licences allocated in 1997–98

Licensee	Number of licences	Licences allocated
Continental Century Pay TV Pty Ltd	1	29–8–97
Foxtel Cable Television Pty Ltd	30	25–11–97
Selectra Pty Ltd	50	25–11–97
Star Vision Pty Limited	20	29–8–97

Broadcasting licence renewals

Two hundred and sixty two licences (36 commercial radio and 128 community radio, 18 commercial television and 80 community television) were renewed in 1997–98.

Opinions on category of service or a proposed service

Section 21 of the Broadcasting Services Act requires the Authority to give, on request, its opinion as to which of the categories of broadcasting service listed in the Act a nominated or proposed service falls into. These categories 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 ten services (three for radio and seven for television). The Authority opinion agreed with that of the applicant in four cases.

The Act provides the Authority with a statutory time frame of 45 days to provide the applicant with a written opinion, or the 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 the period of this report, two services which are 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 138 proposed services (69 for radio and 69 for television). Bar 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 opinion has agreed with that of the applicant in 100 cases (50 for radio and 50 for television).

Control of broadcasting services 4

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

Key outcomes

- **The Authority is currently investigating whether CanWest Global Communications Corporation has remedied the breach of the foreign ownership provisions of the Broadcasting Services Act resulting from it being in a position to exercise control of the Ten network television licences**
- **CanWest's legal challenge to the Authority's decision that it was in control of the Ten network television licences in the Federal Court and the Full Federal Court was dismissed**
- **The Authority started an investigation into whether any breach of the cross media rules had resulted the appointment of Mr Brian Powers to the board of John Fairfax Holdings Ltd**
- **The Authority granted approval for seven temporary breaches of the control rules**

Monitoring

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 and Investment 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.

If the Authority was to find a person in breach of the control rules, a range of actions would be 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 (either 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

The Authority continued one major investigation relating to the foreign control of commercial television broadcasting licences in the period under review. The Authority began two investigations relating to cross-media breaches.

The first related to the control of newspapers and commercial television licences in the same market and the second to the control of a commercial television broadcasting licence and commercial radio broadcasting licences in the same licence area.

The Authority also commenced an investigation into breaches of the two-to-a-market rule concerning commercial radio licences in the period under review.

Investigation into control: CanWest Global Communications Corporation/The Ten Group Limited

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 Broadcasting Services 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 Limited 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 to remedy the breaches within six months.

On 29 April 1997 CanWest and others filed applications in the Federal Court for review of the Authority decisions, under section 5 of the *Administrative Decisions (Judicial Review) Act 1977* (ADJR Act). CanWest also challenged these decisions in the High Court. These proceedings were remitted by the consent of the parties to the Federal Court.

Donholken Pty Limited and Selli Pty Limited also sought judicial review of the Authority's decisions, under the ADJR Act. On 8 August 1997, the Federal Court dismissed all applications.

Application for extension of time

On 8 August 1997 CanWest applied for an extension of the time in which to remedy the breaches. On 2 October 1997 the Authority granted CanWest an extension of four and a half months, until midnight 13 February 1998.

On 29 October 1997, CanWest sought reasons, pursuant to section 13 of the ADJR Act, for the determination by the Authority to grant CanWest the four and a half month extension of time. On 20 November 1997, the Authority provided CanWest with a statement of reasons, regarding its decision.

On 12 December 1997, CanWest filed a notice of motion in the Federal Court challenging the Authority's statement of reasons. The matter was heard before Justice Branson in Sydney on 18 December 1997.

On 14 January 1998 Justice Branson found that the Authority had not taken into account the most current information available to it relevant to the decision to grant an extension of time. Consequently, the decision of the Authority which fixed midnight 13 February 1998 as the end of the period of the extension was set aside and the Authority was directed to redetermine the period by no later than 13 February 1998.

On 22 January 1998 the Authority extended the period of time in which CanWest had to rectify the breaches until 4 April 1997.

CanWest and others appealed to the Full Federal Court on the question of whether CanWest was in control of a commercial television licence. On 27 February 1998, Black CJ, Lockhart and Beaumont JJ dismissed the appeal.

Compliance action by CanWest

The following steps were taken by CanWest towards compliance with the notices:

On 4 March 1998 Ten Network Holdings Limited acquired 174 175 101 shares in The Ten Group Limited (the 38.28 per cent interest which had put CanWest in breach of the Act).

The public offering of Ten Network Holdings Limited shares (the vehicle designed to hold the offending 38.28 per cent CanWest company interest in The Ten Group Limited) was opened on 10 March 1998. The public offering closed on 27 March 1998.

Telecasters North Queensland Limited (TNQ) held 40 per cent of The Ten Group Limited. 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 Limited shares. TNQ is a wholly owned subsidiary of Ten Network Holdings. Ten Network Holdings holds 40 per cent of the Ten Group Limited through TNQ.

The Authority is currently conducting a propriety company, The Ten Group Pty Limited.

conducted an inquiry into whether CanWest has complied with section 70 notices issued in April 1997 directing CanWest to remedy the breaches. The Authority is continuing its inquiry.

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

The Authority commenced an investigation into the relationship between DMG Regional Radio Pty Limited (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 is in breach of the ownership and control provisions of the Broadcasting Services Act.

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.

At the time the Authority commenced its investigation, AMI controlled television licences in Griffith, NSW, where DMG also controls radio licences. DMG controls two radio licences and AMI controls one radio licence in Mildura, Victoria. AMI recently sold its shares in the company which controls the television licences in Griffith.

Investigation into control: Consolidated Press Holdings Limited and others/John Fairfax Holdings Limited

On 18 May 1998, John Fairfax Holdings Limited (Fairfax) announced that the board of directors of Fairfax had agreed to appoint Mr Brain Powers, a former director of Publishing and Broadcasting Limited and former chief executive officer of Consolidated Press Holdings Limited, as a director of Fairfax.

As a result of this announcement, the Authority decided to investigate whether Publishing and Broadcasting Limited, Consolidated Press Holdings Limited (CPH) or any associated persons have since 17 May 1998 breached the cross-media rules of the Act.

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

In December 1997, the Authority formed the view that by virtue of the interests held by 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. At the date of this report, this interest 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*.

At the date of this report, the Authority is continuing its investigation.

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 seven applications for prior approval of temporary breaches under section 67 and granted one extension under section 68 to remedy breaches. Section 67 was used by the industry more often during the period than in the last reporting period when there were only two applications made under section 67.

During the reporting period two temporary breaches were remedied. Five of the applications made under section 67 were lodged by existing licensees 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.

In cases where 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. The Authority must provide an opinion within 45 days, otherwise it is to be taken that the Authority has given an opinion that accords with the applicant's opinion. The process may take longer if further information is required from the applicant.

Two applications for an opinion on control were lodged in this reporting period. A total of four opinions on control (including three applications received in the previous reporting period) were given by the Authority during this period.

Subscription broadcasting licences

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

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.

Fifty commercial radio broadcasting and five commercial television broadcasting licensees notified the Authority of changes to control during the reporting period. This represented a decrease of approximately 18 per cent in commercial radio broadcasting notifications, and a 67 per cent decrease 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 which is available for public viewing at the Authority's Library.

Programming 5

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

Key outcomes

- **Codes of practice for narrowcasting services registered**
- **Investigations into programming matters increased by 32 per cent and number of breaches found was up by 71 per cent**
- **Average time to complete an investigation halved**
- **Following the High Court decision that the Authority's Australian Content Standard is not consistent with Australia's international agreements, the Authority started a review of the standard**
- **All commercial television networks met their 1997 Australian content obligations for overall transmission of Australian programming and for adult drama and documentary programs**
- **Monitoring by the Authority established that Seven network stations failed to meet two of the requirements of the Australian Content Standard and the Children's Television Standards by not broadcasting the required amounts of first release and repeat Australian children's drama in 1997**
- **All Australian commercial network television stations complied with the Australian content in advertising quotas**
- **Underspend on new Australian drama on pay TV by licensees: Government to amend the Act to make provisions enforceable**

- **The Authority published groundbreaking research into infants' exposure to television**
- **First stage of new research project into youth and music in Australia published**
- **C or P classification granted to 75 programs**

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 and taking account of any relevant research conducted by the Authority. Monitoring those codes once they are implemented, and dealing with unresolved complaints made under the codes are also 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 is endorsed by a majority of providers of broadcasting services in that section of the industry, and members of the public have been given an adequate opportunity to comment on the code.

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

The following codes were either registered with the Authority or notified to the Authority as at 30 June 1998:

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

Commercial television code of practice

In May 1997, following two rounds of public consultation, the Federation of Australian Commercial Television Stations (FACTS) submitted a draft of the revised Commercial Television Industry Code of Practice to the Authority for assessment and registration.

Officers and members of the Authority met with FACTS on a number of occasions during the year to discuss issues raised during the assessment process. A number of issues relevant to the revised code were also raised directly with the industry by the Minister for Communications, the Information Economy and the Arts, and by the Senate Select Committee on Information Technologies.

The Authority expects that the outstanding issues will be resolved and the revised code registered later in 1998.

Commercial radio codes of practice

The Federation of Australian Radio Broadcasters will conduct a review of the Commercial Radio Codes of Practice in the near future. Officers of the Authority and FARB representatives have held preliminary meetings to discuss matters identified as being of concern in the codes, and questions of process.

Narrowcasting codes of practice

On 12 September 1997 the Authority registered the codes of practice for narrowcasting services.

The Australian Subscription Television and Radio Association (ASTRA) submitted these codes for registration. ASTRA was formed by the amalgamation of the Federation of Australian Narrowcasting and Subscription Services Inc. (FANSS) and the Confederation of Australian Subscription Television (CAST), in July 1997.

FANSS provided the Authority with the first draft of the codes in December 1994. Following a series of discussions between the Authority and FANSS/ASTRA, the code was submitted on 18 August 1997 for registration.

Subscription television broadcasting services—draft codes of practice

The Authority continues to consult with ASTRA in relation to the codes of practice for subscription television broadcasting services. At the most recent meeting (in April 1998), ASTRA undertook to provide the Authority with a final draft version of the codes for registration. ASTRA also confirmed that it intends to release an additional code, relating to advertising, for public comment later in 1998.

ABC code of practice

The ABC notified the Authority of amendments to its code of practice (particularly to section 4 of the code, which relates to news, current affairs and information programs) in April 1998.

SBS codes of practice

In August 1997, SBS notified the Authority of changes to its codes in relation to the introduction of non-government advertising on SBS Radio and clarification as to how SBS will deal with email comments and criticisms.

In September 1997, following correspondence with the Authority, SBS notified a further amendment, to its definition of the term ‘advertisement’.

Investigations

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

A complaint about a matter covered by a code of practice must first be made to the broadcaster. 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 then make a complaint to the Authority.

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

Sanctions

If the Authority finds a broadcaster has breached the Act or a licence condition, it may issue a notice requiring the broadcaster to take action to remedy the breach, or refer the matter to the Director of Public Prosecutions.

If the Authority finds a broadcaster has breached a code of practice, it may make compliance with the code a condition of a broadcaster's licence. The Authority did not take any such action during the reporting period, however, it did advise two broadcasters that it was considering such action. It also 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 a national broadcasting service (the ABC and the SBS), the Authority may, if it is satisfied that the complaint was justified, by notice in writing recommend that the broadcaster take action to comply with the relevant code of practice. Such action may include the broadcasting or otherwise publishing an apology or retraction. If, within 30 days of the recommendation, the national broadcaster does not take appropriate action, the Authority may give the Minister a written report on the matter. The Minister must table a copy of the report before each House of Parliament within seven days of receiving the report.

Investigations commenced

The Authority started 123 investigations in the reporting period. This is a 32 per cent increase on the number commenced in 1996–97, when 93 were commenced. Twenty-nine investigations were into possible breaches of the Act or licence conditions and 94 were into unresolved complaints about matters covered by a code of practice.

Investigations completed

The Authority completed 135 investigations in the reporting period. This was 17 per cent more than in 1996–97 when 115 investigations were completed. It is important to note that these breaches relate to investigations completed during the reporting period. The broadcast under investigation may not necessarily have been in the reporting period. A number of these investigations were carried over from previous reporting periods.

Fifty-two investigations resulted in the Authority finding a breach or breaches and there were 84 breaches in total (some investigations resulted in findings of more than one breach and/or findings against more than one licensee).

Of the 84 breaches, 29 were admitted by the licensee concerned during the investigation. Fifty-nine related to matters covered by a code of practice, 24 to licence conditions and one to a breach of the Act.

The number of breaches is a significant increase of 71 per cent over the number found in the previous reporting period. The increase partly reflects a more vigorous compliance regime practised by the Authority but also indicates a trend against compliance by licensees, in particular commercial television licensees and ABC radio.

Of the 59 code breaches, 38 related to commercial television services. One investigation, into the program 'Pacific Drive', resulted in the finding of two breaches against seven licensees. While this is significant, it does not alone account for the increase in the

number of breaches of the code by commercial television licensees. Only 19 breaches were found in 1996–97.

The Authority found that the licensee of TCN 9 Sydney breached the code on 11 occasions. Three of those breaches related to investigations started during the 1995–96 reporting period, and five of the breaches to investigations started in 1996–97. The Authority met with senior management and staff at the station to discuss this matter and is continuing discussions at the date of this report.

Five breaches of the codes related to commercial radio services, down from nine in the previous reporting period.

Three code breaches related to community radio, down from five in the previous period, and there was one code breach by SBS television compared to none in 1996–97.

Of the 24 breaches of licence conditions, 12 related to breaches of the Australian content and children's television program standards, and four to the broadcasting of political matter (three on commercial television resulting from one investigation, and one on commercial radio). At the date of this report, the Authority was finalising a set of guidelines to assist broadcasters on this matter. The Authority published the guidelines in August 1998.

Of the remaining eight breaches of licence conditions, four related to open narrowcasting radio services operating outside the conditions of their apparatus licence, two related to the broadcasting of advertisements by community radio broadcasters, one related to participation in management at a community radio station and one related to the broadcast of R classified material by a subscription broadcaster.

The one breach of the Act related to the subscription television service known as Fox Sports 2. The Authority found that the licensee, New World Telecommunications Pty Ltd, was providing more than the maximum four satellite subscription television services allowed under the Act before July 1997. The restriction on the number of satellite subscription broadcasting services was lifted on 1 July 1997, before the Authority completed its investigation.

Six code breaches related to ABC television, compared with four in the previous reporting period, but the number of breaches which related to ABC radio increased significantly, from one to six.

Eight of the breaches concerning ABC services related to complaints handling. The Authority has held a number of meetings with the ABC about this matter. The ABC has revised both its Editorial Policies and Code of Practice, and advised the Authority that it would undertake extensive nationwide training of staff with regard to the handling of complaints. The ABC also undertook to advise complainants of their right to refer unresolved matters to the Authority. Discussions with the ABC were ongoing at the date of this report.

For more detail on these investigations, see appendix 3.

Time taken to complete investigations

At the start of the reporting period there were 43 outstanding investigations. Of these, six investigations started in the 1995–96 reporting period and 37 in 1996–97.

In September 1997 the Authority reviewed its investigation procedures with a view to reducing the time taken to complete investigations. As a result of this review, in this reporting period, the average time for the Authority to complete an investigation was

Table 11: Investigations resulting in breach findings

	1997–98 no.	1996–97 no.
No of investigations started	123	93
no of investigations completed	135	115
Breaches		
code of practice	59	41
licence condition	24	8
of the Broadcasting Services Act	1	-
total	**84**	49
type of service		
code breaches:		
commercial television	38	19
commercial radio	5	10
community radio	3	5
ABC television	6	5
ABC radio	6	2
SBS television	1	-
SBS radio	-	-
type of service		
licence condition breaches:		
commercial television	15	1
commercial radio	1	-
community radio	3	5
open narrowcast radio	4	2
open narrowcast television		1
subscription television	1	-

approximately 11 weeks, almost half the 20 weeks taken in the previous reporting period.

At the end of the reporting period the Authority had 32 outstanding investigations. None was more than four months old and 25 were less than three months old.

Australian content on commercial television

The Australian Content Standard for commercial television has two main mechanisms: an overall transmission quota and minimum quotas for specific types of programs. The transmission quota sets the overall annual minimum level of Australian programming between 6.00 a.m. and midnight. There are specific quotas for annual minimum amounts of first release Australian programs in the following categories: drama, documentary and children's (C classified) programs, including children's drama; and minimum amounts of Australian preschool (P classified) programs. The amount of Australian drama is calculated using a measurement system which multiplies a 'format factor' by the duration of the program. Children's and preschool programs and documentaries are measured in hours.

A new Australian Content Standard and variations to the Children's Television Standards came into effect on 1 January 1996, following a wide-ranging public review by the Authority.

Review of the Australian Content Standard

High Court of Australia finds Australian Content Standard is unlawful

On 28 April 1998, the High Court of Australia ruled that the Authority's quotas for Australian content on commercial television must include New Zealand programs.

In ruling that New Zealand programs must be treated the same as Australian programs, the High Court said the Authority cannot give preference to the objective of promoting the role of broadcasting services in developing and reflecting a sense of Australian identity, character and cultural diversity over Australia's international obligations. Any program standard developed by the Authority must be consistent with Australia's agreements with foreign countries.

In developing the current Australian Content Standard the Authority came to the conclusion that there was a real legal impediment to the recognition of New Zealand persons and programs in the standard. The definition of 'Australian program', for the purposes of the Australian Content Standard, does not include programming produced by New Zealanders.

Project Blue Sky Inc., representing the New Zealand film and television production industry, took the view that the Authority's standard contravened Australia's treaty obligations under the Trade in Service Protocol to the Australia New Zealand Closer Economic Relations (CER) Trade Agreement. Project Blue Sky claimed the Authority's standard did not accord national treatment to New Zealand programs and commenced legal proceedings against the Authority.

On 2 August 1996, Justice Davies of the Federal Court ruled that it was open to the Authority to determine a standard which is consistent with the Protocol to the CER Agreement. The Authority appealed this decision to the Full Federal Court. On 12 December 1996, in a majority judgement, the full court upheld the Authority's appeal.

Project Blue Sky appealed the Full Federal Court's decision to the High Court, which heard the appeal on 29 September 1997. See appendix 1, litigation summary, for more detail.

Review

The Authority has started a review of the Australian content standard to remedy this inconsistency and to comply with the Act. The Authority will seek submissions on how a new standard that complies with Australia's CER obligations can, as far as possible, promote the role of television in reflecting a sense of Australian identity, character and cultural diversity.

In July 1998, the Authority released a discussion paper which canvassed a number of issues and options for consideration and called for public submissions on those issues.

Compliance with the Australian Content Standard in 1997

All commercial television networks met their 1997 Australian content obligations for annual transmission, adult drama and documentary quotas.

The six Seven network stations failed to meet the requirements of the Australian Content

Standard and the Children's Television Standards on two occasions in 1997 by not broadcasting the required amount of Australian children's drama. Failure to comply with these standards is a breach of a condition of the stations' licences.

Each of the networks met the 50 per cent quota for overall Australian content and the ten hour minimum requirement for first run Australian documentary programs. The Seven network broadcast 42 hours of Australian documentaries and the Nine network broadcast 27 hours.

The Australian Content Standard supports Australian drama programming by guaranteeing a minimum amount of first release drama. The standard requires a drama score of at least 225 points in any year. Of the three networks, Nine achieved the highest drama score of 272 points in 1997.

The requirement for first release Australian children's C drama increased from 24 to 28 hours in 1997. The Nine and Ten networks met the 28 hours target and exceeded the eight hour quota for repeat Australian C drama programs. The Nine and Ten networks both broadcast 34.5 hours of repeat Australian C drama programs, 26.5 hours more than the quota. The Ten network broadcast the most children's C classified programs, exceeding the overall C quota of 260 hours by 22.5 hours.

The six Seven network licensees had a shortfall of 30 minutes in their broadcast of first release Australian C drama in 1997. To compensate for this, each Seven licensee will make up the shortfall by broadcasting an extra 30 minutes first release Australian C drama in 1998. The Seven network will also commission two additional 30 minute first release Australian C drama programs for broadcast in 1999.

The Seven network indicated that the second breach, a shortfall in repeat C drama, occurred due to an administrative error in recording the episodes of 'Clowning Around'. The network stations broadcast 6.5 hours and BTQ 7 Brisbane broadcast 6 hours. To compensate for the shortfall, each licensee scheduled extra repeat C drama, starting with a repeat of 'Sky Trackers' in May 1998. In addition, the Seven network will broadcast repeats of 'The Adventures of the Bush Patrol' throughout the year. The Seven network has indicated it will broadcast a total of 25 hours 30 minutes repeat Australian C drama in 1998.

The Authority is satisfied with Seven's undertakings and does not propose to take further action.

Australian content on pay TV

Australian content requirements for pay TV only apply to drama channels. By means of a licence condition, given effect by section 102 of the Broadcasting Services Act, licensees of predominantly drama services on pay TV are required to spend 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 has therefore encouraged expenditure on new Australian drama by pay TV broadcasters and channel providers under a 'voluntary' arrangement. The Authority developed guidelines for the implementation of the licence condition and under this arrangement pay TV broadcasters and channel providers have been reporting on their new Australian drama expenditure.

Following the review undertaken by the Minister for Communications, the Information

Economy and the Arts pursuant to section 215(2) of the Act, the Minister announced in April 1998 that the Government has decided to amend the Act to make the existing Australian content licence condition enforceable. These amendments are expected to be introduced into the Parliament later in 1998. The voluntary guidelines will remain in place pending the passage of these amendments to the Act.

Compliance with pay TV new Australian drama guidelines

In April 1998 the Authority published the results of monitoring compliance with the voluntary guidelines for the financial year 1996–97. Figures on spending by pay TV on new Australian drama for 1996–97 show an underspend for the second year in succession, and a decline on the previous year's performance.

Total program expenditure was $64 581 955 from 15 predominantly drama channels and spending on new Australian drama totalled $3 242 754. Overall, 5.02 per cent of total program expenditure by pay TV was spent on new Australian drama in the period ending 30 June 1997. In 1995-96 the aggregate figure was 7.1 per cent, based on 11 predominantly drama channels.

Australian content in advertising

The objective of Television Program Standard (TPS) 23 for Australian Content in Advertising is to ensure that the majority of advertisements on television are Australian made, by means of a flexible regulatory system that recognises the market reality of advertising.

The standard requires at least 80 per cent of advertising time broadcast each year by commercial television licensees, between the hours of 6.00 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.

Compliance results show that all network stations broadcast well below the amount of foreign advertising allowed under the standard. In the calendar year 1997, foreign advertising averaged 11.4 per cent of all advertising on the Seven network, 7.5 per cent on Nine and 9.8 per cent on Ten.

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 subsidiary, Commercials Advice Pty Ltd, and before that, by FACTS' Commercials Acceptance Division.

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 current standard includes New Zealand advertisements not by reason of the CER but in recognition of the trans-Tasman relationships that had developed under the previous regulation.

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

Attitudinal research

The Authority's research program is mandated by the Broadcasting Services Act. The Act 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.

The Authority completed one project during the year:

- infants and television.

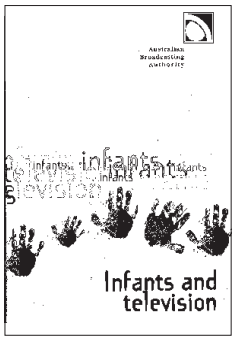
The Authority continued with four projects during the year:

- television and radio codes of practice monitoring;
- youth and music in Australia;
- media usage by migrants to Australia; and
- children's television industry development.

The Authority started two new projects during the reporting period:

- evaluation of online content regulation.

Infants and television



In April 1998, the Authority presented the findings of a longitudinal study conducted in the Sydney metropolitan region between 1988 and 1994 in its report, *Infants and Television*. The data was collected as part of a larger study by the Sydney Family Development Project, conducted by Dr Judy Ungerer, Dr Brent Waters and Associate Professor Bryanne Barnett. The Authority assessed the television data after it funded part of the project in 1995. The report was jointly written by the Research staff of the Authority, Dr Judy Ungerer and Dr Brent Waters.

The study tracked the exposure to television by children aged two and a half years and under, from 145 families across the Sydney metropolitan area. The research results cannot be considered as representative as the sample was not randomly selected from the target population.

Infants and Television reports on what television programs infants up to the age of two and half years are being exposed to and the extent to which parents are monitoring and controlling their child's exposure to television.

According to mothers in the study, infants aged 4 months were exposed to an average of 44 minutes of television a day. This increased to 62 minutes by 12 months, and 84 minutes by 30 months.

The trend towards greater exposure to television as children grew older was matched with the increasing exposure and attention paid to preschool programs. The intensity with which infants 'watched' television was recorded by mothers for specific programs. In relation to preschool programs, intensity of viewing increased with age. By 12 months, 28 per cent of time was spent 'mostly watching' or 'watching with great concentration'. This increased to 62 per cent at 30 months of age.

Mothers considered television to have both positive and negative impacts on their child. Many said their child learnt language and names, counting or maths, and music, rhymes or song from television. On the other hand, many also had concerns about violence, undesirable values and the encouragement of passivity. In line with their concerns, the majority of mothers said they started controlling their child's viewing from an early age.

Previous Authority research into children and television mainly focused on children aged older than five years. This research is relevant to the object of the Act which aims to ensure that providers of broadcasting services place a high priority on the protection of children from exposure to program material which may be harmful to them.

Television and radio codes of practice monitoring

As part of its role of monitoring the effectiveness of the Commercial Television Industry Code of Practice, since 1994 the Authority has used a national survey to collect information on people's concerns about material they have watched on television.

In August 1997, the Authority published the results of the fourth survey, conducted in 1996, as *Views on Viewing: Community Views about Commercial Television, 1994–1996*. This publication provided a three year comparison of the results. The research also examined community awareness of the television classifications, in particular the M and MA classifications, and the perceived suitability of movies on commercial television starting at 8.30 p.m., particularly in relation to the use of swearing, and the presentation of sex scenes, nudity and violence.

The annual survey conducted in October 1997 identified community concerns about television and radio content. The results have informed the Authority as well as the commercial television and radio industries during the reviews of their respective codes of practice. The Authority provided preliminary results to Federation of Australian Commercial Television Stations, the Federation of Australian Radio Broadcasters, the Minister for Communications, the Information Economy and the Arts, and the Senate Select Committee on Information Technology. The Authority will publish the results later in 1998.

Youth and music in Australia

The Youth and Music in Australia research project explores the attitudes of young people (12 to 24 years) in Australia towards music and the role music plays in their lives. The study looks at young people's access to music, their consumption of music and participation in musical activities as well as their attitudes to Australian music compared to music from overseas.

This is a joint research project between the Authority, the Australia Council and the Australian Record Industry Association (ARIA). While each of the research partners has an interest in this area the emphasis of this interest varies.

The Authority is responsible for the planning, licensing and regulation of broadcasting services in Australia. Preliminary results from this project have informed the review of the Commercial Radio Codes of Practice as they relate to Australian music content on commercial radio. This research will also inform the Authority's licensing process, especially in relation to community services which may address the needs of local youth through new youth-oriented services.

In June 1997, the first part of the project was published as *Youth and Music in Australia—A Review*. This provided a summary and review of research which was currently and publicly available, and identified areas for further exploration. See *Annual Report 1996–97*, (p.79) for more detail on this first stage of the project.

The final report is scheduled to be published in the second half of 1998 and will present findings from other stages of the project. The researchers interviewed a diverse range of key stakeholders including representatives from the radio and music industry, youth organisations, artists and academics. Fourteen focus group discussions were also held in various locations around Australia and a national survey with 1085 young people was conducted in late 1997 and early 1998.

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 (DIMA) 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. Preliminary results are expected during the second half of 1998.

Participation in the research project on media usage of migrants to Australia is a unique opportunity for the Authority to access the experiences and opinions of a large sample of recently-arrived migrants. 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.

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 and the Arts and the Seven network. Ms Keys will conduct the research in collaboration with the Authority's Deputy Chairman, Mr Gareth Grainger, Ms Dina Browne of the Seven network, Associate Professor Jennifer Craik, and Dr Albert Moran of Griffith University.

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 (SPIRIT). A PhD student was selected in May 1998 and started the research in July 1998.

The focus of the proposed 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.

Children's television

The Authority administers the Children's Television Standards which came into effect on 1 January 1990 with amendments taking effect on 1 January 1996. The objective of the standards 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.

Commercial operators must broadcast a minimum of 390 hours of children's programming each year. This programming must be preclassified by the Authority.

Compliance with the Children's Television Standards—1997

In 1997 all licensees met the minimum requirements for:

- C (children's) programs of 260 hours, of which at least 130 hours was first release Australian; and
- Australian P (preschool children's) programs of 130 hours.

C & P program assessment

The system for the classification of children's programs is based on initial assessment by the Authority and additional assessment by specialist consultants, as required, on a case by case basis.

Children's programs are classified against the criteria set out in the standards. These 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—suitable for primary school children;
- Australian children's drama (CAD)—meets the requirements for Australian produced children's television drama; and
- P—suitable for preschool children.

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 CAD at pre-production stage if it appears likely that the program will, when completed, meet the criteria.

If an application for program classification is refused, the Authority provides a statement of reasons which details the criteria the program failed to meet and the reasons why it did not meet these criteria. At the request of applicants staff hold meetings with applicants to discuss these decisions.

Variation to the standards

The Authority varied the Children's Television Standards on 30 April 1998 to allow programs broadcast during the planned 1998 Festival of Television for Australian Children to include C classified material broadcast during school hours as part of the Festival. Section 122(1)(a) of the Act allows the Authority to vary the standards.

Programs classified

The Authority assessed 86 applications during the reporting year. The Festival of Television for Australian Children presented 34 programs for the Authority to classify: twenty-seven of these were granted C classification, and the applicant withdrew the remaining seven before assessment.

Applications granted classification

C	22
Festival programs (all C)	27
CAD	13
Provisional C	11
P	2
Total	**75**

Applications refused classification

C	5
CAD	2
Provisional C	4
Total	**11**

See appendix 4 for a list of programs granted C and P classifications in 1997–98.

Online services

Investigation: issues relating to the content of online services

In September 1997, the Minister for Communications, the Information Economy and the Arts directed the Authority to investigate matters relating to the future regulatory arrangements for the content of online services, having regard to the principles for a regulatory framework released by the Government on 15 July 1997.

This is the second investigation which the Authority has been directed to conduct in relation to online services. The Minister issued the first Direction in July 1995 and the Authority published a substantive report on its investigation in July 1996 (for more details on the first investigation *Annual Report 1996–97* see (p.79); for more information on the current investigation, see objective 1—Expert Advice).

Children and Content Online Task Force

In December 1997 the Authority established the Children and Content Online Task Force to assist it with its investigation, in particular, its consideration of paragraph (b) of the

Direction, which refers to content labelling. Content labelling allows parents and supervisors to limit access to Internet content which they do not consider appropriate for children, without affecting the rights of those who do not wish to use such tools.

The Task Force identified three key areas which affect children: contact and safety issues, illegal content and unsuitable content. It then considered the community needs associated with these three areas.

The Report of the Children and Content Online Task Force to the Australian Broadcasting Authority was published in June 1998. The report's recommendations include:

- information about technological tools and strategies for managing children's access to the Internet be made available to the Australian community as part of a community education campaign;
- the community education campaign include key messages aimed at reducing the risk of children being contacted by paedophiles and others wishing to exploit children, and address the issue of misleading advertising and marketing which targets children online;
- a hotline for the reporting of child pornography be established, and the Internet industry develop practical 'notice and take down procedures' for the removal of illegal content hosted by service providers;
- rating, filtering and labelling tools be voluntary for both content providers and users;
- content providers be encouraged to rate and label their sites with the aim of assisting parents and children to locate suitable content online;
- Australian content providers be encouraged to provide general information about their content in metadata labels in order to make it easier for parents to access a wide range of suitable content; and
- the community education campaign develop a database of useful online resources for parents and children.

Reporting hotlines

The Authority supports in principle the establishment of a hotline in Australia which would enable Australian Internet users to report any illegal content, to a central agency for appropriate action. In its report to the Minister in June 1996, the Authority recommended that an email hotline be established for Internet users to report content they considered to be illegal.

The Children and Content Online Task Force also considered this issue and also recommended the establishment of a hotline in Australia. The Task Force considered that the Internet industry should work in conjunction with the hotline service and all relevant parties including law enforcement agencies, to develop reasonable and practical procedures, 'notice and take down procedures', to remove material hosted on servers which service providers are advised is illegal.

These procedures may be included in industry codes of practice developed by the industry under the Commonwealth Government's proposed regulatory regime for Internet service providers.

The Authority has facilitated further discussion of these issues with the Internet Industry Association (IIA), End Child Prostitution Pornography and Trafficking (ECPAT, a non-government organisation), and a number of police bodies including the Australian Federal Police and NSW Crime Stoppers.

Codes of practice

The Authority has continued to work with Internet industry groups in the development of codes of practice. The Authority has focused its resources toward the Internet Industry Association (IIA) and the third draft of the IIA Code of Practice.

The IIA's membership is currently around one hundred organisations and the IIA estimates that its members would be directly or indirectly involved with at least 95 per cent, of the content traversing the Internet within Australia.

The IIA released the third draft of its code for public comment on 2 February 1998. The Authority has met with the IIA and provided written comments on the codes.

Anti-siphoning

The anti-siphoning provisions of the Broadcasting Services Act empower the Minister for Communications, the Information Economy and the Arts, to list in a formal notice (known as the anti-siphoning list) events which should be available on free-to-air television for viewing by the general public. The aim of the anti-siphoning list is to prevent these events from being siphoned off by pay TV to the detriment of free-to-air viewers.

The anti-siphoning list is not a list of sporting events reserved solely for free-to-air television. It does not compel free-to-air broadcasters to acquire the rights to listed events and does not guarantee them exclusive rights to such 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 provisions deal with the acquisition of rights to events included on the anti-siphoning list, not with the television coverage of those events. The capacity of free-to-air television to broadcast sporting events is limited, given the broad appeal of its programming schedules. The use of the rights acquired by a commercial or national television broadcaster and decisions on whether to broadcast live, delayed, highlights only or to a limited geographic area, are commercial decisions for the licensee to make.

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; if the Authority considers that, over time, there has been a sustained reduction in the extent to which free-to-air broadcasters televise listed events; or if the Authority considers there are grounds for the Minister to add to 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:

- 1998 and 1999 Hong Kong Sevens Rugby Union Tournaments;
- Australia versus New Zealand one day cricket series played in New Zealand in February 1998;
- Australian Cricket Tour of India, test and one-day matches played in India in March and April 1998; and

- Coca Cola Cricket Cup (Sharjah Trophy) played in the United Arab Emirates in April 1998.

The Authority is considering the implications of recent case law relating to the anti-siphoning provisions. These cases are *Nine Network Australia v ABA and Foxtel Cable Television* and *Sportsvision Australia Pty Ltd (Sportsvision) v Tallglen Pty Ltd (Tallglen) and Anor*. Consultation on the ABA's *Guide to Pay TV Anti-Siphoning Provisions will* commence following the implementation of amendments to the anti-siphoning provisions contained in the *Broadcasting Services Amendment Bill 1998*.

Resources 6

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

Key outcomes

- **Authority structure reviewed**
- **Service charter introduced**

Review of structure

During the reporting period the Authority reviewed its structure to develop a unified organisation which provides effective support to a collegiate decision making body. The Authority's key principles in undertaking this were:

- ensuring authoritative expertise in the industries and issues it regulates;
- excellence in the management of information; and
- the cost effective administration of the Act, in moving from the introductory phase of the operation of the Act into a phase where ensuring long term compliance assumes greater priority.

The Authority conducted the review on a cost neutral basis and its main objectives were increased adaptability to change and greater responsiveness to peaks and troughs in the flow of work through speedier re-allocation of work or staff on projects. The review process involved extensive consultation with staff and unions.

Outcomes of the review included:

- a new senior management structure was implemented;
- strengthening the legal/compliance focus for the organisation;
- increasing the focus on information needs and management;
- merger of the Research and Policy Sections;
- changed reporting arrangements; and
- a dedicated Secretariat was established.

The Authority will also be creating a position, Chief Information Officer, for a fixed period, to develop, in conjunction with the Information Committee, a strategic approach to knowledge management.

The outcomes of the review have been progressively implemented and are expected to be completed in the second half of 1998.

Service charter

The Authority is committed to providing a high quality service to its stakeholders. While it always strives to deliver quality service, sometimes clients may wish to make a comment about their dealings with it.

L-R: Professor Mark Armstrong, RMIT: Dr Patricia Edgar, Australian Children's Television Foundation; and Kerrie Henderson, ABA Member; at the launch of the service charter, in Melbourne, November 1997

Professor David Flint congratulates the ABA team which developed the charter: L-R: Gareth Grainger, Deputy Chairman; Belinda Mullen, Children's Television; Jonquil Ritter, Manager Codes and Conditions; Professor Flint; Trish Cohen, Codes and Conditions; Cherrie Harkess, Library; Giles Tanner, General Manager; and Tim Dwyer, Control

The Charter articulates the standards of service that the Authority's clients can expect, and details the steps that may be taken if these standards are not met. The Authority's commitment is to try to resolve any problems or complaints quickly and effectively.

Professor David Flint, Authority Chairman launched the *Australian Broadcasting Authority Service Charter* at a broadcasting industry reception in Melbourne on 12 November 1997.

Joint projects

To optimise the use of resources, the Authority seeks opportunities for joint or collaborative research projects in priority areas in line with its strategic directions.

During the year, the Authority continued its joint research into young people and music. With additional funding provided by the Australia Council and the Australian Record Industry Association, the Authority is able to undertake more extensive research than if it were to fund the research entirely by itself.

The Authority has also become an industry partner in a program of PhD research with the Australian Key Centre for Cultural and Media Policy into an evaluation of the implementation of online services regulation in Australia. A grant application to the Australian Research Council was successful, and the research started in July 1998.

Since 1997, the Authority has continued to provide support as an industry partner in the study, Cultural Diversity and Children's Television Industry Development, being conducted by Ms Wendy Keys of Griffith University in Brisbane.

The Authority is also using the resources of the Department of Immigration and Multicultural Affairs to gain access to data it does not have the resources to collect on its own. The Authority has included four questions in the third wave of the Longitudinal Survey of Immigrants (LSIA) being conducted during 1997 and 1998.

Information technology

The Authority continued to improve its information technology resources. To do this the Authority:

- completed configuration on new work stations. All work stations are now running Windows 95. Further upgrades to applications and a complete new electronic mail system will follow in the last quarter of 1998;
- upgraded work stations to Windows 95 and the network operating system as part of its year 2000 compliance strategy. The updates have improved the stability of the network and position the Authority to take advantage of the latest improvements in software technology;
- replaced obsolete network communications equipment with up-to-date 100 Mbps switching equipment. This will improve the transmission capacity and efficiency of the network, enabling the Authority to use the latest generation of software and hardware to get the best from its IT investment;
- replaced three outdated servers with up-to-date hardware, giving it the latest in speed, reliability and expanded data storage capacity;
- established a permanent network Internet connection for the Authority, which will enable staff to fully use the benefits of the Internet from the desktop; and
- applied further hardware and software improvements to broadcasting components of RADCOM, particularly to the engineering tools. Extensive purification of broadcasting data has been carried out.

Intranet

To improve information management within the organisation, the Authority started development of an intranet. A pilot system has been built and a project proposal for full development is being prepared.

Corporate and business planning process

The Authority held a three day conference in March 1998 for its members and managers. The purpose of the conference was to develop a shared sense of direction and planning framework for the Authority, which provides clarity of roles, a strong sense of teamwork and the basis for business and strategic policy planning. Guest speakers addressed the conference about the operating environment for the Authority between 1998 and 2001.

Before the conference the Authority convened a consultative forum, involving a diverse range of experts in the media field, to contribute to the process of identifying key areas of strategic policy focus for the Authority.

The Authority agreed key areas of strategic policy focus for the next financial year would be:

- The Authority will provide regulatory policy leadership in a convergent future.
- The Authority will endeavour to maintain a balance between social and commercial interests in relevant policy forums and public debates.

- The Authority will adopt vigorous, innovative and credible compliance and enforcement strategies.
- The Authority will target a small group of issues of importance to the public interest, in particular, diversity in the media, fairness and accuracy, and privacy.

In early 1998–99, the General Manager will work with senior managers in the Authority to produce a series of strategies for delivering outcomes in these key areas and to develop a corporate communications strategy.

Financial management

The Authority conducted a post implementation review (PIR) of its financial management information system, Prophecy, during the year. The PIR was beneficial in assisting with the day to day use of Prophecy, ensuring that the necessary internal controls were in place and in improving reporting functionality. In addition, the Authority decided to implement electronic funds transfer as its preferred method of payment of accounts.

Agency agreement

The Authority has been negotiating with union representatives on the development of a Certified Agreement under the *Workplace Relations Act 1996*. The agreement is expected to be finalised in the second half of 1998.

Continuous improvement

Continuous improvement initiatives further refined and developed the quick and clean licence area planning processes in the Authority's Planning and Licensing Branch. The requirement to develop Regulation Impact Statements has further reinforced decisions and directions taken so far in streamlining licence area planning processes.

In September 1997 the Authority reviewed its investigation procedures so it could reduce the time taken to complete investigations into matters relating to codes of practice. As a result of this review, in this reporting period, the Authority nearly halved the average time it took to complete an investigation, compared with the previous reporting period.

Organisational development committee

The Authority established an Organisational Development Committee to identify and promote organisational development initiatives designed to enhance the effectiveness of the Authority. The Committee analysed a wide range of information to identify areas and issues for focus, and developed a plan with strategies and actions. The priority goals for organisational development were to move towards:

- a culture of openness and learning;

- a culture of constructive dialogue; and
- a culture in which we get to the 'heart' of things.

The plan was progressively implemented during the year and the Committee disbanded in the first half of 1998.

Disability action plan

The Authority implemented a Disability Action Plan in accordance with the Commonwealth Disability Strategy. The plan aims to identify barriers and to implement strategies which ensure that people with disabilities have access to the Authority's programs and services. The plan contains specific objectives, strategies, responsibility allocations and practical ways by which achievements can be measured.

Personal development and training

Staff undertook training and study to improve professional skills. Development opportunities were provided through on the job training opportunities, participation in organisational committees, conferences, seminars, working groups and training courses and programs. Training was provided in a number of areas including financial, change management, dealing with difficult clients, and the Internet.

Facilitator training was undertaken for the second year. This training provided for the effective and efficient facilitation of work groups and process improvement groups within the Planning and Licensing Branch.

In carrying out its attitudinal research activities, Authority staff have been assisted by a statistical consultant, Dr George Argyrous of the University of New South Wales who has provided advice and training.

Professional affiliations

Authority staff retain membership of a number of professional organisations, as a means of maintaining professional standing and keeping up-to-date with developments. Such organisations include the Australian Institute of Management, Society of Editors (NSW), the Institution of Engineers, the Australian Film Institute, the Commonwealth Broadcasting Association, the Asia Pacific Broadcasting Union, the Communication and Media Law Association, the Australian Music Centre and the International Institute of Communications.

The Authority's Research and Policy Section continued its membership of the Australia and New Zealand Communication Association to keep itself informed about developments in the communications field generally and to exchange information.

Conferences

To keep up to date and contribute to issues and developments, staff of the Authority attended conferences and seminars relating to broadcasting, online communication, policy and management developments and other communications issues. Additionally a number staff delivered papers at both national and international conferences see appendix 5

Internal communications

All Authority publications are made available to all officers, to keep staff up-to-date with it's activities. Additionally the Authority's intranet, implemented this year, has greatly enhanced the ability of staff to keep up-to-date with the Authority's management, policy and service issues and developments.

The Authority's *Human Resources Bulletin* provides information to officers, including those on maternity and parental leave, about management issues. The circular also disseminates general information relating to the Australian Public Service.

The Library's current awareness services were maintained and developed. The quarterly *Library Bulletin* which highlights new and interesting additions to the Library's collection, was distributed to a number of external persons and organisations as well as to Authority staff.

Additionally, regular 'tune up' sessions are conducted for Authority staff by specialist staff and managers in relation to particular issues.

Appendixes

Appendix 1

Additional matters

Social justice statement

The Authority is committed to carrying out its functions in a fair and equitable manner. In doing so it aims to promote access and equity particularly for client groups confronted by barriers of language, culture, race or religion. The Authority has implemented strategies to promote access and equity, including the development of the Authority's access and equity plan 1997–2000, and its service charter.

Also significant is the role of the broadcasting industry, particularly with regard to codes of practice.

Other actions include:

- in performing functions such as planning new services and determining standards relating to the Australian content of programs, the Authority consults widely with those parties whose livelihoods and interests might be affected;
- ongoing consultation with representative groups in the online arena;
- developing a web site specifically designed to accomodate the needs of people with certain disabilities; and
- when conducting research, the Authority ensures the sampling framework is representative of Australian culutral diversity.

The Authority's approach to access and equity is integral to achieving its mission of promoting the development of broadcasting industries in the best interest of Australians in the rapidly changing communications environment.

Access and equity plan 1997–2000

The plan, implemented in 1997–98, was developed by an internal working party and was revised to take into account the Government's *Charter of Public Service in a Culturally Diverse Society*. This input has produced a workable plan which will assist the Authority in ensuring that all of its clients have access to the Authority's programs and services and that the Authority's policies reflect the needs of all clients.

Social justice and equity

Status of women

The Authority actively encourages women to attend courses especially designed for the development of women. During the period three women have attended courses conducted as part of the Springboard Personal Development Program for women.

Equal employment opportunity and workplace diversity

The Authority currently has in place an Equal Employment Opportunity (EEO) Plan for the period 1996–1999. The 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;
- to ensure equity in staff selection processes;
- to increase the number of Aboriginal and Torres Strait Islander staff within the Authority; and
- to maintain the Authority's good performance in respect of the employment of women, people with disabilities and people from a non-English speaking background.

The General Manager together with Branch and Section Heads has the responsibility for achieving the Plan's objectives.

The Authority will develop and implement a workplace diversity plan in 1998–99, building on existing EEO principles by recognising the contribution that the diverse skills, talents and perspective of staff make to the work place.

In relation to the objective relating to discrimination and work and family responsibilities, the Authority has a work place harassment policy and encourages flexible work practices such as permanent part time work.

In September 1997 the Authority's Child Care Committee produced a report and information booklet regarding family friendly work practices and child care services available in the wider community. The information has been placed on the Authority's local area network.

As at 30 June 1998 the Authority had a total of 149 staff. Of these, 76 were women, 30 reported being from non-English speaking backgrounds, seven reported having a disability and one reported being from an Aboriginal and Torres Strait Islander background.

EEO in appointments

During the period four staff members were appointed to the Authority and of these appointees one identified with an EEO target group i.e. a non-English speaking background.

Staffing overview

Training

The net expenditure by the Authority for staff training was $89 932. Of the 149 staff employed at the Authority, 99 spent a total of 376 days on training activities.

Participative work practices

The Authority is committed to consulting staff about workplace matters affecting them. During 1997–98 the Authority's peak consultative body was the Consultative Council, which consisted of management and union representatives. The Council met on three occasions during the reporting period and discussed a range of issues including child care, the creation of a new structure for the Authority, agency bargaining, EEO, OH&S, staff development, consultancies and the Authority's budget.

New consultative arrangements are being considered as part of the development of a Certified Agreement for the Authority. The Authority is committed to consulting staff and their representatives about workplace matters affecting them.

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 three designated work groups with 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.

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.

Regular workplace inspections are carried out by the health and safety representatives and their reports are presented to each OH&S Committee meeting. Action is then taken to remedy any problems identified and prevent potential hazards.

An investigation of the Authority's compliance with the *Occupational Health and Safety Act 1991* was undertaken by Comcare Australia. Overall the Authority is complying with the Act though the investigation did identify two areas where improvements could be made; the enhancement of management and staff awareness of their responsibilities under the Act and better compliance with OH &S regulations.

Consultancies

The amount paid to consultancies during 1997–98 was $88 393.

Market research organisations

During the year the Authority paid $157 465 to advertising agencies and $116 483 to market research organisations.

For the Youth and Music in Australia project the Australia Council provided $40 000 which contributed towards payment to the market organsiation commissioned to conduct the national survey.

Freedom of information

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

Requests made

During 1997–98, the Authority received two requests for access to documents. The Authority granted access in part to documents in the two requests.

Applications for review

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

Time taken

For the two requests finalised during 1997–98, the average time taken from receipt of the request to the notification of the decision was 45 days. Both 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 of freedom of information

The total cost to the Authority for Freedom of Information activities in the 1997–98 period was approximately $3806.

Staff costs for Freedom of Information activities (including overheads) were approximately $3006. Non staff costs were approximately $800.

During the period, FOI charges totalling $216 for the processing of requests were paid, and the Authority received $60 in fees for the lodgement of FOI requests.

Internal and external scrutiny

Ombudsman

The Ombudsman has not raised with the Authority any matters for the period 1997–98.

Litigation summary

CanWest Global Communications Corporation and Others v Australian Broadcasting Authority

Federal Court Proceedings No. NG 691 of 1997

On 3 April 1997, the Authority found CanWest Global Communications Corporation (CanWest) to be in breach of the Broadcasting Services Act. On 29 April 1997, CanWest and others filed applications in the Federal Court of Australia for review of the Authority's decisions, under section 5 of the Administrative Decisions (Judicial Review) Act 1977 (the ADJR).

The contested decisions of the Authority were:

- to give CanWest two notices directing it to take action within six months so that it would no longer be in breach of sections 57(1) and 57(3) of the Act; and
- to publish a report on its investigation.

The notices were issued on the basis of a finding by the Authority that CanWest was in breach of sections 57(1) and 57(3) of the Act.

CanWest also challenged these decisions in the High Court of Australia. The claim was made under paragraph 75(iii) of the Commonwealth Constitution, and sought to quash and set aside the Authority's decisions and declarations that the Authority's findings about CanWest were invalid. These proceedings were remitted by the consent of the parties to the Federal Court.

Donholken Pty Ltd and Selli Pty Ltd, two other parties to the transactions which were the subject of the Authority's investigation, had also sought judicial review of the Authority's decisions under the ADJR Act.

The hearing before Justice Hill was held on 14 to 23 July 1997. On 8 August 1997, Hill J handed down his judgment and ordered that each of the applications be dismissed and that CanWest and others should pay the Authority's costs.

On 29 August 1997, CanWest filed an application to appeal to the Full Court of the Federal Court the decision of Hill J not to set aside the Authority's decision.

The Full Federal Court (Chief Justice Black and Justices Lockhart and Beaumont) heard the appeal on 24 to 25 November 1997. On 27 February 1998 the Full Federal Court dismissed CanWest's appeal against the August 1997 judgement by Justice Hill.

Beaumont J (with whose judgment Black CJ and Lockhart agreed) stated:

> the essence of 'control' is ... the power to direct or restrain what [may be done] ... That is the core concept, or end, and the inclusive description of 'control' in section 6(1) provides that the means used to achieve this end pick up, inter alia, control achieved 'as a result of, or by means of ... arrangements or understandings and practices, whether or not having legal or equitable force and whether or not based on legal or equitable rights'.

The Full Federal Court upheld the Authority's original decision that CanWest was illegally in control of the Ten Group Limited and was consequently in breach of the foreign ownership provision of the Act.

CanWest Global Communications Corporation and Others v Australian Broadcasting Authority

Federal Court Proceedings No. NG 1073 of 1997

On the 29 October 1997, CanWest sought reasons, pursuant to section 13 of the *Adminstration Decisions Judicial Review Act* for the determination by the Authority to grant CanWest an extension of time up until midnight, 13 February 1998, in which to remedy its breaches of the foreign ownership provisions of the Act (sections 57(1) and 57(3)).

On 20 November 1997, the Authority provided CanWest with a statement of reasons, pursuant to section 13 of the ADJR Act, regarding its decision to grant CanWest four and a half months extension to remedy its breaches of sections 57(1) and 57(3) of the Act.

On 12 December 1997, CanWest filed a notice of motion in the Federal Court challenging the Authority's statement of reasons on the grounds of:

- error of law;
- taking into account irrelevant considerations;
- failure to take into account relevant considerations; and
- failure to prove natural justice.

The hearing was heard before Justice Branson in Sydney on 18 December 1997.

On 14 January 1998 Justice Branson found that the Authority had not taken into account the most current information available to it relevant to the decision to grant an extension of time. Failure by CanWest to comply with the notices may leave it open to prosecution and the imposition of severe penalties. Additional adverse consequences to the applicant could flow should it be guilty of an offence under section 72 of the Act. Natural justice required, in such circumstance, that the Authority have regard to the most current information actually in its possession, or constructively in its possession through its officers, in considering the length of the period of extension to be granted under section 71 of the Act.

Consequently, the decision of the Authority which fixed midnight 13 February 1998 as the end of the period of the extension was set aside and the Authority was directed to redetermine the period by no later than 13 February 1998.

The Authority redetermined the period in which CanWest had to remedy the breach and gave CanWest the full six months extension to midnight on 4 April 1998.

Project Blue Sky v Australian Broadcasting Authority

High Court Proceedings No. S219 of 1996

The Australian Content Standard, determined by the Authority under section 122 of the Broadcasting Services Act, came into force on 1 January 1996. As part of this standard, the Authority defined 'Australian program' as a program produced under the creative control of Australians who ensure an Australian perspective. For the purposes of the standard, this definition does not include programming produced by New Zealanders.

Project Blue Sky Inc. and five New Zealand production companies challenged the validity of the standard, asserting that the Authority had not complied with the Australia New Zealand Closer Economic Relations Agreement (CER) in determining the standard. CER requires Australia to provide national treatment to New Zealand persons and services.

On 2 August 1996, Justice Davies of the Federal Court ruled that it was open to the Authority to determine a standard which is consistent with the Protocol to the CER Agreement. The Authority's appeal to the Full Federal Court from the decision of Justice Davies was successful. However, Project Blue Sky sought leave to appeal the decision.

On 11 April 1997, the High Court granted Project Blue Sky leave to appeal from the judgment of the Full Federal Court.

On 28 April 1998 the High Court ruled that Clause 9 of the Australian Content Standard was in breach of Australia's obligations under Articles 4 and 5 of the Trade in Services Protocol to the CER, in that New Zealand programs had less favourable access rights to the market for television programs than Australian programs. Consequently clause 9 of the standard was unlawfully made.

In ruling that New Zealand programs must be treated the same as Australian programs the High Court said that the Authority cannot give preferential treatment to the objective of promoting the role of broadcasting services in developing and reflecting a sense of Australian identity, character and cultural diversity over Australia's international obligations. Any program standard developed by the Authority must be consistent with Australia's agreements with foreign countries.

Other

There were also six request 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

	1996–97 ACTUAL $'000	1997–98 BUDGET (a) $'000	1997–98 ACTUAL $'000
Salaries	7 233	7 408	7 261
Superannuation	930	920	881
Administrative Expenses	4 542	6 442	5 439
Total Expenditure	**12 705**	**14 770**	**13 581**
Less receipts	(575)	–	(309)
	12 130	**14 770**	**13 272**
Less Cash on Hand at beginning of financial year	(825)	(1 695)	(1 604)*
Plus Cash on Hand at end of financial year	1 695	–	1 407
TOTAL APPROPRIATIONS	**13 000**	**13 075**	**13 075**
TOTAL OUTLAYS	**13 000**	**13 075**	**13 075**
STAFFING			
Staff years (ASL)	**144.6**	**140.0**	**142.3**

(a) Budget figures for 1997–98 have been amended to include additional estimates.

* An administrative error in 1997–98 resulted in a $90 500 shortfall in drawdowns. These funds were provided as part of the 1997-98 Additional Estimates and the cash on hand figure has been amended to reflect this.

Staffing numbers

SYDNEY	PERMANENT				TEMPORARY				
Classification	Full-time Male	Full-Time Female	Part-time Male	Part-time Female	Full-time Male	Full-time Female	Part-time Male	Part-time Female	Total
Members	3		4	1					8
SES Band 2	1								1
SES Band 1		4							4
Legal 2	1	1							2
Legal 1		3			1				4
SPAOG 2	1								1
PAOG 3		1							1
PAOG 2						1			1
SPOG C		1							1
PO 1		1							1
SOG A									
SOG B	3	6							9
SOG C	3	8	1	1					13
ASO 6	10	8		2					20
ASO 5	1	2							3
ASO 4	5	12		1					18
ASO 3	2	3				3		1	9
ASO 2		1			2	1			4
ASO 1	1								1
SITO C	1								1
ITO 2		1							1
TOTAL	32	52	5	5	3	5		1	103

CANBERRA	PERMANENT				TEMPORARY				
Classification	Full-time Male	Full-time Female	Part-time Male	Part-time Female	Full-time Male	Full-time Female	Part-time Male	Part-time Female	Total
SES Band 1	1								1
SPAO(E)G A	1								1
SPOG B	3								3
SPOG C	5								5
PO 2	4	1							5
PO 1	1								1
TO 4	1								1
TO 3	1								1
SOG B	1								1
SOG C	1	2							3
ASO 6	2	3		1					6
ASO 4	2	7							9
ASO 3		1							1
ASO 2	1	5				1			7
SITO C	1								1
TOTAL	25	19		1		1			46

SYDNEY & CANBERRA								
TOTAL	57	71	5	6	3	6	1	149
TOTAL MALE	65							
TOTAL FEMALE	84							

Appendix 2

Planning and licensing

Number of new transmitters planned in final licence area plans 1997–98

		Radio			
Licence area plan	**date published**	**ABC**	**Comm**	**Cty**	**ONC**
Albury	21 September 97		7	3	7
Atherton/Mareeba	4 December 97	2	1	1	2
Ballarat	14 August 97		2	1	
Bendigo	14 August 97	3	2	4	1
Bundaberg	10 February 98		1	1	2
Cairns	24 October 97		2	1	2
Charters Towers	6 November 97				2
Deniliquin	21 September 97		1	1	7
Emerald	10 March 98		5	1	9
Innisfail	18 November 97	2	2		3
Mackay	6 November 97	2	2	1	4
Maryborough	10 February 98		2	2	1
Rockhampton/Gladstone	10 March 98	2	4	3	5
Shepparton	21 September 97		1	3	4
Townsville	6 November 97		6	3	5
Wangaratta	21 September 97	2	2	2	1

Comm: Commercial
Cty: Community
ONC: Open narrowcasting
Note: no transmitters were planned for SBS Radio
no transmitters were planned for any television services.

Final and draft licence area plans 1997–98

Final licence area plans	Date released
NSW	
Albury radio	September 97
Deniliquin radio	September 97
Inverell radio	July 98
Vic	
Ballarat radio	August 97
Bendigo radio	August 97
Mildura radio (variation)	July 97
Shepparton radio	September 97
Swan Hill radio (variation)	September 97
Wangaratta radio	September 97
Qld	
Atherton/Mareeba radio	December 97
Bundaberg radio	February 98
Cairns radio	October 97
Charters Towers	November 97
Emerald radio	March 98
Innisfail radio	November 97
Mackay radio	November 97
Maryborough radio	February 98
Rockhampton/Gladstone radio	March 98
Townsville radio	November 97
WA	
Katanning radio (variation)	June 98
Narrogin radio (variation)	June 98
Remote and Regional WA TV (variation)	September 97

Draft licence area plans	Date released
NSW	
Armidale radio	December 97
Coffs Harbour radio	November 97
Grafton radio	November 97
Gunnedah radio	December 97
Inverell radio	December 97
Kempsey radio	November 97
Moree radio	December 97
Muswellbrook radio	November 97
Newcastle radio	November 97
Tamworth radio	December 97
Taree radio	November 97
Qld	
Atherton-Mareeba radio	August 97
Bundaberg radio	October 97
Cairns radio	August 97
Charters Towers radio	July 97
Emerald radio	October 97
Gladstone radio	October 97
Innisfail radio	August 97
Kingaroy radio	November 97
Mackay radio	July 97
Maryborough radio	October 97
Rockhampton radio	October 97
Toowoomba/Warwick radio	November 97
Townsville radio	July 97

Transmitter licences for open narrowcasting services issued 1997–98

Location		Frequency	Successful applicant	Amount $
NSW	Bathurst	100.9 MHz	NSW Race Narrowcasts Pty Ltd	135 000
	Cobar	104.5 MHz	NSW Race Narrowcasts Pty Ltd	4 000
	Condobolin	92.1 MHz	NSW Race Narrowcasts Pty Ltd	4 000
	Dubbo (city)	90.3 MHz	NSW Race Narrowcasts Pty Ltd	4 000
	Lithgow (city)	89.7 MHz	NSW Race Narrowcasts Pty Ltd	35 000
	Mudgee (town)	90.9 MHz	NSW Race Narrowcasts Pty Ltd	15 000
	Orange	106.7 MHz	NSW Race Narrowcasts Pty Ltd	35 000
	Parkes/ Forbes	91.5 MHz	NSW Race Narrowcasts Pty Ltd	4 000
Vic	Bendigo	945 kHz	3UZ Pty Ltd	35 000
	Swan Hill	106.9 MHz	3UZ Pty Ltd	70 000
Qld	Barcaldine	103.3 MHz	TAB Queensland	4 000
	Cloncurry	103.7 MHz	TAB Queensland	4 000
	Cooktown	103.3 MHz	TAB Queensland	4 000
	Mount Isa	103.3 MHz	TAB Queensland	4 000
	Normanton	103.3 MHz	TAB Queensland	4 000
	St George	103.7 MHz	TAB Queensland	4 000
	Thursday Is	103.7 MHz	TAB Queensland	4 000
	Weipa	103.3 MHz	TAB Queensland	4 000
NT	Alice Springs	95.9 MHz	Northern Territory Racing Commission	4 000
	Darwin	1242 kHz	Northern Territory Racing Commission	45 000
	Groote Eylandt	103.7 MHz	Northern Territory Racing Commission	4 000
	Jabiru	103.7 MHz	Northern Territory Racing Commission	4 000
	Katherine	103.7 MHz	Northern Territory Racing Commission	4 000
	Nhulunbuy	103.7 MHz	Northern Territory Racing Commission	4 000
	Pine Creek	103.7 MHz	Northern Territory Racing Commission	4,000
	Tennant Creek	103.7 MHz	Northern Territory Racing Commission	4 000
	Yulara	97.3 MHz	Northern Territory Racing Commission	4 000
Tas	Hobart	1080 kHz	Tasradio Pty Ltd	280 000

Transmitter licences auctioned in June 1998 (and issued in July/August 1998)

Location		Frequency	Successful applicant	Amount $
NSW	Albury	99.3 MHz	NSW Race Narrowcasts Pty Ltd	4 000
	Berrigan	104.5 MHz	Robrad Pty Ltd	4 000
	Corowa	94.9 MHz	NSW Race Narrowcasts Pty Ltd	4 000
	Culcairn	92.5 MHz	NSW Race Narrowcasts Pty Ltd	4 000
	Deniliquin	106.1 MHz	Robrad Pty Ltd	36 000
	Finley	104.5 MHz	Robrad Pty Ltd	10 000
	Holbrook	99.3 MHz	NSW Race Narrowcasts Pty Ltd	4 000
	Jerilderie	94.9 MHz	Robrad Pty Ltd	10 000
	Moama	92.5 MHz	Robrad Pty Ltd	10 000
	Mulwala	92.5 MHz	NSW Race Narrowcasts Pty Ltd	4 000
	Tocumwal	92.5 MHz	Robrad Pty Ltd	14 000
	Wakool	92.5 MHz	Robrad Pty Ltd	4 000
Vic	Shepparton	1413 kHz	3UZ Pty Ltd	35 000
	Wangaratta	99.3 MHz	3UZ Pty Ltd	4 000
Qld	Atherton	88.7 MHz	Rillwood Pty Ltd	4 000
	Atherton	99.1 MHz	Tatley Pty Ltd	4 000
	Ayr	97.1 MHz	Lower Burdekin Development Council Inc	4 000
	Biloela	90.1 MHz	Seabrae Pty Ltd	4 000
	Bowen	93.5 MHz	John Robertshaw	4 000
	Bundaberg	95.5 MHz	TAB Queensland	12 000
	Bundaberg	97.1 MHz	Bundaberg Broadcaters Pty Ltd	21 000
	Ingham	96.9 MHz	Tatley Pty Ltd	5 000
	Innisfail	97.3 MHz	TAB Queensland	4 000
	Mackay	103.5 MHz	TAB Queensland	4 000
	Maryborough	92.3 MHz	Neal James Guilmartin	45 000
	Mossman	90.9 MHz	Glenn Charles Smith	4 000
	Rockhampton	99.9 MHz	TAB Queensland	4 000
	Tully	93.9 MHz	TAB Queensland	4 000

Applications were invited in May 1998 for the following transmitter licences to provide open narrowcasting services. Licence allocation exercises were held in June 1998.

Transmitter licences offered but not taken up

Location		Frequency	Result
NSW	Albury	1296 kHz	No bid at auction
	Henty	94.9 MHz	No application
Vic	Benalla	99.3 MHz	Application withdrawn
	Euroa	99.3 MHz	Application withdrawn
	Seymour	99.3 MHz	No application
Qld	Charters Towers	96.7 MHz	No application
	Dysart	90.9 MHz	No application
	Emerald	92.3 MHz	No application
	Mackay	93.9 MHz	No application
	Middlemount	94.1 MHz	No application
	Moranbah	96.9 MHz	No application
	Proserpine	96.3 MHz	No application
	Rockhampton	92.7 MHz	No application
	Saraji	92.1 MHz	No application
	Sarina	93.5 MHz	No application
	Tieri	92.1 MHz	No application
	Townsville	98.9 MHz	No application

The following transmitter licences were offered in May 1998, but were not issued for the reasons indicated. These licences may be re-offered at the Authority's discretion.

Subscription television broadcasting licences

Licensee*	Number of licences	Licences allocated
Arnbridge Pty Ltd	1 (Licence C)	8–12–94
Continental Century Pay TV Pty Ltd	1 (Licence A)	14–2–94
New World Telecommunications (Australis)	1 (Licence B)	17–12–93
Access Cable Television Ltd	110	19–7–94
Access Cable TV (Northern Rivers) Pty Ltd	4	13–1–94
Cable Network Services Pty Ltd	50	20–10–95
Cable Television Services Pty Ltd	10	15–2–94
Cable Television Services Pty Ltd	10	23–6–94
Central Coast Cablevision Pty Ltd	10	21–11–94
Central Coast Cablevision Pty Ltd	44	23–12–94
CFM Television Pty Ltd	1	25–8–95
Continental Century Pay TV Pty Ltd	1	29–8–97
Cosmovision Cable Television Pty Ltd	50	15–5–95
Cox Media Pty Ltd	56	10–4–95
CVC Pay TV Pty Ltd	20	3–3–95
Dergat Pty Ltd	4	23–6–94
Explorer channel Pty Ltd	1	12–9–98
Foxtel Cable Television Pty Ltd	20	28–6–96
Fostel Cable Television Pty Ltd	30	25–11–97
Graff Pay-per-View (Australia) Pty Ltd	10	14–12–94
Home show Cable Australia Pty Ltd	20	13–1–94
Interactive Telecommunications Network Ltd	150	12–12–94
Mudgee Cable Co Pty Ltd	60	20–10–95
Multicom Australia Pty Ltd	35	19–5–94
Neighborhood cable Pty Ltd	72	21–7–95
Northgate Cable Television Pty Ltd	150	13–10–95
NRS Group Pty Ltd	13	23–6–94
Oberon Broadcasters Pty Ltd	10	8–8–94
Pacific Media Telecommunications Pty Ltd	18	30–3–94
Optus Vision Media Pty Ltd	100	24–6–96
Paynet Telecommunications Pty Ltd	8	9–9–93
Planet Pay TV Pty Ltd	20	13–2–95
PPV Pty Ltd	20	13–2–95
Premier Cable Australia Pty Ltd	43	4–5–94
Prime Media Developments Pty Ltd	45	21–10–94
Private Cable Network Pty Ltd	34	24–8–94
Private Cable Network Pty Ltd	68	5–4–95
Rowcom Holdings Pty Ltd	28	21–10–94
Selectra Pty Ltd	50	25–1–95
Selectra Pty Ltd	50	25–11–97
Star Vision Pty Ltd	30	19–7–94
Star Vision Pty Ltd	20	1–1–95
Star Vision Pty Ltd	20	29–8–97
Vinatech Pty Ltd	50	25–1–95
Visitor Publishing Group Pty Ltd	2	29–8–94
Wright Weller Rosenblum Pty Ltd	10	22–6–94

* Licence was allocated to the licensee on the specified date. Any changes in licensee since that date are not reflected in that table as the licensee is not required to notify the Authority of disposal of licence.

Aspirant community broadcasters

Temporary community broadcasting licences

Aspirant community broadcasters issued with a temporary community broadcasting licence in 1997–98, in order of area served.

Area served	Licensee
Australian Capital Territory	
Canberra	Artsound Inc.
Canberra	Canberra Christian Radio Ltd
Canberra	Country Music Collective Inc.
Canberra	Ethnic Broadcasting Council of the ACT & Surrounding Districts Inc.
Canberra	Radio Antenna International FM Inc.
New South Wales	
Barham	Two State Community Radio Inc.
Bathurst	Bathurst Christian Broadcasters Inc.
Bathurst	Bathurst & District Community Radio Broadcasters
Bega	Bega Access Radio Inc.
Blacktown & Sydney Western Suburbs	Blacktown City Community Radio SWR FM Association Inc.
Blue Mountains	Nepean Christian Broadcasters
Bourke	Muda Aboriginal Corporation
Casino and surrounding area	Casino's Own Wireless AssociationInc.
Cessnock	Cessnock Community Broadcasters Association Inc.
Cessnock/Maitland	Central Hunter Community Broadcasters Inc.
Cobar	Cobar Community Radio Inc.
Coffs Harbour	Coffs Harbour Christian Broadcasters
Cooma/Snowy Mountains	Nimmitabel Advancement Group Incorporated
Coraki	Community Radio Coraki Association Inc.
Deepwater	Deepwater & Districts Community FM Radio Inc.
Dubbo	Dubbo Christian Broadcasters Inc.
Gosford	Central Coast Broadcasters Ltd
Gosford	Radio Five-O-Plus Public Radio Association Inc.
Gosford	Hawkesbury River Radio Group
Hornsby	Hornsby Kur-ing-gai Community Radio Inc
Hornsby	Pump Broadcasters Ltd
Kempsey	Macleay Valley Community FM Radio Station Inc.
Lightning Ridge and surrounding area	Lightning Ridge Community Radio
Maitland	Maitland Community Broadcasters Association Inc.
Manning and Great Lakes area	Manning Great Lakes Christian Broadcasters Inc.
Morisset	Lake Waves FM Community Radio Inc.
Murrurundi	Mt Helen FM & TV Upper Hunter & Liverpool Plains Community Broadcasting
Murrurundi	Telecasting & Tourism Association Inc.
Narrabri	Narrabri Shire Community Radio
Newcastle	Newcastle Christian Broadcasters Ltd
Orange	Canobolas Christian Broadcasters Association Inc.
Penrith	Nepean Riverlands Community Radio Association
Port Macquarie	Mid North Coast Christian Broadcasters Inc.
Port Stephens	Port Stephens FM Radio Inc.
Queanbeyan	Queanbeyan Community Radio QBNFM Inc.
Campbelltown	Macarthur Community Radio Association Inc.
Shoalhaven/Illawarra	Living Sound Broadcasters Ltd
St Marys	Way Out West Fine Music
Sydney	Underground Broadcasting Inc.

Area served	Licensee
New South Wales cont.	
Sydney	Gadigal Information Service Aboriginal Corporation
Sydney	Free Broadcasting Inc. (FBI)
Sydney	Muslim Community Radio
Sydney	Sydney Youth Radio Incorporated
Sydney	OUT-FM Sydney Ltd
Sydney	Sydney Gay and Lesbian Broadcasters Inc.
Sydney	Chinese Community Radio Inc.
Sydney	Islamic Council of NSW Inc.
Tamworth	Peel Valley Christian Broadcasters Inc.
Tweed Valley/Gold Coast	Cool FM Community Radio Association Inc.
Gosford/Wyong	Wyong/Gosford Progressive Community Radio Inc.
Victoria	
Alexandra/Eildon	Upper Goulburn Community Radio Inc.
Bacchus Marsh	Bacchus Marsh Community Radio Inc.
Ballarat	Ballarat Gospel Radio Inc.
Bendigo/Castlemaine	Bendigo FM Education Broadcasters Inc.
Bendigo	Central Victorian Gospel Radio Inc.
Colac	Colac Public Radio Group
Corryong	Upper Murray Community Gospel Broadcasters
Echuca/Moama	Echuca-Moama Broadcast Service Inc.
Geelong	Southern Victorian Community Radio Inc.
Geelong	Geelong Gospel Radio Inc.
Horsham	Horsham & Dist. Community FM Radio
Kyneton	Central Highlands Broadcasting Inc.
Mansfield	Mansfield Community Radio Inc.
Melbourne	Dance Club Broadcasters Inc.
Melbourne	Laughtertainment Community Radio Inc.
Melbourne	Melbourne Pulse Radio Inc.
Melbourne	Employment Access Radio Inc.
Melbourne	3CCFM Association Inc.
Melbourne	Nu Country Music Radio
Melbourne	Melbourne Gospel Radio Inc.
Melbourne	La Trobe Union Radio Inc.
Melbourne	Joy FM Melbourne Independent Community Broadcasters
Melbourne	Monash University Union Radio
Melbourne	Hitz FM Broadcasters Inc.
Melbourne	Victorian Muslim Community Information Service Inc.
Melbourne	Golden Days Radio for Senior Citizens Inc.
Melbourne	New-Gen Radio Incorporated
Melbourne	RMIT Student Radio Association
Melbourne	Central Melbourne FM Inc.
Shepparton	Greater Shepparton Christian Broadcasters Inc.
Sunbury	3NRG Incorporated
Thornbury/Darebin	Radio Station 3TD Association Inc.
Walwa/Jingellic	Walwa & Community Arts and Radio Inc.
Wangaratta	Wangaratta Community Radio Association Inc.
Werribee	WYN-FM Community Radio Inc.
West Gippsland	West Gippsland Community Radio Inc.
Whitehorse/Boroondara	Whitehorse-Boroondara FM Community Radio Inc.
Wodonga/Albury	Albury-Wodonga Christian Broadcasters
Queensland	
Beaudesert	Beaudesert Community Radio Group Inc.
Blackwater	Blackwater Community Broadcasters Association Inc.
Brisbane	Family Radio Ltd

Area served	Licensee
Queensland (cont.)	
Brisbane	Brisbane Youth Radio Inc.
Bundaberg	Buralim Media Aboriginal Corporation
Cunnamulla	Kooma Aboriginal Corporation For Land
Dalby	Dalby Broadcasting Association
Gladstone	Gladstone & District Christian Broadcasting Association Inc.
Gold Coast	Radio Hope Island
Gold Coast	Christian Air Broadcasters Ltd
Gold Coast	Hott FM Limited
Gympie	Cooloola Christian Radio Association Inc.
Hervey Bay	Fraser Coast Community Radio Inc.
Hervey Bay	Wide Bay Christian Broadcasting Association Inc
Maryborough	Community Radio Sandy Straits Association Inc.
Noosa	Noosa District Community FM Radio Assn. Inc.
Palm Island	Palm Island Aboriginal Council
Smithfield	Smithfield Community Radio Association Inc.
Sunshine Coast	Suncoast Community Radio Inc.
Sunshine Coast	Sunshine Coast Christian Broadcasters Assn Inc.
Toowoomba	Toowoomba Christian Broadcasters Association Inc.
Townsville	Townsville Christian Broadcasters Association Inc.
Yeppoon	NAG Radio Broadcasting Association Inc.
Warwick	Warwick Community Radio Association Inc.
Wondai	Community Radio of Wondai Association Ltd.
South Australia	
Adelaide	Music Broadcasting Society of SA
Adelaide	Fresh Broadcasters Inc.
Adelaide	Way Out West Broadcasters Inc.
Adelaide	Radio Televisione Italiana (SA) Inc.
Kadina	Peninsula Community Broadcasters Inc.
Mount Gambier	South East Christian Broadcasters Inc.
Port Pirie	Pirie Community Radio Broadcasters Inc.
Tanunda	Barossa Broadcasting Board Inc.
Victor Harbor	Great Southern FM
Victor Harbor	Encounter FM Community Broadcasters Association Inc.
Western Australia	
Armadale	Heritage FM Inc.
Esperance	Esperance Sonshine Broadcasters
Kalamunda	Kalamunda Community Radio Inc.
Tasmania	
Tasman and Forestier Peninsulas	Tasman Community Broadcasters
Northern Territory	
Borroloola	Mabunji Aboriginal Resource Association Inc.
Darwin	Darwin Christian Broadcasters Association Inc.

Temporary transmissions

Aspirant community broadcasters who broadcast temporary transmissions from 1 July to 31 December 1997, in order of area served. The issuing of licences for temporary transmissions was replaced by the issuing of temporary community broadcasting licences in 1997, see 53.

Applicant	Area
ACT	
Canberra	Artsound Inc.
Canberra	Canberra Christian Radio Ltd
Canberra	Ethnic Broadcasters of ACT
Canberra	Radio Antenna International FM Inc.
New South Wales	
Bankstown	Muslim Community Radio—Bankstown
Barham	Two State Community Radio Inc.
Bathurst	Bathurst Christian Broadcasters Inc.
Bega	Bega Access Radio Inc.
Bexley	Australian Islamic Shi'ite Association
Blacktown	Blacktown City Community Radio SWR FM Association Inc.
Campbelltown	Macarthur Community Radio
Cessnock	Cessnock Community Broadcasters Inc.
Coffs Harbour	Coffs Harbour Christian Broadcasters
Coraki	Community Radio Coraki Association Inc.
Deniliquin	Echuca-Moama Broadcasters Service Inc.
Dubbo	Dubbo Christian Broadcasters
Jingellic	Radio Upper Murray
Lightning Ridge	Lightning Ridge Community Radio
Kandos	Kandos Rylstone Community Radio Inc.
Kariong	Hawksbury River Radio Group Inc.
Kariong	Wyong Gosford Progressive Community
Kempsey	Macleay Valley Community FM Radio
Kiama	Living Sound Broadcasters Ltd
Lismore	Summerland Christian Broadcasters
Maitland	Maitland Community Broadcasters Association
Morisset	Lakes Waves FM Community Radio Inc.
Murrurundi	Mt Helen FM and TV Upper Hunter and Liverpool Plains Community Broadcasting
Nelson Bay	Port Stephens FM Radio Inc.
Newcastle	Newcastle Christian Broadcasters Ltd
Nimmitabel	Nimmitabel Community Radio Group
Orange	Canobolas Christian Broadcasters Association Inc.
Orange	Orange Community Broadcasters
Somersby	Central Coast Broadcasters Ltd
St Marys	Way Out West Fine Music
Sydney	Gadigal Information Service Aboriginal Coroporation
Sydney	New Wave Broadcasters Ltd
Sydney	Pump Broadcasters Ltd
Sydney	Sydney Youth Radio
Sydney	Underground Broadcasting Inc.
Tamworth	Peel Valley Christian Broadcasters Inc.
Telegraph Point	Mid North Coast Christian Broadcasters Radio Rhema
Waitara	Hornsby Ku-Ring-Gai Community Radio
Wentworth Falls	Nepean Christian Broadcasters
Werrington	Nepean Riverland Community Radio Association
Wingham	Manning Great Lakes Christian Broadcasters
Victoria	
Bacchus Marsh	Bacchus Marsh Community Radio

Area served	Licensee
Victoria (cont.)	
Ballarat	Ballarat Gospel Radio Inc.
Bendigo/Castlemaine	Bendigo FM Education Broadcasters Inc.
Ceres	Southern Victoria Community Radio Inc.
Clayton	Monash University Union Radio Inc.
Echuca/Moama	Ecchuca-Moama Broadcast Service Inc.
Harcourt	Central Victorian Gospel Radio
Kensington	Moonee Valley Radio Inc.
Kyneton	Central Highlands Broadcasting Inc.
Melbourne	Dance Club Broadcasters Inc.
Melbourne	Hitz FM Broadcasting Inc.
Melbourne	Joy FM Melbourne Independent Community Broadcasters
Melbourne	New-Gen Radio Inc.
Melbourne	Melbourne Gospel Radio
Northcote	Nu Country Music Radio Inc.
Reserve	Southern Victoria Community Radio Inc.
Sunbury	3 NRG Inc.
Swan Hill	Bendigo FM Education Broadcasters
Thornbury/Darebin	Radio Station 3TD Association Inc.
Wangaratta	Wangaratta Community Radio Association
Warragul	West Gippsland Community Radio
Werribee	WYN-FM Radio Inc.
Whitehorse/Boroondara	Whitehorse-Boroondara FM community radio Inc.
Queensland	
Beaudesert	Beaudesert Community Radio Group Inc.
Beechmont	HOTT FM Ltd
Buderim	Access FM Community Radio Society
Coomera	Radio Hope Island Ltd
Corella	Cooloola Christian Radio Association
Dalby	Dalby Broadcasting Association
Eagle Heights	Christian Air Broadcasters Association Inc.
Emerald	Emerald Community Broadcasters Inc.
Gladstone	Gladstone and District Christian Broadcasting Association Inc.
Montville	Sunshine Coast Christian Broadcasters Association/Radio Rhema
Mt Isa	Mt Isa Christian Broadcasters Association
Pialba	Fraser Coast Community Radio Inc.
Smithfield	Smithfield Community Radio Association Inc.
Toowoomba	Radio Pacific Community Radio Association
Toowoomba	Toowoomba Christian Broadcasters Association Inc.
Townsville	Townsville Christian Broadcasters
Warwick	Warwick Community Radio Association Inc.
Wondai	Community Radio of Wondai Association Ltd
South Australia	
Adelaide	Music Broadcasting Society of SA
Adelaide	Radio Televisione Italiana (SA) Inc.
Compton	South East Christian Broadcasters Inc.
Summer Hill	Encounter FM Community Broadcasters
Victor Harbor	Encounter FM Community Broadcasters Association
Victor Harbor	Great Southern FM
Western Australia	
Albany	Albany Community Radio Inc.
Gosnells	Heritage FM Inc.
Northern Territory	
Darwin	Darwin Christian Broadcasters Association Inc.

Appendix 3

Investigations completed in 1997–98: no breach finding

Commercial television			
Callsign	**program/ advertisement/issue**	**substance of complaint**	**relevant code/program standard#/licence condition***
NSW			
ATN7 Sydney	Today Tonight	Omission of relevant information; creation of public panic.	News/current affairs—accuracy; Proscribed material—mislead or alarm.
ATN7 Sydney	News	Distortion of footage to misrepresent viewpoint.	News/current affairs—represent viewpoints fairly.
TCN9 Sydney	Cricket coverage	Broadcasting a commercial for a brand of cigarette.	Tobacco advertising prohibition. *
TCN9 Sydney	News	Innacurate and unfair reporting.	News/current affairs—accuracy.
TEN10 Sydney	Sex/Life	Graphic footage of a surgical procedure.	Material not suitable for television.
CBN Southern NSW	Billy Connolly's World Tour of Scotland	Offensive language.	M—language.
CBN Southern NSW	News	Information used in story was inaccurate, biased distinguishing fact from commentary.	Accuracy and fairness; impartiality; and inappropriate.
NEN Northern NSW	Agro's Cartoon Connection	Segment belittled the 'stolen generation'.	Proscribed material—offend cultural sensitivities.
NRN Northern NSW	Sex/Life	Content of program is pure voyeurism.	MA—sex and nudity.
WIN Southern NSW	News	News item was an advertisement for a political party.	Identification of political matter. *
Victoria			
ATV10 Melbourne	Pacific Palisades	Depiction of sex and drugs in a PG classified program.	PG—sex/nudity; drugs.
ATV10 Melbourne	Playboy's Really Naked Truth	Broadcasting of 'X' and 'R' rated material.	Prohibition on broadcasting R and X classified programs. *

Commercial television

Callsign	program/ advertisement/issue	substance of complaint	relevant code/program standard#/licence condition*
HSV7 Melbourne	Today Tonight	Nudity at a time when children are watching.	Classification—exercise care in news/current affairs program broadcast during G time.
HSV7 Melbourne	Buffy	Too violent for a PG classification.	PG—violence.
GTV9 Melbourne	Today	Commentary vilified Vietnamese and Aboriginal communities.	Proscribed material— stir up hatred.
GTV9 Melbourne	60 Minutes	Segment was misleading, racist and discriminatory.	Proscribed material—stir up hatred, ridicule.
GTV9 Melbourne	Cricket coverage	Alleged tobacco advertisement.	Tobacco advertising prohibition. *
ATV10 Melbourne	Weird Science	Sexual references inappropriate for PG rating.	PG—sex and nudity.
ATV10 Melbourne	Threesome	Sexual content was explicit and not simulated.	M—sex and nudity.
VTV Regional Victoria	Good Medicine	Program promotion contained partial nudity.	PG–sex and nudity.
VTV Regional Victoria	A Current Affair	Nudity (cosmetic surgery) shown at time when children watching.	Classification—exercise care in news/current affairs program broadcast during G time.
VTV Regional Victoria	A Current Affair	Nudity (art book) shown at time when children watching.	Classification—exercise care in news/current affairs program broadcast during G time.
Queensland			
BTQ7 Brisbane	News	Invasion of privacy.	News/current affairs—privacy.
BTQ7 Brisbane	News	Inaccurate link between race debate and assault.	News/current affairs —accuracy; complaints on student; complaints handling.
QTQ9 Brisbane	Our World	Program was offensive to aborigines, likely to stir up hatred and contempt.	Proscribed material—stir up hatred, serious contempt.
QTQ9 Brisbane	Superbowl XXXII	Number of advertisements.	Non-program matter—hourly limits.
QTQ9 Brisbane	Michael Jackson ‘Ghosts’ video	Unsuitable for viewing by children.	PG—violence.

Commercial television (ctd)

Callsign	program/ advertisement/issue	substance of complaint	relevant code/program standard#/licence condition*
TVQ10 Brisbane	Sex/Life	Program is pornographic.	MA—sex, nudity.
TVQ10 Brisbane	Pacific Palisades	Inappropriate program promotions.	Program promotions—scheduled appropriately.
TNQ Regional Queensland	Promotion for the Gay and Lesbian Mardi Gras program	Concerned about program being promoted in G time.	Program promotions—promotions in G viewing periods.
South Australia			
SAS7 Adelaide	Agro's Cartoon Connection	Segment too violent for G classification.	G—violence.
SAS7 Adelaide	Sport—tennis and swimming	False claim that coverage was 'live'.	Proscribed material—mislead or alarm.
NWS9 Adelaide	Australia's Funniest Home Video Show	Inappropriate level of violence.	PG—violence.
NWS9 Adelaide	News	Inappropriate level of violence.	PG—violence.
ADS10 Adelaide	Gay and Lesbian Mardi Gras	Concerned about the flaunting of homosexual behaviour.	Classification—all programs to be appropriately classified.
ADS10 Adelaide	Con's Bewdiful Holiday Videos	Suggestion of bestiality in PG program.	PG—sex and nudity.
ADS10 Adelaide	Playboy's Really Naked Truth No.1	Content of program was offensive.	MA—sex and nudity.
Western Australia			
NEW10 Perth	Sex/Life	Program does not comply with MA classification criteria.	MA—sex, nudity.
NEW10 Perth	Sex/Life	Inappropriate program promotions.	Program promotions—scheduled appropriately.

All potential breaches of the code of practice unless otherwise indicated:

* *potential breach of licence condition or of the* Broadcasting Services Act 1992

 # potential breach of television program standard

Commercial radio

Callsign	program/ advertisement/issue	substance of complaint	relevant code/program standard#/licence condition*
New South Wales			
2DAY Sydney	Martin Molloy	Segment encouraged violence; complaint not responded to.	Incitement to violence; complaints handling.
2DAY Sydney	Promotion for 'A Current Affair'	Promotion gratuitously vilifies on the basis of ethnicity.	Vilification on the basis of ethnicity.
2MMM Sydney	Jon Kennedy	Bad language.	Offensive language.
2UE Sydney	Stan Zemanek	Inaccurate use of crime statistics; discrimination.	Vilification on basis of ethnicity; news/current affairs—accuracy.
2RE Taree	Advertisement	Advertisement claimed to offer cure for cancer.	Advertisements relating to medicines. *
2WSK Nowra	Mittagong Tobacconist advertisement	Tobacco advertisement.	Prohibition on tobacco advertisements. *
Victoria			
3AW Melbourne	Keith McGowan	Announcer encouraged violence; complaint not responded to.	Incitement to violence; complaints handling.
3AW Melbourne	Keith McGowan	Encouraging violence against Save Albert Park Committee members.	Incitement to violence.
3AW Melbourne	Not specified	News bulletins re local bushfires contained inaccurate information; complaints handling.	News/current affairs—accuracy; complaints handling.
3NNN Wangarratta	Signal strength	Exceeding maximum signal strength.	Use of service in the commission of an offence against another Act or law. *
Queensland			
4BBB Brisbane	Martin Molloy	Language used was offensive; complaint not responded to.	Offensive language; complaints handling.
South Australia			
5AA Adelaide	Ray Fewings	Encouraging prisoners to attack sex offenders.	Incitement to violence.

Commercial radio (ctd)

Callsign	program/advertisement program standard//issue	substance of complaint	relevant code/ licence condition
5MMM Adelaide	Advertisement	Advertisement discriminated against women.	Vilification on the basis of gender.
5SSA Adelaide	Martin Molloy	Material presented violence and brutality for its own sake.	Incitement to violence; presenting violence for its own sake.
5SSA Adelaide	Martin Molloy	Offensive material about cremation and religious rites.	Offensive language; vilification on the basis of religion.
Western Australia			
6PR Perth	Howard Sattler	Use of offensive language.	Offensive language.
6PR Perth	Morning Program	Discriminatory remarks made about the English.	Vilification on the basis of race.
6PR Perth	Howard Sattler	Offensive comments about the Queen; complaints handling.	Offensive language; complaints handling.
6PR Perth	Howard Sattler	Offensive comments about the Queen.	Offensive language; complaints handling.
6IX Perth	Promotion for Doctor Feelgood program.	Advertised at an innapropriate time of day.	Offensive language.

Community radio

Callsign	program/issue	substance of complaint	relevant code/program standard/ licence condition
2CCC Gosford	Management	Not encouraging community participation, failing to represent community interest.	Encourage members of the community to participate; represent community interest. *
2GCR Goulburn	Management	Disatisfied with management handling of dispute.	Mechanisms to facilitate conflict resolution.
3BBB Ballarat	Conflict resolution	No grievance mechanism.	Mechanisms to facilitate conflict resolution.
4CCR Cairns	Advertisement	Alleged tobacco advertisement.	Tobacco advertising prohibition. *
Hervey Bay Qld	Management	Management practices.	Mechanisms to provide for participation by the community.

Community radio (ctd)

Callsign	program/issue	substance of complaint	relevant code/ licence condition
5EBI Adelaide	Macedonian program	Program contained misleading and offensive information; complaints handling.	News/current affairs—accuracy; complaints handling
5RPH Adelaide	Constitution	No constitution in place.	Mechanisms to facilitate conflict resolution.
Albany Community Radio (aspirant)	Management practices	Denial of natural justice for volunteers; no conflict resolution mechanisms.	Mechanisms to facilitate conflict resolution; rights of volunteers.

Open narrowcasting

Callsign	program/advertisement licence condition/issue	substance of complaint	relevant code/
Channel 31 Melbourne	Not specified	Providing a commercial television service without a licence.	Criteria for open narrowcasting service. *
2NNN Nowra	Narrowcast criteria	Service not operating as a narrowcaster.	Criteria for open narrowcasting service. *
Hinterland FM Gold Coast	Narrowcast criteria	Service not operating as a narrowcaster.	Criteria for open narrowcasting service. *
FM88 Albany	Narrowcast criteria	Service not operating as a narrowcaster; transmitting at greater than the permitted power.	Criteria for open narrowcasting service; conditions of apparatus licence. *
Holiday FM Tasmania	Narrowcast criteria	Service not operating as a narrowcaster.	Criteria for open narrowcasting service. *

All potential breaches of the code of practice unless otherwise indicated:

* *potential breach of licence condition or of the* Broadcasting Services Act 1992

 # potential breach of television program standard

ABC televison		
program	**substance of complaint**	**relevant ABC code**
News	Horrific footage unsuitable for television.	Presentation of violence; privacy; sensitivity.
Wildside	Sexually explicit material in program promotion.	Promotions for programs.
Police Rescue	Program discriminated against East Timorese people.	Discrimination.
Final Insult	Inaccurate information about mental disorders, phobias and allergies.	News/current affairs—accuracy, balance.
Final Insult	Debate at end of program was biased.	News/current affairs—impartial.
Lateline	Inaccurate reporting about English treatment of refugees in WWII.	News/current affairs—accuracy.
ABC radio		
Women Out Loud (5AN Adelaide)	Program advocated violence against men.	Violence; discrimination.
JJJ	Offensive language by presenters; dissatisfied with response to complaint.	Offensive language; complaints handling.
JJJ	Offensive language, dissatisfied with response to complaint.	Offensive language; complaints handling.

Investigations completed in 1997–98: breach finding

Investigation no. and call sign		program/ advertisement /issue	substance of complaint	relevant code/ program standard/licence condition breached	no. of breaches
Commercial television					
NSW					
1	ATN7 Sydney	Today Tonight	Inaccurate reporting and use of hidden cameras.	News/current affairs—privacy.	1
2	ATN7 Sydney	Today Tonight	Inaccurate and unfair reporting, stirring up hatred.	News/current affairs—accuracy, represent viewpoints fairly.	1
3	TCN9 Sydney	A Current Affair	Inaccurate reporting and failure to represent viewpoints fairly.	News/current affairs—accuracy, represent viewpoints fairly.	1
4	TCN9 Sydney	A Current Affair	Program revealed details of person's private affairs.	News/current affairs—privacy.	1
5	TCN9 Sydney	60 Minutes	Inaccurate reporting of evidence in a court case.	News/current affairs—accuracy.	1
6	TCN9 Sydney	National Nine News	Identifying the victim of a crime against their will; inadequate response.	News/current affairs— sensitivity to victims; complaints handling.	2
7	TCN9 Sydney	National Nine News	Distressing material within news bulletin despite warning.	News/current affairs—adequate prior warning of distressing material.	1
8	TCN9 Sydney	National Nine News	Graphic material within the bulletin caused distress; failure to respond to complaint.	News/current affairs—distressing material; complaints handling.	3
9	CTC Southern NSW/ACT	Beverly Hills 90210	Explicit depiction of suicide.	PG—suicide.	1
10	CTC Southern NSW/ACT	Sex/Life	Program is offensive and pornographic; not satisfied with response.	Complaints handling.	1
11	NEN, NRN Northern NSW	Cross border broadcasts	M classified programs being shown out of M time as stations not time shifting across NSW/Qld border.	M classification zone.	2

Investigation no. and call sign	program/ advertisement /issue	substance of complaint	relevant code/ program standard/licence condition breached	no. of breaches
Commercial television				
Victoria				
12 GTV9 Melbourne	A Current Affair	Unbalanced reporting; failure to respond to complaint.	Complaints handling.	1
13 GTV9 Melbourne	A Current Affair	Misrepresented viewpoint; failure to respond to complaint.	News/current affairs—represent viewpoints fairly.	1
14 HSV7 Melbourne	Promotion for 'Good Cop Bad Cop'	Promotion for the program inappropriately placed.	Promotions in G and PG programs.	1
15 HSV7 Melbourne	FX The Series	Too violent for PG classification.	PG—violence.	1
Queensland				
16 BTQ7 Brisbane	Full Frontal	Simulated sex scenes unsuitable for PG classification.	PG—sex and nudity.	1
17 QTQ9 Brisbane	Today	Segment showing naked men unsuitable for G time.	G—sex and nudity.	1
South Australia				
18 RTS Renmark/Loxton	News	Inaccurate reporting; not satisfied with response.	Complaints handling.	1
Western Australia				
19 STW9 Perth	60 Minutes	Inaccurate reporting, not satisfied with response.	News/current affairs—accuracy.	1

Investigation no. and call sign		program/ advertisement /issue	substance of complaint	relevant code/ program standard/licence condition breached	no. of breaches
Commercial television					
20	STW9 Perth	News	Inaccurate reporting of TEE results.	News/current affairs—accuracy.	1
21	TVW7, STW 9, NEW10 Perth	Advertisement about new industrial relations legislation	Advertisement was political matter and needed to be identified as such.	Identification of political matter. *	3
22	TCN9 Sydney GTV9 Melbourne STV Mildura VTV Regional Vic. RTQ Regional Qld STW9 Perth TVT Tasmania	Pacific Drive	Program unsuitable for afternoon timeslot.	PG—adult themes, sex and nudity.	14
23	ATN7 Sydney HSV7 Melbourne BTQ7 Brisbane STQ Regional Queensland SAS7 Adelaide TVW7 Perth	Australian children's drama	Compliance data provided by Seven network.	Quota for Australian children's drama. *	6
24	ATN7 Sydney HSV7 Melbourne BTQ7 Brisbane STQ Regional Queensland SAS7 Adelaide TVW7 Perth	Australian children's drama	Compliance data provided by Seven network.	Quota for Australian children's drama. *	6

All breaches were of a code of practice unless indicated:

* *breach of licence condition;*

\# *breach of the* Broadcasting Services Act 1992.

Investigation no. and call sign		program/ advertisement /issue	substance of complaint	relevant code/ program standard/licence condition breached	no. of breaches
Commercial radio					
Australia Capital Terrority					
25	2CC Canberra	Election advertisement	Broadcasting an election advertisement without the required authorisation.	Identification of political matter. *	1
New South Wales					
26	2CH Sydney	Australian content quota	Station failed to meet the quota for 1996–97.	Australian music—quota.	1
27	2UE Sydney	John Laws	Inaccurate reporting.	News/current affairs—accuracy.	1
28	2HD Newcastle	Morning program Newcastle	Broadcasting a person's comments without consent.	Interviews and talkback—prior consent.	1
Victoria					
29	3AW Melbourne	News	Inaccurate reporting in an item on firearms; failure to respond to complaint.	Complaints handling.	1
South Australia					
30	5AA Adelaide	Sunday Gardening Show	Broadcast of a person's private details, inciting violence.	News/current affairs—privacy.	1
Community radio					
31	2GLA Forster	Advertisements	Sponsorship announcements not tagged, making them advertisements.	Prohibition on broadcasting advertisements. *	1
32	3RRR Melbourne	Osso Booko Show	Use of offensive language; complaints handling.	Complaints handling.	1
33	4DDB Toowoomba	Participation	Announcers removed from air for failing to sign agreement.	Encourage participation by members of the community. *	1

All breaches were of a code of practice unless indicated:

** breach of licence condition; # breach of the* Broadcasting Services Act 1992.

Investigation no. and call sign		program/ advertisement /issue	substance of complaint	relevant code/ program standard/licence condition breached	no. of breaches
Community radio					
34	5EBI Adelaide	Greek language program	Demeaning a group on the basis of religion; failure to respond to complaint.	Demeaning material; complaints handling.	2
35	7DBS Wynyard	Advertisements	Station broadcasting advertisements.	Prohibition on broadcasting advertisements. *	1
Open narrowcast radio					
36	FM88 Springwood/ Logan City	General program content	Providing a service of broad appeal.	Narrowcast criteria. *	1
37	Cool FM Cabarita Beach	General program content	Providing a community radio service.	Narrowcast criteria. *	1
38	KFM88 Kingaroy	Political matter	Broadcasting political matter unaccompanied by the required particulars.	Identification of political matter. *	1
39	Classic Hits FM Sunshine Coast	General program content	Providing a service of broad appeal.	Narrowcast criteria. *	1
Subscription television broadcasting					
40	FOX Sports 2	General program content	Providing more than 4 satellite subscription television broadcasting services.	Prohibition on providing more than 4 satellite subscription broadcasting services before1 July 1997. #	1
41	Spice/Nightwatch	General program content	Broadcasting X and R classified programs.	Prohibition on broadcasting X and R classified programs. *	1
ABC television					
42	ABC TV	Four Corners	Inaccurate and unbalanced reporting.	News/current affairs—accuracy/balance.	2

All breaches were of a code of practice unless indicated:

** breach of licence condition; # breach of the* Broadcasting Services Act 1992.

Investigation no.	call sign	program/ advertisement /issue	substance of complaint	relevant code/ program standard/licence condition breached	no. of breaches
ABC television (ctd)					
43	ABC TV	News Flash	Inappropriate placement of news flash; failure to respond to complaint.	Complaints handling.	1
44	ABC TV	True Stories—The Battle for Byron	Inaccurate and biased reporting; failure to respond to complaint.	Complaints handling.	1
45	ABC TV	7.30 Report	Discrimination and incitement to violence; failure to respond to complaint.	Complaints handling.	1
46	ABC TV	7.30 Report	Unnecessary use of graphic material; failure to respond to complaint.	Prior warnings of distressing material.	1
ABC radio					
47	3LO Melbourne	Gael Jennings	Inaccurate and unbalanced comments by the presenter; complaints handling.	News/current affairs—balance; complaints handling.	2
48	3LO Melbourne	Gael Jennings	Inaccurate and unbalanced comments; failure to respond to complaint.	Complaints handling.	1
49	3LO Melbourne	Not specified	Failure to respond to complaint.	Complaints handling.	1
50	2BL Sydney	PM	Offensive language; failure to respond to complaint.	Complaints handling.	1
51	JJJ	Not the sunscreen song	Objected to the lyrics; failure to respond to complaint.	Complaints handling.	1
SBS television					
52	SBS TV	Not specified	Offended by the use of the term 'Macedonian'; failure to respond to complaint.	Complaints handling.	1

All breaches were of a code of practice unless indicated:

** breach of licence condition; # breach of the* Broadcasting Services Act 1992.

Summaries of breaches found in investigations into program matters

Codes of practice

Commercial television
Code: Commercial Television Industry Code of Practice

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1. ATN 7 Sydney
Program: Today Tonight
Complaint: Inaccurate reporting and use of hidden cameras
No summary as complaint subject to possible legal proceedings.

2. ATN 7 Sydney
Program: Today Tonight
Complaint: Inaccurate and unfair reporting; stirring up hatred and ridicule
The complainant alleged that an item about witchcraft was inaccurate, unfair and likely to stir up hatred against people on the basis of religion.

The Authority assessed the program against sections 1.6.6 (proscribed material—stir up hatred), 4.3.1 (news/current affairs—accuracy, represent viewpoints fairly) and 4.3.7 (news/current affairs—negative portrayals).

The Authority found that by omitting information about the complainants position so that it was implied that she was a witch, the program did not present factual material accurately in breach of 4.3.1 of the code. The Authority took no further action on the matter other than to publish its finding.

3. TCN 9 Sydney
Program: A Current Affair
Complaint: Inaccurate reporting and failure to represent viewpoints fairly
The complainant alleged that two items broadcast on separate dates about the Construction Forestry Mining and Energy Union (CFMEU) were inaccurate and failed to represent the union's viewpoint fairly. The complainant also alleged that promotions for one of the programs was inaccurate and that the station failed to respond adequately to the complaint.

The Authority found that both items failed to represent the CFMEU's viewpoint fairly and that one of the items was inaccurate in breach of section 4.3.1 of the code. The Authority also found that the promotions for one item were inaccurate but that the requirements relating to accuracy did not apply to program promotions.

As a result of the investigation the code is to be revised to include accuracy as a requirement for promotions for news and current affairs programs. The licensee also

undertook to inform the relevant staff of the Authority's findings and instructed them to take care in preparation of stories in light of the findings. The Authority was satisfied with this action noting that it there had been only one previous finding of a similar breach against TCN.

4. TCN 9 Sydney

Program: A Current Affair

Complaint: Presentation of factual material and privacy

The complainants alleged that the program had subjected them to unjustified and unwarranted adverse publicity and had unreasonably invaded their privacy.

However, the Authority considered it reasonable to claim that there was a public interest in broadcasting the details of the complainants' private affairs in terms of their conflict with another family and its relevance to a law affecting the community.

The Authority found that there was no identifiable public interest reason for the complainants address to be broadcast and as such the licensee had breached section 4.3.5 of the code (use of material relating to a person's personal affairs). The Authority did not uphold the part of the complaint relating to section 4.3.1 of the code (accuracy in news and current affairs programs).

While Nine disputed the Authority's decision, Nine management undertook to inform relevant staff of the Authority's decision and instruct them to take due caution in future in relation to this finding.

The Authority was satisfied with the action taken.

5. TCN 9 Sydney

Program: 60 Minutes

Complaint: Inaccurate reporting of evidence in a court case

The complainant alleged that a re-enactment of a court room scene within the program contained factual material that was not presented accurately.

The Authority found that the selective way in which the report used and re-ordered questions from the court proceedings led to factual material being presented inaccurately in breach of section 4.3.1 of the code.

TCN remained of the view that there had been no breach of the code, however, it undertook to convey the findings to the producer, reporter and relevant staff. The Authority accepted this undertaking and took no further action other than to publish its findings.

6. TCN 9 Sydney

Program: National Nine News

Complaint: Identifying the victim of a crime against their will; inadequate response to the complaint

The complainant alleged that the program identified him as a victim of a crime despite his specific request, made through the police, that he not be interviewed or identified in any way.

The Authority found that in identifying the complainant against his will the licensee had breached 4.2.6 of the code by not displaying sensitivity in broadcasting images of a survivor of a traumatic incident. The Authority also found the licensee in breach of section 7 of the code by not responding to the complaint within 30 days.

The Authority has met with representatives of TCN to discuss its findings on this matter. Discussions with TCN were continuing at the end of the reporting period.

7. TCN 9 Sydney

Program: National Nine News

Complaint: Distressing material within the news bulletin despite the warning; failure to respond to the complaint

The complainant alleged that an item on Marine pinning was distressing and did not carry an adequate prior warning.

In the course of the investigation TCN acknowledged that the footage was distressing and that the warning did not adequately convey the nature of the footage in breach of section 2.25 of the code. TCN undertook to contact the complainant about the matter. TCN also advised the Authority that the item was broadcast on a weekend in the absence of the Director of News. The producer who authorised the broadcast was severely reprimanded and suspended from producing the weekend news bulletin for a period of one month. The Authority was satisfied with the action taken by TCN.

8. TCN 9 Sydney

Program: National Nine News

Complaint: Graphic material within the bulletin caused distress; failure to respond to the complaint

In the course of the investigation TCN admitted that it had failed to respond to the complaint as per the requirements of section 7 of the code. TCN responded to the complainant and upheld the complaint with regard to distressing material within the bulletin. The Authority found that TCN had also breached 2.7 and 4.3.3 of the code by broadcasting distressing material without an adequate prior warning.

As a result of this and investigation and similar findings with regard to the broadcast of distressing material within 'National Nine News' and the handling of complaints about the program the Authority sought submissions from TCN as to why it should not impose additional conditions on its licence. The Authority has since met with representatives of TCN to discuss these issues. The Authority decided not to impose additional licence conditions on this occasion subject to TCN making appropriate undertakings to the Authority. TCN has undertaken to provide the Authority with a monthly report for a period of six months of all complaints received about the program and the outcome of TCN's investigation into such complaints.

9. CTC Southern NSW/ACT

Program: Beverly Hills 90210

Complaint: Explicit depiction of an attempted suicide was not suitable for PG classification

The Authority found that the depiction of an attempted suicide within the program was not inexplicit and discreet as required under section 2.12.5 of the code (PG—suicide). The Authority was particularly concerned that the program provided quite detailed information about the method of suicide portrayed.

As a result of the investigation the Authority hosted a forum on 1 September 1997 on the depiction of suicide on television. It was attended by representatives from the Authority, the various television industry sectors, related government departments and other organisations specifically concerned with suicide research and prevention. At the forum the Australian Medical Association presented for discussion draft principles to assist broadcasters in their depiction of suicide on television.

These principles will be incorporated into a media resource kit which will in turn form part of a Life Promoting Media Strategy currently being developed by the Department of Health and Family Services.

10.CTC Southern NSW/ACT

Program: Sex/Life

Complaint: Program is offensive and pornographic, not satisfied with response from the station

The Authority is satisfied that Network Ten, the originator of the program 'Sex/Life' broadcast 20 August 1997, acted in accordance with the code by providing warning before the broadcast of this episode and again before the last segment. The Authority found that the program complied with the criteria for an MA classified program.

With regard to the complaints handling procedures at CTC Ten Capital, the Authority found that Ten Capital did not provide a substantive written response to the complainant nor was the complainant advised that he or she may refer the matter to the Authority if not satisfied with the licensee's response. Consequently, Ten Capital breached section 7.8 of the code.

Ten Capital indicated that subsequent to receiving a draft of the Authority's investigation report they implemented new procedures for the handling of complaints. The Authority accepted Ten Capital's assurance that these procedures will be reinforced, with staff education being given a high priority.

11.NRN and NEN Northern NSW

Program: Not applicable

Complaint: Broadcasting across the NSW/QLD border—M classified programs being shown outside of M classified periods

The Authority received a complaint from commercial television licensee, NBN Limited, Newcastle (NBN) that, since the start of daylight saving in 1997, commercial

television services NEN and NRN were broadcasting programs into Queensland on New South Wales time.

The Authority also received a complaint from a Queensland viewer about the broadcast of the movie *Pulp Fiction* at 7.30 p.m. by Prime. The complainant also raised the general problem of programs being screened outside their classification zones.

Prime Television (Northern) Pty Ltd and Northern Rivers Television Pty Ltd admitted they had taken no action to time shift programs originating in NSW which, because of daylight saving, were received in Queensland an hour earlier; nor was it taking action to ensure that the classification requirements of the code were met in Queensland.

The Authority found that Prime Television (Northern) Pty Ltd and Northern Rivers Television Pty Ltd breached section 2.15 of the code, as they broadcast M classified programs outside the time allowed by the code.

Following the Authority's decision, Prime Television Ltd, for NEN; and Telecasters Australia Ltd, for NRN both provided the Authority with an undertaking that they would make arrangements to ensure future compliance with the code when daylight saving was operating in New South Wales.

The Authority was satisfied with the action taken.

12.GTV 9 Melbourne

Program: A Current Affair

Complaint: Unbalanced reporting; failure to respond to a complaint

The complainant alleged that an item about weightlifting was unbalanced and that the station failed to respond to the complaint.

The Authority did not uphold the complaint with regard to the balance within the item. In the course of the investigation the station admitted that it did not respond to the complaint as required under section 7 of the code and undertook to review its complaints handling procedures. The Authority was satisfied with this action and took no further action with regard to the matter.

13.GTV 9 Melbourne

Program: A Current Affair

Complaint: Factual material not presented accurately and viewpoints misrepresented; failure to respond to complaint

The complainant alleged that the program was inaccurate in its presentation, portrayed vision impaired persons in a negative light and the station did not respond to the complaint.

The Authority found that the program breached section 4.3.1 of the code in that it did not present factual material accurately and represent viewpoints fairly. As a result of the findings the station undertook to inform both the reporter and producer of the story and other relevant staff of the findings. The Authority took no further action other than to publish its findings on the matter.

14.HSV 7 Melbourne

Program: Promotion for Good Cop Bad Cop

Complaint: Promotion not suitable to be shown in G and PG classified programs

The complainant alleged that promotions for the program 'Good Cop Bad Cop' were not suitable to be shown during the weekend broadcast of an AFL game which many children would be watching.

During the Authority's investigation the station agreed that the promotion was inappropriately placed and in breach of section 3.9 of the code (promotions in G and PG classified programs). The Authority was satisfied that the station undertook appropriate action to ensure future breaches of this nature do to occur.

15.HSV 7 Melbourne

Program: FX The Series

Complaint: Program too violent for the PG classification

The complainant alleged that an episode of the program contained a scene of gratuitous violence and was broadcast at an inappropriate time.

The Authority found that the program failed to comply with the requirements relating to the depiction of violence within a PG classified program (section 2.12.1) as it contained a scene in which the violence was neither inexplicit, discreet or stylised. The Authority issued a press release with regard to its findings and took no further action about the matter as it was the first time the Authority had made such a finding against the station.

16.BTQ 7 Brisbane

Program: Full Frontal

Complaint: Simulated sex scenes unsuitable for PG classification

The licensee admitted that the program was not suitably classified as PG due to a computer system failure. The licensee undertook a review of the system to ensure that problem does not arise again. The Authority was satisfied with this action but cautioned the licensee about future errors of this nature.

17.QTQ 9 Brisbane

Program: Today

Complaint: Segment showing naked men unsuitable for G viewing time

The complainant alleged that of naked men were shown at an inappropriate time when a large audience of children could be watching.

The Authority recognised that the segment was intended to be in good humour and that it would not be considered offensive to the majority of the program's audience. However, the Authority found that the broadcast of bare buttocks was not a discreet portrayal of nudity and was not absolutely necessary to the program context and therefore in breach of the code (section 2.10.2).

The broadcaster disputed the Authority's finding on this matter and argued that the depiction was acceptable to current community standards. The Authority stood by its decision and informed the broadcaster that it may wish to raise the matter in the context of the next review of the code.

18.RTS Renmark/Loxton

Program: News

Complaint: Inaccurate reporting; not satisfied with response

The complainant alleged that an item within the news bulletin contained unfounded and inaccurate allegations about them and that the station failed to respond to the complaint within the time frame set down in the code.

The Authority found that the item was not inaccurate. However, the Authority found that the station had breached section 7.8 of the code by failing to provide a substantive response to the complaint within the required time frame.

Given that this is the first finding of a breach against the station the Authority took no further action with regard to the matter other than to publish its findings.

19.STW 9 Perth

Program: 60 Minutes

Complaint: Inaccurate reporting, not satisfied with response

The complainant alleged that the item was biased, factually inaccurate and did not fairly present both sides of the story.

The Authority found that the segment contained factual material which was not presented accurately, therefore the program was in breach of section 4.3.1 of the code.

The Nine Network advised, on behalf of the licensee, that both the reporter and the producer of the story concerned were informed of the finding. In addition, relevant personnel involved in news and current affairs at Nine Network would be informed of the finding and instructed to exercise caution in the preparation of reports in accordance with the requirements of section 4.3.1 of the code.

The Authority was satisfied with the action taken.

20.STW 9 Perth

Program: Evening News

Complaint: Inaccurate reporting, not satisfied with response

The complainant alleged that his daughter was filmed making a telephone call to find out her TEE results. At the end of the telephone call she announces to her friends her score. However, the score was a 'guesstimate' as her actual score was not known at the time of filming. The complainant alleged that the station knew this at the time of the broadcast.

The Authority found that the item was in breach of section 4.3.1 of the code as it contained factual material which was not presented accurately. The Authority holds the opinion that it is the broadcaster's responsibility to make sure that factual material is accurate.

STW 9 stated that the action by the journalist in one part of the story was ill-advised, the journalist was counselled and now appreciates that including an estimated score was inappropriate. STW 9 has also assured the Authority that all reporters are continually reminded that accuracy is of paramount importance in their news reporting. The Authority has also suggested that STW 9 apologise to the complainant.

The Authority was satisfied with the action taken.

22.TCN 9 Sydney, GTV 9 Melbourne, VTV Regional Victoria, STV Mildura, RTQ Regional Queensland, STW 9 Perth, TVT Tasmania,

Program: Pacific Drive

Complaint: Suitability of the program for an afternoon timeslot

The Authority received complaints from people in various parts of the country about the suitability of the program 'Pacific Drive' which was being broadcast at 3.30 p.m. on weekdays.

The Authority assessed 12 episodes of the program against section 2.10 of the code (PG—classification) and found that two episodes failed to comply with regard to adult themes and sex and nudity within a PG classified program.

As a result of the investigation the stations concerned undertook to advise relevant staff of the Authority's findings and instructed to pay careful attention to the classification of programs. The Authority was satisfied with the action taken and notes that 'Pacific Drive' is no longer broadcast in the afternoon timeslot.

* See pp.136 for investigations numbers 21, 23, p.137 for investigation numbers 24, 25.

Commercial radio
Code: Commercial Radio Codes of Practice

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26.2CH Sydney

Program: not applicable

Complaint: Failure to meet the Australian music content quota for year ended 30 June 1997

In May 1998 the Australian Music Performance Committee released its Annual Report for the 12 months ended 30 June 1997. The Report indicated that 2CH Sydney had failed to meet the minimum content requirement of ten per cent with regard to the broadcasting of Australian music. The report also indicated that 2CH had taken action to remedy the situation.

The Authority found that 2CH had breached section 4 of the code by failing to meet the Australian music content quota. The Authority is awaiting advice from 2CH as to what action it has taken in order to remedy the breach.

27.2UE Sydney

Program: John Laws

Complaint: Inaccurate reporting

Attorney-General for the State of New South Wales v Radio 2UE Sydney Pty Limited & John Laws was heard in the Supreme Court of New South Wales Court of Appeal. In the judgement handed down on 16 October 1997 it was found that both Radio 2UE Sydney Pty Limited (2UE) and John Laws were guilty of a serious contempt of court.

The Authority was concerned that the contempt of court might have amounted to a breach of clause 8(1)(g) of Schedule 2 of the Act in that the service might have been

used in the commission of an offence against another Act or a law of a State or Territory. However, the Authority received advice from Counsel that the common law offence of contempt court did not fall within the ambit of clause 8(1)(g).

The Authority found that the licensee did not ensure that the factual material was presented accurately in breach of section 2.2(a) of the code. The veracity of the material had not been adequately checked and it should not have been broadcast without such checking having taken place.

As a result of the court's findings 2UE advised that it had taken steps to ensure that the risk of any future contempt or breach is minimised. A system of 24 hour legal advice availability, structured seminars and formal tuition is in place.

Given the action taken by the station and the time which has passed since the broadcast. The Authority decided to take no further action this time. Nonetheless, the Authority put on the record that it will consider it a serious matter should another breach of this nature occur.

28.2HD Newcastle

Program: Breakfast program

Complaint: Unauthorised broadcast of statements by an identifiable person

The segment involved the on-air presenter telephoning a subject (the complainant) under the guise of another identity. The complainant was concerned that the telephone conversation was broadcast without his permission.

The Authority decided that 2HD Broadcasters Pty Ltd, the licensee of 2HD, breached section six of the code by broadcasting a person's comment without their consent.

The complainant was not made aware of the fact that the conversation was not being broadcast live, was not told of the intended time of broadcast and was not asked if he consented to such a broadcast. As soon as he was aware of the facts, when it was too late to deny consent to the broadcast, the complainant made his objections quite clear.

2HD has put in place procedures to prevent future breaches of a similar nature. 2HD also agreed to broadcast an apology in a form acceptable to the complainant.

The Authority is satisfied that the licensee has undertaken appropriate remedial action to prevent future similar breaches as well as taking steps to resolve the issue to the satisfaction of the complainant.

29.3AW Melbourne

Program: News

Complaint: Inaccurate reporting in an item on firearms; failure to respond to the complaint

The complainant alleged that an item in the news bulletin contained inaccurate information with regard to a possible loophole in gun control legislation and that the station failed to respond to the complaint.

With regard to the alleged inaccuracies within the item the Authority was unable to make a finding as the station was unable to provide a copy of the broadcast (the statutory time for keeping a record of matter broadcast had passed). However, the

Authority found that 3AW had breached section 5.2 of the code by not responding to the two letters of complaint as soon as practicable.

As a result of the investigation and a number of similar previous findings the Authority sought submissions from 3AW as to why it should not impose a condition on its licence. In response 3AW undertook to:

- reply to all complaints within 30 days of receipt as per the requirements of the code;
- seek immediate advice from FARB and/or the Authority in relation to the handling of complaints which 3AW believe are vexatious;
- introduce a system whereby the Program Director, program producers and relevant staff would meet weekly to report on the status of any complaints received;
- provide the Authority with documented complaints handling procedures (including names and positions of people responsible) within 1 month;
- provide the Authority for the next six months with a monthly report on all complaints received and the outcome of 3AW's investigations into these complaints; and
- organise a structured training program with regard to complaints handling procedures for all relevant staff.

The Authority has had meetings with management of 3AW and assisted 3AW in its training program. In light of the action taken by 3AW the Authority decided to take no further action at this time.

30.5AA Adelaide

Program: Sunday Garden Show

Complaint: Incitement of violence and invasion of privacy

The complaint related to comments made by the presenter, in the program broadcast on 20 July 1997, about the complainant's proposal to remove an old tree from his property. The complainant alleged that the presenter broadcast the complainant's exact street address and requested his audience, 'stand guard over the tree, march down to that address and protest'.

The Authority concluded that in its broadcast of this program 5AA did not breach section 1.1(a) (incitement of violence) of the code.

The Authority considered whether the provision of the complainant's address was justified in the context. The Authority considers that very strong public interest reasons are needed to justify broadcasting on a commercial radio program the home address of a member of the public, and advocating any type of action at those premises, even 'keeping an eye' on the tree.

The Authority decided that 5AA breached section 2.2(e) of the code, in that the broadcast constituted an unjustified use of material to the point that it constituted an unwarranted and intrusive invasion of the complainant's privacy.

The licensee advised the Authority that it proposed to take the following action:

- all of 5AA's presenters will be reminded of these code provisions, first, in meeting format and, secondly, in writing; and
- presenters are also to be advised that the broadcast of the name, address, telephone number or other personal information, about any individual is unacceptable, in the

context of a program such as 'Sunday Garden Show', without the consent of the individual or unless the circumstances are extreme.

Given the response by the licensee, the Authority is satisfied that steps have been put in place to ensure that a similar breach of this code provision will not recur. The Authority therefore does not intend to take any further action with regard to this matter.

* See p.138 for investigation number 31.

Community radio
Community Broadcasting Codes of Practice

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32.3RRR Melbourne

Program: Osso Booko Show

Complaint: Use of offensive language; failure to respond to the complaint

The complainant alleged that the language used in the program was offensive and that the station failed to respond to the complaint.

The Authority found that the language used in the program would not be likely to offend its target audience. Consequently the Authority is of the view that the 'Osso Booko Show' did not breach the code.

With regard to the handling of the complaint 3RRR stated that they were aware of code 7 covering complaints which are usually handled promptly and professionally. However, due to a misunderstanding within the station they believed that the letter had been dealt with when in fact it had not.

3RRR assured the Authority that they have good procedures in place for handling complaints but as a result of the Authority's finding, they have taken measures to ensure that complaints are handled more efficiently in the future. The Authority was satisfied with this outcome and took no further action with regard to the matter.

* See p.138 for investigation number 33.

34.5EBI Adelaide

Program: Greek language

Complaint: Demeaning a group on the basis of religion, failure to respond to a complaint

The complainant alleged that certain comments by the program presenter were offensive and demeaning of the Greek Evangelical Community at Seaton Park. Dissatisfaction was also expressed to the Authority regarding 5EBI's response to the complaint. The licensee of 5EBI is Ethnic Broadcasters Inc.

The Authority found that the licensee breached section 2.3 of the code by broadcasting material which attempted to demean a group on the basis of religion. The Authority also found the licensee had breached sections 7.4 and 7.5 of the code by failing to provide a written response to a complaint.

The licensee advised the Authority that the announcer had been suspended from broadcasting pending the finalisation of the matter with a final decision to be made by the Executive Committee of 5EBI at that time. The licensee has also undertaken to respond to all future complaints speedily and with due diligence.

The Authority notes 5EBI's previous good record in relation to compliance with the code and the firm action taken in relation to this investigation. The Authority is of the view that the action taken by the licensee toward the announcer is commensurate with the seriousness of the breach and does not expect or require further action in this regard. However, this is ultimately a matter for the licensee to resolve.

Licence conditions

Commercial television

21.TVW 7, STW 9, NEW 10 Perth

Program: Advertisements for the WA Department of Productivity and Labour Relations

Complaint: Broadcasting political matter unaccompanied by the required particulars

The complainant alleged that the advertisements were 'political matter' and as such must have the 'required particulars' attached to the advertisement (i.e. the authorisation details) as required by clause 4 of Part 2 of Schedule 2 of the Act.

The Authority determined that the advertisements, all relating to the issue of union member's right to a pre-strike secret ballot contained in the WA Government's industrial relations legislation reforms, were 'political matter'. The advertisements were broadcast without the 'required particulars' attached.

The Authority found that TVW Enterprises Ltd (TVW 7), Swan Television and Radio Broadcasters Pty Ltd (STW 9) and Network Ten (Perth) Ltd (NEW 10) breached clause 4(2) of Part 2 of Schedule 2 of the Act by broadcasting 'political matter' without attaching the 'required particulars' to the advertisement.

Both TVW Enterprises Ltd and Network Ten (Perth) Ltd noted the difficulty broadcasters can face in determining whether an advertisement could be regarded as 'political matter' and as such need the 'required particulars' to be attached to the advertisement.

The Authority has acknowledged these difficulties and undertook to provide guidelines in relation to the broadcasting of 'political matter' to assist the industry in determining when an advertisement may be 'political matter'. The Authority published the guidelines, after the date of this report, in August 1998.

In this case, the Authority is aware that all three licensees withdrew the advertisement from broadcast as soon as they became aware that it might be considered 'political matter' and therefore need the 'required particulars' to be attached.

The licensees have also advised the Authority that they proposed to send all non-routine Government advertisements to Commercials Advice Pty Ltd (CAD) for classification and clearance before broadcast. Given the difficulties that licensees may have in determining whether an advertisement is political matter, the Authority is satisfied with the action proposed and taken by the licensees.

* See p.131 for investigation number 22.

23.TCN 9 Sydney, HSV 7 Melbourne, BTQ 7 Brisbane, STQ Queensland, SAS 7 Adelaide, TVW Perth

Issue: Australian childrens' drama

Complaint: Quota for Australian children's drama

The six Seven network licensees had a shortfall of 30 minutes in their broadcast of first release Australian C drama in 1997. To compensate for this, each Seven licensee will make up the shortfall by broadcasting an extra 30 minutes first release Australian C drama in 1998. The Seven network will also commission two additional 30 minute first release Australian C drama programs for broadcast in 1999.

The Authority is satisfied with Seven's undertakings and does not propose to take further action.

24.TCN 9 Sydney, HSV 7 Melbourne, BTQ 7 Brisbane, STQ Queensland, SAS 7 Adelaide, TVW Perth

Issue: Australian children's drama

Complaint: Quota for Australian childrens' drama

The six Seven network stations failed to broadcast sufficient repeat C drama (each licensee is required to broadcast eight hours annually). According to the Seven network, the shortfall occurred due to an administrative error in recording the episodes of 'Clowning Around'. The network stations broadcast 6.5 hours and BTQ 7 Brisbane broadcast 6 hours. To compensate for the shortfall, each licensee scheduled extra repeat C drama, starting with a repeat of 'Sky Trackers' in May 1998. In addition, the Seven network will broadcast repeats of 'The Adventures of the Bush Patrol' throughout the year. The Seven network has said it will broadcast a total of 25 hours 30 minutes repeat Australian C drama in 1998.

The Authority is satisfied with Seven's undertakings and does not propose to take further action.

Commercial radio

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25.2CC Canberra

Program: Jacqui Rees election advertisement

Complaint: Broadcasting an election advertisement without the required authorisation details

The complainant alleged that the Jacqui Rees election advertisement which was broadcast by Radio Canberra Pty Ltd (2CC) was unaccompanied by the required particulars as required by clause 4 of Schedule 2 of the Act.

In the course of the investigation 2CC acknowledged that due to a number of difficulties encountered in the recording of the advertisement the 'required particulars' were inadvertently omitted from the recording. The licensee also provided the Authority with details of new procedures it has put in place to ensure that a similar incident does not occur in the future.

The Authority has accepted that the breach was inadvertent on this occasion and is satisfied that the new procedures which have been put in place at 2CC should

prevent a similar incident occurring in the future. As such the Authority took no further action in relation to this incident.

Community radio

31.2GLA Forster

Program: Sponsorship announcements/advertisements
Complaint: Broadcasting advertisements rather than sponsorship announcements

The complainant alleged that certain sponsorship announcements broadcast by 2GLA were not acknowledging the financial support of that sponsor as required under Schedule 2 of the Broadcasting Services Act.

Upon investigation it was apparent to the Authority that 2GLA often acknowledged the financial support of their sponsors at the end of a block of announcements rather than as part of each individual announcement. The Authority decided that this format was not consistent with the exemption at clause 2(2) of Schedule 2 of the Act. Such announcements would therefore be categorised as advertisements and consequently the licensee of 2GLA, Great Lakes Area FM Community Radio Limited, had breached a condition of its community broadcasting licence by broadcasting these announcements.

2GLA informed the Authority that, 'everything will be done to make sure that something like this will not be repeated' and that relevant staff were now fully aware of the difference between an advertisement and a sponsorship announcement.

As a result of this response and the fact that this was the first time that the licensee of 2GLA had been found in breach of the condition of its licence relating to advertisements, the Authority decided not to take further action. However, the Authority placed the licensee on notice.

33.4DDB Toowoomba

Program: not applicable
Complaint: Community participation

The complainant alleged that she and several other volunteer broadcasters had been taken off the air because they refused to sign an agreement preventing them from broadcasting on other radio stations.

In the opinion of the Authority the decision to impose the agreement in question on certain presenters at 4DDB was somewhat arbitrary, particularly as the decision was made by the management committee rather than by a general meeting of all the station's members. Furthermore, the Authority felt that the complainant was denied natural justice in that she was presented with this agreement only a few minutes before going to air and was not given sufficient time to give proper consideration to the agreement before having her broadcasting rights removed.

The Authority decided that the licensee of 4DDB, Darling Downs Broadcasting Society Inc., had breached the licence condition (at paragraph 9(2)(c) of Schedule 2

of the Act) by not encouraging a member of the community that it served to participate in the selection and provision of programs under its licence.

New office bearers were elected the annual general meeting of 4DDB and the new management acted promptly: they restored access to air time to all who had lost access as a result of the previous management's policy; and gave broadcasters the right to broadcast on other radio stations.

The Authority was satisfied with this remedial action and decided not to take the matter any further.

35.7DBS Wynyard

Program: advertisements

Complaint: Community station was broadcasting advertisements

The complainant raised concerns regarding membership and community participation at the station and alleged that so-called sponsorship announcements broadcast by the station were actually advertisements.

The Authority found that the station breached clause 9(1)(b) of Schedule 2 of the Act by broadcasting an advertisement by broadcasting an announcement of an advertising nature that was not accompanied by an acknowledgement of financial support for the licensee.

The Authority accepted the licensee's submission that the broadcast of the advertisement was inadvertent and mainly due to the complex nature of the common law definition of advertising.

As a result of the Authority's findings the station put in place a set of guidelines for sponsorship announcements and community announcements which reflect the Authority's findings. In light of the action taken by the station the Authority took no further action other than to publish its findings.

Open narrowcast radio

36.FM88 Springwood/Logan City

Program: Not applicable

Complaint: Service did not meet the criteria for open narrowcast services

The complaint alleged that the licensee of FM88, Celestial Industries Pty Ltd, was in breach of the licence conditions applicable to a low power open narrowcasting service by providing a service of broad commercial appeal.

The Authority found that the service did not meet any of the limiting criteria for an open narrowcasting service under section 18 of the Act and the licensee was therefore not providing a service in accordance with the relevant class licence.

This was the second time the Authority had found such a breach against the licensee. The Authority was still considering what further action to take with regard to the matter at the end of the reporting period.

37.Cool FM Cabarita Beach

Program: Not applicable

Complaint: Service did not meet the criterial for open narrowcast services

The complainant alleged the service being provided did not comply with the criteria for open narrowcast services and that the service was more like a community radio service.

The Authority found that the programming material being provided by Cool FM had many of the characteristics of a community radio service, including the use of volunteers. On the evidence before it, the Authority found that the service did not meet any of the limiting criteria for an open narrowcasting service under section 18 of the Act and the licensee was therefore not providing a service in accordance with the relevant class licence.

As a result of these findings the Authority issued Cool FM with a notice under section 141 of the Act directing them to take action so that the service was provided in a way that conformed with the requirements of the class licence for the provision of open narrowcasting radio services.

Cool FM has since ceased broadcasting under a class licence and applied for, and been issued with, a temporary community broadcasting licence.

38.KFM88 Kingaroy

Program: not applicable

Complaint: Broadcasting political matter unaccompanied by the required particulars

The complainant alleged that the licensee had broadcast political matter unaccompanied by the required particulars as required by clause 4 of Schedule 2 of the Act.

The licensee admitted, in the course of the investigation, that it had broadcast an political matter which was not accompanied by the required particulars. As such, the Authority found that the licensee had breached the condition of licence at clause 4.

As a result of the Authority's investigation the station immediately corrected the matter and attached the required particulars to the advertisement. KFM88 submitted that it had believed the required particulars were only required for election advertisements. In light of the prompt action by the station the Authority took no further action with regard to the matter.

39.Classic Hits FM, Sunshine Coast Qld

Program: General program content

Complaint: Category of service

The complainant alleged that Classic Hits FM Pty Ltd (Classic Hits), while holding apparatus licences to provide low power open narrowcasting services, was providing a commercial radio broadcasting service in breach of section 133 of the Broadcasting Services Act.

The Authority found that the service provided by Classic Hits did not satisfy the criteria at section 18 of the Act for open narrowcasting services. The Authority also

found that Classic Hits was providing a commercial broadcasting service, as defined in section 14 of the Act without a licence to provide that service.

The licensee responded it would take the necessary steps to ensure that the station conformed to the narrowcasting criteria set out at section 18 of the Act. In addition, the licensee stated its intention to apply to the Authority for an opinion under section 21 of the Act as to which category the changed service falls into.

The Authority advised Classic Hits that provided the licensee immediately changed the service sufficiently to conform to the narrowcasting criteria and obtained a section 21 opinion to this effect, it would take no further action at this stage.

Classic Hits changed it service and applied to the Authority for a section 21 opinion. The Authority was considering the opinion at the end of the reporting period.

Subscription television

40.FOX Sports 2

Program: general program content

Complaint: Providing more than 4 satellite subscription television broadcasting services

The complainant alleged that the service which was being provided as part of the Galaxy satellite subscription television service was of broad appeal thereby placing Galaxy in breach of the Act. Prior to 1 July 1997 the two satellite subscription television broadcasting licensees were prohibited from providing more than 4 broadcasting services.

The Authority found that the programming being provided on the FOX Sports 2 service was of broad appeal and constituted a broadcasting service and that the licensee, BC TV Pty Ltd, a wholly owned subsidiary of Australis Media Ltd, did not have a licence to provide such a service.

Prior to the Authority finalising its investigation Australis Media Ltd advised that it had applied for additional satellite subscription television broadcasting licences as the prohibition on the number of such licences had fallen away and so as to comply with the Act. The Authority was satisified with the action taken and took no further action with regard to this matter.

41.Nightwatch/Spice

Program: General program content

Complaint: Category of service, broadcasting of X and R classified programs

The Authority commenced an investigation into whether or not Northgate Communications Australia Pty Ltd (Northgate) breached a condition of licence through its broadcast of adult erotic material.

The Authority formed the preliminary view that in its provision of the new Nightwatch service, Northgate had breached the requirements of clause 10(1)g) of Schedule 2 of the Act in that it provided a subscription television broadcasting

service broadcasting R classified programs.

Northgate advised that the Nightwatch service will be made available only after 11.00 p.m. (concluding at 5.00 a.m. the following day), and, as previously, in combination with the payment of an additional subscription fee ($6.95 on a pay per view basis). On these grounds, and consistent with the Authority's reasoning for other similar services, the Authority formed the view that the Nightwatch service could be considered a subscription television narrowcasting service as a result of the proposed changes.

In view of the changes that were made to the service the Authority decided not to take further action with regard to this matter. Northgate ceased providing any subscription television services in May 1998.

ABC television

42.Program: Four Corners

Complaint: Inaccurate and unbalanced reporting

The complainant alleged that an episode of 'Four Corners' titled 'The Prophet of Oz' was inaccurate and not balanced in its reporting about the Foundation for Humanity's Adulthood.

The Authority found that the program failed to provide balance by the omission of relevant viewpoints on the issues of family turmoil and the role of a Director of the Foundation as a guest speaker in breach of code 4(a) and 4(d). The Authority also found that the program made an inaccurate statement about the head of the Foundation in breach of code 4(a).

The Authority has met with representatives of the ABC on a number of occasions to discuss its findings. At the end of the reporting period the Authority was considering what further action, if any, it should take with regard to the matter.

43.Program: News Flash

Complaint: Inappropriate placement of a news flash; failure to respond to the complaint

The complainant alleged that the placement of a news flash about the death of Deng Xiaoping between the programs Bananas in Pyjamas and Playschool was inappropriate and that the ABC did not respond to the complaint.

The Authority did not make a finding with regard to the content of the news flash as the ABC no longer had a copy of it as a considerable amount of time had passed between the date of broadcast and the Authority requesting a copy of it. However, the ABC stated that it readily accepted that the material could have been better considered for inclusion at that particular time. The ABC advised that a reminder had been issued to the relevant staff about the exercise of care in this regard. The Authority found that the ABC had breached section 8 of the code by not responding to the complaint. The Authority took no further action with regard to the matter..

44. Program: True Stories—The Battle for Byron

Complaint: Inaccurate and biased reporting and failure to respond to the complaint

The complainant alleged that the program was biased and inaccurate in its reporting about developers and that the ABC failed to respond to the complaint.

The Authority found that while the program left the viewer in no doubt that the program was taking a stance against further land development in the Byron Bay Shire it did present viewpoints covering both sides of the argument. The Authority also found that the accuracy requirements of the code were not relevant as the program was not a news or current affairs program.

With regard to the handling of complaints, the ABC accepted that a response was not provided within the 60 day period in breach of section 8 of the code. The ABC explained that its response required considerable liaison between separate ABC divisions and with producers not directly employed by the ABC. A response was prepared and sent on the 56th day but was not received by the complainant until the 62nd day.

The Authority accepted that the breach of section 8 was not a serious one and took no further action with regard to the matter other than to publish its findings.

45. Program: 7.30 Report

Complaint: Discrimination and incitement to violence; failure to respond to the complaint

The complainant alleged that the ABC knowingly and deliberately assembled a report to incite discrimination and violence against the Ms Pauline Hanson MP and that the ABC failed to respond to the complaint.

The Authority found that the program did not breach the ABC code with regard to incitement to violence or discrimination. However, the ABC admitted that it did not respond to the complaint in breach of the complaints handling procedures at section 8 of the code. The Authority requested that the ABC put in place appropriate procedures to ensure that future complaints are handled according to the code.

46. Program: 7.30 Report

Complaint: Unnecessary use of graphic material; failure to respond to the complaint

The complainant alleged that an item broadcast in the program contained graphic material without any prior warning and that the ABC had failed to respond to the complaint.

The ABC admitted, in the course of the investigation, that a warning should have been offered before the broadcasting of the images which may have distressed some viewers in breach of code 6. The Authority considered that the need for a warning was not of such a magnitude that the Authority should take the issue any further with the ABC.

With regard to the handling of the complaint, the Authority noted that the complaint was directed to 'Media Watch' and not the '7.30 Report' and that it was therefore reasonable for the ABC not to have dealt with the matter as a code complainant.

ABC radio

47.3LO Melbourne

Program: Gael Jennings

Complainant: Inaccurate and unbalanced comments by the presenter and failure to respond to the complaint

The complainant alleged that the program made inaccurate statements with regard to the future survival of forests and that the ABC failed to adequately respond to the complaint.

The Authority found that the program did present factual material accurately. Although not specifically complained about, the Authority found that the program failed to provide balance in breach of code 4(d) by not presenting other principal relevant viewpoints on the issue. The Authority also found that the ABC had failed to make every reasonable effort to resolve the complaint as required by section 8 of the code.

This matter was also subject to an investigation by the ABC's Internal Complaints Review Panel. As a result of the findings the ABC undertook to improve its complaints handling procedures. The Authority has also had discussions with the ABC about its handling of complaints and the issue of the Authority's jurisdiction to make findings about matters not specified by the complainant. The discussions were continuing at the end of the reporting period.

48.3LO Melbourne

Program: Gael Jennings

Complaint: Inaccurate and unbalanced presentation of material and failure to respond to the complaint

The complainant alleged that comments made about the creationist movement were inaccurate and unbalanced and that the ABC failed to respond to the complaint.

The Authority found that the program was not inaccurate and that it was balanced by providing a range of views on the topic being discussed. However, the Authority did find the ABC had breached section 8 of the code by not providing a written response within 60 days of receiving the complaint.

As mentioned above, the Authority and ABC were continuing discussions about the handling of complaints at the end of the reporting period.

49.3LO Melbourne

Program: not specified

Complaint: Failure to respond to complaint

The complainant made a written complaint to the ABC about its coverage of Victorian bushfires and alleged that the ABC did not respond to the complaint.

In the course of the investigation the ABC admitted that it had breached section 8 of the code by not providing a written response to the complaint. The ABC also acknowledged that a review of 3LO's complaints handling procedures identified a serious flaw in the station's mechanism for tracking complaints. The ABC has put in

place new procedures at the station in which the State Manager for Victoria has set-up a system to monitor complaints handling at the station.

In light of the action taken the Authority decided not to take further action with regard to the matter. However, the Authority advised that it would closely monitor 3LO's compliance with the complaints handling. ABC radio

50.2BL Sydney

Program: PM

Complaint: Offensive language; failure to respond to the complaint

The complainant alleged that language used during the program was offensive and that the station failed to respond to the complaint.

The Authority found that the language used within the program did not breach the code. The Authority noted that the code does not intend that controversial issues cannot be covered just because they may offend some listeners. However, the ABC did concede that a warning at the beginning of the program might have been appropriate.

The ABC acknowledged that it did not provide a response to the complaint due to an internal systems failure. The ABC has introduced new procedures for the handling of complaints and is undertaking internal training on a nationwide basis for all personnel responsible for program content. The Authority was satisfied with this action and determined that no further action was necessary with regard to this matter.

51.JJJ

Program: Not the Sunscreen Song

Complaint: Unsuitable lyrics; failure to respond to the complaint

The complainant alleged that the song contained unsuitable lyrics which encouraged people to participate in anti-social behaviour and the station failed to respond to the complaint.

The Authority found that the song contained tongue-in-cheek exhortations to various forms of anti-social behaviour, but no language which would be in contravention of the code. The Authority found that the station had breached section 8 of the code by failing to respond to the complaint.

The ABC submitted that the lack of response was due to an internal system failure and advised that the future coordination of complaints at JJJ is to be made the personal responsibility of the Network Manager. The Authority was satisfied with this action and took no further action with regard to the matter.

SBS television

52.Program: not specified
Complaint: Offended by the use of the term 'Macedonian'; failure to respond to the complaint

The complainant was offended by the use of the term 'Macedonian' by SBS when referring to a football team from the Former Yugoslav Republic of Macedonia (FRYOM) and alleged that SBS failed to respond to the complaint.

The Authority found that it was reasonable for the SBS to refer to sporting teams in the way those teams refer to themselves and that this is consistent with the SBS Codes of Practice in terms of code 2.3, 'Self-Identification when Referring to Groups and Individuals'.

In the course of the investigation SBS admitted that they had breached their code of practice 7.2 in that they had not provided an answer to the complaint within the normal six week time frame. As this is the first time such a breach has occurred, the Authority decided to take no further action.

Appendix 4

C & P classified programs

Programs granted C or P classification between 1 July 1997 and 30 June 1998.

Program	Style	Type	Origin	Applicant
Children's—C				
A*MAZING (SERIES 8 & 9)	live action	game show	Australia	Southern Star Entertainment Pty Ltd
AGATA	live action	drama	Switzerland	Festival of Television for Australian Children
ANIMAL SHOW, THE (SERIES 3)	live action/ puppetry	information	USA	Seven Network
BOY IN THE OAK TREE; THE	live action	drama	Sweden	Festival of Television for Australian Children
CHALLENGER! (SERIES 3)	live action	game show	Australia	Queensland Television Ltd
CHALLENGER! (SERIES 4)	live action	game show	Australia	Queensland Television Ltd
CRAWL LIKE AN INSECT— SEE LIKE A BIRD	live action	docu/drama	Japan	Festival of Television for Australian Children
DREAM HORSE, THE	live action	drama	Norway	Festival of Television for Australian Children
EMU AND THE JABIRU	animated	drama	Australia	Festival of Television for Australian Children
EXAM CONDITIONS	live action	drama	UK	Festival of Television for Australian Children
FAMOUS FRED	animated	drama	UK	Festival of Television for Australian Children
FRANCESCO'S FRIENDLY WORLD	animated	drama	USA	Southern Star Sales
GADGETMAN; THE	live action	drama	Scotland	Channel 9 South Australia Pty Ltd
GOGS: THE PIT	animated	drama	UK	Festival of Television for Australian Children
GOODSPORTS (SERIES 6)	live action	magazine	Australia	WIN Television Tasmania
GOODSPORTS (SERIES 7)	live action	magazine	Australia	WIN Television Tasmania
HATING ALISON ASHLEY	live action	drama	Australia	Ms Elizabeth Howatt
HIDING PLACE, THE	live action	drama	Czechoslovakia	Festival of Television for Australian Children
HOT SHOTS (SERIES 4)	live action	magazine	Australia	Sportsworld Network
I LEFT MY HEART	live action	documentary	Norway	Festival of Television for Australian Children
JUST A LITTLE RED DOT	documentary	drama	Canada	Festival of Television for Australian Children
KIMI AND THE WATERMELON	live action	drama	New Zealand	Festival of Television for Australian Children

Program	Style	Type	Origin	Applicant
Children's—C (cont.)				
LA PIZZA	live action	drama	Switzerland	Festival of Television for Australian Children
LASSIE—1996 SERIES	live action	drama	UK	Network Ten
LITTLE SPARROW, THE	live action	drama	Germany	Festival of Television for Australian Children
MARTIN'S SECRET	live action	drama	Czechoslovakia	Festival of Television for Australian Children
MUSCLE BUSTLE	live action	drama	Korea	Festival of Television for Australian Children
NEW ADVENTURES OF WINNIE THE POOH, THE (SERIES 2, 3 & 4)	animated	drama	USA	Seven Network
NOW YOU SEE IT (SERIES 9)	live action	game show	Australia	Becker Entertainment Pty Ltd
ONCE UPON A SCHOOL NIGHT	live action	drama	Canada	Festival of Television for Australian Children
OSCAR AND FRIENDS	claymation	drama	New Zealand	Southern Star Sales
OUT OF SIGHT	live action	drama	UK	Festival of Television for Australian Children
PHONE TERROR	live action	drama	Norway	Festival of Television for Australian Children
PINK SOFA, THE	live action	drama	Denmark	Festival of Television for Australian Children
POCKET DRAGON ADVENTURES	animated	drama	USA	BKN International
RAW EGGS AND FISH OIL	animated	drama	Australia	Festival of Television for Australian Children
RESCUE TEAM, THE: THE GLUE, THE TART & THE BIRDCAGE	non-verbal animated	animated	Latvia	Festival of Television for Australian Children
SCIENCE COURT	animated	drama	USA/Spain	Seven Network
SHINGALANA	live action	documentary	South Africa	Network Ten
STRANGE FRIENDS	live action	docu/drama	Mexico	Festival of Television for Australian Children
TEDDY BEAR, THE	live action	drama	Norway	Festival of Television for Australian Children
TIGER	live action	drama	Netherlands	Festival of Television for Australian Children
TIME MASTERS (SERIES 4 & 5)	live action	game show	Australia	Southern Star Entertainmment Pty Ltd
TOTALLY WILD (SERIES 7)	live action	magazine	Australia	Network Ten
TRANSFORMING MACHINE, THE —CHRISTMAS HOLIDAY INVASION	live action	drama	Poland	Festival of Television for Australian Children
WHERE ON EARTH IS CARMEN SAN DIEGO (SERIES 3 AND 4)	animated	information/ game	USA	Network Ten
WHY FILES, THE	live action	science magazine	Australia	Banksia Productions Pty Ltd
WISHBONE (SERIES 2)	live action	drama	USA	Southern Star Sales
WORLD FAITHS—CONFUCIANISM	animated	drama	UK	Festival of Television for Australian Children

Program	Style	Type	Origin	Applicant
Provisional C—PRC				
BANKSTOWN BOOMERS	live action	drama	Australia	Screentime RW Pty Ltd
CROCADOO (SERIES 2)	animated	drama	Australia	Energee Entertainment Pty Ltd
DRIVEN CRAZY	live action	drama	Australia	Barron Television Ltd
FLYING FRUIT FLY CIRCUS, THE	live action	drama	Australia	Southern Star Entertainment Pty Ltd
GINGER MEGGS	animated	drama	Australia	ICA Productions
GIZMO, THE	live action	drama	Australia	Barron Television Ltd
KURRIYALA	live action /animated	drama	Australia	Ms Hilary Kuhn
MISERY GUTS	live action	drama	Australia	Barron Television Ltd
NITS, THE	animated	drama	Australia	Energee Entertainment Pty Ltd
SKIPPY—ADVENTURES IN BUSHTOWN	animated	drama	Australia	Yoram Gross Film Studios Pty Ltd
SPORTS HIGH	live action	drama	Australia	Barron TelevisionLtd
Australian children's drama—CAD				
BOBTALES	animated	drama	Australia	Gripping Films and Graphics
CAMELOT	animated	drama	Australia	Burbank Animation Studios Pty Ltd
CROCADOO (SERIES 2)	animated	drama	Australia	Energee Entertainment Pty Ltd
GIFT, THE	live action	drama	Australia	Barron Television Ltd
KETCHUP	animated	drama	Australia	Southern Star Entertainment Pty Ltd
LITTLE MERMAID, THE	animated	drama	Australia	Burbank Animation Studios Pty Ltd
MISERY GUTS	live action	drama	Australia	Steel Stem Poppy Productions Pty Ltd
MU LAN	animated	drama	Australia	Burbank Animation Studios Pty Ltd
SEARCH FOR TREASURE ISLAND, THE	live action	drama	Australia	The Producers Group
SILVER BRUMBY, THE (SERIES 2)	animated	drama	Australia	Media World Features Pty Ltd
SPELLBINDER 2—THE LAND OF THE DRAGON LORD	live action	drama	Australia	Southern Star Pacific
THREE LITTLE PIGS, THE	animated	drama	Australia	Burbank Animation Studios Pty Ltd
THUNDERSTONE	live action	drama	Australia	Jonathan M Shiff Productions Pty Ltd
Preschool—P				
BOOK PLACE: THE (SERIES 5)	live action	preschool	Australia	Seven Network
HERE'S HUMPHREY	live action	information	Australia	Banksia Productions Pty Ltd

Appendix 5

International meetings, presentations and articles published

During the reporting period, members and officers of the Authority met with a number of other overseas visitors and representatives of overseas organisations, including:

Mr Kaushik Shridharani, Research Analyst, Salomon Brothers, Hong Kong in July 1997;

Mr Wu Tian Xi, Deputy Director, Beijing Television Station in July 1997;

Mr Jim Miller, World Wide Web Consortium (W3C), USA in July 1997;

Mr Moriguchi, NHK, Tokyo in July 1997;

Mr Kim Chang-Yul, Chairman, Korean Broadcasting Commission (KBC), Dr Ahn Min-Ho, KBC, Mr Ham Sang-Gyoo, KBC, Mr Eom Jong-Hwan, KBC and Mr Eom Min-Ho from the Embassy of the Republic of Korea, in September 1997;

Mr Ray Pedroche, Member, Movie and Television Review Board, Philippines, October 1997;

Ms Janet Henderson, Rights Strategy, Manager, British Telcolm Multimedia Services, UK, November 1997;

Mr Joseph Nata, Administrator Fijian Journalists Institute, Fiji in October 1997;

Delegation from the Japan Federation of Bar Associations, Japan, in November 1997;

Lord Wakeham, Chairman, British Press Complaints Commission, UK, November 1997;

Mr Tian Congming, Vice-Minister of the Ministry of Radio, Film and Television, and Mr Liu Baoshun, Vice President of China Central Television and Mr Wang Jianru, Deputy Director-General of China National Radio and Correspondent for China Radio International, China in December 1997;

Mr Cornelius Crans, Director, Netherlands Board of Film Classification and Ms Ann Katrin Ageback, Council on Media Violence, Sweden, in January 1998;

Ms Andrea Milwood Hargrave, Broadcasting Standards Council, UK, December 1997;

Mr Joathan Levy, Federal Communications Authority, USA, January 1998;

Professors Edward Donnerstein and Dale Kunkel, University of California, Santa Barbara, USA, March 1998;

Haji Hazair, Permanent Secretary, Prime Minister's Office and Mr Sali Bin Abas, Administration Officer, Brunei Darussalam in May 1998;

Ms Afu Billy, Solomon Islands in May 1998; and

Mr Stephen Balkam, Recreational Software Advisory Council, USA; Mr Nigel Williams, Childnet International, UK; and Mr David Kerr, Internet Watch Foundation, UK in April 1998.

Other conferences and seminars

During the year, members and officers of the Authority presented papers at a number of conferences and seminars, and particpated in workshops and panels:

Teenage Leisure in the 90s, by Margaret Cupitt and Gillian Ramsay, Reseach Officers, at Leisure: People, Places, Spaces, the third Conference of the Australian and New Zealand Association for Leisure Studies, Newcastle, July 1997;

Emerging Trends: Content Regulation in Australia and Some International Trends by Ms Kaaren Koomen, Manager, Online Services, at an ad hoc meeting of the Information, Computers and Communications Committee on International Cooperation for Content and Conduct on the Internet, at the Organisation for Economic Cooperation and Development (OECD), Paris, France, July 1997;

The Future of Digital Television by Mr Peter Webb, Chairman, at the International Institute of Communications Seminar, Sydney, August 1997;

Advertising and Promotion to Kids and their Parents—Are You Doing It Right? by Ms Liz Gilchrist, Manager, Children's Television, at the Kidpower '97—Marketing to Kids conference, Sydney, August 1997. Ms Gilchrist also participated in the panel, *Marketing Ethically to Kids—What You Should Know*.

Cultural Economics—Content's Challenges for Government by Ms Kerrie Henderson, Member at the APEC Telecommunications Working Group Seminar—Creating an Information Society, Wellington, New Zealand, September 1997;

User-Friendly Working Environments—The Key to Greater Diversity in Engineering and Technology: An ABA Case Study, by Mr Bob Greeney, Director, Planning and Licensing, Ms Jenny Brigg, Manager, Services Planning, and Ms Julie Spencer, Planning Automation at the NSW TAFE Women's Education and Training Coordination Unit, 7th Women in VET (Vocational and Educational Training) forum, Sydney, September 1997;

Progress on Licence Area Planning, by Mr Peter Webb, Chairman, and Mr Bob Greeney, Director, Planning and Licensing, at the Federation of Australian Radio Broadcasters (FARB) Annual Convention, Brisbane, September 1997;

Broadcasting Regulation in Australia 1992–97—A Five Year Report Card on the Broadcasting Services Act 1992 by Mr Gareth Grainger, Deputy Chairman at the conference held by the Communications Law Centre, Clayton Utz and the Communication and Media Law Association, Sydney, October 1997;

The Media and the Constitution by Professor David Flint, Chairman at the Samuel Griffith Society, Perth, October 1997;

Australian Content on Pay TV panel discussion, including Ms Lesley Osborne, Manager, Standards; *ABA's Pilot Comparative Study of Online Services Regulatory Issues in Four Countries* by Mr Stephen Nugent, Manager Research; Mr Nugent also facilitated the research roundtable on online services; *A Sustainable Revenue and Profit Growth in the Commercial Broadcasting Industry* by Dr Nelson Vithanage, Senior Research Officer; and Ms Debra Richards, Director, Program Services chaired several sessions at the Communications Forum organised by the Bureau of Transport and Communications Economics (BTCE), October 1997;

Youth and Music in Australia by Ms Gillian Ramsay, Research Officer; Mr Stephen Nugent convened a panel discussion, *Audience Research: 1998 and Beyond*; at the Cultural Crossroads Conference coordinated by the Key Centre for Media and Cultural Policy, Sydney, November 1997;

Current Issues in Internet Content Regulation by Mr Michael Gordon-Smith, Member at the Internet Industry Association Seminar, Sydney, November 1997;

The Outlook for the ABA by Professor David Flint, Chairman at the 1997 Broadcasting Summit, Sydney, November 1997;

Changes in Community Broadcasting by Professor David Flint, Chairman, at the Community Broadcasting Association of Australia Annual Conference, Gold Coast, November 1997;

Protection of Cultural Sovereignty in a Free Trade Environment—An Australian Perspective on an International Dilemma by Mr Gareth Grainger, Deputy Chairman; *Cultural Crossroads* by Ms Lesley Osborne, Manager Standards, at the Key Centre for Media and Cultural Policy Conference, Brisbane, November 1997;

Internet Crime—Initial Cooperative Measures by Mr Gareth Grainger, Deputy Chairman; *Internet Crime* by Ms Kaaren Koomen, Manager Online Services at the Australian Institute of Criminology Conference, Melbourne, December 1997;

Internet Crime—Initial Cooperative Measures by Mr Gareth Grainger, Deputy Chairman at the Office of Film and Literature Classification conference Violence, Crime and the Entertainment Media, Melbourne, December 1997;

Out of the Engineering Closet: An Interactive Workshop by Ms Julie Spencer and Ms Jenny Brigg at the Taking a Place and Making it Your Own, 4th Australasian Women in Engineering Forum, Ballarat, December 1997;

Regulation of Content on the Internet—An Australian Perspective by Professor David Flint, Chairman; Mr Bob Greeney, Director Planning and Licensing at the Pacific Telecommunications Conference, Hawaii, January 1998;

Digital Television Policy by Mr Michael Gordon-Smith, Member at the Media and Telecommunications Policy Group, Melbourne, February 1998;

Ms Deborah Sims, Assistant Manager, Standards participated in the panel, *Bloodbath or Transfusion: the Pay TV Potential* at the Small Screen Big Picture TV Conference, Fremantle, February 1998;

Flooding the World by Ms Lesley Osborne, Manager, Standards; Mr Gareth Grainger, Deputy Chairman chaired the panel *What's the Use of Research?* and Mr Stephen Nugent, Manager Research was a memeber of that panel; at the Second World Summit on Television for Children, London, March 1998;

Illegal and Harmful Content on the Internet: Some Issues and Options by Ms Kaaren Koomen, Manager, Online Services at the NSW Society for Computers and the Law Seminar, Sydney, March 1998;

Totally Wild Workshop presentation by Ms Nadia Mencinsky, Children's Television Officer at Totally Wild, Brisbane, March 1998;

Caring for Children in the Media Age by Ms Liz Gilchrist, Assistant Manager, Standards at the The New College Institute for Values Research, March 1998;

Culture Track, Ms Lesley Osborne, Manager Standards was a panellist at the WW7 conference, Brisbane, April 1998;

Media Research and Policy and the Regulation Online Services by Stephen Nugent, Manager Research, to students at the University of Western Sydney, May 1998;

Protecting Children on the Internet: Is Self-regulation the Solution? by Kaaren Koomen, Manager, Online Services at the Bertelsmann Foundation, Germany, June 1998;

The Greatest Thing That Can Happen to the State is When We Get Rid of the Media by Professor David Flint, Chairman at the Authority's Brisbane Reception, June 1998;

Mr Bob Greeney Director, Planning and Licensing, and Mr Fred Gengaroli, Director, Engineering, participated in digital radio and digital television broadcasting discussions at the annual BroadcastAsia conference, Singapore, June 1998; and

National Cultural Regimes Faced with Competition from Global Media by Ms Phyllis Fong, Manager, Policy at the Producers and Consumption of National and Local Cultural products in the Age of Global Communications, Chia-yi, Taiwan, June 1998.

Articles

Mr Stephen Nugent, Research Manager, contributed 'Children and Electronic Media—An Australian Perspective' to the *Children and Media Violence*, Yearbook of the UNESCO Clearinghouse on Children and Violence on the Screen, eds. Ulla Carlsson and Cecilia von Feilitzen, 1998..

Ms Gillian Ramsay, Assistant Manager, Research Section, contributed 'Cool or Gross—Australian Children's Attidudes to Violence, Kissing and Swearing in Television' to *News on Children and Violence on the Screen*, The UNESCO International Clearinghouse on Children and Violence on the Screen, vol.2 no. 1, 1998.

Ms Margaret Cupitt, Mr Stephen Nugent and Ms Gillian Ramsay, Research section, co-authored, 'The Place of Electronic Media in the Lives of Young Australian' for *The World Leisure and Recreation Journal*, vol. 40, No. 1, 1998.

Dr Tim Dwyer, Policy Officer, contributed 'Convergence', in *Communications Law Bulletin*, vol.17 no.2, July 1998.

Appendix 6

Freedom of information

Section 8 statement

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 1998.

Establishment

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 the Information Economy 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

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

The Authority holds regular meetings to make administrative decisions and determine

policy. Additional meetings are held as required including meetings to determine opinions as to which category of broadcasting services a proposed service falls into. 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 resolution 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.

During the year the Authority 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 Allocation
- Policy and Strategy

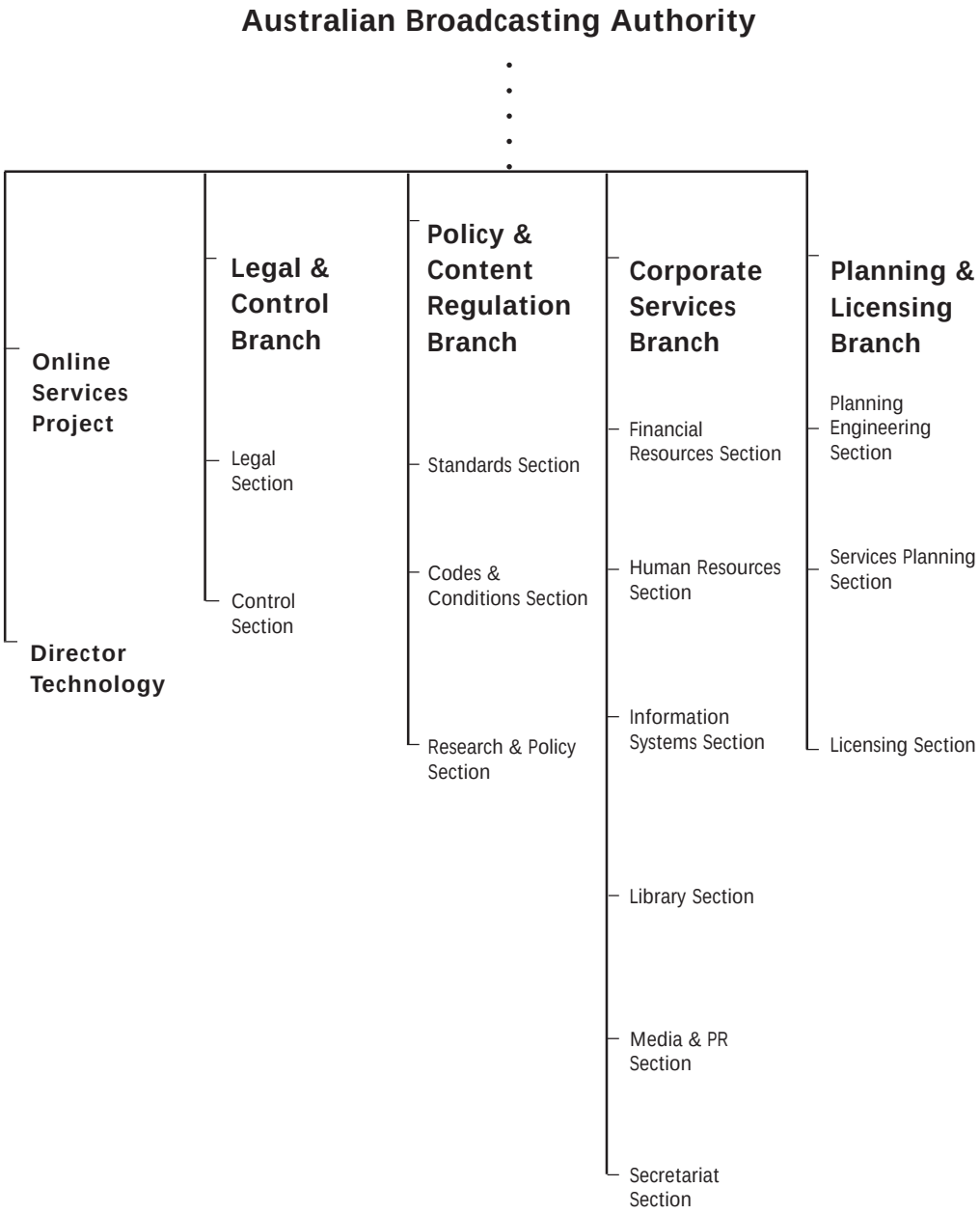
Committee meetings are held regularly. At least three members sit on each committee which is chaired by a full time member of the Authority. Authority staff generally act as advisers to the committees, although the General Manager is a member of the Audit Committee.

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 is 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.


Australian Broadcasting Authority
Online Services Project
Director Technology
Legal & Control Branch
Legal Section
Control Section
Policy & Content Regulation Branch
Standards Section
Codes & Conditions Section
Research & Policy Section
Corporate Services Branch
Financial Resources Section
Human Resources Section
Information Systems Section
Library Section
Media & PR Section
Secretariat Section
Planning & Licensing Branch
Planning Engineering Section
Services Planning Section
Licensing Section

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;

(da) to conduct investigations as directed by the Minister under section 171;

(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 Legal Section and 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, large circulation 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 1982* (the FOI 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 matter 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 Research and Policy Section, Conditions and Codes Section and Standards Section. 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; 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.

Planning and Licensing Branch

The Planning and Licensing Branch comprises Planning Engineering Section, Services Planning Section and Licensing 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;
- suspending and cancelling licences as appropriate, or taking other enforcement action; and
- preparing opinions as to which category of broadcasting services a service falls into.

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;
- issuing apparatus licences (by delegation from the Australian Communications Authjority) 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 callsigns for broadcasting services; and
- collecting information and conducting investigations or hearings for the purposes of the performance or exercise of any of its functions or powers.

Corporate Services Branch

This Branch comprises Information Systems Section, Financial Resources Section, Human Resources Section, Secretariat Section, Media & Public Relations Section and 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;
- collecting fees payable in respect of commercial broadcasting licences on behalf of the Minister;
- 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 also has a Director Technology will report to the General Manager and the Members. The Director of Technology will provide 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.This position has been newly created and has yet to be filled.

Online Services Project

The Authority also has an Online Services Project unit which is responsible for:

- conducting investigations, at the direction of the Minister, into online services with a special view to content regulation issues;
- monitoring national and international developments in the online area;
- providing information to the community regarding online issues.

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), UK (signed 30 August 1995)
- Korean Broadcasting Commission (KBC) (effective for five years from 17 June 1996)
- Canadian Radio-Television and Telecommunications Commission (CRTC) (signed 21 April 1997)
- Conseil Supérieur de l'Audiovisuel (CSA), France (signed 22 April 1997)
- Broadcasting Standards Authority (BSA), NZ (under negotiation)

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 Study Groups (ASGs) of the Radiocommunications and Telecommunications Bureaus of the International Telecommunication Union

The Authority participates in the following ASGs, which are concerned with studying principles and reporting on questions relating to their particular subject areas:

- ITU-T Group 9: Joint Committee on Transmission of Radio and Television 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 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 broadcsating 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), the Community Broadcasting Association of Australia (CBAA), the Community Broadcasting Foundation (CBF), the Progressive Radio Association, 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) and the Australian Subscription Television and Radio Association Inc. (ASTRA).

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.

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, and the preparation of licence area 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 and Approvals of Breaches of Television Ownership Limits in Small Markets.

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 are under section 30, 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; program and advertising standards; 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 section 115 notice, 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; Minister's reservations; Minister's directions; technical planning guidelines; monitor new broadcasting technology; population figures; and licence areas; price based commercial licence allocation system; community merit based allocation system; subscription television broadcasting service licences; and opinions on which category of broadcasting services a service falls into.

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*.

Information products, many of which are on the Authority's web site, available to the public include:

Pamphlets (all free)

An Introduction to the ABA
Complaints about Programs
Service Charter

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.

Fact sheets (all free)

ABA *Investigations*

Allocation of Community Broadcasting Licences
Broadcasting and Communications Industry Regulators in Australia
Callsigns
*Class Licence*s
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
Special Events
A Summary of the Control Provisions of the Broadcasting Services Act 1992
Subscription Television Broadcasting Services in Australia
Technical Planning Guidelines
Temporary Transmission by Aspirant Community Broadcasters
Transmitter Licences for New Commercial and Community Broadcasters
Transmitter Licences for New Open Narrowcasting Services
Allocation of Community Broadcasting Licences

Reports, papers and guides (all free)

Anti-siphoning

First Report to the Minister July 1995
Second Report to the Minister December 1995

Third Report to the Minister June 1996
Guide to Pay TV Anti-Siphoning Provisions July 1995
Guide to Pay TV Anti-Siphoning Provisions October 1996

Australian Content

Working Paper November 1994
Summary of Submissions December 1994
Final Report September 1995
Australian Content Variations October 1996

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
Narrowcasting for Radio Discussion Paper April 1994

Online services

Investigation into the Content of Online Services Issues Paper December 1995

Pay TV

Australian Content on Pay TV Working Paper March 1997

Australian Content on Pay TV Information Paper November 1997
Guidelines for the Implementation of Pay TV 'New Australian Drama' on Pay TV June 1996

Planning

Current State of Radio and Television Planning Vols 1–6 1992
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)

Research

International Research Forum Newsletter (No.1) November 1995
International Research Forum Newsletter (No. 2) June 1996
International Research Forum Newsletter (No.3) November 1996
International Research Forum Newsletter (No.4) June 1997
International Research Forum Newsletter (No.5) November 1997
International Research Forum Newsletter (No.6) June 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)
Authority Corporate Plan 1996–1999
Estimated Coverage Areas of UHF Television Transmitters —Tasmania February 1994
Australian Children's Television Current Controllers of a Broadcasting Licence
Digital Terrestrial Television Broadcasting July 1997
International Relations Program of the Australian Broadcasting Authority 1992–1997
Self-help Guide (second edition)

Publications

ABA Update (11 issues per annum) $45.00

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* $5.00
'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 $20.00
Families and Electronic Entertainment $20.00
Kids Talk TV: 'super wikid' or 'dum' $20.00
Youth and Music in Australia—A review $10.00

Trends & Issues

Audiences and Programs in 1992. The Year in Australian Radio and Television $5.00
Australian Content on Television $5.00
Viewing Australia. Audience Views about Australian Programs and Film in 1992 $5.00
Broadcast Audiences in the 90s $10.00
Views on Viewing $10.00

Investigation reports

Mighty Morphin Power Rangers $10.00
The Daniel Yock Story $10.00
Agro's Cartoon Connection $10.00

Agro's Cartoon Connection second investigation $10.00
Sex/Life $10.00
Beverly Hills 90210 $10.00

Investigations into control:

CanWest Global Communications Corporation/The Ten Group Ltd $30.00
CanWest Global Communications Corporation/The Ten Group Limited second investigation *$40.00*
Mr Kerry Packer/John Fairfax Holdings Ltd $10.00
News Corporation Limited/Seven Network Limited $10.00

Specialist publications

Australian Content on Pay TV $10.00
Broadcasting Financial Results 1996–97 $100.00
Broadcasting Planning Seminar $20.00
Digital Radio Broadcasting for Australia $10.00
Infants and Television $20.00
Inquiry into the Future Use of the Sixth Television Channel $20.00 *The Internet and International Regulatory Issues Relating to Content* $10.00
Investigation into the Content of Online Services $20.00
Interim Australian Broadcasting Planning Handbook $75.00
Listening to the Listeners, Radio Research $50.00
Report into the Allocation of Community Radio Broadcasting Licences (Broadcasting Services Bands) to serve the Darwin Area $10.00
R Classified Programs on Pay TV $10.00

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

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

Blue Building
Benjamin Offices
Chan Street
BELCONNEN ACT 2617

PO Box 34
BELCONNEN ACT 2616

Tel: (02) 6256 2800
Fax: (02) 6253 3277

Email: info@aba.gov.au
Web site: www.aba.gov.au

A public file on the review of the Australian content standard for commercial television is also available in the offices of Film Victoria and Film Queensland.

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 1998, as well as the Members, the General Manager, the Branch Directors and most of the Section heads are 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.

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Appendix 8

Reserved for audit report

Reserved for audit report

members statement

MEMBERS' STATEMENT

AUSTRALIAN BROADCASTING AUTHORITY OPERATING STATEMENT FOR THE YEAR ENDED 30 JUNE 1998

	Notes	1998 $	1997 $
NET COST OF SERVICES			
Operating expenses			
Employee expenses	8, 9, 10	**8 045 691**	8 139 674
Supplier expenses	4	**5 287 143**	4 299 450
Depreciation		**425 795**	421 622
Loss on disposal of non-current assets		**48 718**	9 324
Total operating expenses		**13 807 347**	12 870 070
Operating revenues from independent sources			
Sales of goods and services		**193 291**	151 137
Interest		**36 610**	71 770
Profit on sale of non-current assets		**1 100**	2 146
Other		**407 520**	262 239
Total operating revenue from independent sources		**638 521**	487 292
Net cost of services		**13 168 826**	12 382 778
REVENUES FROM GOVERNMENT			
Parliamentary appropriations received	2	**12 984 500**	13 000 000
Resources received free of charge	3	**-**	3 078
Total revenues from government		**12 984 500**	13 003 078
Surplus (deficit) of revenues from government over net cost of services		**(184 326)**	620 300
EQUITY INTERESTS			
Accumulated surplus (deficit) at beginning of reporting period		**270 632**	(349 668)
Accumulated surplus at end of reporting period		**86 306**	270 632

The accompanying notes form an integral part of these financial statements

AUSTRALIAN BROADCASTING AUTHORITY STATEMENT OF ASSETS AND LIABILITIES AS AT 30 JUNE 1998

	Notes	1998 $	1997 $
PROVISIONS AND PAYABLES			
Employees	5A	**2 290 251**	2 395 319
Suppliers	5B	**59 906**	119 323
Other	5C	**210 000**	-
Total provisions and payables		**2 560 157**	2 514 642
Total liabilities		**2 560 157**	2 514 642
EQUITY			
Accumulated surplus		**86 306**	270 632
Total equity		**86 306**	270 632
Total liabilities and equity		**2 646 463**	2 785 274
FINANCIAL ASSETS			
Cash	6A	**1 406 901**	1 604 314
Receivables	6B	**13 976**	110 563
Other	6B	**333 523**	-
Total financial assets		**1 754 400**	1 714 877
NON-FINANCIAL ASSETS			
Plant and equipment	7A, B	**747 697**	906 777
Other	7C	**144 366**	163 620
Total non-financial assets		**892 063**	1 070 397
Total assets		**2 646 463**	2 785 274
Current liabilities		**1 295 815**	1 194 674
Non-current liabilities		**1 264 342**	1 319 968
Current assets		**1 898 766**	1 878 497
Non-current assets		**747 697**	906 777

The accompanying notes form an integral part of these financial statements

AUSTRALIAN BROADCASTING AUTHORITY STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 1998

	1998	1997
	$	$
OPERATING ACTIVITIES		
Cash received		
Appropriations	**13 075 000**	12 909 500
Sale of goods and services	**271 071**	490 410
Interest	**38 914**	72 136
Total cash received	**13 384 985**	13 472 046
Cash used		
Employees	**(8 150 759)**	(8 209 433)
Suppliers	**(5 078 345)**	(4 201 357)
Total cash used	**(13 229 104)**	(12 410 790)
Net cash from operating activities	**155 881**	1 061 256
INVESTING ACTIVITIES		
Cash received		
Proceeds from sales of plant and equipment	**850**	1 470
Total cash received	**850**	1 470
Cash used		
Purchase of plant and equipment	**(354 144)**	(283 214)
Total cash used	**(354 144)**	(283 214)
Net cash from investing activities	**(353 294)**	(281 744)
Net increase in cash held	**(197 413)**	779 512
add cash at 1 July	**1 604 314**	824 802
Cash at 30 June	**1 406 901**	1 604 314

The accompanying notes form an integral part of these financial statements

AUSTRALIAN BROADCASTING AUTHORITY SCHEDULE OF COMMITMENTS AS AT 30 JUNE 1998

	1998	1997
	$	$
BY TYPE		
OTHER COMMITMENTS		
Operating lease	**6 843 486**	8 477 238
Total other commitments	**6 843 486**	8 477 238
Total commitments payable	**6 843 486**	8 477 238
Net commitments	**6 843 486**	8 477 238
BY MATURITY		
One year or less	**1 343 504**	1 400 599
From one to two years	**1 344 847**	1 355 524
From two to five years	**4 042 616**	4 173 221
Over five years	**112 519**	1 547 894
Net commitments	**6 843 486**	8 477 238

The accompanying notes form an integral part of these financial statements

AUSTRALIAN BROADCASTING AUTHORITY SCHEDULE OF CONTINGENCIES AS AT 30 JUNE 1998

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 1998

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 the Guidelines titled *Financial Statements of Commonwealth Authorities* issued by the Minister for Finance and Administration in July 1997 which require compliance with Australian Accounting Standards, Accounting Guidance Releases and other mandatory professional reporting requirements (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 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

Property, plant and equipment are shown at cost less accumulated depreciation. Items purchased for less than $2000 are expensed in the year of procurement.

In 1996-97 the ABA commenced work on an Asset Replacement Plan which will incorporate progressive revaluation of property plant and equipment by the 'deprival' method of valuation by 1 July 1999.

All depreciable non-current assets are written off to their estimated residual values over their estimated useful lives to the Authority using the straight line method of depreciation.

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.

Leasehold improvements are capitalised and amortised over the unexpired period of the lease.

Non-current assets purchased during the period have been depreciated from the date of purchase.

1.5 Provision for employee benefits

Provision is made for the ABA's estimated liability for long service leave entitlements of its members and employees. The liability for long service leave represents the present value of estimated future cash flows to be made by the ABA in respect of services provided by employees up to the balance date.

A portion of the provision relating to amounts estimated to be payable within twelve months is included as a current liability and the remainder is shown as a non-current liability. Payments of long service leave are funded by parliamentary appropriation on an as required basis.

Provision is made for the ABA's estimated liability for the recreation leave entitlements of its members and employees. The provision has been calculated in accordance with the conditions laid out in *Public Service Board Determination 10 of 1983* for Public Service Act staff and *Remuneration Tribunal Determination 20 of 1991* for members of the ABA.

ABA employees are entitled to non-vesting sick leave which accumulates with length of service but is payable upon valid claims. No provision has been made for sick leave as, on a group basis, sick leave taken is less than the annual entitlement.

1.6 Leases

Operating lease payments, where the lessor effectively retains substantially all of the risks and benefits of the leased items, are charged to expense in equal instalments over the lease term.

1.7 Debtors

Bad debts are expensed as they become known. The ABA considers all debts to be recoverable.

1.8 Cash

Cash comprises cash at bank, cash on hand and salaries trust account.

1.9 Resources received free of charge

Resources received free of charge are recognised in the Operating Statement where the amounts can be reliably measured.

1.10 Comparative figures

Where necessary, comparative figures have been restated to conform with the current year's presentation.

1.11 Insurance

The ABA carries Public Liability Insurance and Industrial Risk Insurance.

1.12 Economic Dependency

The normal activities of the ABA are dependent upon the appropriation of monies by Parliament.

1.13 Segmental Reporting

The ABA is responsible for regulating commercial television and commercial and public radio in Australia. It is therefore considered that for reporting purposes the ABA operates within the one industry and within one geographical segment.

2. Parliamentary Appropriations

		1998 $	1997 $
Appropriation Act No. 1 1997-98		**12 980 000**	12 929 000
Appropriation Act No. 3 1997-98		**95 000**	71 000
	Total	**13 075 000**	13 000 000

$90 500 of the appropriation relates to an administrative error in the previous financial year, which resulted in the appropriation lapsing and the funds being provided as part of the 1997-98 Additional Estimates. The $90 500 was included as revenue in 1996-97.

3. Resources Received Free of Charge

	1998 $	1997 $
Processing of salaries payments provided by the Department of Finance and Administration	**-**	3 078

4. Supplier Expenses

These consist of the following major items:

	1998 $	1997 $
Consultancy fees	**87 148**	59 096
Fees and Services	**238 281**	185 106
Computer services	**90 688**	38 954
Travel	**720 371**	564 105
Office requisites	**375 568**	416 245
Postage, telephones etc.	**282 738**	275 645
Repairs & maintenance	**78 838**	107 723
Incidentals	**741 219**	479 193
Office rental	**1 705 082**	1 632 731
Legal fees	**835 794**	363 824
Minor assets	**131 416**	176 828
Total	**5 287 143**	4 299 450

5. Provisions and payables

5A Liabilities to Employees

	1998 $	1997 $
Salaries and wages	**126 608**	112 644
Annual Leave	**758 819**	816 044
Long Service Leave	**1 404 824**	1 466 631
Aggregate employee entitlement liability	**2 290 251**	2 395 319

5B Suppliers

	1998 $	1997 $
Trade creditors	**59 906**	119 323
	59 906	119 323

5C Other Creditors

	1998 $	1997 $
Other creditors	**210 000**	-
	210 000	-

Costs payable in relation to litigation arising out of the Project Blue Sky and CanWest matters.

6. Financial Assets

6A Cash

	1998 $	1997 $
Cash at bank and on hand	**1 406 901**	1 604 314

6B Other Financial Assets

	1998 $	1997 $
Goods and services	**13 976**	20 063
Appropriations	**-**	90 500
Other debtors	**333 523**	-
Total other financial assets	**347 499**	110 563

Other debtors includes costs to be recovered in relation to the CanWest and SAT FM matters.

7. Non-financial assets

7A Plant and equipment

	1998 $	1997 $
Plant & equipment - at cost	**2 653 495**	2 829 724
Accumulated depreciation	**(1 905 798)**	(1 922 947)
Total plant and equipment	**747 697**	906 777

7B Analysis of plant and equipment

Movement summary for 1997-98 for all assets irrespective of valuation basis

Item	Plant & equipment $
Gross value as at 1 July 1997	**2 829 724**
Additions	316 958
Disposals	(493 187)
Gross value as at 30 June 1998	**2 653 495**
Accumulated depreciation as at 1 July 1997	**1 922 947**
Depreciation charge for assets held 1 July 1997	425 795
Adjustment for disposals	(442 944)
Accumulated depreciation as at 30 June 1998	**1 905 798**
Net book value as at 30 June 1998	**747 697**
Net book value as at 1 July 1997	**906 777**

7C Other non-financial assets

	1998 $	1997 $
Prepaid property rentals	**44 828**	26 579
Other prepayments	**99 538**	137 041
Total other non-financial assets	**144 366**	163 620

8. Remuneration of Members

	1998 $	1997 $
Remuneration received or due and receivable by Members of the ABA:	**602 668**	439 106

The aggregate of superannuation payments paid to ComSuper for members was $39 278.

The ABA had the following number of members whose total remuneration was within the following bands:

Band of income	Number of members 1998	1997
$ 0-$ 9 999	**1**	-
$ 20 000-$ 29 999	**2**	-
$ 40 000-$ 49 999	**1**	-
$ 50 000-$ 59 999	**-**	2
$100 000-$109 999	**2**	-
$130 000-$139 999	**1**	1
$160 000-$169 999	**1**	-
$200 000-$209 999	**-**	1

9. Related Party Disclosures

The following persons were members or associate members of the ABA during the 1997/98 reporting period:

P. Webb	Chairman	Appointed 19 April 1995 to 4 October 1997
D. Flint	Chairman	Appointed 5 October 1997 for 3 years
G. Grainger	Deputy Chairman	Appointed 23 July 1997 for 3 years
M. Gordon-Smith	Member	Appointed 15 September 1997 for 3 years
K. Henderson	Part-time Member	Appointed 17 February 1995 for 5 years
T. O'Keefe	Part-time Member	Appointed 1 April 1997, resigned 15 September 1997
J. Rimmer	Part-time Member	Appointed 5 October 1997 for 3 years
I. Robertson	Part-time Member	Appointed 23 July 1997 for 3 years
R. Horton	Associate Member	Appointed 1 March 1998 to 30 June 2000
J. Hilton	Associate Member	Appointed 1 March 1998 to 5 November 1998

10. Remuneration of Executives

	1998 $	1997 $
Remuneration received or due and receivable by Executives:	**416 719**	580 780

The ABA had the following number of executives (excluding executive members mentioned in Note 9) whose remuneration was in excess of $100 000:

Band of income	Number of executives	
	1998	1997
$110 000-$119 999	**1**	2
$120 000-$129 999	**1**	2
$170 000-$179 999	**1**	-

11. Auditors' Remuneration

External audit services were provided by the Australian National Audit Office. The audit fee for the 1997–98 financial statements is **$37 000** (1996–97 $37 000). No amounts were paid or due to ANAO for other services provided to the ABA during the financial year.

12. Cash flow reconciliation

	1998	1997
	$	$
Net Cost of Services	**(13 168 826)**	(12 382 778)
Revenues from Government	**12 984 500**	13 003 078
Operating Surplus/(Deficit)	**(184 326)**	620 300
Depreciation of plant & equipment	**425 795**	421 622
Loss on disposal of plant & equipment	**48 718**	9 324
Profit on disposal of plant & equipment	**(1 100)**	(2 146)
Decrease/(increase) in receivables	**96 587**	(13 099)
Increase/(decrease) in employee liabilities	**(105 068)**	(69 759)
Increase/(decrease) in liability to suppliers	**(47 653)**	8 787
Increase/(decrease) in liability to other suppliers	**210 000**	-
Decrease/(increase) in other assets	**46 451**	86 227
Decrease/(increase) in other financial assets	**(333 523)**	-
Net cash provided by operating activities	**155 881**	1 061 256

13. Statutory Revenue

Revenue collected by the ABA under the *Broadcasting Services Act 1992* is deposited in the Consolidated Revenue Fund on behalf of the Department of Communications and the Arts.

The ABA received **$181 570 857** in licence fees for the 1997–98 collection year, which is comprised of **$170 750 716** in television licence fees and **$10 820 141** in radio licence fees.

The ABA allowed aggregation rebates of **$7 471 753** to licencees under the Television Licence Fees Regulations.

Licence fees received from Price Based Allocations of licences was **$36 891 500**.

	1998	1997
	$	$
Cash Balance 1 July	**-**	-
Add: moneys collected during the year	**218 462 357**	165 096 558
Less: moneys transferred to the Commonwealth	**218 379 557**	165 096 558
Cash Balance 30 June	**82 800**	-

14. Financial Instruments

14A Cash

	1998 $	1997 $
Cash at bank	**1 406 901**	1 604 314

The net fair value of cash assets approximate their carrying amounts. Interest is charged to revenue as it accrues.

14B Receivables and other debtors

	1998 $	1997 $
Receivables for goods and services	**13 976**	20 063
Other debtors	**333 523**	-
Total receivables and other debtors	**347 499**	20 063

These receivables are recognised at the nominal amounts due less any provision for bad and doubtful debts. Provisions are made when collection of the debt is judged to be less rather than more likely.

Other debtors includes costs awarded due to litigation.

14C Trade Creditors

	1998 $	1997 $
Trade creditors	**59 906**	119 323

The net fair values for trade creditors, which are short-term in nature, are approximated by their carrying amounts. Liabilities are recognised to the extent that the goods or services have been received

14D Other Creditors

	1998 $	1997 $
Other creditors	**210 000**	-

14E Credit Risk Exposures

The ABA'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.