

**Australian
Broadcasting
Authority**

**Annual Report
2004-05**

© Commonwealth of Australia 2005
ISSN 1320–2863

For inquiries about this report, contact:

Manager, Communications / Media

Australian Communications and Media Authority at the address below

For inquiries about freedom of information, contact

FOI Coordinator

Australian Communications and Media Authority

Level 15, 201 Sussex St

Sydney NSW

Postal address

PO Box Q500

Queen Victoria Building NSW 1230

Tel: 02 9334 7700

Fax: 02 9334 7799

Email: candinfo@acma.gov.au

Web: www.acma.gov.au

Printed in Australia by ...

Letter of transmittal

Contents

THE YEAR IN REVIEW	vii
1 THE AUSTRALIAN BROADCASTING AUTHORITY	1
PLANNED AND LICENSED ELECTRONIC MEDIA	
2 LICENCE AREA PLANNING AND ALLOCATION	9
Licence area plans and variations	10
Licence allocations	16
Interference	21
Advice to the Minister and the Department	22
3 DIGITAL BROADCASTING	23
Digital television planning	24
Datacasting licences	25
Consultation	26
4 OTHER BROADCASTING SERVICES	29
Subscription television broadcasting licences	29
Non-BSB commercial broadcasting licences	29
	31
MANAGED PERFORMANCE AND REVIEW OF ELECTRONIC MEDIA	31
5 CO-REGULATORY FRAMEWORK PROVIDING COMMUNITY SAFEGUARDS	33
Codes of practice	33
Standards	35
Privacy guidelines	36
Licence conditions imposed on community television licences	37
Community awareness	37
C and P programs classified	39
Categories of broadcasting services	40
6 COMPLIANCE WITH REGULATIONS	41
Investigations	41
Liaison	48
Compliance monitoring	49
Licensee audits	55
7 POLICY ADVICE	57
Subscription television drama expenditure rules	57
Enforcement powers under the Broadcasting Services Act	57
Report on AM radio issues	58
Community radio industry data collection	58
Review of mobile content regulation	58
8 CURRENT AND EMERGING ISSUES	61
Financial data	61
Contemporary research, investigations for policy development	62
International relationships with regulatory bodies and other organisations	64

9 INTERNAL RESOURCES	67
Creation of ACMA	67
A strategic skilled workplace	67
Efficient business processes	70
Expert legal services	71
Information management and technology	71
External orientation	73
APPENDIXES	75
1 Freedom of information	77
2 Legislation and litigation summary	85
3 Planning for licences and licence allocations	87
4 P & C programs, C consultants	110
5 Investigations into potential breaches by licensees 2004–05	114
6 Staffing	155
7 External liaison	157
8 Publications released in 2004–05	159
9 Service charter	163
10 Disability strategy	168
11 Financial statements	170

The year in review

The Australian Communications and Media Authority

The merger of the Australian Broadcasting Authority with the Australian Communications Authority to form the Australian Communications and Media, which occurred on 1 July 2005, was a major focus during the year. The establishment of ACMA will enable a coordinated regulatory response to converging technologies and services in areas as diverse as spectrum management and content regulation. The hard work by members and staff of both organisations during the year ensured a smooth transition into the new agency for staff of both former agencies.

New radio services

The ABA allocated licences for one new commercial radio service, twenty community radio services and thirty-eight open narrowcasting radio services in 2004–05.



Kingsley Hall (centre) of Daily Mail (UK Radio 3) Pty Ltd responds to the media after successfully bidding for the Melbourne commercial radio licence in August 2004.

The commercial radio licence, to provide a service in Melbourne, was allocated to a company associated with DMG Radio Australia, after it bid \$52 million at an auction in August 2004. The allocation brought to a close the process of planning and auctioning commercial radio licences that saw thirty-three new services introduced in the period 1996–2004. The planning and allocation process for commercial radio raised a total of \$654.65 million for the Commonwealth.

The ABA allocated twenty community radio licences to serve the following regional communities: Braidwood, Coonabarabran, Coonamble, Dunedoo, Eden, Gilgandra, Gosford, Lismore, Lithgow, Murwillumbah and Tumut, New South Wales; Latrobe Valley, Mt Beauty and Swan Hill, Victoria; Charleville and Yarraman, Queensland; Coober Pedy and Roxby Downs, South Australia; George Town, Tasmania and the Cocos Islands, Western Australia.

Digital radio

In March 2005 the ABA decided to continue making spectrum available for the current digital radio trials in Sydney and Melbourne for up to twelve months.

The Sydney and Melbourne trials of the Eureka 147 digital radio system are being conducted by Commercial Radio Australia and Broadcast Australia respectively and both make use of VHF Band III spectrum administered by the ABA. The use of channel had been scheduled to expire in May 2005.

Community TV

In its final year, the ABA allocated community television licences to serve Brisbane and

Melbourne. The ABA looks forward to an expansion of local programs for the two communities with both successful applicants making a strong commitment to the provision of local programming.

Trials of community television services continued in Adelaide and Lismore, while as a result of interest expressed by a local group, a channel was made available for a 12-month community television trial in Mt Gambier, South Australia.

Net Detectives

Originally developed by the United Kingdom-based internet safety body Childnet International in partnership with a number of other community bodies, Net Detectives uses the internet itself to teach young people key internet safety messages—especially those related to use of internet chat rooms. The ABA, by agreement with Childnet, has adapted the activity for use in Australian schools, as part of its program of activities to educate the community about internet safety. Two successful Net Detectives events were held during the year, one in South Australia and the other in Queensland. The Queensland Police partnered with the ABA in the Queensland exercise, which involved around one hundred and fifty students from four schools. The South Australian exercise involved around a hundred and thirty students from six schools.



The Hon. Judy Spence, Queensland Minister for Police and Corrective Services, after introducing the Net Detectives activity at Sunnybank Hills State School on 7 April 2005.

Documentary guidelines

In December 2004, the ABA released guidelines on how it would interpret ‘documentary’ for the purposes of the Australian Content Standard.

The standard applies to commercial television broadcasters, and requires, amongst other things, that broadcasters show at least twenty hours of documentary programming per year.

Changes in program formats for factual programming have made it increasingly difficult to determine what a documentary is. The ABA acknowledges that television formats will continue to change and evolve, but hopes the guidelines will provide greater certainty for producers and broadcasters in this area.

The Australian Content Standard defines documentary as ‘a program that is a creative treatment of actuality other than a news, current affairs, sports coverage, magazine, infotainment or light entertainment program’.

The guidelines elaborate on this definition. They look at what might constitute a ‘creative treatment’, and consider various programming types against the creative treatment test. They also seek to define characteristics for program types excluded from the definition.

The call for guidelines came out of a major review of the Australian Content Standard in 2001. This review concluded that, while the definition of documentary was broadly appropriate, guidance was needed as to the types of programming that would meet the definition.

Farewell to the ABA

The introduction of the *Broadcasting Services Act 1992* and the formation of the ABA in October 1992 signalled the beginning of a quiet revolution in Australian broadcasting.

The new Act was designed to allow the industry to respond to both the market place and the opportunities created by technological change. It was to provide a coherent regulatory framework that would accommodate future developments while recognising that broadcasting is integral to Australian identity and cultural diversity.

The Act created major challenges for the new regulator: planning the broadcasting services bands; guiding to fruition some of the new ideas for the spectrum; new categories of service such

as narrowcasting, subscription, datacasting and international; and allowing temporary use of spectrum. The Act provided the framework to consider services that added diversity and to tap markets that traditional wide-coverage services had not been able to serve.

In 1992, the scope of the task of planning the broadcasting spectrum was underestimated and as its enormity became apparent, the ABA rose to the challenge. As the planning for analog services was reaching its conclusion, a further spectrum challenge emerged, planning for digital television. With a minimum of disruption, the ABA successfully planned a national digital television rollout whose channels sit comfortably alongside the existing channels for analog services. The result is that Australian audiences now have available to them a range of broadcasting services that could barely have been dreamt of in 1992.

The ABA was also to have a role in encouraging an industry to be efficient and responsive to audiences within the increased flexibility provided by the new regulatory framework.

The then revolutionary coregulatory system is now well established and the codes of practice for all the broadcasting sectors (and for internet content, the newest sector under the ABA's wing) were developed and have been periodically revised. The ABA's investigation and research roles have enabled it, and the sectors, to keep pace with community standards. The ABA has liaised with the sectors and issued guidelines when it was apparent that there was confusion in interpretation. It also took stronger action when necessary, by imposing standards on broadcasting sectors when it considered them to be in the public interest.

I would like to acknowledge the vision and leadership of the former chairs and members of the ABA and their contributions to some particularly testing times.

I would also like to pay tribute to the officers of the ABA, whose collective dedication has made the Authority achieve what was needed and to have positioned it so we are well placed to face the challenges as the new regulator.

Lyn Maddock
Acting ABA Chair

1

The Australian Broadcasting Authority

The ABA was established by subsection 154(1) of the *Broadcasting Services Act 1992* and began operations on 5 October 1992. It ceased operations on 30 June 2005: on 1 July 2005, the Australian Communications and Media Authority (ACMA) commenced, and now performs the functions outlined below.

The ABA was an independent statutory authority responsible through the Minister for Communications, Information Technology and the Arts to the Parliament. It was 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 provided for the appointment of a Chairperson, a Deputy Chairperson and at least one, but not more than five, other Members who were full-time or part-time. The Members of the ABA were appointed by the Governor-General for periods of up to five years and were eligible for reappointment on one occasion only. The Minister appointed persons to be Associate Members of the ABA, either generally or for particular investigations or hearings.

FUNCTIONS

The primary functions of the ABA were:

- (a) to provide advice to the Australian Communications Authority in relation to:
 - i. the spectrum plan and frequency band plans under the *Radiocommunications Act 1992* and the designation of bands for broadcasting purposes
 - ii. the designation under section 131 of that Act of parts of the radiofrequency spectrum as being primarily 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 of the Act
- (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) and datacasting 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.

The ABA also had other functions under the Broadcasting Services Act and other legislation. These functions included giving opinions on the category of broadcasting services, and determining additional, or clarifying existing, criteria for those categories; giving opinions on whether a person was 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. The ABA also issued evidentiary certificates stating that a specified service was, or had been, a telephone sex service, pursuant to Section 158F of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

The ABA's functions in relation to the regulation of internet content were:

- to investigate complaints
- to register industry codes of practice and monitor compliance with those codes
- to advise and assist parents and responsible adults in relation to the supervision and control of children's access to Internet content
- to conduct and /or coordinate community education programs about Internet content and Internet carriage services
- to conduct and /or commission research into issues relating to internet content and internet carriage services and
- to liaise with regulatory and other relevant bodies oversees about cooperative arrangements for the regulation of the internet industry.

For the purpose of exercising its powers and functions under the Broadcasting Services Act, the ABA was 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 ABA by the Minister
- any directions given to the ABA by the Minister and
- Australia's obligations under the Protocol on Trade in Services to the Australia New Zealand Closer Economic Relations Trade Agreement.

See Appendix 1 for more information about the ABA's role and functions, and Appendix 2 for details of the relevant legislation.

MINISTER

At the date of this report, the responsible Minister was Senator the Hon. Helen Coonan, Minister for Communications, Information Technology and the Arts.

Australian Communications and Media Authority

On 11 May 2004, the Minister announced that the Australian Government would merge the ABA and the Australian Communications Authority to establish a new media and communications regulator.

The Australian Communications and Media Authority is now responsible for regulating telecommunications, broadcasting, radiocommunications and online content. Its creation recognises the changing nature of the communications environment.

ACMA commenced on 1 July 2005, and transitional arrangements were put in place to enable the existing authorities to plan for the transition to a single communications regulator.

CORPORATE GOVERNANCE

The Audit and Risk Management Committee assisted the ABA Board in discharging its responsibilities relating to financial reporting practices, business ethics, accounting policies and management and internal controls. It also ensured the integrity of the internal audit function and ensured that management practices and systems support the effective operation of the ABA's risk management strategies and fraud control plan. The committee also provided a valuable forum for communication between the Board, senior management and both the internal auditor (Deloitte Touche Tohmatsu) and external auditor (Australian National Audit Office).

In 2004–05, the Audit and Risk Management Committee comprised four ABA Members, three as non-executive members, including the chair of the committee. The committee's terms of reference provided for four meetings each year with additional meetings to be held at the

discretion of the committee’s chair. The ABA’s internal and external auditors regularly attended committee meetings.

In 2004–05 the committee continued to direct effective risk-based internal and external audit programs and reviewed a range of procedures and practices. It received regular reports from management and the internal and external auditors, and implemented recommendations for further efficiency improvements.

The ABA undertook periodic fraud risk assessments. Its Fraud Control Plan, developed by the internal auditor in consultation with the ABA, had appropriate fraud prevention, detection, investigation, reporting and data collection procedures and processes that met the needs of the agency and comply with the Commonwealth Fraud Control Guidelines.

Audit Committee had a membership of four with a part-time Member as chair.

Briefing sessions with senior management of the ABA kept Members informed of their responsibilities, as did regular receipt of detailed advice on the financial accounts of the Authority. The General Manager and General Counsel attended all Board meetings and Board Committee meetings. Members obtained additional internal and external professional advice as appropriate. The ABA maintained appropriate registers of private interests and Members were expected to declare any interest whenever relevant.

COMMITTEES

The ABA worked through a number of committees which were designed to allow its deliberative work to be considered in more detail and to identify relevant and principal issues that needed to be brought to the attention of the full ABA. Members attended meetings of the Planning and Licensing Committee and the Policy and Content Regulation Committee. The

Table 1 Members’ attendance at committee meetings

Committee	ABA	Audit	PCR	PLC
Lyn Maddock	21	1	9	6
Michael Gordon-Smith	5	1	2	2
Robert Le Tet	20	2	8	4
Malcolm Long	22	2	9	4
Jane Marquard	19	1	9	5
Ian Robertson	5	0	1	0
Giles Tanner	16	1	6	4
David Flint	0	0	0	0
Robert Horton	13	0	0	0

Audit – Audit and Risk Management

PCR – Policy and Content Regulation

PLC – Planning and Licensing

MEMBERS OF THE ABA

The Members of the Australian Broadcasting Authority were:



Acting Chair: Lyn Maddock BEc

Appointed 13 December 2000 for three years. Ms Maddock was Acting Chair from 2 July 2004 to 30 June 2005.

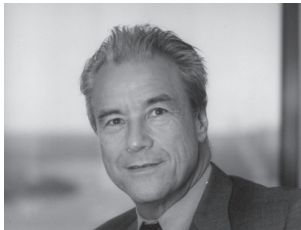
Ms Maddock has extensive management and public policy experience across a range of areas, having held senior positions with the Productivity Commission, the National Occupational Health and Safety Commission, the Department of Prime Minister and Cabinet and Westpac Banking Corporation.



Member: Michael Gordon-Smith BA (Hons)

Appointed 15 September 1997 for three years, reappointed to 14 September 2004.

Mr Gordon-Smith was formerly the Executive Director of the Screen Producers Association of Australia, a trustee of the industry superannuation fund, JUST Super and a director of the Audio Visual Copyright Society.



Part-time Member: Robert Le Tet

Appointed 10 August 2000 for three years, reappointed to 9 August 2007. Mr Le Tet's term ceased on 30 June 2005.

Mr Le Tet has extensive experience in the film, television, advertising and radio industries both domestically and internationally.

He has formed and raised capital for various industry entities and has contributed to government working parties both in Australia and New Zealand. Former industry appointments include director, Crawford Productions, finance director AAV, deputy chairman EON-FM, director Cinema Papers, chairman 3CV, chairman 3UZ, member State Film Centre and chairman and CEO of the FilmHouse group of companies.



Part-time Member: Malcolm Long LLB

Appointed 10 August 2000 for three years, reappointed to 9 August 2007. Mr Long's term ceased on 30 June 2005.

Mr Long has extensive experience in the national and international broadcasting scene. He is Director of the Australian Film Television and Radio School.

As Managing Director of SBS from 1993 to 1997, Mr Long was responsible for the services provided by SBS radio and television throughout Australia.

Prior to joining SBS, Mr Long held various production and management positions with the ABC rising to the position of Deputy Managing Director.

He is a Director of Pan TV Ltd which operates the World Movies subscription television channel. Mr Long was President of the Australian Museum (1995–2000) and is a former Chairman of the London-based international Institute of Communications.



Part-time Member: Ian Robertson LLB, BCom

Appointed 23 July 1997 for three years, reappointed to 9 August 2004.

Mr Robertson is the Managing Partner of the Sydney office of law firm Holding Redlich. He practices commercial and intellectual property law with emphasis on the film, television, advertising and publishing industries. Mr Robertson is the chair of Ausfilm, a former director and deputy chair of Film Australia Limited and a former director of Cinemedia (now Film Victoria).



Part-time Member: Jane Marquard BA LLB

Appointed 8 March 2001 for three years, reappointed to March 2008. Ms Marquard's term ceased on 30 June 2005.

Ms Marquard was formerly the Manager, Policy Development for Publishing and Broadcasting Limited, and a council member of the Federation of Australian Commercial Television Stations. She has also worked as Corporate Counsel for the Nine Network and served on a number of industry committees. Ms Marquard has experience in the private and public sectors, as a solicitor for Blake Dawson Waldron Solicitors practising primarily in media and intellectual property law, and for the Director of Public Prosecutions, New South Wales. She has served on the board of the Sydney Festival and as a fellow of the University of Sydney Senate.



Acting Member Giles Tanner LLB

Appointed 15 September 2004 to 30 June 2005.

A lawyer by training, Mr Tanner has worked within the communications portfolio for nearly 20 years, chiefly in broadcasting and communications law and policy. He has also worked for Australia's competition regulator, the Australian Competition and Consumer Commission. For three years until 1997, he led the development and implementation of the ABA's public spectrum planning process for analog broadcasting services. Before that, he was a lawyer and investigator for the ABA and its predecessor, the Australian Broadcasting Tribunal. Before Mr Tanner's appointment as Acting Member, he had been general manager of the ABA since 1997.



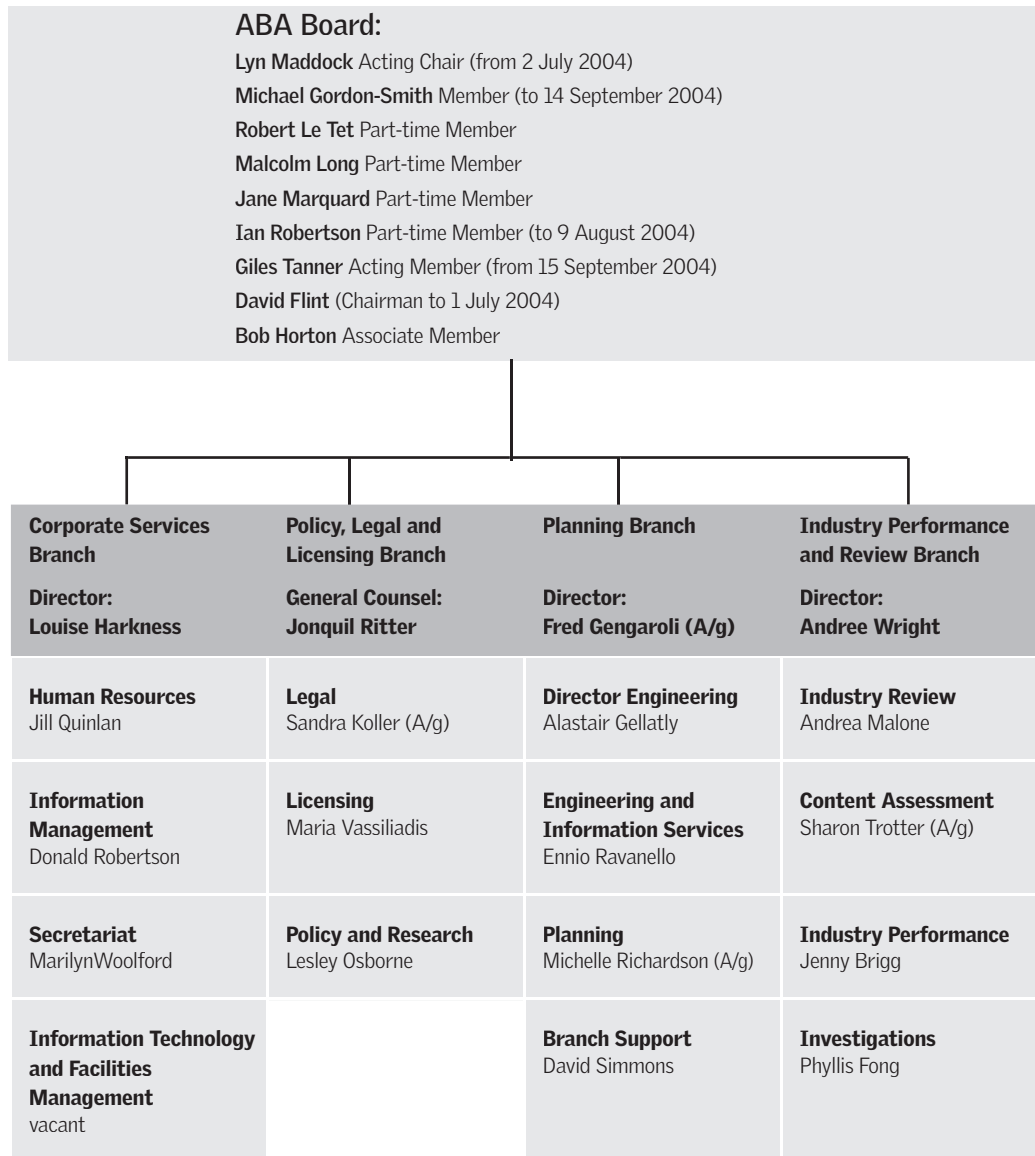
Chairman: David Flint AM LLM, BSc (Ecs) (London), DSU (Paris)

Appointed 5 October 1997 for three years, reappointed to 4 October 2004. Professor Flint resigned from the ABA on 1 July 2004.

Associate member: Robert Horton

Appointed 1 March 1998 for the general purposes of the ABA until 30 June 2000, and reappointed to 30 June 2005. Dr Horton was Acting Chairman of the Australian Communications Authority.

CORPORATE STRUCTURE



As at 30 June 2005

Output

Planned and licensed electronic media

2

Licence area planning and allocation

Goal Increase access to analog radio and television broadcasting services in all areas of Australia

Strategies

<p>Complete television licence area plans and determine licence area plan variations for long term use of spectrum</p>	<ul style="list-style-type: none"> • Completed 25 variations to licence area plans and released 28 draft variations to licence area plans. • Provided customised solutions to black spots, interference and other problems that reduce or adversely affect coverage of analog broadcasting services. • Provided technical and frequency planning support to the Television and Radio Black Spots programs (including the Alternative Technical Solutions component for television black spots). Allocated spectrum and dealt with unanticipated technical and site problems associated with the implementation of analog television services. • Technical specifications for 31 radio black spot areas verified, existing technical specifications for 27 television black spot areas amended or replanned, and planning for 44 radio and television black spot areas completed. • Responded to all reception complaints about analog broadcasting services.
<p>Allocate planned licences in a timely, fair and transparent manner</p>	<ul style="list-style-type: none"> • Allocated one commercial radio broadcasting licence, under section 36, to serve Melbourne. • Allocated one commercial television licence, under section 38B, to serve Mildura/Sunraysia. • Allocated 20 community radio broadcasting licences for services using the broadcasting services bands. By the end of the reporting period, the ABA had allocated 163 licences for new community radio broadcasting services of the 183 made available in licence area plans, and the allocation of another six licences was in train. • Allocated two community television licences, and was engaged in the allocation of a third. • Conducted two allocation exercises leading to the allocation of 39 open narrowcasting licences identified in licence area plans.
<p>Verify and document the current approach and processes used to respond to interference complaints or reports</p>	<ul style="list-style-type: none"> • Maintained records of all complaints and inquiries regarding reception and interference. Handled inquiries and complaints within the timeframes specified in the ABA's service charter.
<p>Review spectrum management methodologies and guidelines to test efficiency of spectrum use</p>	<ul style="list-style-type: none"> • Reviewed the <i>Digital Terrestrial Television Broadcasting Planning Handbook</i>.

Goal Increase access to analog radio and television broadcasting services in all areas of Australia

Advise the Minister and department on potential improvements to access for analog broadcasting services

- Regularly briefed the Minister on the planning and licensing of analog radio and analog and digital television services throughout Australia, including information on the progress of the Black Spots programs.

Licence area plans and variations

In 2004–05 the ABA continued, after consideration of requests, to plan new radio services or replan existing services. The ABA also revised licence area plans for television services.

Final variations to licence area plans— analog radio

New South Wales

Albury—May 2005

In a variation to the licence area plan for Albury the ABA made FM channel capacity available for a new community radio service at Wodonga; increased the power for the 3RN Albury ABC service, made alternate channel capacity together with an increase in power for the 2AAY and 2BDR commercial radio services at Falls Creek; changed the site and increased the power for the 2AAY and 2BDR commercial radio services at Omeo; and combined the licence areas of the Corryong and Walwa/Jingellic community radio services together with additional FM channel capacity for Tumbarumba and Corryong. The ABA also increased the power for the Corryong service.

Bathurst—December 2004

In a variation to the licence area plan for Bathurst the ABA made FM channel capacity available

for a national radio service at Bathurst City, made FM channel capacity available for the 2BS commercial service at Sofala, Burruga and Blayney and increased the antenna height of the 2BXS commercial radio service.

Bega—August 2004

In a variation to the licence area plan for Bega, the ABA made channel capacity available for two national services at Batemans Bay/Moruya and for a new community radio service at Eden. The variation also determined an increase in power for the existing 2EC commercial radio service at Bega.

Bega—February 2005

In a variation to the licence area plan for Bega the ABA authorised a change of site and Effective Radiated Power for community radio service 2BAR and extended its licence area to include Candelo, Bermagui and Tura Beach.

Bourke—October 2004

In a variation to the licence area plan for Bourke the ABA made available FM channel capacity for community service 2CUZ Bourke at Goodooga, Lightning Ridge, Walgett and Weilmoringle, and removed channel capacity for an unallocated open narrowcasting service at Walgett.

Cooma—October 2004

In a variation to the licence area plan for Cooma, the ABA made FM channel capacity available for an open narrowcasting service at Perisher and changed the technical specifications of the 2SKI commercial radio service at Cabramurra.

Inverell—September 2004

In a variation to the licence area plan for Inverell the ABA combined the licence areas of the Deepwater and Glen Innes community radio services and made FM channel capacity previously identified for an independent community radio service in Glen Innes available to the licensee of the Deepwater community radio service.

Murwillumbah—March 2005

In a variation to the licence area plan for Murwillumbah the ABA made FM channel capacity available in Mullumbimby to improve reception of the 2MW Murwillumbah commercial radio service.

Newcastle—April 2005

In a variation to the licence area plan for Newcastle the ABA made FM channel capacity available for five national radio services and commercial radio service 2HD Newcastle at Port Stephens.

Nowra—November 2004

In a variation to the licence area plan for Nowra the ABA made FM channel capacity available for commercial radio service 2ST at St Georges Basin and Kangaroo Valley, and channel capacity available for a new community radio service at Sanctuary Point.

Sydney—August 2004

In a variation to the licence area plan for Sydney, the ABA approved a change in the transmission site and radiation pattern for a Penrith open narrowcasting radio service planned to operate on 1476 kHz in the AM radio band. The new transmission site is at Luddenham, 13 km south east of Penrith.

Wagga Wagga—February 2005

In a variation to the licence area plan for Wagga Wagga the ABA made FM channels available for: commercial service 2WZD at Tumut; commercial service 2WG at Gundagai; a national (ABC) service in the South West Slopes/Eastern Riverina area; and a high power open narrowcasting radio service at Wagga Wagga. The ABA also authorised a power increase for

the community radio service in Tumut and made technical specifications available to allow the existing Wagga Wagga community radio service 2AAA to relocate its transmitter site in the future.

Victoria

Warragul—February 2005

In a variation to the licence area plan for Warragul the ABA made FM channel capacity available for the 3SEA commercial service at Tyers to improve reception in Traralgon and Morwell.

Queensland

Brisbane—November 2004

In a variation to the licence area plan for Brisbane the ABA formalised changes to the technical specifications of commercial AM radio service 4BC Brisbane to allow it to continue to operate with day/night switching—that is, operating its service at a higher power during the day time and switching to a lower power at night.

Cairns—September 2004

In a variation to the licence area plan for Cairns the ABA made FM channel capacity available for the Cairns commercial radio services 4CCA at Redlynch Valley and 4HOT at Little Mulgrave.

Gold Coast—April 2005

In a variation to the licence area plan for the Gold Coast the ABA made changes to the technical specifications of four Gold Coast FM radio services 4MET, 4HTB, 4RHI and 4CAB.

Remote North-East—May 2005

In a decision on a variation to the licence area plan for remote north-east Australia, the ABA decided not to vary the technical specifications for commercial radio services 4RBL and 4BRZ operating from Mount Tamborine, Queensland.

Rockhampton–Gladstone—March 2005

In a variation to the licence area plan for the Rockhampton/Gladstone area the ABA made FM channels available for Rockhampton commercial radio services 4RO, 4RGK and 4ROK at Biloela; Rockhampton commercial radio service 4CC at Agnes Water; and FM channels for future ABC services at both Rockhampton and Gladstone.

Tasmania

Launceston—March 2005

In a variation to the licence area plan for Launceston the ABA decided to provide for AM to FM conversion of commercial radio services 7LA and 7EX, and the ABC Local Radio service. A decision on the availability of a new community radio service is to be reviewed in two years.

FINAL VARIATIONS TO LICENCE AREA PLANS—TELEVISION

New South Wales

Sydney—February 2005

In a variation to the licence area plan for Sydney the ABA changed the technical specifications of the community television service in Sydney to allow the service to operate on UHF channel 31 from Artarmon, with a maximum effective radiated power of 850 kW.

Victoria

Mildura/Sunraysia—September 2004

In a variation to the licence area plan for Mildura/Sunraysia the ABA designated a licence area for a new digital commercial television service and revoked reservation of channel capacity for a national/community television service.

Queensland

Brisbane—May 2005

In a variation to the licence area plan for Brisbane the ABA increased the maximum effective radiated power of the community television service and made channel 57 available for TVQ's analog service at the Sunshine Coast.

South Australia

Adelaide—October 2004

In a variation to the licence area plan for Adelaide the ABA authorised an increase in antenna height and radiated power for the Adelaide community television service.

Western Australia

Remote and Regional WA—December 2004

In a variation to the licence area plan for Remote and Regional WA the ABA removed technical specifications for alternative channels that were made available in the event that three channel 3 services, a channel 5 service and two channel 5A services were cleared. The variation also added, deleted and varied technical specifications of services to reflect the current operating conditions.

Remote Central and Eastern Australia—September 2005

In a decision on a variation to the licence area plan for Remote Central and Eastern Australia the ABA determined that the analog television service operating on channel 5A at Wandoan, Queensland may remain on that channel until the end of the analog/digital simulcast period.

DRAFT VARIATIONS TO LICENCE AREA PLANS—ANALOG RADIO

New South Wales

Albury—September 2004

The ABA proposed to vary the licence area plan for Albury to increase the power of the 3RN national service; modify the technical specifications for the 2AAY and 2BDR commercial services at Omeo and Falls Creek; make channel capacity available for a new community radio service at Wodonga; make channel capacity available for the Walwa/Jingellic community radio service at Tumbarumba and Corryong; and to extend the licence area of the Walwa/Jingellic community radio service.

Albury—December 2004

The ABA's revised draft variation to the licence area plan for Albury proposed extending and combining the licence areas of the Corryong and Walwa/Jingellic community radio services into a single licence area; increasing the operating power of the previous Corryong community radio service to 2 kW; and provided two technical options for the previous Walwa/Jingellic community radio service.

Bathurst—November 2004

The ABA proposed to vary the licence area plan for Bathurst to make FM channel capacity available for a national service at Bathurst City. The ABA also proposed to make FM channel capacity available for the 2BS commercial service at Sofala, Burruga and Blayney and to increase the antenna height of the 2BXS service from 30 m to 45 m.

Bega—November 2004

The ABA proposed to vary the licence area plan for Bega to extend the licence area and increase the maximum effective radiated power of the 2BAR community radio service.

Cooma—July 2004

The ABA proposed to vary the licence area plan for Cooma to make FM channel capacity available for an open narrowcasting service at Perisher and to change the technical specifications of the 2SKI commercial radio service for Cabramurra.

Inverell—August 2004

The ABA proposed to vary the licence area plan for Inverell to combine the licence areas of the existing Deepwater and proposed Glen Innes community radio services, and to make the channel capacity previously made available in Glen Innes available to the licensee of the Deepwater service as an additional transmitter in Glen Innes.

Murwillumbah—December 2004

The ABA proposed to vary the licence area plan for Murwillumbah to make FM channel capacity available at Mullumbimby for the 2MW Murwillumbah commercial radio service.

Newcastle—November 2004

The ABA proposed to vary the licence area plan for Newcastle to make FM channel capacity available for commercial service 2HD Newcastle and five national radio services at Port Stephens.

Nowra—September 2004

The ABA proposed to vary the licence area plan for Nowra to make FM channel capacity available for the commercial radio service 2ST at St Georges Basin and Kangaroo Valley. The ABA also proposed to make channel capacity available

for a new community radio service at Sanctuary Point.

Wagga Wagga—July 2004

The ABA proposed to vary the licence area plan for Wagga Wagga to make FM channel capacity available for a high power national radio service at South West Slopes/Eastern Riverina; to make FM channel capacity available for commercial radio service 2WG at Gundagai; and to make FM channel capacity available for commercial radio service 2WZD at Tumut.

The ABA also proposed a power increase for the available FM community radio service at Tumut and to make FM channel capacity available for an open narrowcasting service at Wagga Wagga.

Wagga Wagga—November 2004

The ABA released a revised draft variation to the licence area plan for Wagga Wagga which proposed to make FM channel capacity available for a high power national radio service at South West Slopes/Eastern Riverina; to make FM channel capacity available for commercial radio service 2WG at Gundagai; to make FM channel capacity available for commercial radio service 2WZD at Tumut; and to make alternate technical specifications with a changed site available to the existing 2AAA Wagga Wagga community radio service. The ABA also proposed a power increase for the available FM community radio service at Tumut and to make FM channel capacity available for an open narrowcasting service at Wagga Wagga.

Wagga Wagga—June 2005

The ABA proposed to vary the licence area plan for Wagga Wagga to make FM channel capacity available to allow community broadcaster 2AAA to improve its service at Wagga Wagga south and Junee, extend its licence area to the townships of Gundagai and Coolamon and provide FM channel capacity for these townships.

Victoria

Warragul—November 2004

The ABA proposed to vary the licence area plan for Warragul to make channel capacity available for the commercial radio service 3SEA Warragul at Traralgon to rectify reception deficiencies in the Traralgon and Morwell areas.

Queensland

Brisbane—September 2004

The ABA proposed to vary the licence area plan for Brisbane to formalise changes to the technical specifications of commercial AM radio service 4BC Brisbane to allow it to continue to operate with day/night switching—that is, operating its service at a higher power during the day time and switching to a lower power at night.

Cairns—July 2004

The ABA proposed to vary the licence area plan for Cairns proposing to make FM channel capacity available for the 4CCA Cairns commercial radio service at Redlynch Valley and Little Mulgrave. The ABA also proposed making FM channel capacity available to the ABC in Cairns and Cairns North for future radio services.

Charleville—June 2005

The ABA proposed to vary the licence area plan for Charleville to make FM channel capacity available for commercial radio service 4VL Charleville at Mitchell Airport to improve coverage of its service in the eastern part of its licence area.

Gold Coast—November 2004

The ABA proposed to vary the licence area plan for the Gold Coast proposing to vary the technical specifications of four Gold Coast FM radio services 4MET, 4HTB, 4RHI and 4CAB.

Remote North-East—December 2004

The ABA proposed to vary the licence area plan for remote north-east Queensland presenting options for variation of the technical specifications of the existing 4RBL and 4BRZ FM commercial radio services operating from Mount Tamborine. The options included modifications to the maximum transmitting power in certain directions, incorporating an increase in the antenna height for the services, or retaining the technical specifications as determined.

Rockhampton—August 2004

The ABA proposed to vary the licence area plan for Rockhampton to make FM channel capacity available for the Rockhampton commercial radio services 4RO, 4RGK and 4ROK at Biloela and 4CC at Agnes Water. The ABA also proposed

making FM channel capacity available for the ABC in Rockhampton and Gladstone for future national radio services.

Rockhampton—November 2004

The ABA released a revised draft variation to the licence area plan for Rockhampton further to the August 2004 draft variation proposing to make FM channel capacity available for the Rockhampton commercial radio services 4RO, 4RGK and 4ROK at Biloela. The revised variation proposed an increase in effective radiated power for these services.

Western Australia

Perth—September 2004

The ABA proposed to vary the licence area plan for Perth to make 1170 kHz on the AM band available for a new open narrowcasting radio service in Perth. The ABA also proposed to modify the technical specifications for existing radio services 6PR, 6RPH, 6NR, 6AR and 6YMS to rectify transmission issues.

Tasmania

Launceston—September 2004

The ABA proposed to vary the licence area plan for Launceston to convert the 7LA commercial radio service from the AM band to the FM band. The ABA also proposed changes to the existing technical specifications for the national JJJ and 7ABCRN services.

Launceston—December 2004

The ABA released a revised draft variation to the licence area plan for Launceston proposing to convert both commercial radio services and the ABC Local Radio service from the AM band to the FM band. The ABA also proposed that it review whether or not an additional community radio service should be made available in Launceston two years after finalisation of the Launceston licence area plan variation.

Scottsdale—May 2005

The ABA proposed to vary the licence area plan for Scottsdale to make FM channel capacity available for community radio service 7BOD Break O'Day to provide its service to the Bicheno region of Tasmania.

DRAFT VARIATIONS TO LICENCE AREA PLANS—TELEVISION

Victoria

Mildura/Sunraysia—July 2004

The ABA proposed to vary the licence area plan for Mildura/Sunraysia to designate a licence area for a new digital commercial television service and to revoke reservation of channel capacity for a national/community television service.

Queensland

Brisbane—March 2005

The ABA proposed to vary the licence area plan for Brisbane to increase the maximum effective radiated power of the community television service and make channel 57 available for TVQ's analog service at the Sunshine Coast.

South Australia

Adelaide—August 2004

The ABA proposed to vary the licence area plan for Adelaide to allow for a change of site and increase in antenna height and power of the available community television service in Adelaide.

Western Australia

Remote and Regional WA—July 2004

The ABA proposed to vary the licence area plan for Remote and Regional Western Australia to remove technical specifications for alternative channels that were made available in the event that three channel 3 services, a channel 5 service and two channel 5A services cleared. In addition, the draft variation proposed to add, delete and vary technical specifications of services to reflect the current operating conditions.

TELEVISION BLACK SPOTS PROGRAM

The ABA assisted the Department of Communications, Information Technology and the Arts in administering the Television Fund, which funds programs to improve television reception, such as the Television Black Spots Program. The aim of this program is to help alleviate television reception problems experienced by communities around Australia.

The program is nearing completion, but in 2004–05 the ABA continued to allocate spectrum and deal with unanticipated technical and site problems associated with the implementation of the services. It issued 16 transmitter licences to coordinating bodies, and revisited 27 areas to accommodate changes required to rectify implementation problems.

During 2004–05, 36 sites and 159 analog television services started under the program. Two hundred and thirty-eight sites have started since the program began.

Alternative Technical Solutions Program

The Australian Government's \$13.3 million Television Black Spots—Alternative Technical Solutions Program was developed to improve television reception in regional areas.

Building on the \$35 million Television Black Spots Program which improves television reception through analog retransmission, this funding supports the development of alternative technical solutions to assist eligible applicants who could not be assisted under the Television Black Spots Program. The Alternative Technical Solutions Program solutions include digital television retransmissions, direct-to-home satellite reception equipment and cabling.

Throughout the reporting period the ABA worked with the Department of Communications, Information Technology and the Arts, which administers the program, to determine solutions for the 32 eligible areas.

In the main, the solution has been to provide direct-to-home satellite equipment approved under the out-of-area provisions of the Broadcasting Services Act. A digital retransmission solution was implemented at Springbrook, Queensland to improve reception in six areas in the Gold Coast southern hinterland.

COMMERCIAL RADIO BLACK SPOTS PROGRAM

In 2004–05 the ABA continued to work closely with the Department of Communications, Information Technology and the Arts and broadcasters to deliver solutions for the Australian Government's Commercial Radio Black Spots Program. The program

was developed to deliver new or improved commercial radio services to regional and remote communities where it has not been viable for commercial licensees to provide coverage. The Department of Communications, Information Technology and the Arts administers the program. The ABA's role in the program was to undertake the frequency planning for new radio services that would cover the black spot areas.

Commercial Radio Australia identified 142 potential black spot areas to be considered for the program.

The program has two stages and during the reporting period the ABA completed planning in 31 black spot areas, and amended or replanned existing technical specifications in 32 black spot areas. Most of the replanning work was generated by changes to identified transmission sites resulting in changes to technical specifications.

DAY/NIGHT SWITCHING FOR AM RADIO SERVICES

The policy to allow medium wave broadcasters to increase the transmitter power of their service during day time and reduce its power at night has provided an impetus to broadcasters, particularly commercial broadcasters, to seek power increases of their transmissions to improve reception of their service.

The day time power increases would not impinge on spectrum productivity but would alleviate existing AM reception problems which have been exacerbated, particularly in metropolitan areas, by increases in man-made noise because of urban sprawl.

During the reporting period, the ABA received three applications for permanent power increases from three commercial radio licensees in Melbourne, Brisbane and Adelaide. At the end of the reporting period, the ABA was assessing these applications.

ANALOG CHANGES

As part of the planning for digital television, changes to some existing analog services have to be made before the new digital services can start. These changes are designed to allow digital television to be introduced with

minimal disruption to services. Regions where consequential changes have proved necessary and have been implemented are Deniliquin and Cowra in New South Wales; Mossman, Glenden and Ravenshoe in Queensland; Warrnambool in Victoria; and Salmon Gums and Esperance in Western Australia. Details of these changes are given in Appendix 3.

Licence allocations

The ABA allocated a number of different licences under the Broadcasting Services Act that authorise the provision of broadcasting services. The ABA also issued licences under the Radiocommunications Act, as a delegate of the Australian Communications Authority, authorising the operation of radiocommunications transmitters for certain broadcasting services.

The ABA allocated licences in the following categories for services planned in licence area plans:

- commercial television and radio broadcasting licences for services using the broadcasting services bands (in accordance with a price-based system determined under section 36, or under sections 38A, 38B or 39 of the Broadcasting Services Act)
- community television and radio broadcasting licences for services using the broadcasting services bands (under section 84 of the Broadcasting Services Act)
- transmitter licences for open narrowcasting radio services using high-powered frequencies within the broadcasting services bands (under the Radiocommunications Act)
- transmitter licences for national broadcasting services (under the Radiocommunications Act).

The ABA also allocated licences in the following categories for other broadcasting services using the broadcasting services bands:

- temporary community broadcasting licences (under section 92B of the Broadcasting Services Act)
- transmitter licences for the community television trial, special events, test transmissions and retransmission of broadcasting services (under the Radiocommunications Act).

Other licences allocated by the ABA for broadcasting services include:

- international broadcasting licences (under section 121FE of the Broadcasting Services Act)
- commercial television and radio broadcasting licences for services that do not use the broadcasting services bands (under section 40 of the Broadcasting Services Act)
- subscription television broadcasting licences (under section 96 of the Broadcasting Services Act).

See Chapter 4 for information about allocation of these licences.

Open narrowcasting radio and television services, subscription radio broadcasting services and subscription narrowcasting radio and television services do not require individual licences under the Broadcasting Services Act. They are provided under class licences determined by the ABA under section 117 of the Broadcasting Services Act.

COMMERCIAL TELEVISION BROADCASTING LICENCES

The Broadcasting Services Act provides that no new commercial television broadcasting licences are to be allocated before 31 December 2006 except in particular markets as outlined below.

The ABA had the power, under section 38A of the Broadcasting Services Act, to allocate additional commercial television licences to

licensees in markets with only one commercial television licence. An applicant for an additional licence must be the same company as the licensee of the existing service, and the allocation fee was \$12,000. The ABA did not allocate any of these commercial television broadcasting licences in the reporting year.

The ABA also had the power, under section 38B of the Act, to allocate additional commercial television broadcasting licences in markets with only two commercial television broadcasting licences. The additional commercial television service may only be provided in digital mode. Existing licensees may apply for a licence either separately or as a joint-venture company. If the ABA received applications from both of the existing licensees, it was required to allocate the licence under a price-based allocation system which it had determined. If there was only one application from a joint-venture company or one of the existing licensees, the ABA was required to allocate the additional licence to that company or licensee, for a fee of \$12,000.

On 27 January 2005, the ABA allocated an additional commercial television broadcasting licence to Mildura Digital Television Pty Ltd, a joint-venture company, to serve the Mildura/Sunraysia licence area (see Table 3, page 18).

Renewals

The ABA renewed seven commercial television broadcasting licences during the year.

Table 2 Number of licences on issue*

	30 June 2004	30 June 2005
Commercial television licences	53	54
Community television licences	2	4
Commercial radio licences (including 13 non-broadcasting services bands services)	273**	274
Community radio licences	339**	359
Remote Aboriginal community television licences	80	80
Open narrowcasting services planned in licence area plans	207	209
Datacasting licences	25	25
International broadcasting licences	10	10

* The number of licences on issue does not necessarily reflect number of services operating, as some licences have been issued but a service is yet to commence.

** This differs from the figure reported in the annual report for 2003–04 which was based on inaccurate data.

COMMERCIAL RADIO BROADCASTING LICENCES

The ABA allocated new commercial radio broadcasting licences for services using the broadcasting services bands in accordance with a price-based system determined under section 36 of the Broadcasting Services Act. The system is set out in the *Commercial Broadcasting Licences Allocation Determination No. 1 of 1998*.

In 2004–05, one commercial radio broadcasting licence was allocated under the price-based allocation system. The ABA conducted a licence allocation exercise for a commercial radio broadcasting licence to serve Melbourne on 12 August 2004, and allocated the licence on 7 October 2004 (see Table 4).

Renewals

The ABA renewed 50 commercial radio licences for services using the broadcasting services bands during the reporting period.

COMMUNITY TELEVISION BROADCASTING SERVICES

The ABA allocated community television broadcasting licences for services using the broadcasting services bands under Part 6 of the Broadcasting Services Act, making decisions on the basis of the merits of the applicants and their proposed services and, if necessary, on the comparative merits of competing applicants.

The ABA advertised for applications for permanent community television broadcasting licences in Brisbane, Melbourne, Perth and Sydney on 17 February 2003, and received three applications for the Brisbane licence, two for Melbourne, five for Perth and six for Sydney. The licences for Sydney and Perth were allocated in 2003–04.

Melbourne and Brisbane

The ABA allocated community television licences for Brisbane on 15 July 2004 and Melbourne on 29 July 2004 (see Table 5).

Adelaide

On 15 October 2004, the ABA invited applications for a permanent community television licence in Adelaide. The ABA received two applications for the licence. The assessment

Table 3 Commercial television licence allocated, under section 38B

Location	Channel	Licensee	Price paid	Date allocated
Victoria				
Mildura/Sunraysia	33	Mildura Digital Television Pty Ltd	\$12,000	27/01/2005

Table 4 Commercial radio licence allocated, under section 36

Location	Frequency	Licensee	Price paid	Date allocated
Victoria				
Melbourne	91.5 MHz	Daily Mail (UK Radio 3) Pty Ltd	\$52m	7/10/2004

Table 5 Community television licences allocated

General area served	Applications sought	Decision date	Frequency	Licensee
Victoria				
Melbourne	February 2003	29/07/2004	Ch31	Melbourne Community Television Consortium Ltd
Queensland				
Brisbane	February 2003	15/07/2004	Ch31	Briz31 Limited

of the relative merits of the applicants was continuing at the end of the reporting period.

Lismore

On 26 August 2004, the ABA invited applications for a permanent community television licence in Lismore and received one application, from LINC TV Incorporated. The ABA could not allocate a community television broadcasting licence to an applicant unless it was a company limited by guarantee. As there was no eligible applicant for the allocation of the licence the ABA ended the allocation process on 16 December 2004.

Community television trials

Community television has operated on a trial basis in different parts of Australia since 1994. The vacant sixth television channel (UHF channel 31 in capital cities) was made available for fixed periods for open narrowcasting television services that must be provided for community and educational non-profit purposes.

Adelaide

The ABA issued an apparatus licence in April 2004 to C31 Adelaide Ltd to broadcast in Adelaide for the purposes of the community television trial. On 24 March 2005, the ABA extended the trial for six months, to 4 October 2005.

On 15 October 2004, the ABA invited applications for a permanent community television licence in Adelaide and it is expected that ACMA will consider the allocation in the second half of 2005.

Lismore

On 16 December 2004, the ABA extended the community television trial in Lismore for six months, until 30 June 2005. The ABA undertook to review the capacity of the triallist, LINC TV Incorporated, before 30 June 2005.

On 23 June 2005, the ABA extended the community television trial until 30 June 2006. It was mindful of the recent steps taken by LINC TV to improve its capacity to provide and sustain a community television service, and therefore decided to provide it with an opportunity to further develop its capacity, and increase community support.

Mount Gambier

On 19 November 2004, the ABA invited expressions of interest to operate a community television trial in Mount Gambier, South Australia, for 12 months. The ABA received one expression of interest, from BushVision Incorporated.

On 9 June 2005, the ABA invited BushVision to conduct the community television trial in Mount Gambier, and made spectrum available for 12 months for the purposes of the trial.

LONG-TERM COMMUNITY RADIO BROADCASTING LICENCES

As with community television broadcasting licences, the allocation of community radio broadcasting licences, under Part 6 of the Broadcasting Services Act for services using the broadcasting services bands, is made on the basis of the merits of the applicants and their proposed services and, if necessary, on the comparative merits of competing applicants. The ABA was not obliged to allocate a community broadcasting licence to an applicant even if it advertised for and received applications.

In 2004–05, the ABA allocated 20 community radio broadcasting licences for services using the broadcasting services bands (see Table 6, page 20).

In the period from 5 October 1992 to 30 June 2005, the ABA allocated 163 community radio broadcasting licences under Part 6 of the Broadcasting Services Act for services using the broadcasting services bands.

At the date of this report, there were six community radio broadcasting licences in the allocation process. It is expected that ACMA will allocate nine community licences in its first 12 months.

During the reporting period, the ABA renewed 47 long-term community broadcasting licences. At the end of the reporting period, there were 359 long-term community radio broadcasting licences on issue.

TEMPORARY COMMUNITY BROADCASTING LICENCES

In 2004–05, the ABA allocated 44 temporary community broadcasting licences to 37 aspirant

broadcasters (see Appendix 3). It should be noted that, because of the nature of the scheme, licence periods vary and some aspirants held more than one licence during the reporting period.

The temporary community broadcasting licence scheme enabled the ABA to allocate non-renewable community radio licences to eligible aspirant broadcasters for periods of up to 12 months. The licences were only allocated if channels in the broadcasting services bands were available for transmission.

The scheme gave the ABA considerable flexibility in promoting the efficient and effective use of the spectrum. It also allows

aspirant broadcasters the opportunity to establish and develop a service for their community interest before the merit-based allocation of long-term licences.

OPEN NARROWCASTING RADIO SERVICES

The ABA issued, under delegation from the Australian Communications Authority, transmitter licences to provide open narrowcasting radio services using high-powered frequencies within the broadcasting services bands. The licences must be allocated in

Table 6 Community radio licences allocated

General area served	Applications sought	Decision date	Frequency	Licensee
New South Wales				
Braidwood	10/06/2004	10/11/2004	94.5 MHz	Braidwood FM Inc.
Coonabarabran	10/06/2004	14/12/2004	99.5 MHz	Warrumbungle Regional Radio Inc.
Coonamble	10/06/2004	14/12/2004	91.9 MHz	Coonamble Community Radio Inc.
Dunedoo	26/08/2004	21/10/2004	101.5 MHz	Talbragar Broadcasters Inc.
Eden	9/04/2005	28/04/2005	104.7 MHz	Eden Community Radio Inc.
Gilgandra	10/06/2004	14/12/2004	98.9 MHz	Warrumbungles Community Broadcasting Association Inc.
Gosford	22/03/2004	21/10/2004	94.9 MHz	Gosford Christian Broadcasters Limited
Lismore	23/10/2003	23/09/2004	92.9 MHz	North Coast Radio Inc.
Lithgow	4/06/2004	29/09/2004	90.5 MHz	Lithgow Community Broadcasters Inc.
Murwillumbah	23/10/2003	2/08/2004	101.3 MHz	North Coast Broadcasters Inc.
Tumut	28/05/2004	7/10/2004	96.3 MHz	Montreal Community Theatre Inc.
Victoria				
Latrobe Valley	7/06/2004	12/08/2004	1039 MHz	Gippsland Christian Broadcasters Inc.
Mt Beauty	28/09/2004	16/12/2004	92.5 MHz	Kiewa Valley
Swan Hill	29/06/2004	9/09/2004	99.1 MHz	Swan Hill and District Community FM Inc.
Queensland				
Charleville	22/09/2004	25/02/2005	105.7 MHz	Bidjara Media & Broadcasting Company Ltd
Yarraman	26/08/2004	28/10/2004	99.7 MHz	Yarraman & Districts Historical Society
South Australia				
Cooper Pedy	28/05/2004	5/08/2004	104.5 MHz	Dusty Radio Inc.
Roxby Downs	29/06/2004	14/09/2004	105.5 MHz	105.5 ROXFM Inc.
Tasmania				
George Town	27/08/2004	16/11/2004	95.3 MHz-	Tamar FM (Inc.)
Western Australia				
Cocos Islands	11/05/2005	5/08/2004	96.0 MHz	Voice of the Cocos (Keeling) Islands Inc.

accordance with the price-based system set out in the *Radiocommunications (Issue of Broadcasting (Narrowcasting) Transmitter Licences) Determination No. 1 of 1996*.

The ABA issued 39 licences for open narrowcasting radio services during the reporting period. See Appendix 3 for more information about these licences.

NATIONAL BROADCASTING SERVICES

The ABA issued two transmitter licences for national radio broadcasting services.

RADIO AND TELEVISION RETRANSMISSIONS

During the reporting period, the ABA issued 78 broadcasting retransmission licences.

OUT-OF-AREA RECEPTION

During the reporting period, the ABA approved 1336 applications for direct-to-home out-of-area television reception, including 408 approvals under the Government's Television Black Spots – Alternative Technical Solutions Program.

TEST TRANSMISSIONS

The ABA issued 63 radio and television test transmission licences.

APPARATUS LICENCE VARIATIONS

The ABA varied 123 radio and television apparatus licences.

INTERNATIONAL BROADCASTING LICENCES

The ABA has not allocated an international broadcasting licence since April 2001, when it allocated the first ten.

SPECIAL EVENTS

The ABA issued 83 special event broadcasting licences for radio and 11 for television.

Interference

Digital television has been the primary focus of interference management because of the large number of new digital television services which commenced during the reporting period. See page 22 for more detail about the ABA's interference management scheme for digital television.

When it developed digital channel plans, the ABA identified potential interference risks and, when appropriate, proposes changes to the analog services affected. Analog services that experienced significant changes during the reporting period are listed in Appendix 3.

The primary responsibility for resolving interference rests with the broadcaster of a newly introduced service. The ABA considered that the definition of unacceptable interference needed to be consistent with the current planning model, for it would be unreasonable to expect broadcasters to correct interference problems when signal levels are not afforded protection by the planning model. Similarly, the definition of interference should not permit greater levels of interference than are permitted by the planning model. The planning model did not protect reception of weak or inadequate signals, and was based on viewers having suitable outdoor antennas directed at a transmission site to receive one set of services.

Viewers or broadcasters experiencing interference from digital services should contact their digital service provider so the problem can be remedied. Complaints about ongoing interference should go to Free TV Australia (www.freetvaust.com.au) or to ACMA.

INTERFERENCE MANAGEMENT

The Digital Television Interference Management Scheme outlines digital licensees' responsibilities regarding interference to analog television transmissions caused by digital transmissions. It is designed to protect a viewer's analog television service and to ensure that, if interference does occur, the problem is resolved as quickly as possible. After extensive consultation with groups representing industry and consumers, the ABA determined the scheme on 21 December 2000.

As part of the scheme, an interference hotline gives viewers advice on and assistance with channel and co-channel interference, particularly with interference to video-cassette recorders and poor reception of analog services.

The success of this program was demonstrated by its continued use in 2004–05 in areas such as Mt Tamborine on the Gold Coast where access to the call centre managed by Free TV Australia rectified interference problems that some viewers experienced when digital services started.

The ABA also provided regular briefings to the Minister on important issues emerging from the introduction of digital television and broadcasting planning generally. These include progress in the planning for digital repeaters in regional areas of Australia; the implementation of statutory requirements for broadcasters' digital services to achieve equivalent coverage with their analog services; the introduction of digital services in remote areas; and a range of longer-term planning tasks such as the introduction of digital radio.

SPECTRUM MANAGEMENT

The ABA recognised the importance of ensuring its spectrum planning practices and guidelines were implemented efficiently and were consistent with current international planning practice.

It therefore had a program of review of planning practices, including technical assumptions and parameter values, used in planning analog and digital broadcasting services.

In the reporting period, the ABA finalised a review of the *Digital Terrestrial Television Broadcasting Planning Handbook*. This handbook explains the technical assumptions and planning processes in the preparation of digital channel plans under the commercial and national television conversion schemes. The review was undertaken in consultation with television broadcasting licensees, broadcast industry representative bodies, infrastructure providers and other organisations from the broadcasting sector, and the public.

The ABA initiated a wide-ranging review of technical planning parameters and methods associated with planning analog broadcasting services.

Advice to the Minister and the Department

The ABA met regularly with representatives of the Department of Communications, Information Technology and the Arts to discuss developments in broadcasting planning and progress on programs administered jointly, such as the Television Black Spots Program and the Commercial Radio Black Spots Program.

3

Digital broadcasting

Goal Facilitate roll-out of digital television broadcasting services by national and commercial television broadcasters

Strategies

<p>Complete digital channel plans that identify channels available for conversion and maximise the opportunity for other services to use the unallocated spectrum during the analog/digital simulcast period</p>	<ul style="list-style-type: none"> • Completed variations to the digital channel plans for Mildura/Sunraysia, Gippsland and south west areas of regional Victoria, and mid-north coast area of regional Queensland. • Completed digital channel plan variations (draft and final) for Brisbane, north eastern area of Victoria, south coast area of New South Wales, north western area of regional Tasmania, Rockhampton and Wide Bay areas, far north coast and the south eastern areas in regional Queensland. Prepared a draft variation to the digital channel plan for regional South Australia. • Made spectrum available for The Bridge Networks to conduct a 12-month trial in Sydney of a mobile digital television system known as DVB-H.
<p>Assess implementation plans for digital television services to ensure they are achieving the objects of the legislation</p>	<ul style="list-style-type: none"> • Assessed the majority of implementation plans for digital television services within six weeks of receipt, and the remainder in less than three months. • Advised the Minister for Communications, Information Technology and the Arts and her department on issues relating to uses of digital technology to improve access to and diversity of digital broadcasting services. • Briefed the Minister every three months on developments in digital technology and the rollout of digital television across Australia. Held monthly meetings with her department. • Continued liaison with Free TV Australia and other broadcasters and industry bodies to ensure that audiences are aware of the commencement of digital television services in their particular region and the possible implications of those start ups.
<p>Promote efficient use of the spectrum by testing the extent and impact of the coverage of digital services</p>	<ul style="list-style-type: none"> • Conducted digital television field surveys in New South Wales for the Central Tablelands services, the Central Coast services (including measurements of transmissions from Bouddi, Gosford, Newcastle, Sydney and Wyong), the Wollongong (Brokers Nose) services, the Griffith/MIA services and the Bowral/Mittagong services.

Digital television planning

Digital television services started in many Australian markets in the reporting period. The ABA prepared digital channel plans allotting channels for digital television conversion. These plans enable broadcasters to plan digital transmission coverage to match existing analog coverage. The ABA continued to develop digital channel plans in accordance with the broadcasters' roll out plans.

By 30 June 2005, 526 digital transmitters had commenced covering all metropolitan markets, a number of major regional centres and some remote areas. Digital Broadcasting Australia estimates that at 30 March 2005 more than 777,000 digital receivers were in use, and 20,000 of these were integrated television sets.

For details of areas where digital transmitters were licensed in 2004–05, see Appendix 3.

FINAL DIGITAL CHANNEL PLAN VARIATIONS

New South Wales

Regional NSW (south coast)—December 2004

The ABA made changes to the technical specifications for commercial digital television repeater services at Ulladulla and Batemans Bay/Moruya on the South Coast of New South Wales.

Victoria

Regional Victoria (Gippsland and south west)—July 2004

The ABA allotted channels at Bairnsdale, Bruthen, Cann River, Churchill, Foster, Genoa, Lakes Entrance, Mallacoota, Nowa Nowa and Orbost in Gippsland, and Apollo Bay, Casterton, Colac, Coleraine, Halls Gap, Lorne, Portland, Warrnambool and Warrnambool City.

Regional Victoria (north east)—August 2004

The ABA allotted channels at Albury North, Bright, Corryong, Khancoban, Kiewa, Kiewa Valley, Myrtleford, Tawonga South, Walwa/Jingellic and Yackandandah.

Queensland

Brisbane—December 2004

The ABA allotted channels for digital television repeater services at Boonah and Esk in the Brisbane licence area and Bell, Goondiwindi, Miles, Murgon, Tara, Texas and Warwick in regional Queensland.

Regional Queensland (mid north coast)—July 2004

The ABA allotted channels for digital television repeater services at Airlie Beach, Ayr, Bowen, Bowen Town, Charters Towers, Collinsvale, Proserpine, Shute Harbour and Stuart. The ABA also varied the allotment of an unassigned channel at Townsville North.

Regional Queensland (far north coast)—October 2004

The ABA allotted channels for digital television repeater services at Atherton, Cardwell, Herberton, Mareeba, Mission Beach, Mossman, Port Douglas, Ravenshoe, Redlynch, Tully and Wangetti in Far North Queensland.

Regional Queensland (Rockhampton and Wide Bay)—August 2004

The ABA allotted channels for Hervey Bay, Miriam Vale/Bororen, Monto, Moura, Rockhampton East, Theodore and Yeppoon.

South Australia

Mildura/Sunraysia—March 2005

The ABA allotted channel UHF channel 33 for the third commercial television service in the Mildura/Sunraysia area of Victoria.

Tasmania

Regional Tasmania—May 2005

The ABA allotted channels for digital television repeater services at Barrington Valley, Burnie, East Devonport, Lileah, Meander, Penguin, Port Sorell, Smithton, Ulverstone, Waratah and Wynyard in the North West region of Tasmania.

DRAFT VARIATIONS TO DIGITAL CHANNEL PLANS

New South Wales

Regional NSW—October 2004

The draft variation proposed changes to the allotment and technical specifications of digital channels for digital television repeater services at Ulladulla and Batemans Bay/Moruya on the south coast of New South Wales.

Victoria

Regional Victoria (north east)—July 2004

The draft variation proposed channels for Albury North, Bright, Corryong, Khancoban, Kiewa, Kiewa Valley, Myrtleford, Tawonga South, Walwa/Jingellic and Yackandandah.

Queensland

Brisbane—September 2004

The draft variation proposed channels for digital television repeater services at Boonah, Esk, Linville and Moore in the Brisbane licence area.

Regional Queensland—July 2004

The draft variation proposed channels for Hervey Bay, Miriam Vale/Bororen, Monto, Moura, Rockhampton East, Theodore and Yeppoon.

Regional Queensland (far north coast)—August 2004

The draft variation proposed channels for Atherton, Cardwell, Herberton, Mareeba, Mission Beach, Mossman, Port Douglas, Ravenshoe, Redlynch, Smithfield Heights, Trinity Beach, Tully and Wangetti.

Regional Queensland (south east)—September 2004

The draft variation proposed channels for digital television repeater services at Ballard, Bell, Chinchilla, Goondiwindi, Miles, Murgon, Tara, Texas and Warwick.

South Australia

Mildura/Sunraysia—January 2005

The draft variation proposed UHF channel 33 for the third commercial television service in the Mildura/Sunraysia area of Victoria.

Regional SA—May 2005

The draft variation proposed channels for digital television repeater services at locations in the Riverland, Spencer Gulf and South East regions of South Australia.

Tasmania

Regional Tasmania—May 2005

The draft variation proposed channels for digital television repeater services at Barrington Valley, Burnie, East Devonport, Lileah, Meander, Penguin, Port Sorell, Smithton, Ulverstone, Waratah and Wynyard in the North West region of Tasmania.

Datacasting licences

The ABA did not issue any datacasting licences in the reporting period.

Datacasting licences are available on application, under clause 7 of Schedule 6 to the Broadcasting Services Act. Only Australian companies, national broadcasters, government bodies or a body corporate established under Australian law for a public purpose may apply for a datacasting licence.

The licence authorises the provision of a datacasting service which is defined in the Broadcasting Services Act as a service that delivers content in the form of text, data, speech, music or other sounds or visual images (or in any form or combination of forms) to persons with appropriate reception equipment, and is delivered using the broadcasting services bands. The definition of datacasting is wide enough to include radio and television programs, but the licences are subject to television program genre restrictions and audio content restrictions which are designed to encourage datacasters to provide a range of services that differ from traditional broadcasting services.

Datacasting licences are issued without any entitlement to a transmitter licence under the

Radiocommunications Act to transmit the service. Commercial television and national broadcasters may use spare transmission capacity on their digital transmission channels to transmit datacasting services under, and in accordance with the conditions of, datacasting licences.

Datacasting trials

In November 2003 the ABA issued a scientific apparatus licence to Broadcast Australia to conduct a datacasting trial on UHF channel 35 in Sydney for three years. In November 2004, Broadcast Australia gave the ABA a progress report on the trial, and the ABA subsequently gave the report to the Minister for Communications, Information Technology and the Arts in order to keep the Minister informed. The trial is due to end in October 2006.

IMPLEMENTATION PLANS

In 2004–05, the ABA approved implementation plans for national television services at 130 sites and for commercial television services at 49 sites. The ABA also approved variations to four national implementation plans and to commercial implementation plans for 33 sites. It also issued 142 apparatus licences for digital terrestrial broadcasting.

EXTERNAL ADVICE

The ABA briefed the Minister for Communications, Information Technology and the Arts every quarter on developments in digital technology and the rollout of digital television across Australia. The ABA also held monthly meetings with her department.

DIGITAL RADIO TRIALS

The ABA's policy was to encourage trials of new technologies, such as digital radio, using the broadcasting bands of the radiofrequency spectrum without interference to broadcasting services using those bands.

Digital radio trials using the Eureka 147 system, common in Europe, began in Melbourne in November 2003 (by Broadcast Australia) and in Sydney in December 2003 (by Commercial Radio Australia). The initial period for the trials

was 18 months, and in March 2005, the ABA extended the two trials until May 2006.

The ABA is hopeful that information gathered through the trials will be useful in the development of the Government's digital radio policy. Whether the trials will continue into the longer term will depend on Government decisions about how digital radio is to be introduced into Australia.

SPECTRUM FOR DIGITAL RADIO

The Minister for Communications, Information Technology and the Arts issued the *Digital Radio Spectrum Availability Investigation Direction No.1 of 2004* on 18 December 2004. The direction required the Australian Communications Authority and the ABA to jointly:

- i. investigate the availability of VHF (174–230 MHz) and L-Band (1452–1492 MHz) radio spectrum for digital radio services, including availability in the five major metropolitan markets in Australia and
- ii. provide a report of the investigation to the Minister by 30 September 2005.

The ABA and Australian Communications Authority reported to the Minister on 30 June 2005 (see Chapter 7 for more information about this report).

Consultation

The ABA's consultative inquiry processes provided it with an opportunity to gather information from the broadcasting industry about policy and planning issues relating to the introduction of digital television.

When drafting digital channel plans for regional markets, the ABA regularly consulted the members of the Digital Television Channel Planning Consultative Group.

When determining the digital channel plans, and making amendments to the conversion schemes the ABA has consulted widely in the community, including with:

- broadcasting licensees (commercial, national and community), industry representative bodies and individuals from broadcasting-related industries

- government bodies, including the Australian Communications Authority and the Department of Communications, Information Technology and the Arts
- aspirant datacasters
- members of the public.

The ABA was also an observer to the Consumer and Retailer Education Committee of Digital Broadcasting Australia which consists of representatives from major manufacturers, retailers of consumer equipment, suppliers of industry electronics equipment, and commercial and national broadcasters. Digital Broadcasting Australia was formed to provide information about, and to promote, digital free-to-air television in Australia, product availability and advice on receiver connection/antennae matters.

SPECTRUM EFFICIENCY

In 2004–05, the ABA conducted digital television field surveys of services in the New South Wales areas of Central Tablelands, Central Coast (including measurements of transmissions from Bouddi, Gosford, Newcastle, Sydney and Wyong), Wollongong (Brokers Nose), Griffith/MIA and Bowral/Mittagong.

Together with the Department of Communications, Information Technology and the Arts and broadcasters, the ABA worked with industry on measurement methodologies so that measurements made by broadcasters and the ABA will give consistent results. More digital television field surveys will be conducted in 2005–06.

4

Other broadcasting services

Goal Increase access to electronic media through timely allocation of other broadcasting services

Strategy

Maintain efficient and effective systems for allocation of subscription television and section 40 licences	<ul style="list-style-type: none">• Received and processed two applications for subscription television broadcasting licences.• There were no applications for section 40 licences.
--	--

SUBSCRIPTION TELEVISION BROADCASTING LICENCES

Subscription television broadcasting licences are made available on application under section 96 of the Broadcasting Services Act. Licences are issued on the basis of one service per licence.

The service may be provided using any delivery system such as satellite, cable, MDS (microwave or multi-point distribution system) or other means. The \$1,600 application fee applies to single and multiple licences.

The ABA allocated 21 subscription broadcasting television licences during the reporting period. Between October 1992 and 30 June 2005, the ABA issued 2714 subscription television licences (see Table 7).

NON-BSB COMMERCIAL BROADCASTING LICENCES

During the reporting period the ABA did not allocate or renew any commercial radio broadcasting licences under section 40 of the Broadcasting Services Act.

Licences may be allocated, under section 40, for commercial radio or television broadcasting services that do not use the broadcasting services bands, on application and payment of the \$2,400 fee. The licence does not entitle the licensee to any particular mode of transmission or delivery, and the licence area is designated before the licence is allocated.

There are restrictions on the delivery of commercial radio services provided under section 40, pursuant to transmitter licences authorising the operation of a narrowband area service station at a frequency in the range 1606.5–1705 kHz (MF NAS transmitter licences).

Table 7 Subscription television broadcasting licences allocated

Licensee	Date allocated	Licence identification numbers
TV Plus International Pty Ltd	16/11/2004	2694–2713
Aurora Television Limited	13/01/2005	2714

A condition on all MF NAS transmitter licences prohibits the licensee from operating a narrowband area service station under the licence to provide a commercial broadcasting service unless: the MF NAS transmitter licence was first issued before 6 November 2002 or renewed on or after 6 November 2002; the service is provided under a licence which was allocated under section 40 of the Broadcasting Services Act before 6 November 2002; the service was provided by 6 November 2003; and the station is within 10 km of its location on 6 November 2002.

This condition is set out in the *Australian Communication (MF NAS Transmitter licences) Direction No 1 of 2002* and *Communication (MF NAS Transmitter licences) Direction No 1 of 2003*.

Output

Managed performance and review of electronic media

5

Co-regulatory framework providing community safeguards

Goal Maintain co-regulatory frameworks that provide adequate community safeguards

Strategies

<p>Systematic review of existing codes and standards to ensure continuing relevance of codes and provision of adequate community safeguards</p>	<ul style="list-style-type: none"> Internet Industry Association revised its internet content codes of practice to address matters identified in the Government’s report on the operation of the co-regulatory scheme and to introduce interim safeguards for mobile content pending development of a permanent regulatory framework. The ABA registered the codes on 26 May 2005.
<p>Educate community to enhance effectiveness of co-regulatory frameworks</p>	<ul style="list-style-type: none"> Successfully partnered with police and education authorities in coordinating the ABA’s ongoing Net Detectives program. Released two new Cybersmart Kids internet safety brochures <i>Cybersmart Guide</i> and <i>How to be Phone Smart</i>. Large-scale distribution of <i>Cybersmart</i> brochures through NSW education network, in association with the roll-out of internet access to all New South Wales primary, secondary and TAFE students.

Codes of practice

Under section 123 of the Broadcasting Services Act, representative industry groups have developed codes of practice in consultation with the ABA, taking account of any relevant research conducted by the ABA. Once implemented, the ABA monitored these codes and dealt with unresolved complaints made under these codes. ACMA will continue this role of the ABA.

The ABA included a code in the register of codes of practice only if it was satisfied that it provided appropriate community safeguards for the matters covered, it was 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. Codes developed by the national broadcasters, ABC and SBS, were notified to the ABA but not registered.

The following codes were registered with the ABA as at 30 June 2005:

- Commercial Television Industry Code of Practice
- Commercial Radio Codes of Practice
- Community Radio Broadcasting Code of Practice
- Community Television Code of Practice
- Subscription Television Broadcasting Codes 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
- Codes for industry co-regulation in the areas of internet and mobile content.
- Code for industry co-regulation in the area of Internet Gambling Content.

BROADCASTING CODES

Commercial television codes of practice

The ABA registered a revised code for the commercial television industry on 1 July 2004. The code was developed by Free TV Australia, in consultation with the ABA.

The revisions cover: new rules for the classification of content, depictions of violence on television, privacy and disclosure of commercial arrangements in factual programming; complaints handling; procedures for the broadcast of emergency information; and loudness of advertisements.

Commercial radio codes of practice

Commercial Radio Australia reviewed its codes of practice and the ABA registered the revised codes on 23 September 2004. In reviewing the codes, Commercial Radio Australia consulted with the public and the ABA.

The revisions include: an extended privacy protection to news programs as well as current affairs programs; additional guidelines on the treatment of suicide; requirements for accuracy and the fair representation of viewpoints in news and current affairs programs; rules for program content; Australian content provisions; and complaints handling.

Community radio codes of practice

The Community Broadcasting Association of Australia Code of Practice has been in place since 24 October 2002 and will be reviewed within the next two or three years.

Community television codes of practice

The ABA registered the first code of practice for community television on 23 September 2004. When developing the codes, the Community Broadcasting Association of Australia consulted with the public and the ABA.

Key features of the code include are: provisions to promote ongoing community involvement in the programming and management of community stations; the adoption of the Office of Film and Literature Classification guidelines for program classification; classification time zones to ensure

programming is shown at times most suitable for the likely viewing audience; provisions to protect individuals' privacy; special provisions relating to material dealing with Indigenous people; and a commitment to broadcast the highest practical level of local and Australian program content.

Narrowcast and subscription broadcasting codes

The Australian Subscription Television and Radio Association codes of practice have been in place since 3 July 2003 and are due to be reviewed by July 2006.

INTERNET CODES

Review of the internet content

codes Codes of practice for internet service providers and internet content hosts are registered under Schedule 5 to the Broadcasting Services Act and the *Interactive Gambling Act 2001*. Both Acts specify the matters that must be contained in a code and the requirements for registration of the codes.

During 2004–05, the Internet Industry Association completed a review of its internet content codes of practice registered under the Broadcasting Services Act, and the ABA registered the replacement codes on 26 May 2005. The new codes address matters identified in the Department of Communications, Information Technology and the Arts' *Review of the Operation of Schedule 5 to the Broadcasting Services Act 1992—Report* (May 2004) on the operation of the co-regulatory scheme, and also contain interim safeguards for mobile content, pending development of a permanent regulatory framework. Key provisions of the new codes of practice include:

- internet content hosts will not host Usenet newsgroups that have been identified as regularly containing significant amounts of paedophile material (Content Code 1)
- new arrangements for provision of filter software to end users, including a requirement that end users make a choice about filter software when opening an account with an internet service provider (Content Code 3)

- internet service providers must have on their home pages a prominent ‘internet safety button’ that links to an internet safety page containing information about managing children’s access to the internet (Content Code 2) and
- safeguards for mobile phone content prohibiting content that is or would be classified RC or X18+, and restricting access to content classified R18+ or MA to adult customers who ‘opt in’ to these services. These provisions complement the service provider determination made by the Australian Communications Authority on 29 June 2005, providing interim safeguards for mobile phone content pending establishment of a permanent regulatory framework for mobile content.

The codes of practice are to be reviewed by June 2006 to take account of the effect of these proposed changes, as well as developments in access control technologies and any community concerns which arise during this period.

Interactive gambling

The Internet Industry Association interactive gambling code of practice, registered by the ABA on 13 December 2001, covers procedures to be followed by internet service providers in dealing with prohibited interactive gambling content hosted outside Australia. It also outlines the responsibilities of internet service providers in relation to providing subscribers with filter solutions and information. It is expected that the Internet Industry Association will review the code of practice during 2005–06 to ensure its consistency with the revised internet content codes of practice.

In July 2004, the Department of Communications, Information Technology and the Arts published its report on the review of the operation of the Interactive Gambling Act. The review considered:

- the operation of the Interactive Gambling Act
- the growth of interactive gambling services
- the social and commercial impact of interactive gambling services and the Act’s effectiveness in dealing with them and
- technological developments relevant to the regulation of interactive gambling services.

The Department’s report proposed that the scheme continue to operate in its current form, and also suggested that consideration be given to assigning to the ABA formal responsibility for administration of the advertising ban.

Standards

VARIATIONS TO THE AUSTRALIAN CONTENT STANDARD

Clarification

The Australian Content Standard was varied on 4 June 2004, and took effect on 1 July 2004. The three variations were relatively minor amendments designed to clarify the policy intent of the standard.

The first variation, to the definition of ‘independent producer’, was intended to provide a mechanism under which licensees or networks have an incentive to commission programming from the independent production sector. The second variation provides that documentary programs may only be counted towards the quota for Australian first release documentaries if they are broadcast between 6 am and midnight. The third variation allowed the ABA to determine the form and the times by which licensees must provide compliance information to the ABA.

Documentary guidelines

In December 2004, the ABA released guidelines on the type of programming that meets the definition of ‘documentary’ for the purposes of the Australian Content Standard.

‘Documentary’ is defined in the standard as ‘a program that is a creative treatment of actuality other than a news, current affairs, sports coverage, magazine, infotainment or light entertainment program’. Broadcasters must show at least 20 hours of documentary programming per year.

The distinction between documentary and the other factual programming formats referred to in the definition is not always clear. The guidelines clarify what meets the definition of documentary, what categories of programs would be excluded from the definition, what might constitute a ‘creative treatment’, and consider various

programming types against the creative treatment test.

In developing the guidelines, the ABA consulted with television broadcasters, the production industry, and film policy and funding agencies.

The guidelines, *Documentary Guidelines, Interpretation of 'Documentary' for the Australian Content Standard*, are available on the ACMA website.

VARIATION TO THE CHILDREN'S TELEVISION STANDARDS

On 23 June 2004, the ABA made technical variations the Children's Television Standards and consequential amendments to the Australian Content Standard. The varied standards came into effect on 1 July 2005. The ABA sought public comment on the proposed variations before varying the standards.

The variations were relatively minor and were designed to clarify the language of the CTS, ensure that the wording aligns with the policy intent of the CTS and long-established licensee practice, and ensure that the CTS are consistent with the Australian Content Standard. There were no changes to the quotas or the criteria for C (children's) and P (preschool) programs.

COMMERCIAL RADIO STANDARDS

The three commercial radio standards cover accuracy and fairness in news and current affairs, distinguishing advertising from other program material (among other matters) and the disclosure of commercial agreements that influence the content of broadcasts other than news and current affairs.

There were no amendments to, or review of, the standards in 2004–05. The ABA renewed the standards in 2003 for an indefinite period (for more detail see *Australian Broadcasting Authority Annual Report 2002–03* p.49).

Privacy guidelines

Each of the broadcasting industry codes of practice includes privacy provisions which deal with the protection of an individual's privacy. In the codes applying to commercial radio and television, and subscription broadcasting, the privacy provisions relate to news and current affairs programs. In the case of the ABC, SBS and community sector codes, the privacy provisions relate to all programs.

The ABA developed a set of privacy guidelines as an accompaniment to the privacy provisions in the codes of practice. The rationale for the development of the guidelines was the provision of a clear guide for broadcasters and the public outlining the Authority's approach to privacy investigations. The guidelines set out the core privacy principles found in the various codes and cover specific issues including:

- what constitutes private material
- the public activity/private activity distinction
- the privacy position of public figures and
- use of publicly available information.

The new guidelines are the outcome of an earlier ABA scoping study that identified the key concerns about the electronic media's handling of privacy matters. The main conclusions from the study were that the Australian broadcast media performs reasonably well in relation to handling of privacy matters; however, a review of privacy complaints and investigations identified a number of serious privacy breaches. The ABA also found that there is community concern about the media's handling of privacy matters.

There was extensive consultation with broadcasters on the draft guidelines in early 2005 and the ABA approved the final draft in May. ACMA published the new guidelines after the date of this report, and will seek industry cooperation in promoting this initiative as a way of enhancing transparency in this aspect of co-regulation.

Licence conditions imposed on community television licences

On 9 June 2005, the ABA imposed, under section 87A of the Broadcasting Services Act, two additional conditions on all community television broadcasting licences. The conditions relate to the governance and accountability of community television broadcasting licence holders.

The ABA's experience with the holders of community television broadcasting licences and the holders of community television trial licences highlighted governance and accountability issues which could result in difficulties for new licensees if proactive strategies were not adopted.

Of particular importance is monitoring compliance with the section 87A special conditions (about the sale of access to airtime to persons who operate a business for profit or as part of a profit-making enterprise), and also the regulator's need for early warning to the regulator of the likelihood that a service will go into receivership or voluntary administration.

In December 2004, the ABA sought public comment on the conditions it was intending to impose on community television broadcasting licences. It received three submissions, from: the Community Broadcasting Association of Australia representing licensees; the Department of Industry and Resources Western Australia and a member of the general public. The ABA also held discussions with the Community Broadcasting Association of Australia.

In April 2004, after consideration of the submissions and discussions with the CBAA, the ABA amended the proposed conditions. The CBAA was afforded a final opportunity to comment on the revised proposed conditions. The conditions, which are contained in the Broadcasting Service (Additional Conditions – CTV Licence) Determination, are available on ACMA's website, www.acma.gov.au.

Community awareness

Community awareness was a key focus of the ABA's activities under the co-regulatory scheme for internet content. The Broadcasting Services Act required the ABA to provide advice and assistance to parents and responsible adults on children's internet access and to conduct or co-ordinate community education programs about internet content.

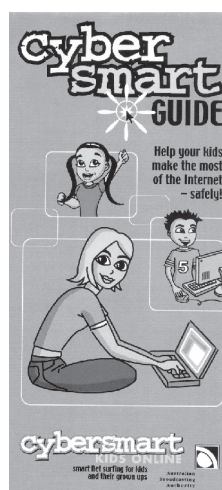
Cybersmart Kids

The ABA's Cybersmart Kids website (www.cybersmartkids.com.au) provides internet safety advice to children, parents and teachers.

During the reporting period, the ABA commenced a review of the site, to update its content and features, including information on emerging internet safety issues. The review is scheduled for completion in the second half of 2005.

The ABA added two new brochures, *Cybersmart Guide* and *How to be Phone Smart*, to its series which consolidates and enhances the internet safety messages on the Cybersmart Kids website. *Cybersmart Guide* contains a range of internet safety tips, including advice on using filters, staying safe in chat rooms and avoiding spam. The brochure was endorsed by (and co-branded with) state and federal police forces.

How to be Phone Smart was launched to mark the internationally-celebrated 'Safer Internet Day' on 8 February 2005. The brochure provides



mobile phone safety tips for children and parents, acknowledges that new generation mobiles offer access to a wide range of services—internet access, multi-messaging and chat, and provides relevant mobile phone safety tips for children and parents.

Cybersmart Kids brochures continue to be distributed through school, police and community networks. In 2004–05, the ABA distributed 43,000 brochures, while the NSW Department of Education and Training continued its distribution of 210,000 brochures in conjunction with the roll-out of its web services to all students in the New South Wales state school system. To date, 939,000 brochures have been issued to the community.

Net Detectives

The ABA continued its roll-out of the Net Detectives activity in Australian schools. The activity uses the medium of the internet to teach children lessons about some of the risks associated with its use, and of ways to minimise those risks. In this ‘whodunnit’, students soon learn, by assuming the role of a teacher investigating bullying at a school, that the bullying has links to the internet, chat rooms and mobile telephones—and that it could have been avoided if some basic safety rules had been followed.

There were two Net Detectives activities conducted during the year. The first activity was held in late November 2004 and was aimed at schools in South Australia. The second

activity was held in Queensland in April 2005 in partnership with the Queensland Police. It was hosted by Sunnybank Hills State School and introduced by the Queensland Minister for Police.

Ten schools (comprising 80 teams of up to five children in each team) participated in ABA’s Net Detectives activities. More activities are planned for 2005–06.

Conferences and forums

The ABA participated in a number of conferences and forums to promote its internet safety messages.

- The ABA joined the NSW Police in participating in the Sydney International Children’s Festival (September 2004). The festival gave ABA staff the opportunity to provide information and advice on internet safety directly to the public.
- ABA Member and General Manager Giles Tanner addressed the 2nd International Policing Conference on safety and security in a hi-tech world (Adelaide, November 2004). Mr Tanner spoke on the topic of ‘Protecting Children on the Internet’. The ABA also addressed parents and teachers at an evening session of the conference.
- The ABA hosted a seminar, ‘Developing Strategies to Keep Children Safe Online’, which was attended by a range of national stakeholders, including state and federal police, NetAlert, and child advocate groups (February 2005). The conference took



Net Detective experts ready for the South Australian activity: from L to R: Sharon Burden, Graham Rodrick, Nada Rogic, Suzanne Shipard, Sharon Trotter, Robert Campbell (ABA), Kate Brooks (Australian High Tech Crime Centre), Jane Marquard (Member, ABA), Catherine Page (ABA), Mary Jane Salier (General Counsel OzEmail), Tania Fernandes and Russel Ng (NSW Police)

advantage of a visit by John Carr (consultant lobbyist and child advocate for UK charities), Chris Atkinson (Internet Watch Foundation Board Director and Member of the UK Home Office Task Force for Child Protection and the Internet) and Annie Mullens (Vodafone International), all experienced child welfare advocates.

- The ABA and the Australian Communications Authority participated in the Sydney Home Show to promote internet safety messages among Australian families (May 2005).

Relationship building

During the reporting period, the ABA devoted significant resources to developing relationships with local agencies and departments with an internet safety focus, including:

- designing, printing and distributing a co-badged ABA/police internet safety brochure for the Australian Hi-Tech Crime Centre to assist in meeting the information needs of the community following Operation Auxin (September 2004)
- establishing a memorandum of understanding with NetAlert Limited to establish a framework for co-operation in areas of shared responsibility (January 2005).
NetAlert is an independent internet safety advisory body, established by the Australian Government in 1999. Under the agreement, the ABA and NetAlert met regularly to exchange information and develop resources to assist and advise the community on internet content, access and safety issues

- establishing cooperative arrangements with the Australian Federal Police on cooperative arrangements for online child pornography and child abuse material which comes to the attention of the Australian Federal Police following the inclusion of new offences under the *Criminal Code Act 1995* (March 2005). The arrangements acknowledge the complementary administrative and enforcement measures available to the Australian Federal Police and the ABA in this area. In the period since March 2005, the Australian Federal Police and the ABA regularly discussed operational and technical issues arising under the new arrangements
- discussing opportunities with the New South Wales Department of Education and Training to for greater cooperation and for pursuing joint initiatives in internet safety awareness (June 2005).

C and P programs classified

During 2004–05, the ABA assessed 67 programs (or series of programs) and granted classification to 50 of them. This compares with 69 programs assessed and 56 programs granted classification in the previous year (see Table 8).

There has been a gradual increase in the number of applications submitted for C and P classification over the past five years, as well an increase in programs submitted for classification which have complex subject matter. This was particularly the case in 2004–05, when many programs required additional assessment by specialist consultants.

Table 8 C and P program classifications

	2003–04		2004–05	
	Applications granted classification	Applications refused classification*	Applications granted classification	Applications refused classification*
C	11	5	11	16
C Drama	23	5	19	0
Provisional C	14	2	16	1
Provisional P	1	0	1	0
P	7	1	3	0
Total	56	13	50	17

* These programs failed to satisfy the criteria in the Childrens Television Standards

C – Children’s program, P – Preschool program

At the end of 2004–05, there were 19 applications for C or P classification awaiting finalisation.

See Appendix 4 for the list of children’s television consultants and programs granted C or P classification.

Categories of broadcasting services

Under section 21 of the Broadcasting Services Act, a person who is providing or who proposes to provide a broadcasting service could apply to the ABA for an opinion as to which category or categories of broadcasting service the service falls into.

In the period 1 July 2004 to 30 June 2005, the ABA received three applications, and completed all three opinions within statutory timeframes.

The ABA published in the *Government Notices Gazette*, as required under section 20, copies of the opinions on the services by Unique Radio and Premier Venue Entertainment Pty Ltd, after the services had commenced.

6

Compliance with regulations

Goal Ensure compliance by electronic media with relevant regulations

Strategies

<p>Conduct investigations into complaints and possible breaches of regulations, on a priority basis that addresses matters of substantial public interest quickly</p>	<ul style="list-style-type: none"> • Of the investigations completed within the reporting period, the ABA completed: <ul style="list-style-type: none"> • 75 per cent of priority investigations within six months and • 61 per cent of non-priority investigations within three months • No major investigations were conducted into breaches of the ownership and control limits under the Act.
<p>Liaison with international bodies to enhance effectiveness of investigations</p>	<ul style="list-style-type: none"> • Ability to undertake investigations enhanced by full membership of Internet Hotline Providers Association (INHOPE) and chairing of INHOPE working groups on mobile telecommunications and content issues. • All ABA referrals of overseas-hosted online material accepted by international hotlines.
<p>Conduct a targeted compliance monitoring program to enhance compliance with rules concerning:</p> <ul style="list-style-type: none"> • Australian content on commercial free-to-air television • children’s programming on commercial free-to-air television. 	<ul style="list-style-type: none"> • All licensees met the compliance requirements for Australian and children’s content for the year.

Investigations

Procedures, rules and regulations

Complaints 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 could make a complaint to the ABA (and now ACMA) about the matter.

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

If the ABA received a complaint about a possible breach of the Act or of a licence condition it was required to investigate the complaint. It could also, under section 170 of the Act, initiate investigations.

The ABA had a range of sanctions available to it in the event of a breach by a broadcaster.

For breaches of the Act or a licence condition, the ABA could issue a notice requiring the broadcaster to take action to remedy the breach,

Summary of investigations

Table 9 Investigations

	2003–04	2004–05
Investigations started	137	132
Investigations completed	106	153

Table 10 Number of investigations finding a breach, by type of breach

	2003–04	2004–05
Code of practice	19	48
Licence condition	7	7
Broadcasting Services Act	1	1
Code of practice & licence condition	–	3
Total	27	59

Table 11 Number of investigations finding a breach, by type of breach and type of service

	2003–04	2004–05
Code		
Commercial television	11	30
Commercial radio	4	5
Community radio	3	3
SBS TV	–	2
ABC TV	1	5
ABC radio	–	2
Subscription narrowcast television	–	1
Total	19	48
Licence condition		
Commercial television	2	1
Commercial radio	2	1
Community radio	3	5
Total	7	7
Broadcasting Services Act		
Commercial television	–	1
Open narrowcast radio	1	–
Total	1	1
Code and licence condition		
Commercial radio	–	1
Community radio	–	1
Subscription narrowcast television	–	1
Total	0	3

or refer the matter to the Director of Public Prosecutions for possible prosecution, or suspend or cancel the licence. The ABA took no such action during the reporting period.

The ABA focused on ensuring that broadcasters took action so that breaches of a code of practice were rectified and not repeated. If a code was breached the ABA could make compliance with the code a condition of the broadcaster's licence. During the reporting period, the ABA initiated a requirement that the licensees provide a written undertaking to take certain steps to ensure compliance with a licence condition or code that was breached. During the year, the ABA required the licensees of ATN 7, NEN, 2RES, 2CCR and 5AA provide this undertaking.

For a breach of a code of practice by a national broadcasting service (ABC or SBS), the ABA could, by notice in writing, recommend that it take action to comply with the relevant code of practice. This action could include the broadcast or other publication of an apology or retraction. If the national broadcaster did not, within 30 days of the recommendation, take appropriate action, the ABA could give the Minister a written report on the matter, who was required to present the report to each House of Parliament within seven days of receiving it. The ABA took no such action during the reporting period.

MAJOR INVESTIGATIONS

Youth Media Society of Western Australia Inc.

Youth Media Society of Western Australia Inc. (YMS) is the licensee of community radio broadcasting service Groove 101.7 FM Perth, and is licensed to provide a service for the youth of Perth. YMS was allocated its licence in October 2002 and commenced full time operation on 1 March 2003.

In August 2004, the ABA finalised an investigation into YMS that it had commenced in July 2003. The ABA started its investigation after receiving a complaint about YMS's service from DMG Radio Australia, licensee of commercial radio service Nova FM Perth.

Key findings of the investigation included:

- Groove FM was providing a service aimed at a section of the youth community interested

in a particular style of music, rather than the broader youth community it was licensed to serve

- YMS had not encouraged the community to take a direct role in decision making about Groove FM and YMS and
- there were serious financial and administrative irregularities in YMS procedures to the extent that YMS was not run in accordance with basic standards of accountability, transparency and openness.

On 18 November 2004, the ABA decided to impose additional conditions on YMS's licence. The licence conditions were aimed at addressing the problems the ABA found in its investigation and were intended to ensure that YMS:

- provides a range of music and talk programming catering for the interests of the broader Perth youth community
- encourages members of the Perth youth community to participate in the operations and programming of the service and the licensee association and
- addresses the corporate governance issues the ABA identified in its investigation.

The licence conditions were scheduled to commence on 1 January 2005.

On 16 December 2004, YMS filed an application with the Administrative Appeals Tribunal for a review of the ABA's decision to impose additional conditions on its licence. The Administrative Appeals Tribunal is expected to commence the review in late 2005.

FiveAA

On 19 February 2004, the ABA commenced an investigation into the licensee of FiveAA, a commercial radio station in Adelaide, in relation to the commercial arrangements of presenter Leon Byner and compliance with the Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000 (Disclosure Standard) and the Broadcasting Services (Commercial Radio Compliance Program) Standard 2000 (Compliance Standard). The investigation was concluded in September 2004 and the ABA found that FiveAA breached the Disclosure Standard on 12 occasions between 7 October and 18 December 2003, by failing to cause a disclosure announcement to

be broadcast when Mr Byner interviewed his personal sponsors on his program. The ABA found two further breaches of the Disclosure Standard by FiveAA in that it failed to record on its commercial agreements register all the commercial agreements to which Mr Byner was a party, and those that were disclosed did not include full particulars.

In addition, the ABA decided FiveAA breached the Compliance Standard by failing to maintain an effective compliance program and failing to carry out an annual audit.

The ABA accepted undertakings from the licensee that it will report on its newly upgraded compliance regime to the ABA on a quarterly basis for a 12-month period.

Satellite services

On 18 March 2004 the ABA initiated an investigation into adult satellite services broadcasting into Australia from overseas locations, and completed its investigations into Free XTV, Backroom and Sexz.TV in February 2005.

The ABA found that service provider, Canal Europe Audiovisual SA, a Luxembourg-based corporation, breached the class licence conditions and code of practice for subscription narrowcasting television services by broadcasting X classified programs on Free XTV and Backroom. It also found that service provider, Magnetic Enterprises Ltd, a company based in Vanuatu, breached the code of practice for subscription narrowcasting television services, by broadcasting adult programs on Sexz.TV that would be likely to be classified X by the Classification Board.

As all of these services have now ceased broadcasting into Australia, following start of the ABA's investigations, the ABA considered the matters to be concluded.

Al Manar

In October 2003, the ABA commenced an investigation into the broadcast of the Lebanon-based satellite television channel, Al Manar, by subscription narrowcast television licensee, Television & Radio Broadcasting Services Australia Pty Ltd (TARBS).

The ABA considered whether certain material in programs provided by Al Manar was in breach of federal anti-terrorism laws, including material that appeared to solicit funds for organisations linked with terrorism. It concluded that if such material were broadcast with the intent to solicit funds and the broadcaster was reckless as to whether or not the funds would be used for terrorism purposes, it could constitute use of the broadcasting service in the commission of an offence. This would be a breach of the conditions of the subscription narrowcast television class licence, however, intent must be established in order to find a breach.

The ABA found that there was no evidence that TARBS had broadcast the material with the requisite intention. Accordingly, there was no suggestion of a breach of the conditions of the subscription narrowcast television class licence. The ABA considered that this disclosed a deficiency in the rules governing subscription narrowcasters.

The ABA therefore proposed to examine use of its powers to ensure that there are appropriate community safeguards in respect of programming of the type provided on the Al Manar channel. The range of powers available to the ABA in this instance was broad, and included the power to specify an additional condition on class licences and to determine a program standard.

The ABA reviewed a significant amount of Al Manar programming during its investigation, and was concerned that some material was of a type that could breach the provisions of the codes of practice for subscription narrowcast television. The codes state that narrowcasters will present accurate and fair news and current affairs programs and will not broadcast programs that are likely to incite or perpetuate hatred against or gratuitously vilify any person or group on the basis of their ethnicity, nationality, race or religion.

The ABA was also concerned that some broadcasters of services provided under class licences appeared not to be retaining records of relevant matter broadcast (as required by clauses 5(2) and 5(3) of Schedule 2 to the Broadcasting Services Act). The ABA reminded subscription and open narrowcast television services that if they were to broadcast matter relating to

a political subject or current affairs, being matter that is in the form of news, an address, a statement, a commentary or a discussion, they are required to cause a record of the matter to be made and retained in their custody for the periods set out in Schedule 2.

In October 2004, the ABA decided not to finalise the investigation, noting that TARBS had gone into receivership. TARBS ceased to provide the Al Manar service on 5 November 2003. The ABA was aware of media reports that the Al Manar channel was available through satellite broadcaster Globecast Australia. However, Globecast Australia was not providing the service at the time.

INVESTIGATIONS INTO BROADCAST OPERATIONS

Investigations started

The ABA started 132 investigations in the reporting period, 3.2 per cent fewer than the 137 started in 2003–04. There were 684 written complaints, slightly fewer than the 699 received in 2003–04, but 98 more than the 586 received in 2002–03.

Investigations completed

The ABA completed 153 investigations, 44 per cent more than in 2003–04. All statistics refer to the reporting period during which the investigation was completed, not the time the broadcast occurred.

Thirty-nine per cent (59) of the investigations resulted in a breach finding, compared with 25 per cent (27) in the previous year.

Breaches of codes of practice

In 48 of the 59 investigations which found a breach, the breach related to a code of practice. Thirty of these involved commercial television, 19 more than in 2003–04. Accurate presentation of factual matter in current affairs programs was the most frequent cause of a code breach (seven, compared with four in the previous reporting period). In 2004–05, three investigations found a breach of both a code and a licence condition, compared with none in 2003–04.

Five of the 48 code breaches were by commercial radio services, compared to four the

previous year. Four of the five breaches related to complaints handling.

Three of the 48 code breaches were by community radio services, the same as in the previous reporting period. The three breaches were for complaints handling, having written policy and procedures for conflict resolution in place, and establishing programming practices to protect children.

SBS TV was found to have breached the code in two investigations. The breaches related to accuracy, and complaints handling.

Five of the 48 code breaches were by ABC TV, for accuracy in news and current affairs, complaints handling and inappropriate language. The two breach findings by ABC Radio related to inappropriate language, complaints handling and partiality.

There was one breach by a subscription narrowcast television service, for broadcasting X classified material into Australia from an overseas location.

See Tables 9, 10 and 11 on page 42, for more detail of the investigations, and Appendix 5.

Breaches of licence conditions

Seven investigations found a breach of a licence condition: one for a commercial television service; one for a commercial radio service; and five for community radio services. Of the five community radio breaches, three were for broadcasting advertisements, one for community participation and the other for sponsorship announcements exceeding five minutes in an hour. The breach for a commercial radio service was for broadcasting election advertisements; the breach finding for the commercial television service was for the announcement of the required particulars when broadcasting political matter.

Breach of licence condition and code

Three investigations found breaches of both a licence condition and a code. One was by a commercial radio service for failing to retain records and complaints handling; one by a community radio service for failure to respond to a written complaint and broadcasting advertisements; and one for a subscription narrowcast television service for broadcasting X classified material into Australia from an overseas location.

Breaches of the Broadcasting Services Act

There was one breach of the Broadcasting Services Act: a commercial television station had not provided a captioning service for local news broadcast in its licence area since it commenced transmission in digital mode.

No major investigations were conducted into breaches of the ownership and control limits under the Act.

Time taken to complete investigations

In 2004–05 the ABA started 115 investigations and completed 153 investigations, including 56 carried over from 2003–04.

Of the 56 investigations outstanding at the start of the reporting period, four were more than six months old, 19 were between three and six months old and 33 less than three months old.

At the end of the reporting period, there were 37 investigations outstanding—four more than six months old, seven between three and six months old, and 26 less than three months old.

The average time taken to complete an investigation was approximately 14 weeks, two weeks more than the average time taken in the previous reporting period.

Of the investigations completed within the reporting period, the ABA completed:

- 75 per cent of priority investigations within six months (compared to a target of 100 per cent) and
- 61 per cent of non-priority investigations within three months (compared to a target of 75 per cent).

See Appendix 5 for summaries of the investigations.

INVESTIGATIONS INTO INTERNET CONTENT

Complaint handling

The complaints mechanism for prohibited or potentially prohibited internet content operates under Schedule 5 to the Broadcasting Services Act.

During 2004–05, the ABA received 1,145 complaints about internet content: 149 of these were invalid. It completed 814 investigations—43 of these had been carried over from the previous year—and terminated 212 investigations as it was unable to obtain sufficient information for a decision (usually because the content identified by the complaint could not be located). Twenty-three investigations were current at 30 June 2005.

Of the 814 completed investigations, 575 located content that was prohibited or potentially prohibited under the Broadcasting Services Act,

Table 12 Summary of investigations into internet content

	2002–03	2003–04	2004–05
Complaints			
Received	683	1107	1145
Invalid	–	95	148
Investigations			
Completed	516	810	814
Terminated	160	175	212
Number leading to a finding of prohibited or potentially prohibited content	381	548	575
Items prohibited or potentially prohibited	596	708	905
Action taken			
Take-down notices issued	26	7	48
Referrals to makers of Internet software filters	570	701	857

and these located 905 prohibited or potentially prohibited items of internet content ('items actioned'). The number of items actioned exceeds the number of investigations as some investigations encompass multiple items (for example, if a complainant identifies a number of websites in a complaint, or the ABA investigated a number of postings in a newsgroup).

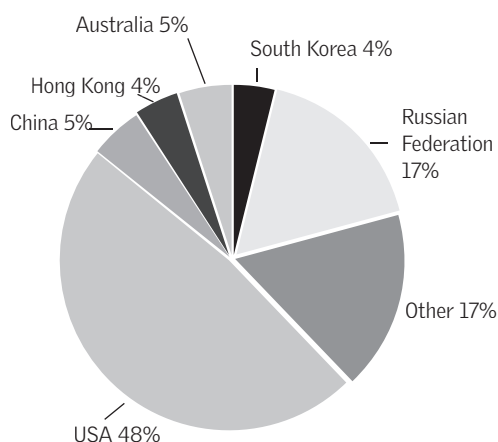
In 2004–05, the ABA issued final take-down notices for 48 items of Australian-hosted prohibited internet content and referred 857 overseas-hosted prohibited or potentially prohibited items to the makers of internet software filters.

Almost 80 per cent of items that were prohibited or potentially prohibited content were, or were likely to be, refused classification: 82 per cent of these were an exploitative or offensive depiction of a child (commonly referred to as child pornography), or were otherwise concerned with paedophile activity.

Tables 12 and 13 summarise the ABA's investigations, and show the breakdown, by content host location and content type, of items actioned as a result of completed investigations in which prohibited content was located.

As shown in Figure 1, the United States of America and the Russian Federation accounted for the majority of prohibited or potentially prohibited content that was found to be hosted outside Australia.

Figure 1 - Prohibited content by host location



Audit: compliance with the internet content code of practice

In August 2004, the ABA audited the internet sites of the ten largest Australian internet service providers to assess their compliance with the consumer information obligations under the Internet Industry Association's internet content codes of practice. The audit found that all but two of the internet service providers were fully compliant with these provisions of the codes. The two internet service providers found not to be fully compliant subsequently advised the ABA

Table 13 Prohibited internet content - Items actioned 2004–05

Content classification and description	Location of internet content host		Total
	Australia	Outside Australia	
R - Sex	1	N/A	1
X - Actual sexual activity	16	182	198
RC - Crime - promotion/instruction	0	1	1
RC - Violence - depiction	0	2	2
RC - Paedophilia - promotion/instruction	2	7	9
RC - Child - depiction	23	551	574
RC - Bestiality - depiction	0	11	11
RC - Sexual violence - depiction	0	30	30
RC - Sexual fetish - depiction	2	11	13
RC - Sexual fantasy - depiction	4	62	66
TOTAL	48	857	905

that they had made changes to their websites to ensure compliance. The audit is available at www.acma.gov.au.

Findings of the audit as suggested that the codes provisions could be strengthened in the areas relating to the currency and prominence of safety information, including information about filter products, information about subscribers' rights to refer complaints about offensive content to the ABA, and the role of the ABA under Schedule 5 to the Act. The revised codes of practice, registered on 26 May 2005, incorporated the ABA's suggestions for strengthening the consumer information provisions.

INVESTIGATIONS INTO INTERACTIVE GAMBLING

The *Interactive Gambling Act 2001* makes it an offence to provide certain types of gambling services to Australians and to advertise such services in Australia. The ABA was responsible, under Part 3 the Interactive Gambling Act, for investigating complaints about alleged prohibited internet gambling content and for registering industry codes of practice dealing with interactive gambling matters.

Complaint handling

In 2004–05, the ABA received four complaints. One investigation located a service hosted outside Australia that was not prohibited, and the other three were terminated due to lack of information.

Liaison

Australian Federal Police

On 11 March 2005, the ABA and the Australian Federal Police agreed to cooperative arrangements for online child pornography and child abuse material brought to the attention of the Australian Federal Police under the *Criminal Code Act 1995*. Changes to the Criminal Code Act require internet service providers and content hosts to refer information about certain child pornography and child abuse material that is accessible on their services to the Australian Federal Police. The ABA agreed to investigate,

under Schedule 5 to the Broadcasting Services Act, certain online child pornography and child abuse complaints referred to the Australian Federal Police by internet service providers and internet content hosts under the Criminal Code Act. The arrangement acknowledged the complementary administrative and enforcement measures available to the Australian Federal Police and the ABA.

Internet Hotline Providers Association (INHOPE)

The Association of Internet Hotline Providers (INHOPE) is partly funded by the European Commission under the hotline component of its Safer Internet Action Plan. INHOPE member hotlines deal with complaints about illegal internet content, mainly child pornography. The ABA has been an associate member of INHOPE since September 2000 and became a full member in May 2004. Members' meetings provide a valuable forum for exchanging information and expertise on investigation techniques, hotline promotion, staff welfare, and other hotline management issues. The ABA was represented at members' meetings in Salzburg in September 2004 and in Amsterdam in January 2005.

The Salzburg meeting focused on technical training to facilitate tracing online child pornography by hotline investigation staff. The meeting also provided the opportunity for the Personal Mobile Devices Working Group, chaired by the ABA's Director, Industry Performance and Review Branch and including representatives of hotlines from the United Kingdom, Italy, Germany, Austria and Korea, to formulate an agreed generic framework for procedures to deal with illegal content accessed on mobile devices.

At the Amsterdam meeting in January 2005, the ABA updated INHOPE members on the findings of a consultancy which provided advice on the technologies and commercial models being used to deliver content to mobile devices. A representative of RIPE NCC, the European body responsible for assigning internet protocol addresses in the region, explained the role of registries and the accuracy of data in registry databases. INHOPE welcomed new hotlines in

Greece and Poland as provisional members of the association.

In June 2005, the ABA's Hotline Manager attended an INHOPE management seminar in Dublin which provided international best practice training in hotline management and the opportunity to share expertise in hotline operational issues. In conjunction with the Dublin meeting, the ABA strengthened its ongoing relationship with the UK hotline, Internet Watch Foundation, at meetings in London. The ABA collaborates closely with the Internet Watch Foundation on internet content regulation matters and through joint INHOPE working group projects.

Other forums

In conjunction with the September 2004 INHOPE meetings, the ABA strengthened its ongoing relationships with internet safety organisations at meetings held in London, including ChildNet International, the International Content Ratings Association and, following the ABA's receipt in early 2004 of the 'WiredKids' *Excellence in Internet Awareness and Education Award* and *Lifetime Child Protector Award*, with WiredSafety. The ABA also strengthened relationships with relevant mobile telephone industry representatives from Vodafone UK and the world-wide mobile telephone association (GSMA) in discussions about the regulation of internet content delivered on mobile devices.

In March 2005, the ABA participated in the Asia-Pacific International Conference on Internet Safety, hosted in Taiwan by I-Link. The conference included presentations and panel sessions which compared a range of international initiatives to address fixed and mobile internet safety issues.

Compliance monitoring

AUSTRALIAN CONTENT STANDARD

The ABA monitored commercial television network licensees' compliance with the Australian content standard by means of its Australian content database. The database contains detailed information provided by the

three commercial television networks (Seven, Nine and Ten) about the programs broadcast by their metropolitan services. The ABA also collected compliance information from regional commercial television licensees.

The Australian content standard requires all commercial television networks to meet the annual minimum transmission quota of 55 per cent Australian programming between 6 am and midnight, including first release and repeat programs. There are specific minimum annual sub-quotas for first release Australian drama, documentary and children's programs, as well as sub-quota requirements for repeat children's programs and Australian preschool programs. In 2004 the annual quota requirements for first-release Australian programs were:

- drama— minimum 250 points (830 points for the three-year period 2002–04)
- documentary—20 hours
- children's (C) programs—130 hours, including 25 hours of Australian children's (C) drama.

In 2004, all commercial network licensees met their Australian content requirements. The three commercial television networks exceeded the minimum 55 per cent transmission requirement: Seven averaged 56.8 per cent, Nine averaged 63 per cent and Ten, 56.3 per cent. See Appendix 4 for a summary of the compliance data.

AUSTRALIAN CONTENT IN ADVERTISING STANDARD

The Australian Content in Advertising Standard requires that at least 80 per cent of advertising broadcast each year by commercial television licensees between 6 am and midnight be Australian-produced advertisements, allowing up to 20 per cent for foreign-produced advertisements.

The three commercial networks reported annually to the ABA on the amount of Australian advertising they broadcast and Commercials Advice Pty Ltd (CAD), wholly owned by Free TV Australia, provided the ABA with the numbers of advertisements it classified as Australian or foreign. The standard regulates advertisements actually broadcast, but the ABA used the CAD information to monitor trends in Australian and foreign content in advertising.

In 2004 the amount of Australian advertising broadcast by the networks averaged well above 80 per cent (see Table 14).

Table 14 Average Australian / foreign content of advertisements, 2004

Network	Australian content	Foreign content
	%	%
Seven	91.8	8.2
Nine	91.3	8.7
Ten	88.5	11.5

CHILDREN’S TELEVISION STANDARDS

Compliance with the Children’s Television Standards (CTS) is a licence condition for all commercial television licensees. The objective of the CTS is to ensure that the child viewer has access to quality children’s programming, including drama and non-drama programs.

The commercial licensees met the minimum quota requirements for children’s programs for 2004: Seven network licensees broadcast an average of 261.4 hours of C classified programs, the Nine network licensees broadcast 264.5 hours and the Ten network licensees broadcast 261.5 hours.

Approximately 59 hours of foreign children’s programs counted towards the C quota of 260 hours—licensees may count foreign C programs towards the C quota requirement.

As in previous years, licensees broadcast more than the required hours of repeat Australian C drama as well as a greater number of hours of repeat Australian non-C drama programs to meet the total C quota, rather than foreign C programs.

Under the CTS, commercial licensees are required to broadcast 390 hours of children’s programming each year: 260 hours of children’s (C) programs; 130 hours of Australian preschool (P) programs; 25 hours of first release and eight hours of repeat Australian C drama programs. They must also broadcast at least 96 hours of first release Australian C drama in each three-year period.

Licensees can only claim ABA classified programs towards the children’s or preschool

program sub-quotas and these programs must be broadcast in specific C and P time bands. The CTS also regulate the type and amount of advertising allowed during the broadcast of children’s programming.

The ABA used its Australian content database and notification regime to monitor the networks’ compliance with the CTS in metropolitan areas, and collected CTS compliance information from the regional commercial television licensees. See Appendix 4 for data for Seven, Nine and Ten network licensees.

SUBSCRIPTION TELEVISION DRAMA EXPENDITURE

New eligible Australian drama

In 2003–04, there were 16 subscription television drama services: Boomerang, The Cartoon Network, Hallmark and Turner Classic Movies channels supplied by pass-through providers; and The Disney Channel, Fox 8, Fox Kids/Classics, Movie Extra, Movie Greats, Movie One, Nickelodeon, Showtime, Showtime 2, Showtime Greats/Encore, TV1 and UKTV supplied by channel providers.

The new eligible drama expenditure scheme for subscription television drama services requires licensees and channel providers who provide subscription television drama services to spend at least ten per cent of their annual total program expenditure on new eligible drama programs.

The Broadcasting Services Act defines a subscription television drama service as a service devoted predominantly to drama programs so that more than 50 per cent of the programming is drama. To be eligible, a drama program must be an Australian or New Zealand production and must not have been televised in Australia or New Zealand on a broadcasting service at any time before the expenditure on the program is incurred.

Compliance

Subscription television drama channel providers and licensees were required to spend \$18.9 million on new eligible programming material in relation to their drama services broadcast in 2003–04. The industry spent \$17.7 million on new Australian drama

programs: \$8.9 million was used to acquit the expenditure shortfall from 2002–03; and \$8.5 million counted towards meeting the ten per cent requirement for 2003–04. As a result, a \$10.4 million shortfall was to be made-up in 2004–05.

The shortfall in expenditure to be made-up in the next financial year does not necessarily equal the difference between the ten per cent requirement and the expenditure nominated toward this requirement. This is because some services spent more than ten per cent of their total program expenditure on new Australian drama programs (so not all the expenditure could be nominated). In 2003–04 one subscription television licensee, TARBS World TV Australia Pty Ltd, failed to provide any expenditure information and went into receivership in July 2004.

Expenditure on new eligible drama programs included direct investment in, and payment of licence fees for, a range of programs including feature films such as *The Oyster Farmer* and *Somersault* and drama series *McLeod's Daughters* and *Love My Way*.

OWNERSHIP AND CONTROL

During the reporting period the ABA did not conduct any investigations into possible breaches of the ownership and control provisions in the Broadcasting Services Act.

Applications for prior approval

Four applications for prior approval of a temporary breach under section 67 of the Broadcasting Services Act were approved by the ABA in 2004–05.

Sections 67 and 68 require that the ABA must either approve or refuse the breach, or grant an extension, within 45 days of receiving the application. Following the transaction for which prior approval has been given, details of approvals, under section 67, and extensions, under section 68, are available to the public through the ABA's Notifications Register.

Notices

Under section 70 of the Broadcasting Services Act, if the ABA is satisfied that a person is in breach of the ownership and control rules, it

may, by notice in writing, direct the person or the licensee to take action so that they are no longer in breach of that provision.

The ABA did not issue any notices under section 70 of the Act during the reporting period.

Breaches of the foreign ownership limits in relation to Seven Network and Network Ten commercial television broadcasting licensees, for which the ABA issued section 70 notices in 2003–04, were rectified during the reporting period. The ABA considered issuing notices in relation to breaches of the foreign ownership limits for commercial television, however these breaches were rectified before enforcement action was taken by the ABA.

Details of notices issued under section 70 of the Broadcasting Services Act are available to the public through the ABA's Notifications Register.

Notification requirements

Annual notifications

Section 62 of the Broadcasting Services Act requires that at the end of each financial year, commercial television and commercial radio licensees provide the ABA with details of:

- persons who are in a position to exercise control of the licence
- directors of the licensee and
- foreign directors of the licensee.

Section 65 of the Broadcasting Services Act requires that, at the end of each financial year, each person who is in a position to exercise control of a commercial television or commercial radio broadcasting licence provide the ABA with details of any company interests held in a newspaper that is associated with the licence area of the licence.

Section 112(6) of the Broadcasting Services Act requires that subscription television broadcasting licensees notify the ABA of foreign persons with company interests exceeding 20 per cent in a subscription television broadcasting licence. This must be done within three months of the end of each financial year.

Notifications of changes in control

The ABA received notifications of changes in control in relation to 109 commercial radio broadcasting licences in 2004–05, and six

notifications in relation to commercial television broadcasting licences.

Under section 63 of the Broadcasting Services Act, each commercial licensee must notify the ABA when a person has come to be, or ceased to be, in a position to exercise control of the licence. The licensee must do this within seven days of becoming aware of the event. Similarly, section 64 of the Broadcasting Services Act requires that a person who has come into the position of control of a commercial licence must notify the ABA within seven days of doing so.

Compliance with notification requirements

The ABA wrote to 12 commercial broadcasting licensees, reminding them of the need to comply with the notification requirements under the Broadcasting Services Act.

The public is kept informed of changes in ownership and control through the Notifications Register.

ANTI-SIPHONING/ANTI-HOARDING

Anti-siphoning

The aim of the anti-siphoning provisions is to prevent subscription television services obtaining exclusive broadcast rights to events, particularly sports events that viewers have been used to seeing on free-to-air television. Section 115 of the Broadcasting Services Act empowers the Minister for Communications, Information Technology and the Arts to list, in a formal notice (the anti-siphoning list), events that should be available to viewers of free-to-air national or commercial television broadcasting services.

The Minister amended the current anti-siphoning list on 11 May 2004 and determined a new list, with effect from 1 January 2006 through to 31 December 2010.

The ABA reported to the Minister about the operation of the anti-siphoning regulations in relation to the removal of events from the anti-siphoning list. The Minister may ‘delist’ an event if no free-to-air broadcaster is interested in acquiring the broadcast rights, thus allowing subscription television broadcasters to acquire the rights.

No events were retained on the anti-siphoning list under section 115(1AA) in 2004. The

anti-siphoning provisions allow the automatic delisting of specified events before they start. Until 2 April 2005, an event automatically delisted 1008 hours (six weeks) before it occurred, but this has since increased to 2016 hours (12 weeks). The Minister may publish a declaration in the *Gazette* preventing automatic delisting and retaining the event on the anti-siphoning list if, ‘at least one commercial television broadcasting licensee or national broadcaster has not had a reasonable opportunity to acquire the right to televise the event concerned’.

Anti-hoarding

There is one event on the anti-hoarding list: the 2006 Federation of International Football Associations World Cup Soccer tournament, including the opening ceremony and closing presentations.

The intention of the anti-hoarding provisions is to ensure that free-to-air broadcasters do not hoard rights to the live coverage of events designated by the Minister. If a free-to-air commercial broadcaster acquires the live rights to a designated event, but does not intend to broadcast the whole or part of an event live, the licensee ‘must offer’ the broadcast rights to one of the national broadcasters, for a nominal charge. The offer must be open from 30 days before the start of the event and must remain open for a minimum of seven days.

The ABA monitored compliance with the anti-hoarding provisions and reported to the Minister as required.

HIGH DEFINITION BROADCASTING REQUIREMENTS

Commercial and national broadcasters are required to broadcast at least 1040 hours of high definition television (HDTV) programs per year (under Schedule 4 to the Broadcasting Services Act). Commercial and national television broadcasting services broadcasting in metropolitan Sydney, Melbourne, Brisbane, Adelaide and Perth have operated under this requirement since 1 July 2003. For other broadcasters, the obligation applies two years after the date on which they are first required to

start broadcasting in standard definition digital mode in an area.

Compliance with the HDTV quota

In 2004, all the nominated metropolitan commercial and national television broadcasters met, and exceeded, their quota requirements (see Table 15 page 54).

The ABC and SBS are permitted to convert their analog or standard definition digital programs to high definition digital programs—SBS has converted all programs on its main channel to a high definition format.

What counts towards the quota?

If only part of a program meets the definition of a high definition television program (defined in clause 37L of Schedule 4 to the Broadcasting Services Act), only that part may count towards the quota. However, insubstantial amounts of non-HDTV archival material broadcast during an HDTV program may be counted towards the HDTV quota. ‘Archival material’ is defined as being any material originally produced before 1 July 2003, unless the Minister determines another date. Under the ABA’s guidelines, no more than 15 per cent of archival material in a program may count towards the quota.

‘Incidental material’ broadcast during an HDTV program may also count towards the HDTV quota. ‘Incidental material’ is defined as advertising or sponsorship, station or program promotion, community information or service announcement, news break or weather bulletin or similar material broadcast during an HDTV program.

Reporting and record keeping requirements

Each broadcaster required to meet the HDTV quota must report bi-annually to the ABA, providing an interim report of the first six months of the calendar year, followed by a consolidated report for the 12 months. Each broadcaster must also keep records relating to HDTV broadcasts for 18 months after the transmission of the program was first reported to the ABA.

COMMERCIAL RADIO DISCLOSURE STANDARD

Licensees generally complied with the notification requirements of the Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000 in 2004. In 2004–05, five licensees notified the ABA, on the approved form, of the existence of, or changes to, relevant commercial agreements between on-air presenters and third parties.

Licence condition—2UE

The ABA imposed a new licence condition on the licensee of 2UE on 6 May 2004 requiring 2UE to engage, at its expense, an approved independent third party to monitor the *John Laws* program for periods nominated by the ABA, and provide a report, including a transcript, to the ABA. This condition was imposed to provide an ongoing incentive to ensure compliance with the disclosure requirements, by enabling the ABA to undertake spot checks on the program. The ABA arranged for the independent third party to monitor two periods of the *John Laws* program: 27 September–1 October 2004, and 21–25 February 2005.

The ABA found no breaches of the Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000 during those periods.

LOCAL CONTENT ON REGIONAL TELEVISION REQUIREMENTS

All affected licensees met their quota requirements for broadcasting minimum amounts of material of local significance (local content). The ABA received compliance reports from all affected licensees for two reporting periods: 1 February–30 June 2004, and 1 July–31 January 2005.

The ABA’s audit of selected licensees’ compliance with the licence during the 12 months from 1 July 2004 will be finalised during the next reporting period.

The local content licence condition came into effect on 1 February 2004. It requires the broadcast of minimum amounts of ‘material of local significance’ or local content: 90 points per week and 720 points per six-week period. Local news broadcasts merit two points per minute and

Table 15 HDTV Quota Compliance 2004

Callsign	Licence area	Total hours of HDTV programs broadcast	Total hours of HDTV programs broadcast in prime viewing hours (6 pm – 10.30 pm)	Total HDTV programs containing archival material	Duration of archival material in HDTV programs (hrs)	Maximum proportion of archival material in any one program (%)
Nine network / affiliates						
TCN	Sydney	1370:35	485:03	0:00	0:00	0
GTV	Melbourne	1349:07	479:02	0:00	0:00	0
QTQ	Brisbane	1361:41	488:56	0:00	0:00	0
NWS	Adelaide	1329:08	438:00	0:00	0:00	0
STW	Perth	1342:41	455:24	0:00	0:00	0
Seven network						
ATN	Sydney	1462:58	583:02	155:12	1:17	3.39
HSV	Melbourne	1448:56	565:58	155:29	1:17	3.39
BTQ	Brisbane	1448:06	574:08	154:40	1:17	3.39
SAS	Adelaide	1458:09	574:32	154:53	1:17	3.39
TWV	Perth	1441:47	570:53	157:50	1:17	3.39
Ten network						
TEN	Sydney	1071:16	259:46	510:45	11:10	10
ATV	Melbourne	1071:16	259:46	510:45	11:10	10
TVQ	Brisbane	1071:16	259:46	510:45	11:10	10
ADS	Adelaide	1071:16	259:46	510:45	11:10	10
NEW	Perth	1071:16	259:46	510:45	11:10	10
ABC Television¹						
ABN	Sydney	1757:42	1425:29			
ABV	Melbourne	1757:42	1425:29			
ABQ	Brisbane	1757:42	1425:29			
ABS	Adelaide	1757:42	1425:29			
ABW	Perth	1757:42	1425:29			
SBS Television¹						
SBS	Sydney	6549:56	1647:00			
SBS	Melbourne	6549:56	1647:00			
SBS	Brisbane	6549:56	1647:00			
SBS	Adelaide	6549:56	1647:00			
SBS	Perth	6549:56	1647:00			

¹ The ABC and SBS are not required to report on archival material in HDTV programs.

other material, excluding paid advertising, one point per minute.

The additional licence condition applies to:

- Seven Queensland, Southern Cross and WIN TV broadcasting in Regional Queensland
- NBN Ltd, Prime Television and Southern Cross broadcasting in Northern New South Wales
- Prime Television, Southern Cross and WIN TV broadcasting in Southern New South Wales and
- Prime Television, Southern Cross and WIN TV broadcasting in Regional Victoria.

- maintained adequate accounting books and records for reporting gross earnings for licence fee purposes
- reported gross earnings fairly and in accordance with the accounting books and records and
- paid the correct amounts in licence fees.

ACMA will continue to monitor compliance with financial reporting and licence fee requirements with a program of desk audits of selected licensees, using a similar methodology to that of the previous audits.

TELEPHONE SEX SERVICES

The intention of Part 9A of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* is to act on concerns that telephone sex services are too easily accessed by children.

Enforcing compliance with the legislation was the responsibility of the Australian Communications Authority, and is now the responsibility of ACMA.

The ABA's role, under section 158F, was to issue evidentiary certificates stating that a specified service is, or was, a telephone sex service. The ABA received no requests from the Australian Communications Authority regarding the issue of evidentiary certificates during the reporting period.

Licensee audits

The ABA collected \$243.1 million in licence fees for 2003–04 from commercial television and radio licensees, which was paid into consolidated revenue. In the last two years, the ABA conducted two audits on a sample of licensees. The audits were conducted in accordance with the Australian Auditing Standard and based on a licensee audit framework developed by Ernst and Young, chartered accountants, in 1999.

In July 2004, the ABA audited six commercial television and four commercial radio licensees in relation to financial information provided for the 2000–01 financial year, following on from its first audit, in 2002, also of six commercial television and four commercial radio licensees for 2000–01. Both audits found that the licensees sampled had:

7

Policy advice

Goal Provide expert policy advice about the effectiveness of electronic media regulation particularly through legislative reviews

Strategies

<p>Review impact of legislation as required to test effectiveness of, in particular –</p> <ul style="list-style-type: none">a) subscription television drama expenditure rulesb) Online content schemec) anti-siphoning and anti-hoarding rules	<ul style="list-style-type: none">• Used research about the community broadcasting radio industry to support decision-making for the renewal of community broadcasting licences.• Commissioned joint research with the Australian Communications Authority and the Department of Communications, Information Technology and The Arts on convergent device content delivery technologies. The research informed the ABA/ACA joint submission to the Government's review of the regulation of content delivered to convergent devices.
---	---

Subscription television drama expenditure rules

The subscription television drama expenditure scheme rules continued unchanged during the reporting period.

In March 2005 the Minister for Communications, Information Technology and the Arts tabled the *Review of Australian and New Zealand Content on Subscription Television Broadcasting Services*, which drew on the ABA's report of its 2003 investigation into the operation of the scheme provided to the Minister in May 2003. The major recommendations of the Minister's report are to: retain the ten per cent yearly spending requirement on new drama; allow limited pre-production expenditure on script development to count towards the requirement; allow spending which was greater than the ten per cent to be carried forward and treated as new expenditure in the following year; and conduct another review of the operation of the new eligible drama expenditure scheme in 2008.

REVIEWS

There was no review of the online content scheme or of anti-siphoning or anti-hoarding rules in the reporting period.

Enforcement powers under the Broadcasting Services Act

In April 2004, the ABA commissioned Professor Ian Ramsay of Melbourne University to assess the effectiveness of the ABA's enforcement powers under the Broadcasting Services Act and to consider whether any reforms were needed to improve their effectiveness.

The ABA decided to commission the report because it was concerned that the remedies available under the Broadcasting Services Act do not, in practice, implement the intention of section 5 of the Act which refers, amongst other things, to Parliament's intention that breaches

of the rules will be dealt with effectively, and that penalties should be proportionate to the seriousness of the breach concerned.

Professor Ramsay completed his report in September 2004 and made a number of recommendations for reform. The ABA provided a copy of the report to the Minister.

Report on AM radio issues

In June 2005, the ABA provided the Minister with a report on current issues affecting commercial AM radio services in Australia. The aim of the report was to provide the Minister with information that will assist in the development of future policy on the use of AM for commercial radio services.

The report examined technical and transmitter site issues, the nature of audiences and the profitability of commercial radio services, and legislative restrictions on the ownership of commercial radio services. The report also considered possible implications for AM radio of the future digitalisation of commercial radio services.

From 1 July 2005, responsibility for monitoring the issues considered in the report will be taken up by ACMA.

Community radio industry data collection

The ABA developed an information system to support decision-making for the renewal of community broadcasting licences. A central component was the CBAOnline survey: a collection of industry data in 2004 by the Community Broadcasting Association of Australia. The survey is an initiative of the Community Broadcasting Foundation and funded by the Australian Government.

The ABA also gave financial assistance to the CBAA for resources, enabling an increase in the survey response rate and sample size. The outcome is an accurate and reliable data source that describes the community radio broadcasting industry.

The results were compiled collaboratively by the CBAA, the Communications Research Unit

(a unit of the Department of Communications, Information Technology and the Arts), and the ABA. The collaboration enabled the provision of aggregated CBAOnline data from the CBAA, an independent analysis of the data by the Communications Research Unit, and a statistical report compiled by the unit for the ABA.

The data provides a comprehensive picture of the community broadcasting sectors and broad industry benchmarks, and covers programming, music genres, program sources, income, expenditure, staffing, volunteers, and subscribers—each broken down by industry sub-sectors and geographic locations.

The results show a substantial industry that receives an annual income of \$46.6 million with considerable diversity of income sources across industry sub-sectors. The industry employs 880 staff, has 20,500 volunteers, and more than 110,000 subscribers around Australia. Music accounted for most of the material broadcast, ranging from three-quarters of broadcast time for general community, religious, Indigenous, and youth services, to a little more than 90 per cent for seniors/mature-age and fine music services. Spoken word programming was the predominant format broadcast by RPH (radio for print-handicapped) and ethnic services. Nationally, 74 per cent of total programming comprised locally-produced content, with the remaining 26 per cent drawn from satellite services.

The Australian Communications and Media Authority released the results in August 2005.

Review of mobile content regulation

On 13 May 2004, the then Minister for Communications, Information Technology and the Arts tabled in Parliament the *Report of the Review of the Operation of Schedule 5 to the Broadcasting Services Act 1992*, and announced that the Department of Communications, Information Technology and the Arts would undertake a further review of the regulation of content delivered to convergent devices, such as mobile phones. The Department published terms of reference and called for submissions for the mobile content review on 15 July 2004.

In light of the overlapping regulatory responsibilities of the ABA and the Australian Communications Authority for mobile content matters and the Government's decision to merge the two agencies, the two Authorities made a joint submission to the review in October 2004. The submission identified a range of regulatory issues likely to arise from the emergence of new content services accessible by mobile devices. In particular, it noted the desirability of ensuring consistent regulation of content across entertainment and communications platforms, including restriction of children's access to content that may be unsuitable for or harmful to them.

To help inform the review, the Department, the ABA and the Australian Communications Authority jointly commissioned Network Strategies Limited to advise on the technologies and business models being employed to deliver content to mobile devices. The consultancy was funded by the Department and the Australian Communications Authority, and managed by the ABA.

The Department intends to publish a report of its review, including the report by Network Strategies Limited, during the second half of 2005. Information about the review and copies of submissions are on the Department's website, www.dcita.gov.au.

8

Current and emerging issues

Goal Advise and inform government, industry and the community about major current and emerging issues affecting electronic media

Strategies

Publish aggregated financial data concerning commercial television and radio broadcasting licensees	<ul style="list-style-type: none">• <i>Broadcasting Financial Results 2003–04</i> was published in May 2005, and continues to be a valuable resource for the financial and broadcasting industries, as well as government.
Enhance ABA expertise by conducting contemporary research and investigations as a basis for informing future policy development to promote accessible, diverse and responsible electronic media	<ul style="list-style-type: none">• Commissioned joint research with NetAlert Limited on internet usage behaviours and attitudes among families with children to inform the development of ongoing internet safety community awareness programs.• Initiated research into the adoption of digital media in Australian homes that will assist with the consideration of digital media policy issues, and contribute to strategies for the adoption of digital free-to-air television.
Maintain international relationships with regulatory bodies and other organisations	<ul style="list-style-type: none">• Participated in a number of international internet safety forums, including INHOPE and the Asia-Pacific International Conference on Internet Safety 2005, and addressed meetings with internet safety bodies including ChildNet International and the International Content Ratings Association.• Information obtained through international associations contributed to continuous review and updating of ABA work practices in the online area.

Financial data

BROADCASTING FINANCIAL RESULTS

In May 2005, the ABA released *Broadcasting Financial Results 2003–04*, reporting aggregated financial results for 272 commercial radio and 53 commercial television broadcasting licensees.

The ABA requested that commercial broadcasting licensees submit details of their financial performance each year, including information on revenue, expenses, profits and assets and liabilities for each of their broadcasting services.

Broadcasting Financial Results is a valuable information resource for financial advisers, market researchers, government and the industry itself.

LICENCE FEES

The ABA collected commercial broadcasting licence fees of \$243.1 million in 2004–05, an increase of 12.5 per cent on the \$216.1 million collected in 2003–04 (see Table 16). The fees are based on revenue earned by commercial television and radio licensees during the 2003–04 financial year. Annual licence fees are calculated as a percentage of licensees' gross earnings for the relevant financial period. To preserve confidentiality, licence fees paid by individual operators are not published.

REGIONAL EQUALISATION PLAN

Regional television licensees claimed rebates of \$23.6 million for 2003–04 under the Regional Equalisation Plan which recognises that regional television licensees face higher per capita costs in converting to digital broadcasting than their metropolitan counterparts. The ABA administered the plan, a disallowable instrument under the Broadcasting Services Act (clause 64(b), Part 11 to Schedule 4).

Contemporary research, investigations for policy development

INTERNET USAGE RESEARCH



In August 2004, the ABA and NetAlert Limited commissioned Nielsen//NetRatings to conduct research on Internet usage in Australian homes. The study built on research commissioned by the ABA in

2001 and focused on the online behaviours and attitudes of families with children aged eight to 13.

The research was conducted over the period September 2004 to March 2005. A final report of the findings, *kidsonline@home*, was released by the Minister for Communications, Information Technology and the Arts on 22 April 2005. These are the major research findings.

- One-third of families surveyed had broadband connections. Broadband access was shown to have a significant impact on the frequency and length of time spent online among family members, particularly children.
- The most popular uses of the Internet for children were for homework/study (88 per cent), games (80 per cent) email (64 per cent) and instant messaging (40 per cent). Communication applications were particularly popular among girls and older children (aged 12–13 years) while entertainment applications such as games websites and music applications were particularly popular among boys and younger children (aged 8–11 years).
- Children’s concerns about the internet differed markedly from those of their parents. The most common concern for children was electronic viruses, hackers and spyware (26 per cent); the issue of greatest concern for parents was their children’s exposure to pornography (40 per cent) followed by communication with strangers online (22 per cent).
- Forty per cent of children reported that they had ‘accidentally found a website their parents would prefer them not to see’—42 per cent of these said the exposure was via a pop-up window. Twenty-three per cent of children reported that they had ‘been contacted or sent messages by people they don’t know’—51 per cent of these said the cause was ‘spam’ emails.
- Parents’ involvement in children’s online activities was high. Seventy-three per cent of parents reported setting rules for website access and 80 per cent for internet activities (for example, instant messaging). Thirty-five per cent of parents reported using filter software to block inappropriate websites on the home computer.
- Parents and children reported high levels of interest in internet safety information about a variety of children’s online safety topics.

Table 16 Licence fees collected

	Number of licences		Total licence fees collected (\$m)	
	2002–03	2003–04	2002–03	2003–04
Commercial radio	265	272	16.3	17.9
Commercial television	48	53	199.8	225.2

Parents expected this information to be provided through different channels, with internet service providers and government expected to play a key role.

- While one-quarter of children aged 8 to 13 made regular use of a mobile telephone, very few children used their mobile for anything other than voice calls and SMS texting. Parents' concerns about children's mobile use related to costs, and not to internet-related concerns such as content or communication issues.

The findings will inform the development and implementation of ACMA's community education strategy to promote awareness of internet safety, particularly among Australian children. The report, as well as information on how to obtain a printed copy, is available at www.acma.gov.au.

RELIGION

In February 2004, the ABA decided, under section 168 of the Broadcasting Services Act, to inform itself about the current status of religious programming on commercial television. This information was to assist the ABA in its consideration of whether to make a determination under clause 7(2)(c) of Schedule 2 to the Broadcasting Services Act, which states:

- (2) Each commercial television broadcasting licence is also subject to the following conditions:

...

- (c) the licensee will broadcast matter of a religious nature during such periods as the ABA determines and, if the ABA so directs, will do so without charge

To assist in its consideration, the ABA decided to gauge community views on the broadcast of religious programs by including questions in a survey, conducted on behalf of the ABA in July and August 2004 by Newspoll Pty Limited.

The ABA also analysed 12 months of ratings data from Oztam Pty Limited which covered all metropolitan areas and some regional centres for the commercial networks and the national broadcasters.

After considering the findings of the survey, the ABA decided that a determination regulating the broadcast of matter of a religious nature

by commercial television licensees was not warranted.

Before 1992, religious programming on commercial television was governed by a Direction, issued under section 103 of the *Broadcasting Act 1942*. Following the introduction of the Broadcasting Services Act, the ABA, the commercial television industry and religious media groups continued informal consultation. As the commercial television industry demonstrated continuing support for religious programming, the ABA considered that the creation of a formal determination was not necessary at that time.

RESEARCH INTO DIGITAL MEDIA IN AUSTRALIAN HOMES

In March 2005, the ABA commissioned community research to examine the uptake and usage of digital media technology in Australian homes, the drivers and inhibitors to the adoption of digital television, and perceptions about digital free-to-air television services.

The major focus of the research is digital terrestrial television broadcasting considered in the context of the adoption of digital media generally (including digital subscription television and broadband internet audio-visual content).

The research methodology consists of a nationally representative telephone survey of approximately 1,150 Australian households. Additional samples will achieve at least 300 adopters of DTTB, 200 adopters of digital subscription television, and 200 broadband internet subscribers. The fieldwork is due to be completed in July 2005. The final report of the results is expected to be presented to the Authority in September 2005 by the research consultant, Eureka Strategic Research.

The research results are expected to:

- contribute to the development of strategies that encourage take-up of digital television, and identify information needs of the community
- provide a resource to government, the public and industry to assist in on-going consideration of digital policy issues (including government reviews such as the

duration of the simulcast period, and HDTV quotas) and

- develop benchmarks as the Australian community starts to take up the new television technology on a broad scale.

INTERNET FILTER SOFTWARE STUDY

In February 2005, NetAlert Limited commissioned RMIT TestLab to test the impact of filter software on network performance in a broadband internet environment, using Telstra's broadband internet facility in Launceston. The study also took into account the accuracy of products tested and examined the relationship between accuracy and performance. The project was funded and managed by NetAlert and the ABA advised on the range of products to be tested and the methodology for testing the accuracy of filters. The report is expected to be finalised in the second half of 2005. More information about the study is available from NetAlert at www.NetAlert.net.au.

SPONSORED TALKBACK

The main regulatory measures dealing with potential commercial influence on talkback radio program content are:

- the Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000 (the Disclosure Standard), which requires the disclosure of commercial agreements between sponsors and presenters of current affairs talkback programs
- the Broadcasting Services (Commercial Radio Advertising) Standard 2000 (the Advertising Standard) which requires a clear distinction between advertisements and program material and
- clause 2.2 (c) of the Commercial Radio Codes of Practice which states that significant viewpoints should be presented within the same program or similar programs, when dealing with controversial issues of public importance.

The ABA's investigation into Telstra's sponsorship of the *Alan Jones* program on Radio 2GB, released in February 2004, found no breaches of the Disclosure Standard, which applies primarily to agreements between

presenters and sponsors, because Mr Jones was not a party to the agreement. The ABA also found no breaches of the 'political matter' provisions of the Broadcasting Services Act or of the Commercial Radio Codes of Practice.

However, in releasing its report, the ABA signalled its intention to review existing measures aimed at achieving a clear distinction between editorial content and advertising material (including 'live reads'), and to assess whether and how commercial arrangements may impact on program material. The ABA suggested that extra safeguards may be required to cover a situation when a controversial issue of public importance is being dealt with, and a major advertiser or sponsor of the licensee has a particular interest in that issue.

During the year under review, the ABA undertook initial research as a prelude to a review of the regulatory measures aimed at achieving accuracy and fairness of talkback current affairs programs on commercial radio. From 1 July 2005, ACMA will be responsible for progressing these issues.

International relationships with regulatory bodies and other organisations

The ABA has actively participated in international forums, such as the meetings in Geneva of the International Telecommunications Union, as well as in international meetings and subsequent working parties.

The ABA was a member of INHOPE.

The ABA decided to postpone its annual conference, last held in June 2004, until after the merger with the Australian Communications Authority. The conference provides an opportunity for international speakers to present information and to be a party to discussions about emerging issues and policy in the Australian broadcasting industry.

See also Appendix 7.

ASIA-PACIFIC BROADCASTING REGULATORY ROUND TABLE

The Regulatory Roundtable meetings of broadcasting regulators from countries in the Asia-Pacific region are held annually, with each meeting being hosted by one of the participating member countries. The meetings provide Asia-Pacific regulators with an opportunity to discuss a range of current and emerging issues such as new technologies and their impact on policy making, content on broadcasting services and promoting the public interest.

The 9th Regulatory Roundtable meeting was held in Seoul in November 2004 and was hosted by the Korean Broadcasting Commission.

The meeting was attended by representatives of regional communications and broadcasting regulators from Australia, Hong Kong, India, Indonesia, Japan, Malaysia, New Zealand, the Republic of Korea, Singapore, Taiwan and the United States. The ABA was represented by ABA Member Jane Marquard and the ABA's General Counsel and Director of Policy, Legal and Licensing Branch, Jonquil Ritter.

A focus of the Seoul meeting was convergence in the digital age. Key themes that emerged from the meeting were:

- whether to regulate new media, such as video streaming on the internet, VoIP and mobile telephony, and if so how
- issues surrounding the unification of broadcasting and telecommunications legislative and regulatory frameworks in the context of convergent technologies
- how best to meet the objectives of regulatory frameworks, such as
 - meeting community expectations and interests
 - encouraging investment opportunity and growth in the telecommunications industry
 - encouraging the take-up of digital technology
 - promoting fair competition
 - protecting children from harmful material.

The meeting also passed a resolution to revive the Working Party on Transborder Satellite Television Broadcasting that had been set up at the 1996 Regulatory Roundtable meeting. The

members of the Working Party are Australia, India, Japan, Republic of Korea and Singapore.

The Working Party is to report to the next Regulatory Roundtable. Preliminary discussions between Working Party members on its report have commenced.

The 10th Regulatory Roundtable meeting will be hosted by Vietnam in November 2005.

9

Internal resources

Goal Improve the internal capability of the ABA to deliver its outputs.

Creation of ACMA

On 11 May 2004 the Minister announced that the Australian Government would merge the ABA and the Australian Communications Authority to create the Australian Communications and Media Authority. ACMA commenced on 1 July 2005.

During the year a substantial proportion of corporate resources were dedicated to preparing both agencies for the merger. With overarching guidance from the Department of Communications, Information Technology and the Arts, the ABA and the Australian Communications Authority collaborated to develop a common corporate infrastructure and align the delivery of corporate services.

Key corporate functions which needed to be operating effectively from the first day of ACMA included communications, financial services, human resource management, and information technology and management. Successful delivery of these functions was ensured through the development of a number of joint agency work programs and projects, allocation of appropriate resources, and ongoing progress reporting to a joint agency management group.

Key achievements during the period included:

- development of a set of interim ACMA terms and conditions of employment
- establishment of effective joint agency employee consultation mechanisms
- implementation of a change management strategy which included the conduct of a joint agency employee survey

- integration of IT networks and security arrangement
- integration, or significant progress towards integration, of a number of information systems including finance, travel, records management and human resources systems and
- development of an ACMA website and intranet.

A strategic skilled workplace

CERTIFIED AGREEMENT

The ABA's fourth Certified Agreement under section 170LJ of the *Workplace Relations Act 1996* was certified on 20 July 2004. The agreement covers the employment arrangements and conditions of work for employees who have not entered into Australian Workplace Agreements. Approximately 100 employees are covered by the agreement, the key features of which are:

- three year agreement
- salary increases of:
 - four per cent from 20 July 2004
 - four per cent from 1 July 2005
 - three per cent from 1 July 2006
- changed personal leave accrual arrangements
- increased access to personal leave for maternity/paternity leave purposes

- introduction of leave provisions for employees who are with the Defence Reserve.

The first pay increase of four per cent was paid from 20 July 2004.

Australian Workplace Agreements (AWAs) are in place for all four Senior Executive Staff (SES) and two Executive Level 2 employees. All previous AWAs expired during 2004–05 and new AWAs issued.

STRATEGIC HUMAN RESOURCE PLAN

Some of the key issues identified in the People Management Plan 2003–06 which was adopted in October 2003 have been addressed. The Statement of ABA Preferred Behaviours was promulgated throughout the organisation, with the aim of embedding those behaviours into all aspects of operations. In relation to Workforce Planning, the ABA reviewed and rationalised all positions at the APS 2 and 3 levels. Other actions foreshadowed in the plan were suspended in light of the proposed merger with the Australian Communications Authority.

WORK LEVEL STANDARDS

The review of ABA work level standards was undertaken and development of new standards was progressed. This work will now contribute to the development of ACMA work level standards.

CONSULTATION

Under the Certified Agreement, the major consultative body in the ABA was a Consultative Forum. The forum dealt mainly with the key strategic and change issues that affected the ABA. The forum comprises management, union and staff representatives, and was chaired by the ABA's Chair (or delegate).

The Consultative Forum met on four occasions during 2004–05. Discussions focused on issues such as the IT refresh, reviews conducted as part of the Workforce Plan, and the proposed merger with the Australian Communications Authority.

A number of approaches were used to involve staff in decision-making and information sharing. These included 'all staff' meetings in Sydney and Canberra with the General Manager, planning sessions, branch and section meetings, focus

groups, 'tune-ups', and the use of the ABA intranet for disseminating information.

In addition, a joint agency consultative forum was established to provide a forum for discussion and consultation between management, employees and their representatives on merger issues. This forum provided guidance on the development of interim terms and conditions of employment for ACMA employees, organisational structure for the first day of ACMA, and the development of the merger change management strategy.

PERFORMANCE AND DEVELOPMENT FRAMEWORK

The Certified Agreement assured the continuation of the Performance and Development Framework which provided the ABA with a key mechanism for work planning, performance review, and identifying important development activities that needed to occur during the period.

The framework was linked to the ABA's planning cycle and facilitated effective communication and formal feedback at mid-cycle reviews and yearly assessments.

The ABA's comprehensive Human Resources Development Plan further enhanced and supported the Performance and Development Framework. Learning and development activities were determined through the twin inputs of needs identified in the business planning cycle and needs identified as corporate priorities in the Human Resources Development Plan.

DEVELOPMENT AND TRAINING

The ABA was committed to: providing opportunities for employees to improve their on-the-job skills; providing opportunities to help increase employees adaptability and mobility; and assisting employees achieve their full potential by supporting learning and development activities.

The Human Resources Development Plan set guiding principles for corporate and individual skill-needs both now and in the future, particularly to help guide decisions about the allocation of resources to learning and development activities.

Of the 106 employees of the ABA, 75 attended training during the year. The ABA's net expenditure for employee training was \$105,567. Development and training activities included training in management and leadership skills, information technology skills, job-specific skills, and attendance at seminars and conferences. ABA 'tune-ups' were also used to pass on leading-edge research and knowledge to others in the agency.

During the year, 11 employees benefited from studies assistance under the provisions of the ABA Studies Assistance Policy and Guidelines, at a cost of \$12,240.25. The employees undertook a variety of courses including tertiary qualifications in specialised fields such as communications, business administration, economics and law.

WORKPLACE DIVERSITY PROGRAM

The ABA Workplace Diversity Program incorporated APS values and the *APS Guidelines on Workplace Diversity* (released in 2001). The program was revised during the year and the ABA Workplace Diversity Program 2004–07 issued. That program was put in place to assist the ABA in its plans to:

- promote the benefits of diversity, for both agency and employees
- develop and implement actions and achieve results towards diversity targets
- adhere to its legal responsibilities as an employer
- increase employee awareness and understanding of workplace diversity issues and encourage employees to recognise the benefits of operating within an inclusive work environment.

The diversity principles aimed at valuing the range and variety of skills, abilities and backgrounds in the workplace and the Australian community at large.

The ABA recognised and valued individual differences and raised awareness of the importance of workplace diversity by:

- including the acknowledgement and acceptance/encouragement of diversity in organisational and individual performance plans
- ensuring that selection criteria for management positions include the ability to integrate workplace diversity principles into everyday management practice
- making information available to new employees in induction material.

The ABA achieved high-quality equity and diversity outcomes by:

- supporting equal access to training and development for all individuals and groups
- ensuring that senior management supported the Workplace Diversity coordinator
- helping employees balance work, study, family life and other caring responsibilities through access to home-based work, part-time work, Flexitime and Flexbank, Studies Assistance, and Personal and Purchased Leave.

The ABA regularly reviewed its employee profile. Profile movements in recent years are shown in Table 17.

Equity in employee selection processes was promoted by training all relevant employees in how to select employees, and by monitoring the effectiveness of the selection guidelines.

Table 17 Employee profile

	30 June 2002		30 June 2003		30 June 2004		30 June 2005	
	Number	%	Number	%	Number	%	Number	%
Women	74	56.48	68	52.71	71	57.25%	56	52.83
Non-English speaking background	24	18.32	23	17.82	25	20.16	23	21.69
Disability	6	4.58	5	3.87	5	4.03	3	2.83
Total	131		129		124		106	

OCCUPATIONAL HEALTH AND SAFETY (OH&S)

It was the policy of the ABA to promote and maintain a high standard of health, safety and well-being for all staff. This was achieved by:

- preventing accidents and ill-health caused by adverse working conditions
- protecting staff, contractors and the public from health hazards which may arise from their work or the conditions in which they work
- locating staff in an occupational environment that maximises health, safety and well-being.

The mechanisms for implementing this policy were in the ABA's Occupational Health and Safety Agreement.

The ABA established two OH&S work groups, one in the Sydney office, the other in the Canberra office. Each group had one OH&S representative and one deputy. Each representative undertook a five-day training course accredited by the Commission for the Safety, Rehabilitation and Compensation of Commonwealth Employees.

The ABA also had an Occupational Health and Safety Committee made up of management representatives, OH&S representatives, and union delegates. During the reporting period the committee met five times.

OH&S and management representatives carried out regular workplace inspections. If a problem was identified, the representatives took action to remedy it and prevent potential hazards. Reports on these inspections were presented at each OH&S Committee meeting.

OH&S information was provided to all new employees through the ABA's electronic employee induction program. Employees were routinely offered training courses in the application of risk management techniques to the tasks they carried out.

Efficient business processes

RECORDS MANAGEMENT

The ABA commenced implementation of electronic record keeping to achieve efficiencies in document searching and sharing. In light of

the merger announcement, further work on this project was postponed. Instead the ABA worked with the Australian Communications Authority to determine which records management system should be adopted by ACMA. Following a cost benefit analysis a decision was made to adopt the Australian Communications Authority's recordkeeping system, and planning for the installation of the new system, the integration of existing data and the redesign of some business processes commenced.

It is envisaged that a fully integrated recordkeeping system will exist for the whole of ACMA by the third quarter of 2005.

STRATEGIC PLANNING

During the reporting year, work was undertaken to achieve all targets within the ABA's planning and reporting framework. Key targets included annual strategic reviews, quarterly budget reviews and quarterly reporting on agency performance against the Corporate Plan.

FINANCIAL MANAGEMENT

The ABA met all of its budgeting and reporting requirements and deadlines as determined by the Department of Finance and Administration and the Australian National Audit Office.

Significant resources were also used to prepare for the creation of ACMA. Key achievements included development of an ACMA financial framework along with financial systems, policies and processes.

The ABA's financial statements for 2004–05 were prepared in accordance with clause 2(1) of Schedule 1 to the *Commonwealth Authorities and Companies Act 1997* and the Finance Minister's Orders. The Australian National Audit Office issued an unqualified audit opinion on the statements and the notes (see Appendix 11).

FACILITIES MANAGEMENT

During the year a number of initiatives were undertaken to improve ABA offices. These included safety upgrades of the electrical switchboards and the implementation of environmentally sustainable copy paper in line with Government Greenhouse Guidelines.

Expert legal services

General Counsel & Legal Section

The General Counsel and the Legal Section provided, or facilitated the provision, of legal advice on the range of activities of the ABA, and undertook and managed litigation when appropriate. The Legal Section also coordinated compliance with the ABA's obligations under the *Freedom of Information Act 1982*, *Privacy Act 1988*, and *Legislative Instruments Act 2003*, provided in-house training on legal issues and implements legal projects.

General Counsel and other legal staff attended regular meetings of the ABA and its various committees, to assist in identifying legal issues arising in the course of discussions.

The ABA encouraged legal studies by providing financial assistance and study leave, and also arranged for legal staff to attend relevant seminars and conferences to enhance and update their professional knowledge on topics relevant to administrative law and communications and media law. Lawyers working at the ABA qualified for annual practising certificates by undertaking the required amounts of Mandatory Continuing Legal Education, and they also maintained membership of appropriate professional associations.

The resources available to legal staff included access to online services and a small library with network links for inter-library loans.

External legal services

The General Counsel and the Legal Section of the ABA instructed external legal service providers, as appropriate, to provide advice to the ABA, or represent it in proceedings in Courts and Tribunals. Those so instructed included barristers, private solicitors and the Australian Government Solicitor (AGS), the Office of General Counsel in AGS, and the Office of Legislative Drafting in the Attorney-General's Department.

Information management and technology

In November 2004 the ABA and the Australian Communications Authority decided to engage a consultant to assist in the development of an ACMA IT strategic plan. This plan will be used to guide ACMA IT decision making and provide a clear strategic direction for IT over the next three to five years. The plan was completed in June.

Other significant merger preparations included the integration of the ABA and Australian Communications Authority IT networks and security arrangements, along with the merger of a number of corporate systems.

INFRASTRUCTURE AND SECURITY UPGRADE

Desktop refresh

Working in conjunction with its outsourced supplier, the ABA replaced its entire desktop and laptop fleet and updated to a Windows XP-based system. Sydney and Canberra staff training sessions ran in specific areas of the new standard operating environment.

ABA information management system (AIMS)

AIMS continued to be developed and used across the agency, helping to integrate the ABA branches and provide a better information flow around the ABA. Work continued in developing modules, and data entry and logon authentication were made more flexible in response to ABA staff needs and ACMA merger requirements.

INFORMATION AND RESEARCH SERVICES

The library function and the librarian supported the core functions of the ABA.

The focus of the work was on research and the librarian worked closely with relevant officers on key projects during the year such as international merged regulators, talkback radio, corporate governance and adoption of digital media.

In the electronic environment and with shrinking hard copy print collections, there is a greater emphasis on information sharing. Networks play an important part in service provision. The library is an active member of the following professional networks:

- Australian and New Zealand Law Librarians Group (ALLG)
- Screen Network Information Providers (SNIP)
- Libraries of the Social Sciences (LOTSS)
- GLASS, a cooperative initiative of NSW Government and Health libraries
- AGLIN (Australian Government Libraries Information Network) and
- ALIA (Australian Library and Information Association)

There was close liaison between the libraries of the ABA, the Australian Communications Authority and the Department of Communications, Information Technology and the Arts. The merger between the Australian Communications Authority and ABA prompted discussions between the two libraries and strategies were developed for an integrated seamless library service to the whole of ACMA. During the year the library participated in the Industry Placement Program of NSW TAFE and a student was placed with the ABA library for eight weeks to develop practical library skills. The library continues to hold print materials, especially historically valuable documents, but there is now greater reliance on external collections for non-core library materials which are accessed using inter-library loans and document delivery services.

The library placed an emphasis on self-service and made services available via the desktop, particularly the ABA's intranet.

By using a proactive information service model, the library provided the ABA with comprehensive weekly electronic alert services of collection and resource updates and the latest international developments in broadcasting: selections of these were reproduced in the monthly newsletter, *ABA Update*. These alerts will continue in ACMA and will expand to include all relevant subject areas.

WEBSITE AND INTRANET FOR CORPORATE COMMUNICATIONS

In light of the merger of the ABA and the Australian Communications Authority, development of the ABA website in 2004–05 was geared towards the creation of a new website for the Australian Communications and Media Authority

In October and November 2004, the ABA engaged a consultant to review the content on the ABA website and provide new concepts for information architecture (how the site is structured) and home page layout (navigation). The review was conducted against a set of clearly defined goals and values for the website. A set of target users was also identified.

Interviews with internal stakeholder were held followed by focus groups with external users to gather information on the current site.

A new information architecture based on these findings was developed and then tested with external users. These findings were used to develop a new home page design. The final report also included a professional review of the site.

The ABA then conducted a content audit with the purpose of delivering a clean base of content ready for the move into an ACMA website. The audit established a content owner for each page and document on the site, required sign off from the content owner verifying the accuracy of the content and gave an indication of each piece of content's relevance to ACMA.

The ABA website was then updated by migrating all audited content into the new information architecture and implementing a new site navigation and look to best practice principles. The revised site was released on 10 May 2005.

Running in parallel to this process was the development of the ACMA website that was released on 1 July 2005, the first day of the new authority.

External orientation

The ABA held regular meetings with the associations representing the various sectors of the broadcasting and internet industries and regularly consulted with other relevant bodies. See Appendix 8 for the full list.

The ABA also held regular meetings with the Department of Communications Information Technology and the Arts and staff of the Minister's office.

External events

The ABA held an auction for a new commercial radio licence for Melbourne on 12 August 2004, and auctions for open narrowcasting licences to serve various areas on 16 December 2004, and 2 June 2005.

COMMUNICATIONS

The ABA pursued a proactive strategy of releasing information to the media to ensure that information in the public arena is timely and accurate. In 2004–05, the ABA issued 175 news releases and dealt with more than 587 queries from journalists. ABA members and staff gave interviews to the electronic and print media on a range of issues.

PUBLISHING

The ABA continued its extensive publishing programs during the year, making the majority of its publications freely available on the website, and the more important reports in print. The ABA provided a printed copy of any of its publications, on request.

Work progressed on making many of those publications that were previously only available in hard copy, available on the website.

The ABA's monthly newsletter, *ABA Update*, continued to be an important source of information about the ABA's activities.

It circulated to more than 400 subscribers.

See Appendix 8 for the list of ABA publications released during the year.

STATUTORY REPORTING REQUIREMENTS

All statutory reporting requirements were met.

The ABA's *Annual Report 2003–04*, including its audited financial statement, was tabled in Parliament in October 2004.

The ABA met its other statutory reporting requirements including Portfolio Budget Statements, State of the Service Report, Charter of Public Service in a Culturally Diverse Society, Regulatory Impact Statement Compliance Report and Commonwealth Regulatory Plan submission.

SERVICE CHARTER

For an account of the ABA's performance against its service charter, see Appendix 9.

Appendixes

Appendix 1

Freedom of information

Section 8 of the *Freedom of Information Act 1982* (FOI Act) requires each Australian Government agency to publish detailed information about the way it is organised, its functions, its decision-making powers and other powers affecting members of the public, arrangements for outside involvement in the work of the agency, categories of documents held by the agency and how these can be accessed by the public.

The earlier sections of this report explain the ABA's role and functions. This appendix supplements that information for the purposes of section 8 of the FOI Act and is correct as at 30 June 2005.

ABA FUNCTIONS AND POWERS

The ABA was established on 5 October 1992 and ceased on 30 June 2005. On 1 July 2005, the Australian Communications and Media Authority commenced to perform the functions outlined below.

The ABA was organised into four branches: Industry Performance and Review; Planning; Policy, Legal and Licensing; and Corporate Services. The ABA's functions and powers were distributed between the branches as described below.

Industry Performance and Review Branch

The Industry Performance and Review Branch comprised the Content Assessment Section, the Industry Performance Section, the Industry Review Section and the Investigations Section.

Content Assessment Section

The responsibilities of the Content Assessment Section were to:

- advise on the development and registration of codes of practice for the internet industry

relating to internet content and internet gambling matters

- advise on the determination of standards for the internet industry relating to internet content and internet gambling content
- monitor compliance with those codes or standards
- investigate complaints about internet content and internet gambling content and take appropriate enforcement action
- advise and assist parents and responsible adults in the supervision and control of children's access to internet content
- conduct and/or coordinate community education programs about internet content and internet carriage services
- liaise with relevant overseas regulators and other bodies about cooperative arrangements for regulating the internet industry
- inform the ABA and advise the Minister about developments and trends in the internet industry
- investigate complaints alleging breaches of codes of practice in relation to language, violence and sexual content in television programs
- make decisions about the classification of programs for children
- assess requests for the issue of a certificate that a specified telephone service was a telephone sex service.

Industry Performance Section

The responsibilities of the Industry Performance Section were to:

- collect commercial radio and commercial television licence fees
- report annual broadcasting financial results
- monitor compliance with the control provisions of the Broadcasting Services Act

- conduct investigations or hearings into licensees' compliance with the control provisions of the Act
- assess applications for prior approval of temporary breaches of the control provisions of the Act
- issue notices to persons in breach of the control provisions of the Act
- maintain registers relating to:
 - newspapers associated with commercial radio and television broadcasting licence areas
 - notifications of controllers of licences, directors of licensees, and changes of control and interests in associated newspapers
 - approvals of temporary breaches of the control provisions of the Act
 - extensions of time granted to remedy temporary breaches of the control provisions approved by the ABA
 - notices to persons in breach of the control provisions
 - extensions of time granted to remedy breaches of the control provisions
 - large circulation newspapers
- prepare opinions on whether a person is in a position to control a licence, a newspaper or a company
- monitor compliance with the subscription television new eligible drama expenditure scheme.

Industry Review Section

The responsibilities of the Industry Review Section were to:

- advise on the development and registration of codes of practice for each section of the broadcasting industry
- develop standards for commercial television broadcasting licensees relating to the Australian content of programs and programs for children
- develop standards for sections of the broadcasting industry when the ABA was satisfied it should determine a standard
- monitor compliance with standards
- monitor compliance with the anti-siphoning and anti-hoarding provisions of the Act and report to the Minister as required

- monitor compliance with requirements on subscription television broadcasting licensees for minimum levels of expenditure on Australian content.

Investigations Section

The responsibilities of the Investigations Section were to:

- prepare opinions on the category of service into which a broadcasting service falls
- maintain registers of codes of practice
- monitor compliance with those codes
- investigate complaints alleging breaches of the codes of practice for sections of the broadcasting industry including the ABC and SBS other than complaints relating to language, violence and sexual content in television programs
- investigate complaints alleging offences against the Act or breaches of licence conditions by licensees of broadcasting services
- advise on enforcement action in relation to breaches of licensing provisions for broadcasting services including:
 - issuing notices to providers of broadcasting services operating without a licence
 - imposing, varying or revoking conditions on commercial, community and subscription broadcasting licences and class licences
 - issuing notices to stop breaches of conditions of licences, class licences or certain codes of practice
 - suspending or cancelling commercial, community or subscription broadcasting licences.

Planning Branch

The Planning Branch comprised the Planning Section, the Engineering and Information Section and the Branch Support Section.

Planning, Engineering and Information sections

The responsibilities of the Planning and Engineering and Information Sections were to:

- plan the use of the radiofrequency spectrum in the broadcasting services bands for analog

AM and FM radio services and analog VHF and UHF television services by:

- developing planning priorities for determination by the ABA and preparing variations to those priorities for the ABA's approval
- preparing frequency allotment plans and variations to those plans
- preparing licence area plans, and variations to those plans, which specify the number and characteristics of broadcasting services to be available in areas of Australia that use the broadcasting services bands
- designating and varying licence areas
- making broadcasting services bands spectrum available for alternative uses for a specified period
- develop technical planning guidelines for broadcasting services using frequencies within the broadcasting services bands
- determine licence area populations
- approve the transmission of commercial and community broadcasting services outside of their licence areas
- formulate and administer schemes for converting commercial and national television broadcasting services from analog mode to digital mode which require the ABA to:
 - prepare a document explaining technical assumptions concerning considerations as to the 'same level of coverage and potential reception quality' in digital mode as is achieved in analog mode to prepare digital channel plans, which allot and assign channels to television broadcasters, allowing them to transmit programs in analog and digital modes during a simulcast period
 - identify in the digital channel plans channels that may be available for uses other than the conversion of existing broadcasting services
 - assess and approve implementation plans submitted by commercial television broadcasters
 - approve test transmissions of digital signals at any time before or during a simulcast period to assess requests for a

certificate that exempts the owner or operator of a broadcasting transmission tower or associated facility from giving a commercial or national television broadcaster or datacaster access to the tower, associated facility or site

- monitor new technology and service trends.

Branch Support Section

The Branch Support Section was responsible for providing a range of administrative support services for the Planning Branch. The main services provided were:

- management of the branch budget and provision of financial reporting service
- central liaison and coordination point for all enquiries and activities
- coordination of the branch training activities
- accounts payable and receivable functions
- purchasing
- building management
- asset management
- records management
- provision of advice on personnel matters and
- other general office services including mail services.

Policy, Legal and Licensing Branch

The Policy, Legal and Licensing Branch comprised the Policy and Research Section, the Legal Section and the Licensing Section.

Policy and Research Section

The responsibilities of the Policy and Research Section were to:

- assist in identifying and exploring regulatory policy issues to be addressed by the ABA
- provide policy advice on issues relating to the ABA's powers and functions
- conduct and commission research into community attitudes on issues relating to
- programs and other matters relating to the ABA's functions and powers
- develop additional criteria and clarify existing criteria for the purpose of distinguishing between categories of broadcasting services

- inform the ABA and advise the Minister on technological advances and service trends in the broadcasting industry.

Legal Section

The responsibilities of the Legal Section were to:

- provide legal advice to the ABA on issues relating to its functions and powers
- conduct or supervise investigations and hearings undertaken by the ABA in the performance or exercise of its functions or powers
- coordinate the ABA's activities under the FOI Act
- coordinate responses to and liaise with the Commonwealth Ombudsman
- manage litigation in courts and tribunals involving the ABA
- refer to the Director of Public Prosecutions possible criminal offences under the Broadcasting Services Act and related legislation.

Licensing Section

The responsibilities of the Licensing Section were to:

- design and administer price-based systems for the allocation of commercial radio and television licences
- administer price-based systems for the allocation of high-power open narrowcasting apparatus licences
- assess applications for community broadcasting licences, temporary community broadcasting licences, subscription television broadcasting licences, and datacasting licences
- conduct investigations or hearings that relate to the allocation of community broadcasting licences
- allocate or renew commercial and community broadcasting licences
- issue, suspend and cancel apparatus licences (under delegation from the Australian Communications Authority) which authorise the operation of transmitters for commercial, community and national broadcasting services, for broadcasting services provided under class licences, and for the retransmission of programs.

Corporate Services Branch

The Corporate Services Branch comprised the Human Resources Section, the Information Management Section, the IT and Facilities Management Section, the Resource Management and Planning Section and Secretariat.

The combined responsibilities of the sections of the Corporate Services Branch were to:

- administer all matters to do with human resources and financial, accommodation and office services
- liaise with Commonwealth Agencies – including the Public Service Commission, the Department of Employment and Workplace Relations, the Australian National Audit Office and the Department of Finance and Administration – on matters relating to financial and human resource management
- coordinate the ABA's corporate and business planning processes
- coordinate the implementation of APS-wide and other corporate initiatives throughout the ABA
- develop and maintain the ABA's records management system
- produce and market publications, and inform the public of the functions, activities and decisions of the ABA
- develop and maintain the ABA's website
- develop and maintain a library service for ABA members and staff and for members of the public
- promote the use of information technology to enhance the efficiency and effectiveness of the ABA's operations
- prepare the Portfolio Budget Statements, coordinate the ABA's budget and prepare financial statements, estimates and related material
- maintain the ABA's accounting system, purchasing and asset control, and internal audit and review
- manage corporate contracts, including those for information technology, travel, cab charge and credit cards
- provide secretariat support to the ABA, including organising its regular meetings, preparing formal minutes and maintaining the records of its decisions

- coordinate briefs and responses to questions arising from Parliamentary processes.

Arrangements for outside participation

The ABA provided a range of opportunities for persons or bodies outside the Commonwealth administration to participate in policy formulation and the administration of the Act.

Public consultation

Under the Broadcasting Services Act the ABA was required to undertake public consultation before exercising its powers in the following activities:

- determining and varying planning priorities, preparing or varying frequency allotment plans, preparing or varying licence area plans, and preparing digital channel plans
- formulating or varying the schemes dealing with the conversion of commercial and national television services to digital transmission
- determining, varying or revoking the standards for commercial broadcasting or datacasting services
- determining or varying industry standards for internet content or internet gambling matters.

The ABA also sought public comment on a wide range of other matters, including investigations, applications for community broadcasting licences, and other regulatory proposals that affect the public.

When undertaking public consultation, the ABA employed a variety of means to inform the public that a particular matter was under consideration and that written comments were sought from interested persons. These included:

- placing advertisements in newspapers
- making documents about the matter under consideration available to the public on the ABA's website and in other ways
- inviting the public to participate in public meetings or seminars.

In regard to its functions and powers, the ABA also sought the views of the wider community by conducting or commissioning surveys of public opinion.

Industry consultation

The ABA consulted extensively with a wide range of industry bodies, service providers and other stakeholders about matters that would affect them or in which they have an interest. The Act required the ABA to consult with industry stakeholders in the following circumstances:

- when formulating and varying the schemes dealing with the conversion of commercial and national television services to digital transmission, the ABA was to consult with commercial and national television broadcasters and the owners and operators of broadcasting transmissions towers
- when proposing to impose, vary or revoke an additional condition on a licence, the ABA was required to give licensees a reasonable opportunity to make representations.

The ABA consulted with industry stakeholders in a variety of ways, including informing stakeholders of its proposals, inviting written comments, organising meetings with stakeholders, and participating in public meetings.

Categories of documents

The ABA maintained documents and other records of information in various forms including paper and electronic files, audiovisual material and microfiche. From 1 July 2005, ACMA maintains the same categories of documents.

The ABA was required to make certain documents and information available for inspection by the public. Those documents included advice received and assumptions made by the ABA in performing its planning functions under the Broadcasting Services Act as well as other information that it must maintain in registers.

Registers

The ABA was required to maintain the following registers:

- the Associated Newspaper Register
- a register of licences granted under sections 38A or 38B of the Broadcasting Services Act
- a register of notifications relating to controllers of commercial broadcasting licences and datacasting transmitter licences, directors of commercial broadcasting

licensees and datacasting transmitter licensees, changes of control and interests of controllers of commercial broadcasting licences in associated newspapers

- a register of approvals given under section 67 of the Broadcasting Services Act for temporary breaches of the control provisions
- a register of extensions of time given under section 68 of the Broadcasting Services Act for taking action to remedy temporary breaches of the control provisions
- a register of notices given under section 70 of the Broadcasting Services Act directing a person to take action to cease breaching the control provisions
- a register of extensions of time given under section 71 of the Broadcasting Services Act for compliance with a section 70 notice
- a Large Circulation Newspapers Register
- a register of nominated broadcaster declarations for international broadcasting licences
- a register of codes of practice for each section of the broadcasting industry
- a register of codes of practice and industry standards for internet content, any requests from the ABA to a body or association representing a particular section of the internet industry to develop an industry code, and any notices given by the ABA to a participant in a particular section of the internet industry to comply with an industry code
- a register of datacasting licences issued by the ABA, any conditions imposed on datacasting licences or the variation or revocation of such conditions, any codes of practice relating to datacasting services, and any nominated datacaster declarations
- a register of codes of practice and industry standards for internet gambling matters, any requests from the ABA to a body or association representing internet service providers to develop an industry code, and any notices given by the ABA to an internet service provider to comply with an industry code
- a register of implementation plans approved by the ABA under the Commercial Television

Conversion Scheme 1999 or the National Television Conversion Scheme 1999.

Other categories of documents

In addition to registers, the following categories of documents were common throughout the agency:

- internal administration papers and records including working drafts and records relating to human and financial resource management
- ministerial, interdepartmental and general correspondence and papers
- requests for legal advice, copies or notes of legal advice given, and other legal documents
- media releases
- copies of texts of speeches, discussion papers and other statements made by ABA members and staff
- reports of research conducted or commissioned by the ABA, and documents relating to the research
- documents relating to meetings (agendas, agenda papers and minutes)
- documents relating to investigations undertaken by the ABA, including reports of such investigations
- tender documents and contracts.

A separate list of categories of documents specific to each branch is set out below.

Industry Performance and Review Branch

This branch maintained the following specific categories of documents:

- industry codes of practice and documents relating to the development and registration of the codes
- program standards and documents relating to the development and making of the standards
- complaints and documents relating to the investigation of complaints, including reports of those investigations
- documents relating to enforcement action taken by the ABA against service providers
- documents relating to community education programs about internet content and internet carriage services
- documents relating to the classification of programs for children

- documents relating to requests for the issue of a certificate that a telephone service is, or was, a telephone sex service
- documents containing financial information from commercial broadcasting licensees, and other documents relating to the collection of licence fees and penalties for unpaid licence fees
- applications for opinions on category of service, for opinions on control and for prior approval of a temporary breach of the control provisions of the Broadcasting Services Act, and related documents including the opinions given by the ABA
- forms and other documents containing information about the control provisions of the Act and documents about compliance with the control provisions of the Act
- information from licensees and other documents concerning compliance with program standards and the provisions of the Act that relate to the Australian content of programs and programs for children
- documents relating to the anti-siphoning and anti-hoarding provisions of the Act and to their operation.

Planning Branch

This branch maintained the following specific categories of documents:

- information on radio and television broadcasting stations
- planning priorities, frequency allotments plans, licence area plans and documents about the development of these priorities and plans including submissions on draft licence area plans
- applications for the transmission of broadcasting services into another licence area and documents relating to the assessment and approval of such applications
- documents about making broadcasting services band spectrum available for alternative uses
- technical planning guidelines and documents relating to the development of and compliance with these guidelines
- documents about the conversion of commercial and national television services to digital transmission, including the schemes, digital channel plans and implementation plans
- determinations of licence area populations and documents relating to the making of these determinations
- documents about new technology and service trends.

Policy, Legal and Licensing Branch

This branch maintained the following specific categories of documents:

- documents about proposed legislation and legislative changes
- requests for access to documents under the FOI Act and related documents
- requests for legal advice and records of legal advice given
- subpoenas directed to the ABA
- documents about litigation involving the ABA
- documents on policy advice and policy matters
- documents relating to research conducted or commissioned by the ABA
- price-based systems for allocating licences, and documents relating to the allocation of commercial television and radio licences and open narrowcasting licences
- applications for community broadcasting licences, subscription television broadcasting licences and datacasting licences, and documents relating to the allocation of these licences
- applications for renewing commercial broadcasting and community broadcasting licences and documents relating to these applications
- applications for apparatus licences under the Radiocommunications Act and other documents relating to apparatus licences for services operating in the broadcasting services bands including compliance with conditions.

Corporate Services Branch

This branch maintained documents and information relating to:

- personnel and staffing matters in the ABA

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

FoI procedures and initial contact point

In many cases, it was not necessary to make a request under the FOI Act for documents or information held by the ABA. Information sought may have been available from the ABA for a fee or free of charge. Requests and enquiries were made to the FOI Coordinator in the ABA’s Legal Section. The ABA’s FOI procedures provided for the FOI Coordinator to consult the applicant, if appropriate:

- to help the applicant identify documents they have requested, if necessary
- to give the applicant a reasonable opportunity for consultation before the ABA refused a request on grounds of insufficient information (section 15(2) of the FOI Act) or if the request required a substantial and unreasonable diversion of resources (section 24(1) of the FOI Act)
- to notify the applicant of the charges and the deposit, or to discuss a request by the applicant that the charges be reduced or not imposed.

Facilities for access

The ABA maintained a library in the Sydney office where documents available outside of the FOI Act processes could be examined, as well as documents to which access was granted under the FOI Act.

Freedom of information statistics

Information on the operation of the FOI Act in the ABA during 2004–05 follows.

Table 1 Requests 2004–05

Requests carried over from previous year	4
Requests received	6
Granted in full	6
Granted in part	1
Refused or transferred	0
Withdrawn or lapsed	2
Requests outstanding at the end of the year	1
Review of decisions	4

In the four requests for internal review of four decisions relating to the same documents, the original decision was upheld in all cases.

Time taken

Table 2 shows the time taken to finalise requests for access. All decisions were made within the statutory timeframes that take into account extensions of time provided by the legislation in cases of third party consultations, and negotiations over the payment of fees and/or charges under the Broadcasting Services Act.

Table 2 Time taken to respond (days)

0–30	2
31–60	5
61–90	0
> 91	0
Total	7

Fees and charges

The following table shows application fees received by the ABA and the charges paid by applicants to the ABA.

Application fees	\$150
Charges received	\$709.60
Total	\$859.60

Costs

The ABA spent \$1669.91 on external legal services for Freedom of Information activities in 2004–05.

Appendix 2

Legislation and litigation summary

The ABA performed its principal functions under the following legislation.

Acts and amending Acts 2004–05	Act number	Date of assent	Date of commencement
<i>Broadcasting Services Act 1992 as amended in 2004–05 by:</i>	110, 1992	14 July 1992	
<i>Classification (Publications, Films and Computer Games) Amendment Act 2004</i>	61, 2004	26 May 2004	26 May 2005 (Schedules 1 and 2, unless proclaimed earlier)
<i>US Free Trade Agreement Implementation Act 2004</i>	120, 2004	16 August 2004	16 August 2004 (Schedule 10)
<i>Crimes Legislation Amendment (Telecommunications Offences And Other Measures) Act (No. 2) 2004</i>	127, 2004	31 August 2004	1 March 2005 (Schedule 1)
<i>Financial Framework Legislation Amendment Act 2005</i>	8, 2005	22 February 2005	22 February 2005 (Schedule 1, Item 109)
<i>Broadcasting Services (Anti-Siphoning) Act 2005</i>	43, 2005	1 April 2005	2 April 2005
<i>Datacasting Charge (Imposition) Act 1998</i>	98, 1998	27 July 1998	
<i>Interactive Gambling Act 2001</i>	84, 2001	11 July 2001	
<i>Radiocommunications Act 1992</i>	174, 1992	11 December 1992	
<i>Radio Licence Fees Act 1964</i>	119, 1964	24 November 1964	
<i>Television Licence Fees Act 1964</i>	118, 1964	24 November 1964	

Litigation summary

ADMINISTRATIVE APPEALS TRIBUNAL PROCEEDINGS

Youth Media Society of WA Inc. and ABA

On 16 December 2004 the applicant lodged an application for review with the Administrative Appeals Tribunal (AAT) regarding the ABA decision of 18 November 2004 to impose conditions on the applicant's community broadcasting licence. The matter has not yet been heard.

Khan and Anor. and ABA

On 19 May 2005 the applicants lodged an application for review with the AAT, as they were dissatisfied with the findings and handling of an investigation of a complaint made to the ABA. The AAT held a preliminary hearing, on 29 June 2005, into whether or not it had jurisdiction to consider the matter. On 4 July 2005 the AAT decided it did not have jurisdiction.

Nugent and ABA

Dr Nugent sought review of the ABA's decision, made on 26 August 2004, to refuse an application for approval of temporary breaches in two licence areas. Dr Nugent is a director of Macquarie Bank Ltd and Unitab Ltd, and the assets of both companies include interests in commercial radio licences. Certain licence acquisitions proposed by Macquarie would have resulted in Dr Nugent being in breach of the statutory restrictions on directorships in two licence areas. On 23 December 2004, the AAT set aside the ABA's decision, and granted approval of the breaches for two years.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL PROCEEDINGS

Van Der Linden and ABA

The Equal Opportunity Commission of Victoria advised, by letter of 20 December 2004, that it had declined to entertain a complaint against the ABA alleging that the ABA had engaged in conduct authorising and assisting religious vilification under the *Racial and Religious Tolerance Act 2002* (Vic). The matter was subsequently referred to the Victorian Civil and Administrative Tribunal at the complainant's request. Following the exchange of submissions between the parties, the matter was resolved and on 4 May 2005 the Tribunal made an order that the complaint be withdrawn.

Tasmanian Anti-Discrimination Tribunal

Daly and Swanton and ABA

On 28 May 2004, the Anti-Discrimination Commissioner dismissed the complainants' complaint dated 25 August 2002 in relation to an ABA decision to restrict the broadcasting time of the Cadence FM temporary community radio service. The complainants applied to the Tribunal for review of the Commissioner's decision. At the respondent's request, the question of jurisdiction was considered first, and written submissions were exchanged before the arguments were heard on 16 November 2004. The Tribunal's decision of 7 February 2005 dismissed the application for review on jurisdictional grounds.

Appendix 3

Planning for licences and licence allocations

Table 1	Number of new transmitters planned in final licence area plans (radio)
Table 2	Retransmissions radio and television Special events
Table 3	Radio in order of area served Television in order of area served
Table 4	National radio services commenced
Table 5	Test transmissions: radio and television
Table 6	Digital television transmitter licences issued
Table 7	Analog changes – Areas where analog television services have changed channels due to commencement of digital television services
Table 8	Television Black spots program
Table 9	Commercial Radio Black spots program
Table 10	Apparatus licence variations
Table 11	Narrowcasting licences issued
Table 12	Temporary community broadcasting licences allocated

Table 1 Number of new transmitters planned in final licence area plans (radio)

Licence area plan	Date published	National	Commercial	Community	Open narrowcast
Australia Capital Territory / New South Wales					
Albury	May 2005	–	2	3	–
Bathurst	December 2004	1	3	–	–
Bega	August 2004	2	–	1	–
Bourke	October 2004	–	–	4	–
Cooma	September 2004	–	–	–	1
Murwillumbah	March 2005	–	1	–	–
Newcastle	April 2005	5	1	–	–
Nowra	November 2004	–	2	1	–
Wagga Wagga	February 2005	1	2	–	1
Victoria					
Warragul	February 2005	–	1	–	–
Queensland					
Cairns	September 2004	–	2	–	–
Rockhampton/ Gladstone	March 2005	2	4	–	–
Tasmania					
Launceston	March 2005	1	2	–	–

Table 2 Retransmissions

Radio, in order of area served

Area served	Service transmitted
New South Wales	
Gilgandra	2DBO
Gundagai	2WG
Narromine	2DBO
Tumut	2WZD
Victoria	
Ouyen	3MBR
Queensland	
Blackwater	4HIT
Callide Mine	4CCC
Century Mine	4RBL
Hope Vale	4ABCRR
Roma	4ZR
Saraji Mine Site	4HI
Western Australia	
Beagle Bay	6ABCRR
Brockman Mine Site	6ABCRRN, 6SAT
Broome	6JJJ
Cocos Islands	6ABCRRN
Koolyanobbing Mine Site	6ABCRRN, 6FMS, 6JJJ
Marandoo Mine Site	6ABCRRN, 6SAT
Meekathara	6FMS, 6JJJ
Mt Jackson	6ABCRR, 6FMS, 6JJJ
Murrin Murrin Mine Site	6ABCRR
Oombulgurri	6ABCRR
Ravensthorpe	6FMS, ABCRRN, ABCRR
Safari Bore	6FMS
Sally Malay Mine	6FMS, ABCN
Ti Tree	6ABCRR, 6FMS, 6JJJ
Tom Price Mine Site	6ABCRR, 6FMS, 6JJJ
Weelumurra	6ABCRR, 6FMS, 6JJJ
Windarling	6ABCRR, 6FMS, 6JJJ
Northern Territory	
Adelaide River	8HOT, 8MIX
Gapuwiyak	8ABCRR
Harts Range	8KIN
Numbulwar	8ABCRR
Palumpa	8ABCRR
Pigeon Hole Homestead	8ABCN
Tanami Gold Mine	8JJJ
Umbakumba	8ABCRR

Television, in order of area served

Area served	Service transmitted
New South Wales	
Ivanhoe	IMP
Menindee	IMP
Victoria	
Tallandoon	BCV
Queensland	
Bald Knob	TVQ
Cairns	TNQ
Port Douglas	TNQ
Springbrook	ABQ, BTQ, NBN, NEN, NRN, QTQ, TVQ, SBS
South Australia	
Port Augusta	ABC, SBS
Western Australia	
Cocos Islands	ABC
Cracow	IMP
Northern Territory	
Harts Range	ABD, IMP, QQQ, SBS
Papunya	SBS

Table 3 Special events (radio), in order of area served

Area served	Organisation	Period	
Australian Capital Territory			
Canberra	Canberra Islamic Centre	10/10/2004 – 31/10/2004	
	Canberra Islamic Centre	1/11/2004 – 21/11/2004	
	Special Events Group of Companies	6/01/2005 – 9/01/2005	
	Watchtower Bible & Tract Society of Australia	9/07/2004 – 11/07/2004	
New South Wales			
Darling Harbour – Sydney	Nick Eltis	20/01/2005 – 27/01/2005	
Domain – Sydney	32 Hundred Lighting Pty Ltd	27/02/2005	
Eastern Creek – Sydney	WF Sound Services	3/12/2004 – 5/12/2004	
Gosford	Radio Yesteryear Inc.	10/03/2005 – 20/03/2005	
Homebush – Sydney	Royal Agricultural Society of NSW	16/03/2005 – 1/04/2005	
Nambucca Heads	Drag – Ens Hot Rod Club	26/09/2004 – 2/10/2004	
Penrith	Ken Jones	1/12/2004 – 31/12/2004	
Sydney	2CR China Radio Network Pty Ltd	20/09/2004 – 17/10/2004	
	2CR China Radio Network Pty Ltd	31/01/2005 – 27/02/2005	
	Sutherland Shire Community Radio Assoc. Inc.	19/12/2004	
	Sydney City Council	27/12/2004 – 24/01/2005	
	University of Sydney	12/09/2004 – 17/09/2004	
	Watchtower Bible & Tract Society of Australia	12/08/2004 – 15/08/2004	
	WF Sound Services Pty Ltd	27/05/2005 – 29/05/2005	
	Sydney Olympic Park	Sydney Olympic Park Authority	5/04/2005 – 24/04/2005
	Sydney University	University of Sydney Union	28/02/2005 – 11/03/2005
	Tamworth	Watchtower Bible & Tract Society of Australia	22/07/2004 – 25/07/2004
Wyong	Radio Yesteryear Inc.	17/05/2005 – 21/05/2005	
Victoria			
Bendigo	Watchtower Bible & Tract Society of Australia	22/07/2004 – 25/07/2004	
Caveat	Scout Association of Australia (Victorian Branch)	7/06/2005 – 14/06/2005	
Chute	Christopher Armstrong	20/01/2005 – 26/01/2005	
Flemington Racecourse	Event Radio (London Music Group)	29/10/2004 – 6/11/2004	
Hadfield	Australian Muslim Media Inc.	9/10/2004 – 17/11/2004	
Koroit, Port Campbell, Camperdown, Gellibrand, Apollo Bay, Aireys Inlet, Point Lonsdale & Queenscliff	Bicycle Victoria	26/11/2004 – 5/12/2004	
Melbourne	Australian Grand Prix Corporation	28/02/2005 – 7/03/2005	
	City of Melbourne	29/12/2004 – 1/01/2005	
	City of Melbourne	1/03/2005 – 3/03/2005	
	Festival Victoria	18/03/2005 – 20/03/2005	
	Sportal Australia Pty Ltd	16/01/2005 – 31/01/2005	
	Watchtower Bible & Tract Society of Australia	26/08/2004 – 29/08/2004	
Mildura	Mildura Country Music Festival	19/09/2004 – 4/10/2004	
	Mildura District & Returned Ex–Servicemen's Agricultural & Horticultural Society	11/10/2004 – 17/10/2004	
	Mildura Murray Outback Jazz Food & Wine Festival	24/10/2004 – 2/11/2004	
Warragul	Youth Vision Victoria	10/06/2005 – 13/06/2005	

Area served	Organisation	Period
Queensland		
Brisbane	Event Radio	26/05/2005 – 28/05/2005
	Watchtower Bible & Tract Society of Australia	12/08/2004 – 22/08/2004
Bundaberg	Australian Broadcasting Corporation	25/05/2005
Cairns	Eventures Australia Pty Ltd	11/11/2004 – 15/11/2004
Coolangatta	Winstersun Festival Association Inc	30/05/2005 – 13/06/2005
Gold Coast	Event Radio	9/05/2005 – 12/05/2005
	Event Radio (London Music Group)	20/10/2004 – 24/10/2004
	PK Productions	22/02/2005 – 28/02/2005
	RG Capital Radio	7/10/2004 – 17/10/2004
Ingham	Coastal Broadcasters	4/05/2005 – 10/5/2005
Longreach	Australian Broadcasting Corporation	30/05/2005
Mackay	Australian Broadcasting Corporation	3/06/2005
Rockhampton	Australian Broadcasting Corporation	2/06/2005
Townsville	Australian Broadcasting Corporation	6/06/2005
	Nessan Pty Ltd	12/12/2004 – 13/12/2004
South Australia		
Adelaide	Adelaide Horse Trials Management	10/11/2004 – 14/11/2004
	PK Productions	16/02/2005 – 30/02/2005
	South Australian Motor Sport Board	17/03/2005 – 20/03/2005
	Uniting Church of Australia – SA	1/01/2005 – 9/01/2005
	Watchtower Bible & Tract Society of Australia	26/08/2004 – 29/08/2004
West Beach	Uniting Church of Australia – SA	11/03/2005 – 13/03/2005
Western Australia		
Fremantle	Palis Sound & Lighting Hire Sales	17/03/2005 – 19/03/2005
	Rossound Hire	5/12/2004
Maida Vale	Uniting Church of Australia	26/02/2005 – 27/02/2005
Matilda Bay/Swan River	Western Australian Yachting Foundation Inc.	31/01/2005 – 3/02/2005
Perth	Telstra Rally Australia	29/10/2004 – 16/11/2004
	Watchtower Bible & Tract Society of Australia	9/07/2004 – 11/07/2004
Tasmania		
Bronte Park	Bicycle Victoria	11/02/2005 – 12/02/2005
Burnie	Burnie Ten Inc.	9/10/2004 – 11/10/2004
Bushy Park	Bicycle Victoria	12/02/2005 – 13/02/2005
Cradle Mountain	Bicycle Victoria	6/02/2005 – 7/02/2005
Deloraine	Rotary Club of Deloraine	29/10/2004 – 1/11/2004
Hobart	Watchtower Bible & Tract Society of Australia	15/07/2004 – 18/07/2004
Lake Barrington	Bicycle Victoria	4/02/2005 – 6/02/2005
Lake Burbury	Bicycle Victoria	10/02/2005 – 11/02/2005
Strahan	Bicycle Victoria	8/02/2005 – 10/02/2005
Symmons Plains International Raceway	Motorsports Tasmania Pty Ltd	12/11/2004 – 14/11/2004
Tullah	Bicycle Victoria	7/02/2005 – 8/02/2005
Northern Territory		
Darwin	Watchtower Bible & Tract Society of Australia	5/08/2004 – 8/08/2004

Television, in order of area served

Area served	Organisation	Period
New South Wales		
Eastern Creek	WF Sound Services	3/12/2004 – 5/12/2004
Wakefield Park	Bel-Pacific P/L	4/08/2004 – 9/08/2004
Victoria		
Phillip Island	Aust Grand Prix Corporation	11/10/2004 – 18/10/2004
Western Australia		
Bunbury Racecourse	CFM Technology Pty Ltd	16/03/2005 – 17/03/2005
Kalgoorlie	Remote Control Technologies Pty Ltd	19/10/2004 – 21/10/2004
Kalgoorlie/Boulder	CFM Technology Pty Ltd/Kalgoorlie–Boulder Racing Club	16/09/2005 – 17/09/2005
Northam	CFM Technology Pty Ltd/Northam Race Club	22/10/2005 – 23/10/2005
Pinjarra Racecourse	DCM Technology Pty Ltd	5/03/2005 – 6/03/2005
Toodyay	CFM Technology Pty Ltd/Northam Race Club	1/10/2005 – 2/10/2005
Wanneroo	WA Sporting Car Club Inc.	29/04/2005 – 8/05/2005
York	CFM Technology Pty Ltd/York Beverley Racing Club	24/09/2005 – 25/09/2005

Table 4 National radio services commenced

Area	Service	Frequency	Date of effect
Australian Capital Territory			
Canberra	ABC News Radio	103.9 MHz	1/06/2005
Tuggeranong	ABC News Radio	99.9 MHz	1/06/2005

Table 5 Test transmissions, radio and television

Area	Organisation – Callsign	Frequency	Period
New South Wales			
Armidale	SBS	536.5 MHz/Ch29	1/01/2005 – 31/03/2005
Artarmon	The Bridge Networks	536.5 MHz/Ch29	20/06/2005 – 1/07/2005
	Christian Broadcasting Association – 2CBA	103.2 MHz	1/07/2004 – 28/09/2004
Bega	Bega Access Radio Inc.– 2BAR	93.7 MHz	11/07/2004 – 10/01/2005
Bega	Bega Access Radio – Edge FM	93.7 MHz	26/11/2004 – 10/02/2005
Bewong	South Coast & Tablelands Broadcasting – 2ST	91.7 MHz	8/10/2004 – 7/01/2005
Bouddi	Prime Television (Northern) – NEN59	746.5 MHz	22/07/2004 – 21/07/2005
Bowral/Mittagong	SBS	676.5 MHz/Ch49	1/01/2005 – 31/03/2005
Central Western Slopes	SBS	641.5 MHz/Ch44	1/08/2004 – 1/10/2004
Cooma	ABC – 2CP	1602 kHz	4/02/2005 – 3/05/2005
	ABC – 2CP	1602 kHz	29/06/2005 – 28/09/2005
Foster	SBS	746.5 MHz/Ch59	1/02/2005 – 31/07/2005
Gloucester	SBS	550.5 MHz/Ch31	27/05/2005 – 26/08/2005
Kotara	Northern Rivers TV – NRN51	690.5 MHz	11/08/2004 – 10/11/2004
Lithgow East	SBS	802.5 MHz/Ch67	1/01/2005 – 31/03/2005
Mudgee	SBS	802.5 MHz/Ch67	22/06/2005 – 21/09/2005
Murwillumbah	SBS	613.5 MHz/Ch40	17/11/2004 – 1/03/2005
Nelson Bay – Port Stephens	2HD Broadcasting – 2HD	97.5 MHz	11/10/2004 – 10/01/2005
Nowra North	SBS	774.5 MHz/Ch63	23/12/2004 – 31/03/2005
Portland / Wallerawang	SBS	802.5 MHz/Ch67	1/01/2005 – 31/03/2005
Upper Hunter	SBS	781.5 MHz/Ch64	28/06/2005 – 27/09/2005
Victoria			
Bairnsdale	SBS	697.5 MHz/Ch52	29/06/2005 – 28/09/2005
Bruthen	SBS	529.5 MHz/Ch28	1/02/2005 – 31/07/2005
Churchill	SBS	690.5 MHz/Ch51	1/02/2005 – 31/07/2005
Colac	SBS	704.5 MHz/Ch53	1/03/2005 – 31/08/2005
	ABC – ABV	697.5 MHz/Ch52	14/03/2005 – 13/06/2005
Foster	ABC – ABLV	725.5 MHz/Ch56	25/02/2005 – 24/05/2005
Genoa	ABC – ABLV	543.5 MHz/Ch30	1/06/2005 – 31/08/2005
Halls Gap	ABC – ABV	711.5 MHz/Ch54	1/05/2005 – 31/07/2005
Horsham	SBS	676.5 MHz/Ch49	1/12/2005 – 30/04/2005
Lakes Entrance	ABC – ABLV	760.5 MHz/Ch61	12/11/2004 – 11/02/2005
Lorne	ABC – ABV	739.5 MHz/Ch58	14/03/2005 – 13/06/2005
Nhill	SBS	802.5 MHz/Ch67	1/02/2005 – 30/04/2005
Portland	SBS	809.5 MHz/Ch68	22/06/2005 – 21/09/2005
Warrnambool	ABC – ABWV	683.5 MHz/Ch50	28/10/2004 – 1/03/2005

Area	Organisation – Callsign	Frequency	Period
	SBS	704.5 MHz/Ch53	23/06/2005 22/09/2005
Warrnambool City	SBS	809.5 MHz/Ch68	23/06/2005 22/09/2005
Queensland			
Gladstone	Gladstone & District Christian Broadcasting Association Inc. – 4RGL	91.9 MHz	26/11/2004 – 25/02/2005
Gladstone East	SBS	543.5 MHz/Ch30	27/10/2004 – 1/03/2005
Gladstone West	SBS	655.5 MHz/Ch46	27/10/2004 – 1/03/2005
Hervey Bay	SBS	704.5 MHz/Ch53	21/06/2005 – 20/09/2005
Mt Isa	SBS	205.5 MHz/Ch9A	14/04/2005 – 13/07/2005
Mt Tambourine	Radio Metro – 4MET	105.7 MHz	30/9/2004 – 29/12/2004
	Radio Metro – 4MET	105.7 MHz	26/10/2004 – 25/04/2005
Nudgee	Radio 4BC Brisbane Pty Ltd – 4BC	1116 kHz	5/07/2004 – 4/07/2005
Taroona	SBS	627.5 MHz/Ch42	27/10/2004 – 1/03/2005
Townsville North	SBS	690.5 MHz/Ch51	17/11/2004 – 1/03/2005
Shute Harbour	SBS	704.5 MHz/Ch53	10/07/2005 – 9/10/2005
Tasmania			
Hobart NE Suburbs	SBS	781.5 MHz/Ch64	25/11/2004 – 1/03/2005
Lileah	Coastal FM – 7DBS	88.9 MHz	10/07/2004 – 7/01/2005
Launceston	SBS	781.5 MHz/Ch64	27/10/2004 – 1/03/2005
Western Australia			
Albany	SBS	620.5 MHz/Ch41	1/01/2005 – 31/03/2005
Ascot Waters Belmont	Foundation for Information Radio of WA – 6RPH	990 kHz	24/08/2004 – 23/11/2004
Broome	SBS	205.5 MHz/Ch9A	27/10/2004 – 1/03/2005
Carnarvon	SBS	219.5 MHz/Ch11	27/10/2004 – 1/03/2005
Central Agricultural	SBS	669.5 MHz/Ch48	1/01/2005 – 31/03/2005
Karratha	SBS	788.5 MHz/Ch65	25/01/2005 – 14/07/2005
Port Hedland	SBS	177.5 MHz/Ch6	27/10/2004 – 1/03/2005
Wagin	SBS	529.5 MHz/Ch28	1/01/2005 – 31/03/2005
Wanneroo	Radio Perth Pty Ltd – 6IX	105.7 MHz	12/12/2004 – 11/08/2005
Northern Territory			
Alice Springs	SBS	177.5 MHz/Ch6	1/03/2005 – 31/08/2005
Katherine	SBS	177.5 MHz/Ch6	1/03/2005 – 31/08/2005

Table 6 Digital television transmitter licences issued

Area	Service	Channel	Date
Australian Capital Territory			
Tuggeranong	SBS	57	3/09/2004
Weston Creek	SBS	57	3/09/2004
New South Wales			
Armidale	ABC	32	1/12/2004
	SBS	29	5/01/2005
Batemans Bay/Moruya	SBS	7	1/08/2004
	WIN	10	27/10/2004
Bathurst	SBS	9	1/02/2005
Bega	ABC	35	21/02/2005
	SBS	32	1/12/2004
Bouddi	NEN	59	2/11/2004
Broken Hill	SBS	12	3/09/2004
Central Western Slopes	SBS	44	6/10/2004
Coffs Harbour	SBS	68	25/05/2005
Cooma Town	SBS	67	1/12/2004
	ABC	55	24/01/2005
	WIN	61	27/10/2004
Eden	ABC	55	21/2/2005
	SBS	68	1/12/2004
	SBS	59	18/01/2005
Goulburn	SBS	59	18/01/2005
Grafton/Kempsey	NRN	38	1/06/2005
Kandos	ABC	56	1/07/2005
Laurieton	ABC	60	1/07/2005
	SBS	57	25/05/2005
Lithgow	SBS	28	5/01/2005
	WIN	35	1/08/2004
Lithgow East	WIN	65	1/08/2004
	SBS	67	1/01/2005
Mudgee	ABC	56	1/07/2005
Murwillumbah	ABC	29	17/11/2004
Narooma	ABC	56	23/09/2004
	SBS	53	26/10/2004
	WIN	59	3/12/2004
Nowra North	SBS	63	23/12/2004
	WIN	34	26/10/2004
Portland/Wallerawang	WIN	65	1/08/2004
	SBS	67	1/01/2005
Richmond/Tweed (Mt Nardi)	NEN	35	12/05/2005

Area	Service	Channel	Date
Richmond/Tweed (Mt Nardi)	NBN	37	1/07/2005
SW Slopes/East Riverina	SBS	48	1/08/2004
Tamworth	ABC	54	1/12/2004
	SBS	51	30/11/2004
Ulladulla	SBS	31	1/08/2004
	WIN	52	26/10/2004
Upper Hunter	ABC	7	1/07/2005
Victoria			
Bairnsdale	ABC	56	18/10/2004
Ballarat	AMV	46	20/05/2005
Bruthen	ABC	38	28/02/2005
Cann River	ABC	12	1/06/2005
Casterton	ABC	54	1/05/2005
Churchill	ABC	49	18/02/2005
Cobden	ABC	59	14/03/2005
Coleraine	ABC	42	1/05/2005
Goulburn Valley	GLV	42	1/10/2004
Horsham	SBS	49	1/02/2005
Lakes Entrance	ABC	61	12/11/2004
	SBS	58	25/05/2005
Latrobe Valley	VTV	36	28/07/2004
	AMV	33	20/05/2005
Nhill	SBS	67	1/02/2005
Nowa Nowa	ABC	51	12/11/2004
Orbost	ABC	37	15/11/2004
Portland	ABC	59	23/10/2004
Upper Murray	VTV	10	1/09/2004
	GLV	8	14/06/2005
	AMV	12	28/02/2005
Warrnambool	ABC	50	28/10/2004
Queensland			
Airlie Beach	SBS	28	1/07/2005
Ayr	SBS	56	1/08/2005
Babinda	SBS	52	1/07/2005
Blackwater	SBS	42	30/11/2004
Bowen Town	SBS	34	1/07/2005
Boyne Island	STQ	59	9/08/2004
	SBS	53	25/11/2004
	SBS	53	25/11/2004
Capella	SBS	28	1/03/2005
	ABC	31	2/08/2004

Area	Service	Channel	Date
Charters Towers	ABC	54	1/05/2005
	SBS	51	25/05/2005
Currumbin	NEN	65	1/09/2004
	NRN	43	13/09/2004
Darling Downs	STQ	34	31/01/2005
	TNQ	40	27/01/2005
Emerald	SBS	57	1/04/2005
Gladstone East	RTQ	8	1/09/2004
	SBS	30	27/10/2004
	STQ	39	9/08/2004
Gladstone West	RTQ	50	1/09/2004
	SBS	46	6/01/2005
	STQ	48	9/08/2004
Gold Coast	NEN	65	1/09/2004
	NRN	43	13/09/2004
Gordonvale	SBS	52	1/07/2005
Hervey Bay	STQ	59	31/01/2005
	ABC	56	1/06/2005
Mackay	RTQ	35	1/09/2004
	TNQ	32	30/09/2004
Mareeba	SBS	52	1/09/2005
Mt Isa	ABC	7	1/05/2005
	SBS	9A	14/04/2005
Port Douglas	SBS	66	1/08/02
Rockhampton East	ABC	57	1/07/2005
	SBS	54	25/05/2005
Shute Harbour	ABC	56	27/06/2005
Southern Downs	SBS	48	1/08/2004
Toowoomba	TNQ	61	27/01/2005
Townsville North	SBS	51	5/01/2005
	TNQ	60	11/08/2004
Warwick	ABC	56	1/06/2005
Wide Bay	RTQ	10	28/07/2004
	STQ	7	28/07/2004
	TNQ	9	10/08/2004
Yeppoon	ABC	57	1/07/2005
	SBS	54	25/05/2005
Western Australia			
Albany	SBS	41	1/01/2005
Broome	SBS	9A	27/10/2004
Carnarvon	SBS	11	24/12/2004

Area	Service	Channel	Date
Central Agricultural	SBS	48	1/01/2005
Esperance	SBS	9	9/03/2005
	ABC	9A	26/07/2004
Karratha	ABC	53	28/01/2005
Manjimup	SBS	55	9/03/2005
Narrogin	SBS	55	9/03/2005
	ABC	58	27/07/2004
Port Hedland	SBS	6	27/10/2004
Roebourne	ABC	9A	25/01/2005
Wagin	ABC	38	20/10/2004
	SBS	28	1/01/2005
Tasmania			
Hobart NE Suburbs	SBS	64	5/01/2005
	TDT	66	1/09/2004
	TVT	65	1/09/2004
Launceston	SBS	64	5/01/2005
	TDT	66	1/09/2004
	TVT	63	30/09/2004
NE Tasmania	TDT	52	9/08/2004
	TNT	38	31/07/2004
	TVT	50	28/07/2004
Taroona	SBS	42	5/01/2005
	TDT	41	1/09/2004
	TVT	39	1/09/2004
Northern Territory			
Alice Springs	ABC	8	20/03/2005
Katherine	ABC	8	28/02/2005
	SBS	6	1/3/2005

Table 7 Analog changes**Areas where analog television services have changed channels due to commencement of digital television services**

Area	Broadcaster	Channel change	Date of effect	Reason
New South Wales				
Cowra	ABC – ABCN63	UHF48 to UHF63	27/08/2004	To avoid co-channel interference from digital ABCN48 at SW Slopes/E Riverina to existing ABCN48 at Cowra
Deniliquin	ABC – ABGN57	VHF9 to UHF57	7/08/2004	To avoid co-channel interference from digital VTV9 at Goulburn Valley to existing ABG9
Victoria				
Warrnambool	Prime Television (Victoria) Pty Ltd AMV	UHF46 to 52	17/05/2005	To make Channel 46 available for Prime digital service at Ballarat
Queensland				
Glenden	Nebbo Shire Council SBS53	UHF35 to UHF53	30/07/2004	To assign channel 35 for the purpose of digital service for RTQ at Mackay
	Nebbo Shire Council ABQ47	UHF29 to UHF47	30/07/2004	To assign channel 29 for the purpose of digital service for RTQ at Mackay
Mosman	Regional Television Pty Ltd – TNQ	VHF11 to UHF 47	1/03/2005	To avoid co-channel interference from digital STQ11 at Cairns to existing TNQ11 at Mosman
Ravenshoe	Regional Television Pty Ltd – TNQ	VHF11 to UHF 44	1/03/2005	To avoid co-channel interference from digital STQ11 at Cairns to existing TNQ11 at Ravenshoe
Western Australia				
Esperance	ABC	Shift in 1 MHz for Ch 10	20/007/2004	To avoid channel interference from Channel 9A digital service in Esperance
Salmon Gums	Shire of Esperance	Shift in 1 MHz for Ch 11	20/7/2004	To avoid channel interference from Channel 9A digital service in Esperance

Table 8 Television Black Spots Program

Area served	No. of services made available
New South Wales	
Capertee	5
Patonga	5
Victoria	
Lorne	1
Queensland	
Horseshoe Bay	5

Table 9 Commercial Radio Black Spots Program**Areas where new planning was completed**

Area served	Callsign	Licence area plan	Applicant broadcaster
New South Wales			
Barrington	4RBL	Remote North East Zone	Rebel FM
Blayney	2BS	Overlap Bathurst and Orange	Bathurst Broadcasters
Burruga	2BS	Bathurst	Bathurst Broadcasters
Coomba Park/Stroud	4RBL	Remote North East Zone	Rebel FM
Hill End	2BS	Bathurst	Bathurst Broadcasters
Hobbys Yards	2BS	Bathurst	Bathurst Broadcasters
Kendall/Comboyne	4RBL	Remote North East Zone	Rebel FM
Newbridge	2BS	Overlap Bathurst and Orange	Bathurst Broadcasters
Rockley	2BS	Overlap Bathurst and Orange	Bathurst Broadcasters
Sallys Flat	2BS	Bathurst	Bathurst Broadcasters
Sofala	2BS	Bathurst	Bathurst Broadcasters
Tenterfield	4RBL	Remote North East Zone	Rebel FM
Wattle Flat	2BS	Bathurst	Bathurst Broadcasters
Queensland			
Aurukun	4RBL	Remote North East Zone	Rebel FM
Bamaga	4RBL	Remote North East Zone	Rebel FM
Doomadgee	4RBL	Remote North East Zone	Rebel FM
Gin Gin	4RBL	Remote North East Zone	Rebel FM
Gununa/Mornington Island	4RBL	Remote North East Zone	Rebel FM
Hope Vale	4RBL	Remote North East Zone	Rebel FM
Injune	4ZR	Roma	DMG Radio
Kowanyama	4RBL	Remote North East Zone	Rebel FM
Pompuraaw	4RBL	Remote North East Zone	Rebel FM
Springsure	4HIT	Emerald	DMG Radio
Theodore	4RBL	Remote North East Zone	Rebel FM
South Australia			
Bordertown/The Gap	8SAT	Remote Central Zone	Freshstream FM
Ceduna	8SAT	Remote Central Zone	Freshstream FM
Kingscote	8SAT	Remote Central Zone	Freshstream FM
Pinnaroo	8SAT	Remote Central Zone	Freshstream FM
Streaky Bay	8SAT	Remote Central Zone	Freshstream FM
Woomera	8SAT	Remote Central Zone	Freshstream FM
Northern Territory			
Jabiru	8SAT	Remote Central Zone	Freshstream FM

Areas where apparatus licences have been issued

Area served	Callsign	Licensed broadcaster
New South Wales		
Blayney	2BS	Bathurst Broadcasters
Bombala	2SKI	Radio Snowy Mountains
Burruga	2BS	Bathurst Broadcasters
Cootamundra	2LFF	Young Broadcasters Pty Ltd
Cowra	2LFF	Young Broadcasters Pty Ltd
Gilgandra	2DB0	Dubbo FM Radio Pty Ltd
Gundagai	2WG	Riverina Broadcasting Holdings Pty Ltd
Kyogle	2LM	Richmond Rivers Broadcasters
Merriwa	2VLY	Radio Hunter Valley Pty Ltd
Narromine	2DB0	Dubbo FM Radio Pty Ltd
North Haven	2PQQ	DMG Radio Australia
Sofala	2BS	Bathurst Broadcasters
Tumut	2WZD	Riverina Broadcasting Holdings Pty Ltd
Urunga	2PQQ	DMG Radio Australia
Victoria		
Mansfield	3SRR	Goulburn and Border Broadcasters Pty Ltd
Queensland		
Agnes Waters	4CC	DMG Radio Australia
Augathella	4VL	Radio 4VL
Blackwater	4HIT	DMG Radio Australia
Clairview	4MKY	DMG Radio Australia
Cunnamulla	4CCC	Radio 4VL
Glenden	4MMK	DMG Radio Australia
Kilcoy	4RBL	Rebel FM
Kooralbyn	4RBL	Rebel FM
Middlemount	4HIT	DMG Radio Australia
Mitchell	4ZR	DMG Radio Australia
Morven	4VL	Radio 4VL
Mossman	4CCA	DMG Radio
Mungallala	4VL	Radio 4VL
Nebo	4MKY	DMG Radio Australia
Quilpie	4VL	Radio 4VL
Stanthorpe	4GR	RG Capital Radio
Tambo	4VL	Radio 4VL
Taroom	4RBL	Rebel FM
Wandoan	4RBL	Rebel FM
Wyandra	4VL	Radio 4VL

Area served	Callsign	Licensed broadcaster
South Australia		
Streaky Bay	8SAT	Freshstream FM
Western Australia		
Pannawonica	6SAT	North West Radio
Tasmania		
Smithton/Stanley	7BU	RG Capital Radio
St Helens	7RGS	RG Capital Radio
Northern Territory		
Adelaide River	8HOT	Northern Territory Broadcasters Pty Ltd

Table 10 Apparatus licence variations

Area served	Applicant – callsign	Reason	Date of effect
New South Wales			
Bateman's Bay	Prime (CBN)	Change of channel from 58 to 66	2/02/2005
Bega	Bega Access Radio Inc.	Vary power from 2 kW to 1 kW	4/02/2005
	East Coast Radio – 2EC	Increase power from 3.5 kW to 5 kW	9/09/2004
Bowral/Mittagong	Prime TV (Southern) – CBN46	Change frequency from 655.5 to 655.625 MHz	17/08/2004
Condobolin	ABC	Change of antenna height	6/05/2005
	Prime Television (Southern) – CBN68	Change from retransmission licence to commercial licence	24/07/2004
Cootamundra	Radio 2LF Pty Ltd	Change of site	13/12/2004
East Rossgole	Northern Rivers TV – NRN59	Change from retransmission licence to commercial licence with a change in radiation pattern	19/08/2004
	NBN Limited – NBN68	Change from commercial licence to retransmission licence	19/08/2004
Eden	WIN Television NSW – WIN60	Change from retransmission licence to commercial licence	16/07/2004
Gilgandra	Dubbo FM Radio Pty Ltd	Change of site	13/12/2004
Gundagai	Riverina Broadcasters Holdings (2WG)	Change from retransmission licence to commercial licence	18/03/2005
Kotara	ABC – ABHN37	Change of antenna height and radiation pattern	24/09/2004
	NBN	Change of radiation pattern	28/05/2005
	SBS – SBS38	Change of antenna height and radiation pattern	24/09/2004
Lightning Ridge	Imparja Television – IMP63	Change from retransmission licence to commercial licence	12/07/2004
Lithgow	WIN TV	Change of radiation pattern	6/04/2005
Lithgow East	WIN TV	Change of radiation pattern	6/04/2005
Narromine	Dubbo FM Radio Pty Ltd	Change of site	13/12/2004
Narooma	Eurobodalla Access Radio Inc.	Change of site	4/12/01
Portland/Wallerawang	WIN TV	Change of radiation pattern	6/04/2005

Area served	Applicant – callsign	Reason	Date of effect
Sydney	Christian Broadcasting Association 2CBA	Change of site description and co-ordinates	1/02/2005
	Commercial Radio Australia – TEST	Increase of power	2/09/2004
Tumbarumba	Prime Television (Southern) – CBN69	Change from retransmission licence to commercial licence	24/07/2004
Tumut	SBS – SBS54	Change from retransmission licence to national licence with change in radiation pattern	27/08/2004
	SBS – SBS54	Change of radiation pattern and retransmission licence to National licence	28/08/2004
	Riverina Broadcasters Holdings – (2WZD)	Change from retransmission licence to commercial licence	18/03/2005
Tweed Heads	ABC	Change of channel from 32 to 31	22/06/2005
Walgett	Imparja Television – IMP63	Change from retransmission licence to commercial licence	13/07/2004
Young	SBS – SBS58	Change from retransmission licence to national licence	21/07/2004
Victoria			
Cobden	ABC	Convert from temporary transmission licence to National licence	29/03/2005
Colac	ABC	Change to radiation pattern	31/01/2005
	ABC	Convert from temporary transmission licence to National licence	29/03/2005
Echuca	Echuca Moama Broadcast Service 3GRR	Change of site	23/11/2004
Foster	ABC	Convert from temporary transmission licence to National licence	29/03/2005
Genoa	ABC	Change to radiation pattern	31/03/2005
Howqua	Prime Television (Southern) AMV63	Change from retransmission licence to commercial licence	23/07/2004
Hunters Knob	WIN Television Victoria — VTV45	Change from commercial licence to retransmission licence	19/08/2004
	Southern Cross Broadcasters Victoria GLV48	Change from commercial licence to retransmission licence	19/08/2004
	Prime TV (Southern) — AMV51	Change from commercial licence to retransmission licence	20/08/2004
Lorne	ABC	Convert from test licence to national licence	29/03/2005
	ABC	Change to radiation pattern	31/03/2005
Mallacoota	ABC	Change to radiation pattern	31/03/2005
Mt Gisborne	SBS – SBS68	Change from retransmission licence to national licence and radiation pattern change	27/08/2004
Mt Stanley	Southern Cross Broadcasters Victoria GLV48	Change from commercial licence to retransmission licence and change in radiation pattern	19/08/2004
Mt Stanley	Prime TV (Southern) AMV51	Change from commercial licence to retransmission licence and change of radiation pattern	20/08/2004
Tallandoon	Tallandoon Community TV Repeater – VTV62	Change from retransmission licence to commercial licence	26/07/2004
	Tallandoon Community TV Repeater – AMV65	Change from retransmission licence to commercial licence	26/07/2004
Tawonga South	ABC – ABAV32	Change from retransmission licence to national licence	22/07/2004

Area served	Applicant – callsign	Reason	Date of effect
Tower Hill, Warrnambool	Prime Television (Victoria) Ltd	Change of power	23/06/2005
Wodonga	ABC	Change of site with power increase	19/05/2005
Queensland			
Atherton	ABC	Change of antenna height and power	6/07/2005
Bald Knob	Network TEN (Brisbane) – TVQ69	Change from retransmission licence to commercial licence	23/07/2004
Boonah	Channel Seven Brisbane – BTQ66	Change from retransmission licence to commercial licence	13/09/2004
	Queensland TV – QTQ66	Change from retransmission licence to commercial licence	13/09/2004
	Network TEN (Brisbane) – TVQ64	Change from retransmission licence to commercial licence	13/09/2004
Bowen, Sprole Castle	Regional TV – TNQ46	Change from commercial licence to retransmission licence with radiation pattern change	18/08/2004
Briaba, Collinsville North	Regional TV – TNQ46	Change from commercial licence to retransmission licence with radiation pattern change	19/08/2004
	WIN Television Queensland – RTQ49	Change from commercial licence to retransmission licence with radiation pattern change	19/08/2004
Brisbane	Radio 4BC Brisbane	Change from test licence to commercial licence	18/11/2004
	Radio TAB (4TAB)	Increase of power	27/06/2005
Esk	Queensland TV – QTQ58	Change from retransmission licence to commercial licence	13/09/2004
	Channel Seven Brisbane – BTQ61	Change from retransmission licence to commercial licence	13/09/2004
Gladstone	Gladstone & District Christian Broadcasting Association Inc.	Change of site	13/04/2005
Ingham	Hinchinbrook Shire Council	Change of site for low power open narrowcasting service	7/07/2004
Moranbah	SBS – SBS67	Change from retransmission licence to national licence with increase of power	27/08/2004
Mt Isa	Imparja Television – IMP32	Change retransmission licence to commercial licence	12/07/2004
Mt Tambourine	Radio Hope Island – 4RHI	Change of site, antenna height, and radiation pattern	30/09/2004
	Hot Tomato Australia – 4HTB	Change of site, antenna height, and radiation pattern	30/09/2004
	Christian Air Broadcasters	Change of site, antenna height, and radiation pattern	30/09/2004
Roma	SBS – SBS60	Change from retransmission licence to national licence with increase in power	20/07/2004
Monto	Rebel Radio Network Pty Ltd	Change of site	19/10/2004
	Rebel Radio Network Pty Ltd	Change of site	21/12/2004
Sunshine Coast	TVQ	Change of channel from 69 to 57	7/06/2005
Toowoomba	Gold Radio Service	Change of site	23/02/2005
Woorabinda	Woorabinda Aboriginal Council – 4ACR	Change of site, power and frequency	5/07/2004

South Australia

Area served	Applicant – callsign	Reason	Date of effect
Adelaide Foothills	SBS –SBS61	Change of radiation pattern	
Ceduna	Freshstream FM	Change of site	26/08/2004
The Gap	Freshstream FM	Change of site, frequency and power	26/08/2004
	Freshstream FM	Change of site, frequency and power	26/08/2004
Kingscote	Freshstream FM	Change of site and frequency	26/08/2004
Kingston SE/Robe	WIN Television SA	Change from retransmission licence to commercial licence	2/08/2004
Pinnaroo	Freshstream FM	Change of site and power	26/08/2004
Port Pirie	Pirie Community Broadcasters 5TRX	Change of site	2/03/2005
Western Australia			
Augusta	WIN TV	Change from retransmission licence to commercial licence	5/01/2005
Carnamah	WIN TV	Change from retransmission licence to commercial licence	5/01/2005
Cocos Islands	Department of Transport & Regional Services	Change of WAW service from channel 6 to 10	15/02/2005
	Department of Transport & Regional Services	Change of SBS service from channel 10 to 8	15/02/2005
Fitzroy Crossing	WIN TV	Change from retransmission licence to commercial licence	5/01/2005
Geraldton	WIN TV	Change from retransmission licence to commercial licence	5/01/2005
Halls Creek	WIN TV	Change from retransmission licence to commercial licence	5/01/2005
Kalbarri	WIN TV	Change from retransmission licence to commercial licence	5/01/2005
Katanning	WIN TV	Change from retransmission licence to commercial licence	5/01/2005
Koolyanobbing	WIN TV	Change from retransmission licence to commercial licence	5/01/2005
Manjimup	WIN TV	Change from retransmission licence to commercial licence	5/01/2005
	SBS – SBS54	Change from retransmission licence to national licence	20/07/2004
Margaret River	WIN TV	Change from retransmission licence to commercial licence	5/01/2005
Mt Magnet	WIN TV	Change from retransmission licence to commercial licence	5/01/2005
Kalbarri	WIN TV	Change from retransmission licence to commercial licence	6/01/2005
Narrogin	SBS – SBS54	Change from retransmission licence to national licence with change of site and power	20/07/2004
Newman	Newman Community Radio	Change of signal polarisation	4/03/2005
Paraburdoo	WIN TV	Change from retransmission licence to commercial licence	5/01/2005
Perenjori	WIN TV	Change from retransmission licence to commercial licence	5/01/2005
Perth	6RPH	Change of site	22/02/2005
	WA Aboriginal Media Association – 6AR	Correction to licence radiation pattern	22/09/2004

Area served	Applicant – callsign	Reason	Date of effect
Port Hedland	WIN TV	Change from retransmission licence to commercial licence	5/01/2005
Rockingham	Radio Perth – 6IX	Change of site	12/07/2004
Roebourne	WIN TV	Change from retransmission licence to commercial licence	5/01/2005
Tasmania			
Dover South	WIN Television TAS – TVT47	Change from retransmission licence to commercial licence	15/07/2004
Forth	Central Coast Council	Change of channel from 42 to 28	7/01/2005
	Central Coast Council	Change of channel from 48 to 34	7/01/2005
	Central Coast Council	Change of channel from 39 to 31	7/01/2005
	Central Coast Council	Change of channel from 45 to 43	7/01/2005
Montumana	WIN Television Victoria – TVT62	Change from commercial licence to retransmission licence	19/08/2004
	Southern Cross TV TNT9 – TNT57	Change from commercial licence to retransmission licence	19/08/2004
	ABC – ABNT59	Change from commercial licence to retransmission licence	19/08/2004
Tullah	Bicycle Victoria	Change of site	4/02/2005
Northern Territory			
Adelaide River	Northern Territory Broadcasters Pty Ltd	Change frequency from 103.7 to 98.1 MHz	6/05/2005
Alice Springs	Wiseguy Pty Ltd	Change of site name	30/03/2005
	Council of Centralian College	Change of site	15/03/2005
	CAAMA	Change of site	15/03/2005
Katherine	SBS – SBS58	Change from retransmission licence to national licence	20/07/2004

Table 11 Narrowcasting licences allocated

Area served	Frequency	Licensee	Allocation price	Licence issue date
New South Wales				
Wagga Wagga	95.5 MHz	2KY Broadcasters Pty Ltd	\$4,000	23/06/2005
Collarenebri	95.5 MHz	Aboriginal Corporation Enterprising Services	\$4,000	3/02/2005
Bourke	94.5 MHz	United Christian Broadcasters Australia Ltd	\$4,000	17/12/2004
Walgett	979 MHz	United Christian Broadcasters Australia Ltd	\$4,000	17/12/2004
Victoria				
Casterton	104.5 MHz	United Christian Broadcasters Australia Ltd	\$8,000	17/12/2004
Lakes Entrance	89.9 MHz	3UZ Pty Ltd	\$17,000	17/12/2004
Orbost	95.5 MHz	3UZ Pty Ltd	\$7,000	17/12/2004
St Arnaud	106.1 MHz	United Christian Broadcasters Australia Ltd	\$8,000	17/12/2004
Terang	90.5 MHz	United Christian Broadcasters Australia Ltd	\$4,000	17/12/2004
Warracknabeal	100.5 MHz	United Christian Broadcasters Australia Ltd	\$9,000	17/12/2004
Yarram	92.7 MHz	3UZ Pty Ltd	\$14,000	17/12/2004
Queensland				
Alpha	100.7 MHz	Beecher Investments Pty Ltd	\$4,000	23/06/2005
Biloela	90.1 MHz	United Christian Broadcasters Australia Ltd	\$4,000	17/12/2004
Blair Athol	98.3 MHz	Rio Tinto Coal Australia Pty Ltd	\$4,000	23/06/2005
	99.9 MHz	Rio Tinto Coal Australia Pty Ltd	\$4,000	23/06/2005
	100.7 MHz	Rio Tinto Coal Australia Pty Ltd	\$4,000	23/06/2005
	97.5 MHz	Beecher Investments Pty Ltd	\$4,000	17/12/2004
Cunnamulla	102.9 MHz	United Christian Broadcasters Australia Ltd	\$4,000	17/12/2004
Dysart	90.9 MHz	Beecher Investments Pty Ltd	\$4,000	17/12/2004
Inglewood	98.1 MHz	Beecher Investments Pty Ltd	\$4,000	17/12/2004
Injune	101.9 MHz	Beecher Investments Pty Ltd	\$4,000	23/06/2005
Middlemount	94.1 MHz	Beecher Investments Pty Ltd	\$4,000	17/12/2004
Mitchell	103.7 MHz	Beecher Investments Pty Ltd	\$4,000	23/06/2005
Port Douglas	106.3 MHz	Martin Fineberg	\$17,000	17/12/2004
Saraji	92.1 MHz	Beecher Investments Pty Ltd	\$4,000	17/12/2004
Surat	94.7 MHz	Beecher Investments Pty Ltd	\$4,000	23/06/2005
Tieri	92.1 MHz	Beecher Investments Pty Ltd	\$4,000	17/12/2004
Tully	92.7 MHz	United Christian Broadcasters Australia Ltd	\$12,000	17/12/2004
Yuleba	89.5 MHz	Beecher Investments Pty Ltd	\$4,000	23/06/2005
Western Australia				
Albany	93.7 MHz	United Christian Broadcasters Australia Ltd	\$24,000	17/12/2004
Leonora	98.5 MHz	United Christian Broadcasters Australia Ltd	\$4,000	17/12/2004
Newman	96.9 MHz	United Christian Broadcasters Australia Ltd	\$10,000	17/12/2004
Onslow	101.9 MHz	United Christian Broadcasters Australia Ltd	\$4,000	17/12/2004
Paraburdoo	98.1 MHz	United Christian Broadcasters Australia Ltd	\$4,000	17/12/2004
Roebourne	97.7 MHz	United Christian Broadcasters Australia Ltd	\$4,000	17/12/2004

Area served	Frequency	Licensee	Allocation price	Licence issue date
Tom Price	104.1 MHz	United Christian Broadcasters Australia Ltd	\$4,000	17/12/2004
Northern Territory				
Darwin East	90.7 MHz	Gumnut Nominees Pty Ltd	\$44,000	17/12/2004
Tennant Creek	104.5 MHz	United Christian Broadcasters Australia Ltd	\$4,000	17/12/2004
Yulara	105.3 MHz	Nigel Slater	\$4,000	23/06/2005

Table 12 Temporary community broadcasting licences allocated

Licence area	Licensee	Frequency
New South Wales		
Coffs Harbour RA3	Coffs Harbour Christian Broadcasters Inc.	94.1 MHz
Coonabarabran RA1	Warrumbungles Community Broadcasting Association Inc.	99.5 MHz
Coonamble RA1	Warrumbungles Community Broadcasting Association Inc.	91.9 MHz
Eden RA1	Eden Community Radio Inc.	104.7 MHz
Gilgandra RA1	Warrumbungles Community Broadcasting Association Inc.	98.9 MHz
Gosford RA1	Gosford Christian Broadcasters Limited	94.9 MHz
	Radio Yesteryear Inc.	94.9 MHz
Lord Howe RA1	Lord Howe Island Radio Station Association Inc.	100.1 MHz
Moss Vale RA1	MVH FM Inc.	92.5 MHz
Murwillumbah RA2	North Coast Broadcasters	101.3 MHz
Narrandera RA1	Narrandera District and Community Radio Inc.	92.3 MHz
Sanctuary Point RA1	Bay and Basin Community Resources Inc.	92.7 MHz
Taree RA3	Manning Great Lakes Christian Broadcasters Inc.	106.5 MHz
Ulladulla RA1	Milton Ulladulla and Districts Community Radio Association	102.7 MHz
Young RA2	Lambing Flat Community Broadcasting Inc.	92.3 MHz
Victoria		
Bendigo RA4	Central Victorian Gospel Radio Inc.	101.5 MHz
Corryong RA1	High Country Community Media Association Inc.	94.9 MHz
Geelong RA1	Geelong Ethnic Communities Council Inc.	94.7 MHz
Kilmore RA1	Mitchell Community Radio Inc.	97.1 MHz
Mt Beauty RA1	Kiewa Valley Community Radio Association Inc.	92.5 MHz
Walwa Jingellic RA1	Upper Murray Community Radio Inc.	88.7 MHz & 107.7 MHz

Licence area	Licensee	Frequency
Queensland		
Bundaberg RA2	Bundaberg Burnett Community Broadcasting Association Inc.	96.3 MHz
Cairns RA2	Smithfield Community Radio Association Inc.	101.9 MHz
Esk RA1	Brisbane River Valley Radio Inc.	95.9 MHz
Mackay RA2	Mackay & District Aboriginal & Islander Media Association	105.9 MHz
Mossman RA2	4CCC Coral Coast Country Community Radio Inc	100.1 MHz
Palm Island RA1	Queensland Police-Citizens Youth Welfare Association – Palm Island Branch	97.3 MHz
	Coolgaree Youth Movement Aboriginal Corporation	97.3 MHz
Tiaro RA1	Tiaro Shire Community Centre Inc.	107.1 MHz
Weipa RA1	Cape Care Association Inc.	95.5 MHz
South Australia		
Goolwa RA1	Radio Alexandrina (Alex FM) Community Broadcasters Association Inc.	96.5 MHz
	The Fleurieu Christian Broadcasters Inc.	96.5 MHz
Western Australia		
Bunbury RA1	Harvey Mainstreet (Inc.)	96.5 MHz
Perth RA2	Western Sports Media Inc.	90.5 MHz
	Capital Community Radio Inc.	90.5 MHz
Pilbara RA1	Gumala Aboriginal Corporation	Various FM
Tasmania		
Oatlands RA1	Southern Midlands Community Radio Station Inc.	97.1 MHz
Northern Territory		
Alice Springs RA2	8CCC Community Radio Inc.	102.1 MHz
Arnhem Land RA1	Aboriginal Resource and Development Services Inc.	1530 kHz
	Aboriginal Resource and Development Services Inc.	1530 kHz
	Aboriginal Resource and Development Services Inc.	Various AM

Appendix 4

P & C programs, C consultants

Table 1 Programs granted C or P classification in 2004–05

Program title	Style	Type	Origin	Applicant
Children's – C				
<i>Backyard Science</i>	Live action	Magazine	Australia	Beyond Productions Pty Ltd
<i>Big Arvo, The</i> (series 13)	Live action	Information	Australia	Seven Network Limited
<i>Big Arvo, The</i> (series 14)	Live action	Information	Australia	Seven Network Limited
<i>Christmas Orange, The</i>	Animation	Drama	Canada	Nine Network Australia Pty Ltd
<i>Go Go Stop</i> (series 1)	Live action	Light entertainment	Australia	Ambience Concept Pty Ltd
<i>Go Go Stop</i> (series 2)	Live action	Light entertainment	Australia	Ambience Concept Pty Ltd
<i>Go Go Stop</i> (series 3)	Live action	Light entertainment	Australia	Ambience Concept Pty Ltd
<i>Hot Source</i> (series 2)	Live action	Light entertainment	Australia	Nine Network Australia Pty Ltd
<i>It's Academic</i> (series 1)	Live action	Light entertainment	Australia	Seven Network Limited
<i>Stanley</i>	Animation	Drama	USA	Seven Network Limited
<i>Totally Wild</i> (series 14)	Live action	Light entertainment	Australia	Network Ten Pty Ltd
Children's drama – CD				
<i>Blinky Bill's Extraordinary Balloon Adventure</i>	Animation	Drama	Australia	Yoram Gross EM TV Pty Ltd
<i>Blinky Bill's White Christmas</i>	Animation	Drama	Australia	Yoram Gross EM TV Pty Ltd
<i>Eggs, The</i> (series 3)	Animation	Drama	Australia	B&T Entertainment Pty Ltd
<i>Eggs, The</i> (series 4)	Animation	Drama	Australia	B&T Entertainment Pty Ltd
<i>Faireez</i> (series 1, episodes 1–13)	Animation	Drama	Australia	Moody Street Kids Pty Ltd
<i>Faireez</i> (series 1, episodes 14–26)	Animation	Drama	Australia	Moody Street Kids Pty Ltd
<i>Faireez</i> (series 2, episodes 27–39)	Animation	Drama	Australia	Moody Street Kids Pty Ltd
<i>Flipper and Lopaka</i> (series 3)	Animation	Drama	Australia	Yoram Gross EM TV Pty Ltd
<i>Foreign Exchange</i> (series 1)	Live action	Drama	Australia	Southern Star Entertainment Pty Ltd
<i>High Flyers</i> (series 2)	Live action	Drama	Australia	Southern Star Entertainment Pty Ltd
<i>Holly's Heroes</i> (series 1 episodes 17–26)	Live action	Drama	Australia	Tosi Westside Pty Ltd
<i>Maddigan's Quest</i> (series 1)	Live action	Drama	Australia	Burberry Productions Pty Ltd
<i>Pigs Breakfast</i> (series 2 renewal)	Live action	Drama	Australia	Southern Star Entertainment Pty Ltd
<i>Pigs Breakfast</i> (series 3 renewal)	Live action	Drama	Australia	Southern Star Entertainment Pty Ltd
<i>Silver Sun</i> (series 1, episodes 23–40)	Live action	Drama	Australia	Beyond Simpson Le Mesurier
<i>Shapiex, The</i> (series 3)	Animation	Drma	Australia	Light Knights Productions Pty Ltd

Program title	Style	Type	Origin	Applicant
<i>Streetsmartz (series 1)</i>	Live action	Drama	Australia	Great Western Entertainment Pty Ltd
<i>Wicked Science (series 2 episodes 1–13)</i>	Live action	Drama	Australia	Jonathan M Shiff Productions Pty Ltd
<i>Wicked Science (series 2 episodes 14–26)</i>	Live action	Drama	Australia	Jonathan M Shiff Productions Pty Ltd
Provisional – PRC				
<i>Bad Hair Rae (series 1)</i>	Animation	Drama	Australia	Pacific Vision Pty Ltd
<i>Blabber Mouth</i>	Animation	Drama	Australia	Westside Film and Television Pty Ltd
<i>Dogstar (series 1)</i>	Animation	Drama	Australia	Media World Pictures Pty Ltd
<i>Flipper and Lopaka (series 3)</i>	Animation	Drama	Australia	Yoram Gross EM TV Pty Ltd
<i>Maddigan's Fantasia (series 1)</i>	Live action	Drama	Australia	Burberry Productions Pty Ltd
<i>Making a Splash (series 1)</i>	Live action	Drama	Australia	Film poets Dreamstone
<i>MI 8 (series 1)</i>	Live action	Light entertainment	Australia	Patch Productions
<i>Mighty Good Kids (series 1)</i>	Live action	Light entertainment	Australia	Mighty Good Productions Pty Ltd
<i>Penny Drew (series 1)</i>	Live action	Drama	Australia	Cloud 9 Screen Entertainment Group
<i>Rayman (series 1)</i>	Live action	Drama	Australia	Yoram Gross EM TV Pty Ltd
<i>Shak, The (series 1)</i>	Live action	Light entertainment	Australia	Nine Network Australia Pty Ltd
<i>Snobs – The Movie</i>	Live action	Drama	Australia	Southern Star Entertainment Pty Ltd
<i>Strangelings, The (series 1)</i>	Live action	Drama	Australia	Steward & Wall Entertainment Pty Ltd
<i>Streetsmartz (series 1)</i>	Live action	Drama	Australia	Great Western Entertainment Pty Ltd
<i>Streetsmartz (series 2)</i>	Live action	Drama	Australia	Great Western Entertainment Pty Ltd
<i>Wild Science (series 1)</i>	Live action	Information	Australia	Network Ten Pty Ltd
Provisional – PRP				
<i>Fairies, The</i>	Live action – animation	Light entertainment	Australia	The Fairies Development Pty Ltd
Preschool – P				
<i>Hi-5 (series 7)</i>	Live action	Light entertainment	Australia	Kids Like Us Pty Ltd
<i>New Macdonalds Farm</i>	Live action – puppetry	Light entertainment	Australia	Pacific & Beyond Pty Ltd
<i>Playhouse Disney (series 4)</i>	Live action	Light entertainment	Australia	Walt Disney Television International (Australia/New Zealand)

Table 2 Children’s television consultants 2004–05

Name	Expertise
Dina Browne	Production
Anni Browning	Production
Kevin Durkin	Child development
Patricia Edgar	Production/script assessment/early childhood
Robert Greenberg	Script writing/assessment/editing
Alan Hardy	Production
Simon Hopkinson	Script writing/editing
Stephen Measday	Script writing/editing
Nadia Mencinsky	Previously responsible for C and P assessments at the ABA
Fiona Mitchell	Curriculum/child development/early childhood
Esben Storm	Directing/script writing
Carole Wilkinson	Script writing/editing

Notes to Table 3, page 113.

The formula for calculating first release Australian drama programs is:

$$\text{Drama Score} = \text{Format Factor} \times \text{Duration of program (in hours)}.$$

The Format Factor for drama is:

- 4 for a feature film that has been acquired for a licence fee of at least \$154,000.
- 4 for a telemovie, mini-series, or self-contained drama of less than 90 minutes’ duration
- 3.2 for a feature film that was acquired before 11 July 2002
- 3 for a series/serial produced at the rate of one hour or less per week and acquired from an independent producer for a fee of at least \$308,000 per hour
- 2.5 for a feature film that does not meet the format factor 4 or format factor 3.2 requirements
- 2.5 for a serial or series produced at the rate of one hour or less per week, but does not meet format factor 3 requirement
- 1 for a series/serial produced at the rate of more than one hour per week

Table 3 Australian Content and Children's Television Standards Compliance – 2004

Quota	Australian programs	Australian drama		Australian documentary		Australian Children's C drama		Australian children's C programs		Australian preschool P programs	
		all	first release	first release	first release	repeat	first release	all	all		
run											
measure	%	(total annual score)	(total annual hours)	(total annual hours)	(total annual hours)	(total annual hours)	(total annual hours - includes C drama)	(total annual hours)	(total annual hours)	(total annual hours)	(total annual hours)
Minimum annual requirement	6am – 12mn	250 hrs	20 hours	25 hours	8 hours	25 hours	130 hours	260 hours	130 hours	130 hours	
	55%	score									
Seven licensees											
	56.89	20492	37092	4048	3300	52.13	13300	262.13	13100		
SAS Adelaide											
BTQ Brisbane	56.69	20478	37063	4097	3300	52.63	13250	261.13	13100		
HSV Melbourne	57.04	20497	37116	4198	3300	52.13	13250	260.63	13100		
TVW Perth	57.45	20490	37087	4097	3300	51.12	13300	262.62	13100		
ATN Sydney	56.09	20493	37098	3398	3300	52.13	13250	260.63	13100		
Nine licensees											
QTQ Brisbane	64.25	9768	30193	2000	3200	57.50	131.50	263.50	13100		
GTV Melbourne	62.01	9760	30167	2000	3200	57.50	131.50	264.50	13100		
TCN Sydney	62.82	9760	30167	2000	3200	58.00	131.50	265.50	13100		
Ten licensees											
ADS Adelaide	56.52	15492	255.17	21.00	32.50	50.50	132.50	261.50	13100		
TVQ Brisbane	55.90	15492	255.17	21.00	32.50	50.50	132.50	261.50	13100		
ATV Melbourne	56.59	15392	252.17	21.00	32.50	50.50	132.50	261.50	13100		
NEW Perth	56.54	15492	255.17	21.00	32.50	50.50	132.50	261.50	13100		
TEN Sydney	55.84	15492	255.17	21.00	32.50	50.50	132.50	261.50	13100		

See notes on page III2

Appendix 5 Investigations into potential breaches by licensees 2004–05

Callsign	Program name / matter	Substance of complaint	Breach finding : Code/program standard/licence condition or section of the Broadcasting Services Act considered
COMMERCIAL TELEVISION			
Australian Capital Territory			
CBN Prime Southern NSW	Landscape	The program contained political matter without including the required authorisation.	Required particulars to be announced where political matter is broadcast at the request of another person.
WIN Canberra / Southern NSW	A Current Affair – Participation In Surveys	The program segment was inaccurate and misrepresented viewpoints.	Accurate presentation of factual material and fair representation of viewpoints in current affairs.
WIN Canberra / Southern NSW	60 Minutes – Stitched Up	The program was inaccurate and unfairly represented the issues.	Accurate presentation of factual material and correction of significant errors at earliest opportunity in current affairs.
New South Wales			
ATN 7 Sydney	Desperate Housewives promotion	Promotion shown during the Australian Open Tennis men's final depicted a woman pointing a gun to her head which was not suitable viewing for children.	Broadcasting material classified M during sports coverage in PG time zone.
ATN 7 Sydney	Today Tonight – Boys in Trouble	Inaccurate portrayal of interviewees' opinions, and that some interviews went to air without consent. Complaints handling.	Complaints handling.
ATN 7 Sydney	Today Tonight – Centrelink	The segment was inaccurate and failed to fairly represent Centrelink's viewpoint.	Accuracy, fair representation of viewpoints and correction of significant errors at earliest opportunity in current affairs.
ATN 7 Sydney	Today Tonight – Centrelink	Program was inaccurate and views not presented fairly.	Accuracy.
ATN 7 Sydney	Today Tonight – Horneslock	Real estate agent segment contained inaccuracies and unfairly represented the agent. Complaints handling.	Accuracy, fair representation of viewpoints in current affairs, complaints handling.
ATN 7 Sydney	Today Tonight – Red Cross	Complaint that a segment on Hepatitis C infected blood presented factually incorrect information and misrepresented viewpoints in a way likely to cause public panic. Complaints handling.	Accuracy, fair representation of viewpoints, complaints handling.
TCN 9 Sydney	A Current Affair – Identity Fraud	Report contained inaccuracies and was unfair. Complaints handling.	Complaints handling.

Callsign	Program name / matter	Substance of complaint	Breach finding : Code/program standard/licence condition or section of the Broadcasting Services Act considered
TCN 9 Sydney	A Current Affair – Neighbourhood Dispute	Neighbourhood dispute segment which featured complainant's wife was not balanced or fair. Complaints handling.	Complaints handling.
TCN 9 Sydney	The Specialist promotion	A promotion for the M classified film had strong sexual overtones and violence. Failure to receive response from licensee.	Broadcasting material in G time zone with more than a very low sense of threat and menace. Failing to respond to complaint as soon as practicable but no longer than 30 working days after receipt of complaint.
NBN Northern NSW	Morisset Power Barn advertisement	Complaint that advertisement was excessively loud. No response was provided to complainant.	Advertisement volume exceeded level of programming volume. Complaints handling.
NBN Northern NSW	60 Minutes – The Devil's Playground	Confidential video footage shown during the broadcast in which complainant was clearly identifiable. Footage was presented as being recent and was broadcast without complainant's consent or knowledge.	Privacy.
NEN Northern NSW & Gold Coast	Prime Local News	An item on the likely rise in petrol prices by a Labor government was inaccurate and biased. Complaints handling.	Complaints handling.
NEN Northern NSW & Gold Coast	Local News	Lack of captioning on local news.	Captioning.
Victoria			
ATV 10 Melbourne	Cold Mountain and The Last Samurai advertisements	Commercials for MA classified cinema films were incorrectly shown during G programs.	Broadcasting material classified MA during G programs.
ATV 10 Melbourne	Sports Tonight	A 'Rove's Play of the Day' segment contained torture and violence that was not suitable for family viewing time.	Failing to exercise care in selecting material for broadcast during a news sports program in G.
GTV 9 Melbourne	Final Analysis	Consumer advice given for the M classified movie was inappropriate, as it did not include a warning that the film contained sex scenes.	Incorrect consumer advice warning accompanying M movie.
GTV 9 Melbourne	Today Show	Steve Leibman's interview of Lindsay Tanner contained factual inaccuracies and Telstra was not provided with an opportunity to provide its viewpoint.	Accuracy.
HSV 7 Melbourne	Athens Olympics 2004 non-program matter	The broadcast of an excessive number of advertisements and station promotions during the coverage of the Athens Olympics. Complaints handling.	Complaints handling.

Callsign	Program name / matter	Substance of complaint	Breach finding : Code/program standard/licence condition or section of the Broadcasting Services Act considered
HSV 7 Melbourne	<i>Home and Away</i>	The program contained violence and adult themes inappropriate for a child audience.	Incorrectly classifying material as G and not supplying a consumer advice warning for a PG classified program containing material of a strength or intensity which the licensee would have reasonably believed parents or guardians of young children may not expect.
HSV 7 Melbourne	<i>Firestorm</i> promotion	The promotion contained violence and coarse language that was inappropriate for a G timeslot.	Broadcasting material with more than a very low sense of threat or menace.
HSV 7 Melbourne	24 promotion	The promotion contained violence that was inappropriate for a G timeslot.	Broadcasting material with more than a very low sense of threat or menace, including weapons and physical and psychological violence against people.
HSV 7 Melbourne	<i>The Matrix: Revolutions</i> advertisement	The commercial contained graphic scenes, including a human head disappearing into flames.	Broadcasting material classified M during PG time zone.
Queensland			
BTQ 7 Brisbane	Non-program matter	Licensee broadcast more than the allowable minutes per hour of non-program matter and as a result scenes were cut from the movie, <i>The Battle of Britain</i> .	Scheduling of more than the permissible 13 minutes per hour of non-program matter.
TVQ 10 Brisbane	<i>V8 Supercar</i>	Radio exchanges between drivers and pit crew contained coarse language.	Failing to exercise care in selecting material for broadcast during a sports program in G.
TVQ 10 Brisbane	<i>First at Five News</i>	Privacy was invaded as complainants were identified during a news segment on bullying.	Privacy, privacy of children, complaints handling.
STQ Regional Queensland	<i>Seven Local News</i>	Report about the effect of liquor limitations in Weipa was biased and uncorroborated, and reinforced racial stereotypes.	Fairness and impartiality in news presentation.
TNQ Regional Queensland	<i>Good Morning Australia</i>	The program contained nudity and semi-nudity inappropriate for a PG timeslot. Complaints handling.	Failing to supply substantive written response and not advising complainant of their right to refer matter to ABA.
South Australia			
SAS 7 Adelaide	<i>Desperate Housewives</i> promotion	Promotion shown during the Australian Open Tennis men's final, which depicted a woman pointing a gun to her head, was not suitable viewing for children.	Broadcasting material classified M during sports coverage in PG time zone.

Callsign	Program name / matter	Substance of complaint	Breach finding : Code/program standard/licence condition or section of the Broadcasting Services Act considered
Western Australia			
TVW 7 Perth	<i>Sunrise</i>	Objection to information provided about male circumcision. Complaints handling.	Complaints handling.
COMMERCIAL RADIO			
Australian Capital Territory			
ICBR Canberra	ABFACTS	Broadcasting an election advertisement during the 'blackout' period.	Broadcasting of election advertisements.
Victoria			
3AW Melbourne	<i>Drive with Derryn Hinch</i>	Rex Hunt vilified the complainant on the <i>Drive with Derryn Hinch</i> program.	Vilification.
3FOX Melbourne	<i>Breakfast Show</i>	The competition The Great Race presented the misuse of alcohol as desirable.	Presenting the misuse of alcohol as desirable.
3CAT Geelong	<i>Morning Program</i>	Complaint that comment: 'Christmas only comes once a year ... thank Christ' was offensive and hurtful. No response to written complaint.	Complaints handling.
3SUN Shepparton	<i>Bench Warmers</i>	Three broadcasts of the program contained comments that were sexually explicit, inappropriate and emotionally damaging to children.	Complaints handling.
Queensland			
4EL Cairns	<i>John McKenzie Mornings</i>	Callers and the presenter made offensive comments during broadcasts of the program. Copy of broadcast not retained. Complaints handling.	Retention of records, complaints handling.
South Australia			
5AA Adelaide	<i>Bob Francis</i>	Comments from presenter about Aboriginal people and their unwillingness to work vilified indigenous Australians; complaint sent to station and a response not received.	Vilification of Aboriginal people, complaints handling – failure to respond.
5AA Adelaide	<i>Leon Byner</i>	Investigation initiated by ABA under section 170 of the Broadcasting Services Act	Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000 and the Broadcasting Services (Commercial Radio Compliance Program) Standard 2000

Callsign	Program name / matter	Substance of complaint	Breach finding : Code/program standard/licence condition or section of the Broadcasting Services Act considered
COMMUNITY RADIO			
New South Wales			
2CCR Sydney	Community interest, community participation	Licensee is not representing the community interest or encouraging members of the community to participate in its operations or in the selection and provision of programs.	Community participation.
2FBI Sydney	Music – Closer – Nine Inch Nails	Complaint that explicit and offensive language in song which was broadcast at 3:52 pm when children might be listening.	Establish programming practices to protect children.
2RES Sydney	<i>Voice of India</i> – Sponsorship	Broadcast of five minutes five seconds of sponsorship announcements.	Broadcasting sponsorship announcements that run in total for more than 5 minutes in the hour.
2SER Sydney	Dhanak: Hindi Program – advertisements	During a one-hour period, the station broadcast 7 advertisements. Licensee failed to respond to complaint within 60 days.	Broadcasting advertisements and failure to respond to a written complaint.
2SWR Blacktown	Community participation, advertisements	Licensee alleged to have failed to encourage community to participate in programming and operations of the service and that it broadcast advertisements.	Broadcast of advertisements.
2MCR Campbelltown	<i>Afternoon Program</i>	Complainant felt humiliated after the song 'They're coming to take me away' was broadcast instead of the song he requested. Licensee allegedly did not provide a copy of the code nor did they advise the complainant of his right to refer the matter to the ABA.	Complaints handling.
South Australia			
5EBT Adelaide	Conflict resolution policy	Licensee does not have adequate conflict resolution policy in place.	Internal conflict resolution procedures in place.
Western Australia			
Groove 101.7 FM		That the ABA investigate whether YMS provided a service for community purposes; operated for profit or as part of a profit-making enterprise; represented the community interest that it represented when the licence was allocated; encouraged members to participate in providing the service and the selection and provision of programs; broadcast advertisements; transmitted in accordance with its technical operating conditions.	Community interest, community participation.

Callsign	Program name / matter	Substance of complaint	Breach finding : Code/program standard/licence condition or section of the Broadcasting Services Act considered
6HCR Port Hedland	<i>Breakfast Show</i> – advertisements	The licensee broadcast a tobacco advertisement and advertisements for the local shopping centre and the businesses there.	Broadcasting advertisements.
6WR Kununura	Advertisements	The licensee broadcast advertisements.	Broadcasting advertisements.
ABC TELEVISION			
ABC TV New South Wales	News	Report covering a defamation case against Channel 9 was factually inaccurate, biased and misleading.	Accuracy in news.
ABC TV New South Wales	<i>A Decade Under the Influence</i>	The documentary program contained obscene language.	PG language.
ABC TV Victoria	<i>Stairline – Pacific Hydro</i>	A segment concerning Pacific Hydro's Wind Energy Project in Portland, Victoria was not accurate, balanced or impartial.	Accuracy in current affairs.
ABC TV Western Australia	ABC News	A 7 pm news item was discriminatory in its reference to 'Asian crime gangs' as murder suspects. Complaints handling.	Complaints handling.
ABC TV Tasmania	<i>Four Corners – Lords of the Forests</i>	A program on Tasmanian forestry was inaccurate.	Accuracy in current affairs.
SBS TELEVISION			
SBS TV Western Australia	<i>John Safran vs God</i>	The broadcast offended the beliefs of Muslims and SBS did not provide a substantive response to complaint about the program.	Complaints handling.
SBS TV Tasmania	<i>Insight – Styx vs Gurns</i>	Program about the Tasmanian forestry industry was inaccurate and biased.	Accuracy.
ABC RADIO			
2CN Canberra	AM	Biased and anti-American AM reports relating to the military operations against Iraq which were initiated by the coalition of countries, including the United States, United Kingdom and Australia, and subsequent hostilities in Iraq.	Impartiality in current affairs.
4JUJ Queensland	<i>Morning Program</i>	Complaint about language was inappropriately broadcast at 730 am. Complaints handling.	Language, complaints handling.

Callsign	Program name / matter	Substance of complaint	Breach finding : Code/program standard/licence condition or section of the Broadcasting Services Act considered
SUBSCRIPTION TELEVISION NARROWCAST SERVICES			
Free XTV and Backroom, 'adult services' broadcast by satellite into Australia from overseas locations	Investigation prompted by a number of queries, including questions on Notice, about the apparent availability of 'adult services' being broadcast by satellite in Australia from overseas locations.	Class licence conditions – X classified programs broadcast. (Both services ceased broadcasting into Australia, following the start of the investigation.)	
Sexz.TV, an 'adult service' broadcast by satellite into Australia from overseas locations	Investigation prompted by a number of queries, including Questions On Notice, about the apparent availability of 'adult services' being broadcast by satellite in Australia from overseas locations.	Class licence conditions – X classified programs broadcast. (Service ceased broadcasting into Australia, following the start of the investigation.)	

Non-breach findings

Callsign	Program name / matter	Substance of complaint	Non-breach finding : Code/program standard/licence condition or section of the Broadcasting Services Act considered
COMMERCIAL TELEVISION			
Australian Capital Territory			
CTC Canberra / Southern NSW	Skithouse	Comedy segment featured violence against a cat and did not comply with the PG classification requirements for violence.	PG material to be mild in impact – violence, adult themes.
CTC Canberra / Southern NSW	Ten News	Report on the riots at Macquarie Fields was gratuitously sensationalist and of a nature to incite community unrest and riotous behaviour.	Accurate presentation of factual material in news, viewpoints presented fairly, create public panic, news presented fairly and impartially, reporting of factual material clearly distinguished from commentary and analysis.
WIN Canberra / Southern NSW	Strengthening Medicare advertisements	The broadcast of political matter did not include the required particulars.	Announcement of required particulars with broadcast of political matter.
New South Wales			
ATN 7 Sydney	Today Tonight – Living It Up	Segment about children living in a caravan was inaccurate and an invasion of privacy.	Accurate presentation of factual material in current affairs, privacy.
ATN 7 Sydney	Today Tonight – Terrorist Threat in Australia	Allegations made in a segment on terrorism concerning the complainant's behaviour towards an unattended bag were inaccurate and an unfair representation of his viewpoint.	Accurate presentation of factual material and fair representation of viewpoints in current affairs.
TCN 9 Sydney	A Current Affair – National Road Quiz	The National Road Quiz segment inaccurately quoted the road rules regarding use of roundabouts. Complaints handling.	Accurate presentation of factual material in current affairs, complaints handling.
TCN 9 Sydney	National Nine News	The broadcast breached privacy of a young person and the licensee used the service in the commission of an offence against another Act.	Use of the broadcasting service in the commission of an offence and privacy issue.
MTN / WIN Griffith & Murrumbidgee	A Current Affair – Iraq Hostage Execution	Footage of lead-up to execution of a US hostage was distressing and offensive to viewers and gave no warnings.	Provision of warnings when broadcasting distressing and offensive material.
NBN Newcastle	A Current Affair – Iraq Hostage Execution	The segment was inappropriate for a G time zone and should have carried a warning.	Provision of warnings when broadcasting distressing and offensive material.

Callsign	Program name / matter	Substance of complaint	Non-breach finding : Code/program standard/ licence condition or section of the Broadcasting Services Act considered
NRN Northern NSW	<i>The X Factor</i>	The program contained offensive language.	PG – language.
Victoria			
ATV 10 Melbourne	<i>Melbourne International Comedy Debate</i>	The broadcast of a debate on the topic of the Ten Commandments ridiculed the Bible and vilified those who believe in God and take the Bible seriously.	Vilification.
ATV 10 Melbourne	<i>One Tree Hill</i> promotion	The promotion for the PG program broadcast during a G classified film contained sexual references not suitable for children's viewing.	PG promotion in G – references to sexual behaviour, language.
ATV 10 Melbourne	<i>Rat Race</i> promotion	Promotion for M classified film broadcast during a PG time zone was inappropriate as it depicted nudity.	M promotion in PG – nudity.
ATV 10 Melbourne	<i>Ten Nightly News</i>	Distressing material broadcast of a car on fire, with a voice over informing viewers that two people were killed.	Material likely to distress or offend viewers.
ATV 10 Melbourne	<i>The OC</i> – promotion	Promotion for M classified program broadcast during a G program contained inappropriate language.	M promotion in G – language.
GTV 9 Melbourne	<i>60 Minutes – The Great Divide</i>	The broadcast contained factual inaccuracies and was biased.	Accuracy and fair representation of viewpoints.
GTV 9 Melbourne	<i>The Wedding Singer</i>	PG classified movie contained sex, language, drug use and themes in excess of the PG classification level.	Films may be modified in accordance with OFLC Guidelines. PG – sex, language, drug use and themes.
GTV 9 Melbourne	<i>Wide World of Sports – AFL Coverage</i>	Inappropriate language used by commentator during broadcast of the Port Adelaide / Collingwood AFL match.	Exercise care in the selection and broadcast of all material in near-live sporting events. G – language.
HSV 7 Melbourne	<i>All Saints</i>	Inappropriate language broadcast in M classified program.	M – language.
HSV 7 Melbourne	<i>Pearl Harbor</i> promotion	The promotion for the M classified film contained violence inappropriate for a G timeslot.	M promotion in G – violence.
HSV 7 Melbourne	<i>Seven Nightly News</i>	The news bulletin and a promotion for Today Tonight which included content of a new treatment for diabetes amounted to an advertisement relating to medicines.	Advertisement for a medicine.
HSV 7 Melbourne	<i>Seven Nightly News</i>	The broadcast of an item concerning the alleged attempted poisoning of minors was not presented with care or regard to the composition of the viewing audience, especially children.	Material in news that may seriously distress or seriously offend a substantial number of viewers.

Callsign	Program name / matter	Substance of complaint	Non-breach finding : Code/program standard/ licence condition or section of the Broadcasting Services Act considered
HSV 7 Melbourne	<i>Sunrise</i>	In a report on animal activists trying to stop a panda being returned to China, presenters made racist comments. Complaints handling.	Provoke or perpetuate intense dislike, serious contempt or severe ridicule, complaints handling.
HSV 7 Melbourne	<i>Today Tonight – Weight Reduction</i>	The segment promoted a pharmaceutical product and failed to provide accurate information to the public.	Advertisement for a medicine, accuracy in current affairs.
AMV Prime Regional Victoria	<i>Prime Suspect – The Last Witness</i>	The use of the name of Jesus Christ in the program vilified Christians.	Vilification.
BCV / GLV Western Victoria	<i>There's Something About Miriam promotion</i>	The promotion for the M classified program broadcast during American Idol contained partial nudity and references to sexual behaviour which was unsuitable material for children to watch.	M promotion in G – nudity, sexual references.
VTV Regional Victoria	<i>Drop Dead Gorgeous</i>	The movie contained obscene language and sexual references inappropriate for PG viewing.	PG classification – Visual depiction/verbal reference to sexual behaviour, coarse language.
Queensland			
BTQ 7 Brisbane	<i>Today Tonight – Centrelink</i>	A segment was sensationalised, one-sided and contained inaccuracies.	Accurate presentation of factual material and fair representation in current affairs.
BTQ 7 Brisbane	<i>Today Tonight – Holidays from Hell</i>	Broadcast was inaccurate, one-sided, omitted key information and used unrelated footage.	Accurate presentation of factual material in current affairs, factual accuracy in promotions.
BTQ 7 Brisbane	<i>Seven News</i>	A segment reporting on the trial of the man accused of killing the Australian cricketer David Hookes inaccurately reported that the deceased had been three times over the legal blood-alcohol limit on the night of his death.	Accurate presentation of factual material in news.
QTQ 9 Brisbane	<i>A Current Affair – Get Rich Schemes</i>	A segment about the complainant's business affairs was inaccurate and unfairly represented their viewpoints.	Accurate presentation of factual material and fair representation of viewpoints in current affairs.
QTQ 9 Brisbane	<i>76th Academy Awards</i>	Excessive amount of time occupied by non-program matter during the program of the presentation of the Academy Awards. Complaints handling.	Limits to the amount of non-program matter, complaints handling.
QTQ 9 Brisbane	<i>A Current Affair – Chicks in Bricks</i>	The segment, which was filmed outside a building which prominently featured the name of a business, inaccurately inferred that the business was failing.	Accurate presentation of factual material and fair representation of viewpoints in current affairs.

Callsign	Program name / matter	Substance of complaint	Non-breach finding : Code/program standard/ licence condition or section of the Broadcasting Services Act considered
TVQ 10 Brisbane	<i>Neighbours</i>	The episode contained adult sexual references and adult themes inappropriate for a child audience.	G – Sexual references and themes.
TVQ 10 Brisbane	<i>Queen Eye for the Straight Guy</i>	The PG classified program contained inappropriate sexual references.	PG – references to sexual behaviour, adult themes.
TVQ 10 Brisbane	<i>Just Shoot Me and Newsweds</i> promotions	Promotions for the PG programs shown during the G classified movie Stuart Little contained offensive language and strong sexual references.	Promotions in G – references to sexual behaviour and socially offensive / discriminatory language.
TVQ 10 Brisbane	<i>The OC</i> promotion	Promotion for M classified program broadcast during G programs contained inappropriate language.	Promotions in G – language.
TVQ 10 Brisbane	<i>Skithouse</i>	A skit relating to organ transplants was offensive.	PG – Adult themes should be carefully handled and mild in impact.
TVQ 10 Brisbane	<i>There's Something About Miriam</i> promotions	Promotions for the M classified program were not suitable for G because they contained adult themes.	M promotions in G – nudity, sexual references.
RTQ Regional Queensland	<i>News</i>	Confidential complaint about an inaccurate and unfair report.	Accurate presentation of factual material and privacy in news.
STQ Regional Queensland	<i>Today Tonight – Electromagnetic Radiation</i>	The segment contained factual material that was not accurately presented, was misleading and alarmed viewers. Complaints handling.	Accurate presentation of factual material, mislead and alarm viewers, complaints handling.
TNQ Regional Queensland	<i>The Cooks</i> promotion	Promotion featuring a rat being thrown into hot oil depicted animal cruelty in a humorous manner, which was inappropriate.	PG – Violence against animals.
South Australia			
ADS 10 Adelaide	<i>Ten News</i>	Segment gave incorrect information on the legal age of consent. Response to complainant did not advise to refer matter to ABA.	Accuracy, complaints handling.
ADS 10 Adelaide	<i>Video Hits</i>	Video clip of the song 'Just Lose It' by Eminem was considered inappropriate for G.	Vilification, G – violence.
NWS 9 Adelaide	<i>The Panic Room</i>	M classified film contained violence and offensive language in excess of the M classification level and the licensee did not have regard to the OFLC guidelines when modifying the film to M from MA.	Modification of MA films, M – Violence and language.
SAS 7 Adelaide	<i>Today Tonight – Work Cover</i>	Alleged breach of privacy and presentation of inaccurate material in segment concerning unlawful receipt of Work Cover payments.	Accurate presentation of factual material, complaints handling and privacy.

Call sign	Program name / matter	Substance of complaint	Non-breach finding : Code/program standard/ licence condition or section of the Broadcasting Services Act considered
SAS 7 Adelaide	Pet Secure advertisement	Concern that the advertisement was too disturbing for G time zone.	Advertisements to be given appropriate classification. G – other (minimise distress to children).
SAS 7 Adelaide	Today Tonight promotion of segments	Three broadcasts and promotions contained inaccuracies, disregarded the feelings of relatives, invaded privacy of individuals and were unsuitable for children (in case of promotions).	G – care in promotions, news and current affairs, Accuracy and sensitivity for bereaved relatives, privacy in news and current affairs.
SAS 7 Adelaide	Today Tonight – Miscarriage of Justice	Alleged factual inaccuracy, disregard for feelings of relatives and invasion of privacy in a segment on a murder case.	Accurate presentation of factual material, sensitivity for bereaved relatives, privacy.
Western Australia			
STW 9 Perth	Comedy Inc	A segment entitled The Other Passions Of The Christ vilified Christians and did not carry warnings.	Vilification.
TVW 7 Perth	Leap Years	Episodes contained nudity that was not accompanied by appropriate consumer advice	Sex and nudity in MA and M, consumer advice.
TVW 7 Perth	Leaving Las Vegas promotion	The promotion for the AV classified movie contained explicit nudity.	AV – sex and nudity.
TVW 7 Perth	Rugby World Cup – Romania vs Australia	The English captions mistranslated the Romanian anthem, and the mistranslation amounted to vilification. Complaints handling.	Vilification, complaints handling.
TVW 7 Perth	Today Tonight	Use of the word 'porn' was offensive and discriminatory.	Discrimination in news and current affairs.
NEW 10 Perth	Video Hits	Video clip of the song 'Goodies' by Ciara featured provocative clothing, sexual references and behaviour was considered inappropriate for G.	G – Sex and nudity.
Tasmania			
TNT 7 & 10 Tasmania	News	Complaint that the report on the collision between two members of the RAAF Roulettes aerobatics team included unacknowledged computer-generated simulation and that there was no acknowledgement of this.	Simulating news.
OPEN NARROWCASTING TELEVISION (Community TV trial)			
Channel 31 Melbourne & Briz 31 Brisbane	General program content	By broadcasting horse racing, community television services are not operating according to the requirements for a community licence.	Providing a service without a licence, and use of spectrum for community and educational non-profit purposes.

Call sign	Program name / matter	Substance of complaint	Non-breach finding : Code/program standard/licence condition or section of the Broadcasting Services Act considered
COMMERCIAL RADIO			
New South Wales			
2GB Sydney	Alan Jones	The program incited religious hatred against Muslims. Complaints handling.	Vilification, complaints handling.
Queensland			
4MMM Brisbane	Molloy – Tough Love Show	Mick Molloy's review of a Mel Gibson movie was crass and offensive, racially vilifying and breached contemporary standards of decency.	Vilification, standards of decency of the likely audience.
South Australia			
5MMM Adelaide SA	Not specified – light entertainment	Broadcast included use of the word 'gay' which negatively reflects on people who are homosexual.	Vilification on the basis of sexual preference.
5SSA Adelaide SA	Hot 30 – Come Clean segment	Broadcast of conversations in which lurid confessions were made, without advising participants that they were on air.	Unauthorised broadcast of statements by identifiable persons.
Western Australia			
6PR Perth WA	Paul Murray – Talk Back	Comments by announcer vilified a men's self-help organisation and were discriminatory.	Vilification.
COMMUNITY RADIO			
New South Wales			
2BCR Bankstown	Community interest, participation	The licensee is not representing the community's interest or encouraging the community to participate in programming.	Continue to represent the community interest, participation.
2CCC Central Coast	Breakfast Show – advertisements	Complaint that licensee broadcast advertisements and sponsorship announcements over the 5 min per hour limit during the Breakfast Show.	Broadcasting advertisements and sponsorship announcements in excess of 5 min per hour.
2SNR Gosford	Community interest, participation	The licensee is failing to represent the original community interest, and is not encouraging community participation.	Continue to represent the community interest, participation.

Call sign	Program name / matter	Substance of complaint	Non-breach finding : Code/program standard/ licence condition or section of the Broadcasting Services Act considered
2WAY Port Macquarie	Volunteer guidelines, conflict resolution policy	Complainant, a suspended volunteer announcer, was not provided with volunteer guidelines and conflict resolution policy.	Volunteer guidelines in place, volunteer guidelines easily available in document form, written internal conflict resolution policy.
2YAS Yass	Yes Yass It's Saturday	The presenter made comments that appeared to demean and vilify the complainant on the grounds of his political affiliation. Discussion that encouraged people how to vote in council elections amounted to political advertising without the required tag. Complaints handling.	Identification of certain political matter, vilification, complaints handling.
Victoria			
3CCC Bendigo	Volunteer guidelines, conflict resolution policy	Licensee did not provide copies of the volunteer guidelines and conflict resolution policy when requested to do so.	Volunteer guidelines, written conflict resolution policy in place.
Queensland			
4MET Gold Coast	Pure Playaz	Inappropriate song lyrics broadcast during the Sunday afternoon R&B and hip hop program.	Consider audience and discrimination.
4SDA Nambour	Participation	The community service did not encourage participation by the community.	Community participation in the service.
South Australia			
5EBI Adelaide	Greek Program	Announcer incorrectly attributed embarrassing comments to complainant's wife.	Accuracy.
5FBI Adelaide	Participation	Application for membership was rejected and no reasons were given.	Encouraging the community to participate in the operations and programming of the service.
Western Australia			
6PCR Fremantle	Morning Show	Presenter's comments contained inaccuracies and stereotyped East Timorese people.	Accuracy in news and current affairs. Vilification.
Tasmania			
7EDG Hobart	Music – general	A number of complaints regarding various music tracks. Complaints handling.	Language, complaints handling.

Callsign	Program name / matter	Substance of complaint	Non-breach finding : Code/program standard/licence condition or section of the Broadcasting Services Act considered
TEMPORARY COMMUNITY BROADCASTING LICENCES			
Milton Ulladulla and Districts Community Radio Association Inc.	Participation	The temporary licensee is not encouraging community participation, has rejected an application for membership and discriminated against the applicant's association with another community broadcaster.	Encouraging participation by members of the community.
COMMUNITY TELEVISION			
Queensland			
Briz31	<i>The Birth of A Nation</i>	Movie incites racial prejudice, promotes the Ku Klux Klan as heroes and incites violence against people of other races.	Vilification.
OPEN NARROWCAST RADIO			
KIX FM Agnes Waters, Bundaberg, Gladstone, Maryborough and Hervey Bay, Rockhampton and Yeppoon	General program content	Open narrowcast services for Agnes Waters, Bundaberg, Gladstone, Maryborough and Hervey Bay, Rockhampton and Yeppoon are not narrowcast as defined in the Act.	Providing a commercial broadcasting service without a licence.
ABC TELEVISION			
ABC TV	<i>Australian Story – The Brendan Abbott Story</i>	The program contained coarse language and did not provide a warning.	Language and warnings.
ABC TV	<i>Enough Rope</i>	Interview with Lisa Marie Presley contained coarse language.	Language, M classification.
ABC TV	<i>George Negus Tonight</i>	The presenter referred to a migrant from England as the 'Pommy power man'. Complaints handling.	Discrimination, complaints handling.
ABC TV	<i>Lateline</i>	Segment featuring an interview with John Pilger was biased and failed to challenge views of the interviewee.	Accuracy, balance and impartiality in current affairs.
ABC TV	<i>Lateline</i>	Segment on election issues contained inaccuracies and was biased. Complaints handling.	Accuracy, balance and impartiality in current affairs, complaints handling.
ABC TV	<i>News</i>	Albert Park Formula One Grand Prix – inaccurate figures reported on spectator attendance.	Accuracy and correction of errors.
ABN TV	<i>Four Corners – RSPCA</i>	The broadcast was unfair to RSPCA and did not present a balanced view.	Impartiality and balance over time in news and current affairs.
ABV TV	<i>The Glass House</i>	Joke made about Mother Theresa.	Discrimination.

Call sign	Program name / matter	Substance of complaint	Non-breach finding : Code/program standard/ licence condition or section of the Broadcasting Services Act considered
ABC RADIO			
4ABC FM	<i>Breakfast Show</i>	Presenter's comments were offensive to people with disabilities, particularly deaf people.	Discrimination.
2JJJ	<i>Morning Show</i>	Concerned with inappropriate language on youth radio.	Language.
7ZR Hobart	AM	Alleged that a report on the Middle East conflict was inaccurate and biased in favour of Israel.	Accuracy, balance and impartiality in current affairs.
2JJJ	<i>Afternoon Program</i>	Swearing in song lyrics. Complaints handling.	Language, complaints handling.
SBS TELEVISION			
SBS TV	PIZZA	Program contained material which degrades women and is offensive to people from ethnic backgrounds.	Portrayal of women and indigenous Australians.
SBS TV	<i>Stories from the Golf</i>	Objected to the use of 'Jesus Christ' as a swear word.	Religions.
SBS TV	<i>SBS World News, Dead in the Water</i>	Inaccuracies and anti-Israel bias broadcast in <i>SBS World News</i> and <i>Dead in the Water</i> documentary.	Accuracy, impartiality
Subscription Television Broadcasting			
FOXTEL	<i>Mild Seven Outdoor Quest</i>	The broadcast on Fox Sports contained tobacco advertising.	Broadcasting a tobacco advertisement.
Optus Vision Media Pty Ltd	<i>Sky News</i>	Broadcast invaded privacy and the licensee used the service in the commission of an offence against another Act.	Use of the service in the commission of an offence against another Act, privacy.

Summaries of breaches

COMMERCIAL TELEVISION

Licence conditions, Children's Television Standards, Commercial Television Industry Code of Practice

Australian Capital Territory

CBN (Prime) Canberra / Southern NSW

Program: Landscape

Breach: Broadcasting political matter at the request of another person without announcing the required particulars

On 4 May 2004, the ABA received a written complaint regarding the *Landscape* program broadcast on CBN (Prime). The complainant claimed that the program contained political matter and had been broadcast without the required particulars.

Landscape was a fortnightly program of less than three minutes duration. It was described by the licensee as a program 'delivered by Australia's Prime Minister of the day', that provided information of relevance to the regional viewing audience. It began broadcasting in October 2000. The ABA determined that by broadcasting the *Landscape* program on 7 April 2004, Prime Television (Southern) Pty Ltd, the licensee of CBN, breached clause 4(2) of Schedule 2 to the Broadcasting Services Act, as it broadcast political matter at the request of another person but did not cause the required particulars in relation to the matter to be announced immediately afterwards.

In making its decision, the ABA noted that the licensee had acted in good faith, based on a previous decision about an earlier broadcast of *Landscape*. The ABA also noted that the licensee had suspended broadcast of *Landscape* upon receipt of the preliminary report, and liaised with the ABA on the way forward. In light of this, the ABA decided not to take action in this instance.

WIN TV Canberra / Southern NSW

Program: A Current Affair

Breach: Accuracy and fairness in current affairs programs

In June 2004 the ABA received an unresolved written complaint regarding two segments of the Nine Network program *A Current Affair* broadcast by WIN TV on 1 and 2 December 2003. The segments both dealt with the way in which the Australian Bureau of Statistics collects information. The complainant alleged that these segments were inaccurate, one-sided and unfair, because:

- both segments contained a number of exaggerated and incorrect claims
- both segments were unbalanced and one-sided
- the second segment failed to correct errors made in the first segment
- promotions for both program segments were sensational and one-sided and
- one of the segments contained a simulated scene that was not identified as such.

The ABA determined that the licensee of WIN TV, WIN Television NSW Pty Ltd, breached clause 4.3.1 of the code on three occasions during its broadcast of *A Current Affair* on 1 December 2003, in that factual material was not presented accurately.

In response to the ABA's request about what action would be taken to prevent future similar breaches, the Nine Network, the producer of the program, advised that it would use the final report in its regular training sessions. Nine also advised that it conducts regular training programs in legal and compliance issues and the Commercial Television Industry Code of Practice, and that this training, combined with appropriate examples (including any specific example which arises from the publication of the report of the investigation), would reduce the risk of a future breach.

WIN 9 Canberra / Southern NSW**Program: 60 Minutes****Breach: Accuracy, correction of significant errors**

On 23 September 2003, the ABA received an unresolved written complaint from the Australian Customs Service regarding a program promotion and segment entitled 'Stitched Up' broadcast by WIN Television in the *60 Minutes* program on 15 June 2003.

The complainant raised concerns relating to the general presentation and structure of the report, and alleged that certain facts were not presented accurately and viewpoints were not represented fairly.

The ABA determined that, during a broadcast of *60 Minutes* on 15 June 2003 WIN Television NSW Pty Ltd:

- breached clause 4.3.1 of the Commercial Television Industry Code of Practice 1999, in its presentation of factual material
- breached clause 4.3.11 of the code by failing to make reasonable efforts to correct significant errors of fact at the earliest opportunity
- did not breach clause 4.5 of the code in presenting factual material accurately in the program promotion
- did not breach clause 7.9 of the code in relation to complaints handling.

After considering the preliminary findings of this report, WIN TV made the following comments:

- WIN broadcast the program under the terms of its Network Affiliation Agreement with the Nine Network
- the Nine Network as producer of the program and the originating broadcaster, has sole control of the content of the report and the production of the program
- the Australian Customs Service complaint was initially directed to the Nine Network, specifically to the producer of the program. Furthermore, the complainant and program producer had been in contact during the making of the report and
- WIN relied on the input of the Nine Network in addressing this complaint.

The ABA noted the licensee's comment that, pursuant to clause 1.5.2 of the code, it relied on

the Nine Network, as producer of the program, to ensure compliance with the code.

While the ABA considered that this did not discharge the licensee, as the broadcaster, from the code obligations, it noted that WIN Television advised the ABA that it intended to use its best endeavours to ensure that the program producer and supplier take the necessary steps to ensure staff awareness and compliance with the Code of Practice. It also noted that the Nine Network informed WIN that it had taken steps to achieve this.

New South Wales**ATN 7 Sydney, SAS Adelaide****Program: Desperate Housewives promotion****Breach: Broadcasting material classified M during sports coverage**

In February and March 2005 the ABA received four complaints regarding the broadcast of a promotion for the M classified program *Desperate Housewives* on ATN Sydney and SAS Adelaide.

The promotion was broadcast during the Australian Open Tennis men's final after 8.30 pm on Sunday, 30 January 2005. The depiction of concern was one in which a female character was implied to have committed suicide. The promotion was preceded by a visual and audio warning that the promotion was classified M. The period after 8.30 pm is generally an M classification zone, however under the code program promotions during certain programs, such as live sporting events, must comply with the PG classification requirements. This is in recognition of the fact that children are likely to comprise a higher percentage of the viewing audience than would generally be the case at this time.

The ABA determined that the licensee of ATN 7, Channel Seven (Sydney) Pty Ltd and the licensee of SAS, Channel Seven (Adelaide) Pty Ltd breached the 2004 code under clause 3.11 in broadcasting material classified M during a PG time zone.

Seven Network, on behalf of the licensees, acknowledged that the broadcast of M classified material was in breach of the code and apologised to complainants. The complainants

had, however, come to the ABA to further express concern about the suitability of the promotion material, particularly the treatment of suicide themes, for broadcast during a program in which large numbers of children were likely to be viewing.

The ABA was aware that suicide is a matter of considerable concern in the Australian community, and believed that particular care is necessary in dealing with this subject matter, particularly at times when children are likely to be viewing.

The ABA therefore asked the Seven Network to take further action to ensure that clause 3.11 is understood by its staff. This action included Seven Network giving an undertaking to the ABA that it would provide the investigation report along with an explanation of the ABA's findings to staff, and implement information sessions across the network to discuss provisions of the code relating to the placement of promotions, particularly with regard to restrictions in G and PG programs. The ABA requested that Seven Network undertake this action within six months and report back to the ABA on its compliance.

Seven Network accepted the ABA's request and advised the ABA that it took action soon after the promotion was broadcast, before the ABA's investigation, to train promotions staff in scheduling requirements, particularly those under clause 3.11.

ATN 7 Sydney

Program: *Today Tonight – Boys in Trouble*

Breach: *Complaint handling*

On 28 May 2004, the ABA received an unresolved written complaint regarding a program segment entitled 'Boys in Trouble' broadcast by Channel Seven Sydney Pty Ltd (the licensee) on the *Today Tonight* program on 19 February 2004. The complainant alleged that the licensee failed to present factual material accurately and represent viewpoints fairly and failed to respond to her written complaint.

The segment concerned the absence of male role models for young boys, particularly in the Australian education system, and the impact of this on their development.

The ABA determined that the licensee:

- breached clauses 7.9 and 7.10 of the Commercial Television Industry Code of Practice 1999, by failing to provide a substantive written response to the complainant within 30 working days after receipt of the response and
- did not breach clause 4.3.1 of the Commercial Television Industry Code of Practice 1999, in relation to representing viewpoints fairly.

The ABA did not intend to take any further action in this instance as that the licensee acknowledged the breach and proposed to conduct a comprehensive compliance training regime.

ATN 7 Sydney

Program: *Today Tonight – Centrelink*

Breach: *Accuracy, representation of viewpoints and correcting significant errors of fact at the earliest opportunity*

On 11 March 2004, the ABA received a complaint from Centrelink regarding factual content, representation of viewpoints and correcting significant errors of fact at the earliest opportunity in the 'Ruthless Centrelink' segment broadcast on *Today Tonight* on 18 December 2003.

The complainant's concerns related primarily to the omission of relevant information provided by the complainant, and the failure of the licensee to include the complainant's 'side of the story in response to inaccurate allegations', which resulted in a negative representation of Centrelink.

The ABA determined that, in relation to the broadcast of the item 'Ruthless Centrelink' in the program *Today Tonight* on 18 December 2003, the licensee, Channel Seven Sydney Pty Ltd:

- breached clause 4.3.1 of the Commercial Television Industry Code of Practice 1999 as factual material was not presented accurately
- breached clause 4.3.1 of the code as viewpoints were not represented fairly
- breached clause 4.3.11 of the code as reasonable efforts were not made to correct a significant error of fact at the earliest opportunity and

- did not breach clause 4.5 of the code as viewpoints were represented fairly in the program promotion.

In its 18 October 2004 submission the licensee advised the ABA that it would be:

... providing a copy of the ABA's final investigation report to relevant senior news and current affairs management as well as to the reporting and research staff involved with the preparation of the segment.

The ABA also noted that on 20 May 2004, in regard to an investigation into another *Today Tonight* report, the ABA sought a written undertaking from Channel Seven that it conduct a code training program with relevant staff within the following three months. Training for news and current affairs staff was to focus on section 4 of the code, using relevant ABA investigations as practical examples to illustrate code requirements. In a letter dated 9 November 2004, Channel Seven advised that:

- training sessions were conducted with News & Current Affairs, Sales Programming/ Admin and the switchboard
- each session was specifically tailored to those areas of the code of most significance to the relevant business area and
- for the News & Current Affairs groups, training focused on clause 4 (News and Current Affairs) of the code and the complaints handling requirements of clause 7. All areas of the relevant code were covered.

ATN 7 Sydney

Program: *Today Tonight – Centrelink*

Breaches: *Accurate presentation of factual material and fair representation of viewpoints*

On 3 June 2004, the ABA received a written complaint from Centrelink regarding a segment broadcast by Channel Seven Sydney Pty Ltd (the licensee) on the *Today Tonight* program on 3 March 2004. The complainant alleged that the licensee failed to present factual material accurately; failed to represent viewpoints fairly; and failed to correct significant errors of fact.

The program segment reported on a former Centrelink employee who now runs a business assisting Centrelink customers with overpayment debts attributed to Centrelink.

The ABA determined that the licensee:

- breached clause 4.3.1 of the Commercial Television Industry Code of Practice 1999 in that it did not present factual material accurately and in that it did not represent viewpoints fairly
- did not breach clause 4.3.11 of the code which requires the correction of significant errors of fact.

The ABA noted that in response to the breach findings, the licensee would provide a copy of the decision to key personnel involved in news and current affairs, along with an explanation of the decision and directions to ensure that future programs are consistent with the ABA's findings in this matter.

The ABA considered this action addressed the compliance issues raised by the investigation and ACMA will continue to monitor the licensee's performance in this regard, particularly in relation to clause 4.3.1 (accuracy of factual material and fair representation of viewpoints).

ATN 7 Sydney

Program: *Today Tonight – Homeshock*

Breach: *Accuracy in current affairs and complaints handling*

On 16 July 2004 the ABA received a written complaint regarding a segment entitled 'Homeshock' broadcast by ATN 7 on the *Today Tonight* program on 15 April 2004. The complainant alleged that ATN 7 failed to present factual material accurately. The ABA also considered whether the licensee had breached the complaints handling requirements in the Commercial Television Industry Code of Practice 1999.

The determined that, during the broadcast of 'Homeshock' on *Today Tonight* on 15 April 2004, the licensee ATN 7 breached clause 4.3.1 of the code by failing to present factual material accurately and breached clauses 7.9 and 7.12 of the code by failing to provide a substantive written response to the complainant and failing to advise the complainant that it could make a complaint to the ABA about the matter if it considered the response inadequate.

The licensee advised that once the ABA had issued its final investigation report regarding the matter, it would provide a copy of the decision to key personnel involved in news and current

affairs, along with an explanation of the decision and directions to ensure that future programs are consistent with the ABA's findings in this matter. In light of the licensee's undertakings, the ABA did not take any enforcement action in relation to the breach.

ATN 7 Sydney

Program: Today Tonight – Red Cross

Breach: Accuracy, representation of viewpoints and complaints handling

On 17 September 2003, the ABA received a complaint from the Australian Red Cross Blood Service about factual content, representation of viewpoints and complaint handling in relation to the item 'Bad Blood' broadcast on *Today Tonight* on 12 June 2003.

The complainant also claimed that the broadcast was unduly alarmist and irresponsible, due to the inaccuracy of the overall report, and had the potential to impact donor confidence in the Australian Red Cross Blood Service.

The ABA determined that in relation to the broadcast of the item 'Bad Blood' in the program *Today Tonight* on 12 June 2003, the licensee, Channel Seven Sydney Pty Ltd:

- breached clause 4.3.1 of the Commercial Television Industry Code of Practice 1999 in relation to presentation of factual material and representation of viewpoints
- breached clause 7.9 of the code in its handling of a complaint about the item and
- did not breach clause 4.3.2 of the code in relation to the creation of public panic.

In its 4 March 2004 submission the licensee advised the ABA that it would be:

... conducting an extensive code training program throughout the network following the introduction of the revised code. For the news and current affairs area training will particularly focus on section 4 of the code and will also include a strong emphasis on complaints handling. We will be using relevant ABA investigations (including this investigation) as practical examples to stimulate discussion and to illustrate the application of the code requirements that are relevant to news and current affairs.

As with all ABA investigations, a copy of the ABA's report in relation to this story will be provided to our senior news and current affairs management as well as reporting and research staff involved with preparation of the story.

Seven recognises that there have been a number of recent ABA investigations involving complaints handling in the news and current affairs area and that this issue must be addressed internally...

At its meeting of 20 May 2004, the ABA decided to seek a written undertaking from the licensee that it would:

- provide a copy of the ABA investigation report to all relevant staff
- conduct a code training program with relevant staff within the next three months
- focus training for news and current affairs staff on section 4 of the code, using relevant ABA investigations (including this one) as practical examples to illustrate code requirements and
- report to the ABA, at the end of the three-month period, on its compliance with the above.

TCN 9 Sydney

Program: A Current Affair – Identity Fraud

Breach: Complaints handling

On 27 January 2005, the ABA received a written complaint regarding a segment broadcast by TCN 9 Sydney on the program *A Current Affair* on 24 September 2004. The complainant alleged that the licensee failed to present factual material accurately, failed to correct significant errors of fact, and failed to respond to the complaint.

The program segment concerned the issue of identity fraud, and in particular, a case study of a tenant who attempted to steal the identity of her flatmate.

The ABA determined that the licensee, TCN Channel Nine Pty Ltd:

- breached clause 7.9 of the Commercial Television Industry Code of Practice 2004 by failing to provide a substantive written response to the complaint
- presented factual material accurately in the broadcast and therefore did not breach clause 4.3.1 of the code
- did not breach clause 4.3.11 of the code in relation to correcting significant errors of fact.

The ABA noted that in response to the breach finding, the licensee reviewed the situation and took steps to ensure that the failure to respond

to a letter of complaint did not arise in future. The ABA considered this action addressed the compliance issues raised by the investigation and ACMA will continue to monitor the licensee's performance in this regard.

TCN 9 Sydney

Program: *A Current Affair – Neighbourhood Dispute*

Breach: *Complaints handling*

On 14 March 2005, the ABA received a written complaint regarding a segment broadcast by TCN Channel Nine Ltd (the licensee) of the program *A Current Affair* on 1 December 2004. The complainant alleged that the licensee failed to represent viewpoints fairly and failed to provide a response to his complaint.

The program segment concerned a dispute between a woman who operated a home occupation distributing advertising pamphlets and her neighbours who objected to the piles of pamphlets in the woman's front yard.

The ABA determined that the licensee:

- breached clause 7.9 of the Commercial Television Industry Code of Practice 2004 by failing to provide a substantive written response to the complaint and
- represented viewpoints fairly in the broadcast and therefore did not breach clause 4.3.1 of the code.

The ABA noted that in response to the breach finding, the licensee reviewed the situation and took steps to ensure that the failure to respond to a letter of complaint would not recur.

The ABA considered this action addressed the compliance issues raised by the investigation and ACMA will continue to monitor the licensee's performance in this regard.

TCN 9 Sydney

Program: *The Specialist promotion*

Breach: *M promotion during G time zone – more than very low sense of threat or menace & complaints handling*

In April 2004, the ABA received a written complaint concerning the program promotion for the M classified movie *The Specialist*, broadcast on 1 February 2004 during a G time zone. The complainant expressed concern that voiceovers had strong sexual overtones and were

accompanied by scenes of explosions, violence and sexual allusions. The complainant also claimed not to have received a response from the licensee.

The ABA determined that the licensee, TCN Channel Nine Pty Ltd, breached clause 3.8 of the Commercial Television Industry Code of Practice 1999 by broadcasting material, during a G viewing period, which contained more than a very low sense of threat and menace. The ABA also determined that the licensee breached clause 7.10 of the code by failing to respond to a complaint as soon as practicable, but in any case no longer than 30 working days after receipt of the complaint.

The licensee accepted the ABA's findings and took action to prevent future similar breaches of the code. The ABA's records indicated that this was the first occasion on which the licensee had breached clause 3.8 of the code, and that the licensee had not breached clause 7.10 over the previous three years. Therefore, the ABA noted that this classification and complaint handling breach was not part of a pattern of breaches by the licensee and did not propose to take any further action in relation to the breach findings.

NBN Northern NSW

Program: *Advertisements for Morisset Power Barn*

Breach: *Not ensuring that requirements in relation to loudness of advertisements had been met*

On 15 October 2004, the ABA received a complaint alleging that advertisements broadcast on NBN were excessively loud. The handling by the licensee of a complaint made to the station about the matter was also an issue.

The ABA determined that the licensee, NBN Ltd, in relation to the broadcast of advertisements for Morisset Power Barn on 16 July 2004:

- breached clause 1.14 of the Commercial Television Industry Code of Practice 2004 by not ensuring, before broadcast, that requirements for the loudness of advertisements had been met
- breached clause 7.10 of the code by not providing a response to a complaint about the broadcast within 30 working days after receipt of the complaint and

- breached clause 7.12 of the code by not advising the complainant, in its response, that he might refer the matter to the ABA if dissatisfied.

The ABA noted that in response to the breach finding, the licensee took the following steps:¹

- made amendments to its operational practices by ensuring all staff engaged in the process of accepting, dubbing and playing of television commercial content had been made aware of the necessity of compliance with OP-48
- included in its training process:
 - technical checks on every advertisement dubbed into its On Air playing system
 - regular training and refreshers by ... a member of the Free TV Technical Committee involved with OP-48 and
 - reliance on advertisements having Free TV Australia's CAD Acceptance Numbers. All advertisements produced by NBN Television are OP-48 compliant and
- restructured its complaints handling processes.

The ABA considered these actions addressed the compliance issues raised by the investigation and ACMA will continue to monitor the licensee's performance in this regard.

NBN Northern NSW

Program: 60 Minutes – The Devil's Playground

Breach: Using material that invaded an individual's privacy when there were no public interest reasons for the material to be broadcast

On 4 November 2004 the ABA received an unresolved written complaint regarding a segment of the current affairs program *60 Minutes*, entitled 'Devil's Playground', broadcast by NBN on 21 March 2004. The complainant alleged that the licensee failed to present factual material accurately, that her privacy had been invaded and that her letter of complaint to the licensee about the program had not been responded to.

The ABA determined that the licensee:

- breached clause 4.3.5 of the Commercial Television Industry Code of Practice 1999 by using material that invaded an individual's privacy when there were no public interest reasons for the material to be broadcast
- did not breach clause 4.3.1 of the code (accurate presentation of factual material)
- did not breach clause 7.9 of the code (complaints handling).

The ABA noted that, in response to the breach finding, the licensee undertook:

- to circulate a copy of the ABA's investigation report and discuss it with producers and reporters at 60 Minutes and
- to use the report as an example in Nine's ongoing training on the application of the code.

As this was the first time that the licensee had been found to be in breach of clause 4.3.5 of the code, the ABA considered these actions addressed the compliance issues raised by the investigation and ACMA will continue to monitor the licensee's performance in this regard.

NEN Northern NSW and Gold Coast

Program: Prime Local News

Breach: Complaints handling

The ABA received a letter of complaint about an item broadcast by NEN, part of the Prime Network, during its Prime Local News bulletin of 27 May 2004. The complaint alleged that the news item, concerning comments made by the local National Party MP regarding the Labor Party's position on fuel prices, was factually inaccurate, misrepresented viewpoints and was not impartial. The complainant also stated that he had not received a response to his letter of complaint.

Prime admitted that the complainant was not provided with a substantive written response as required by clause 7.9 of the Commercial Television Industry Code of Practice. The ABA therefore determined that the licensee of NEN had breached the code in its handling of the complaint. The ABA further determined that the licensee of NEN had not breached the code in broadcasting the news item in question.

Prime acknowledged the administrative error in failing to respond to the complainant and subsequently counselled those responsible

¹ As advised in its submission to the ABA dated 6 February 2005.

and issued renewed instructions to all Prime newsrooms regarding complaints handling obligations. In light of this, the ABA took no further action.

NEN Northern NSW and Gold Coast

Program: Local News

Breach: Not providing a captioning service

On 22 March 2005, the ABA received a complaint dated 18 March 2005, alleging that 'Prime Television in Newcastle is not captioning any of its local news broadcasts'.

The ABA found that the licensee, Prime Television (Northern) Pty Ltd, breached regulation 3.01 of the *Broadcasting Services (Digital Television Standards) Regulations 2000*, by not providing a captioning service for local news broadcast in the regional licence area for NEN for more than two years since it commenced transmission in digital mode on 31 March 2003.

The ABA noted that in response to the preliminary breach finding, the licensee took the following steps:

- captioned local news broadcasts for the Newcastle area since 4 April 2005
- scheduled captioning for local news broadcasts in the Tamworth and North Coast parts of the NEN licence area by 25 April 2005.

Further, the ABA noted the licensee's additional advice that:

- Prime had been consistent in providing captioned local news broadcasts in the Newcastle area since 11 April 2005
- Prime's problems were confined to Tamworth and the North Coast, with some equipment failures within the first few days, but captioning had been consistent for the previous fortnight and
- Prime was confident that it had overcome all the hurdles and assured that it was currently captioning all Prime News broadcasts in the NEN licence area.

Given the seriousness of the breach, the ABA sought an undertaking from the licensee that it would:

- monitor local news compliance with the captioning standards for three months and

- report to the ABA on the outcome of that monitoring within two weeks of the end of the monitoring period.

Victoria

ATV 10 Melbourne

Program: Cold Mountain, The Last Samurai commercials

Breach: Broadcast of material classified MA during G program

In March 2004, the ABA received a written complaint concerning commercials for the MA classified films *Cold Mountain* and *The Last Samurai*, broadcast during the G classified programs *Seinfeld*, *The Simpsons* and *Everybody Loves Raymond*, on 1 January 2004 and in the week commencing 5 January 2004.

The ABA determined that the licensee, Network Ten (Melbourne) Pty Ltd, breached clauses 6.17 and 3.14 of the Commercial Television Industry Code of Practice 1999 by broadcasting promotions for MA films during G programs. The licensee accepted the ABA's findings on this matter and reinforced the requirements of clause 3.14 to the scheduling, classification and promotions area to avoid a repeat of the breach. The licensee also indicated that TEN had instituted a policy for internally produced sponsorship announcements for cinema films, reflecting the requirements of clauses 3.14 and 6.17, and ensured that they would be seen by the network classifiers before broadcast.

ATV 10 Melbourne

Program: Sports Tonight

Breach: Failing to exercise care in selecting material for broadcast during a news sports program in G

In January 2004 the ABA received a written complaint about the screening of the 'Rove's Play of the Day' segment during the sports news program *Sports Tonight* on 13 September 2003. The complainant considered that the segment contained 'torture and violence in family viewing hours' and was inappropriately broadcast in G viewing time.

The ABA determined that the licensee, Network Ten (Melbourne) Pty Ltd, breached clause 2.7.1

of the Commercial Television Industry Code of Practice 1999 by failing to exercise sufficient care in selecting material for broadcast during a news program in a G timeslot.

The licensee accepted the ABA's findings on this matter and has taken action to prevent future similar breaches of the code, including arranging a meeting between senior personnel, including Network Manager Regulatory, General Manager of News and Public Affairs, and the Executive Producer of *Sports Tonight*. The meeting's purpose was to discuss the ABA's findings and ensure these are taken into account when selecting material for future editions of *Sports Tonight*.

The ABA noted that this classification breach was not part of a pattern of breaches by the licensee and did not propose to take any further action in relation to the breach finding.

GTV 9 Melbourne

Program: Final Analysis

Breach: Incorrect consumer advice warning accompanying M movie

In May 2004, the ABA received a written complaint about the consumer advice accompanying the M classified movie *Final Analysis*, broadcast on 24 April 2004. The complainant considered that the advice was inappropriate, as it failed to include a warning that the film contained sex scenes.

The licensee agreed with the substance of the complaint, explaining that it had relied on the 1992 classification given to the film by the Office of Film and Literature Classification. It noted the film should also have carried consumer advice for a 'strong sex scene'. The ABA agreed that the sex scenes featured in the movie were a relevant classifiable element and viewers should have been advised of this in the consumer advice information accompanying the film. The ABA therefore determined that the licensee, General Television Corporation Pty Ltd, breached clause 2.25 of the Commercial Television Industry Code of Practice 1999.

The licensee forwarded a copy of its response to the ABA's investigation, which included an apology, to the complainant. The licensee submitted that the complaint highlighted the need for a thorough evaluation of all programs for

broadcast on television and the value of correct consumer advice given to the viewer.

The ABA noted that this was the first occasion on which the licensee had breached clause 2.25 of the code. As this consumer advice breach was not part of a pattern of breaches of this code provision, the ABA did not propose to take any further action in relation to the breach finding.

GTV 9 Melbourne

Program: Today Show

Breach: Failure to present factual material accurately

On 3 December 2004, the ABA received a written complaint from Telstra Corporation Limited (the complainant) about a segment broadcast by General Television Corporation Pty Limited (the licensee) on the *Today Show* on 28 July 2004. The complainant alleged that the licensee failed to present factual material accurately.

The program segment reported on mobile telephone dropout rates and interviewed people on the street as well as the then Federal Opposition spokesperson, Lindsay Tanner. The ABA determined that the licensee breached clause 4.3.1 of the Commercial Television Industry Code of Practice 1999 as it did not present factual material accurately.

The ABA noted that in response to the breach findings, the licensee took the following steps:

- it would discuss the final report with the relevant producers of the *Today Show* and
- it would use the final report as an example in ongoing training on the application of the code of Practice.

The ABA considered that these actions addressed the compliance issue raised by the investigation and ACMA will continue to monitor the licensee's performance in this regard.

HSV 7 Melbourne

Program: Non-program matter during 2004 Olympic Games

Breach: Complaints handling

In September 2004, the ABA received a complaint regarding the amount of advertisements and promotions broadcast by Melbourne commercial television station HSV during its evening broadcasts of the Games of

the XXVIII Olympiad on 15 August 2004 and 26 August 2004. The complainant had made a complaint to the licensee, Channel Seven Melbourne Pty Ltd, and was not satisfied with the response.

The ABA determined that the licensee breached clause 7.12 of the Commercial Television Industry Code of Practice July 2004, by not advising the complainant that he might refer the matter to the ABA if not satisfied with the licensee's response.

The ABA noted the licensee's expression of regret and apology to the complainant, and did not take any further action on this occasion.

HSV 7 Melbourne

Program: Home and Away

Breach: Failing to provide consumer advice warning and incorrect G classification of material – violence and adult themes

In October 2004 the ABA received a written complaint concerning an episode of *Home and Away* broadcast on 13 August 2004. The complainant alleged the episode contained violence and adult themes that were inappropriate for a child audience.

The ABA determined that the licensee, Channel Seven Melbourne Pty Ltd, breached clauses 2.4 and 2.20.3 of the Commercial Television Industry Code of Practice 2004 by incorrectly classifying an episode of *Home and Away* as G and by not supplying a consumer advice warning for a PG classified program that contained material of a strength or intensity, which the licensee would have reasonably believed parents or guardians of young children may not expect. The ABA noted that in response to the breach finding, the licensee brought the findings to the attention of the network's classifiers. ACMA will continue to monitor the licensee's performance against the relevant code provision and other classification provisions in the code.

HSV 7 Melbourne

Program: Firestorm promotion

Breach: Promotion in G – more than a very low sense of threat or menace

In June 2004, the ABA received a written complaint concerning a promotion for the film *Firestorm*, broadcast during the G classified

program, *Better Homes & Gardens* on 27 March 2004. The complainant alleged that the promotion contained material with more than a very low sense of threat or menace in breach of the code.

The ABA determined that the licensee breached clause 3.8 of the Commercial Television Industry Code of Practice 1999 by failing to comply with clause 3.8.7 in broadcasting material with more than a very low sense of threat or menace.

The licensee acted to address this issue by circulating the ABA's decision to all promotion producers and promotion schedulers, as well as incorporating the decision into training with promotion producers. Taking into consideration that this breach was not part of a pattern of non-compliance, as well as the licensee's measures for addressing the issue, the ABA did not intend to take further action against the licensee in relation to this matter.

HSV 7 Melbourne

Program: 24 promotion

Breach: Promotion in G – more than a very low sense of threat or menace, use of weapons and physical and psychological violence

In July 2004, the ABA received a written complaint concerning the promotion for the M classified program, *24*, during the broadcast of the G classified program, *Better Homes & Gardens* on 27 March 2004. The complaint alleged that the promotion contained more than a very low sense of threat or menace in contravention of the code.

The ABA determined that the licensee, Channel Seven Melbourne Pty Ltd, breached clause 3.8 of the Commercial Television Industry Code of Practice 1999 in its broadcast of the promotion because it did not meet the requirements of clauses 2.11.1, 3.8.1, 3.8.2 and 3.8.7 of the code. The ABA found the promotion contained material with more than a very low sense of threat or menace, particularly in relation to the use of weapons, as well as physical and psychological violence against people.

The ABA noted the licensee's submission accepting the ABA's finding that the program promotion failed to comply with the code. The licensee submitted it had circulated a copy of the decision to all producers and schedulers involved

in program promotion, and reminded them of the requirements of the G classification.

As the licensee failed to comply with clause 3.8.7 of the code on one other occasion in 2004, ACMA will monitor the licensee's compliance with this provision and will consider further action should subsequent breaches occur.

HSV 7 Melbourne

Program: *The Matrix: Revolutions* advertisement

Breach: Broadcast of material classified M during PG time zone

In February 2004, the ABA received a written complaint concerning the content of an advertisement for the film *The Matrix: Revolutions*, broadcast during the 2003 Melbourne Cup coverage at 2.30 pm on 4 November 2003.

The complainant contended that the commercial included graphic scenes, particularly a 'human head disappearing into flame'.

The ABA determined that the licensee, Channel Seven Melbourne Pty Ltd, breached clause 2.14.1 of the Commercial Television Industry Code of Practice 1999 by broadcasting material classified M during a PG time zone.

The licensee explained the breach occurred as a result of a scheduling mistake caused by a typographical error, and submitted it was a one off occurrence rather than the result of any systemic problem. The ABA noted that this classification breach was not part of a pattern of non-compliance and did not propose to take any further action.

Queensland

BTQ 7 Brisbane

Issue: Non-program matter

Breach: Scheduling more than permissible average of 13 minutes per hour of non-program matter

On 23 March 2005 the ABA received an unresolved written complaint regarding the number of advertisements broadcast by commercial television station BTQ 7 during the movie *The Battle of Britain* on 27 February 2005. The complainant alleged that the number of advertisements was excessive,

and also complained about the short breaks between program and non-program matter. The complainant was also concerned that certain scenes were cut from the movie to allow more time for advertisements.

The ABA determined that the licensee, Channel Seven Brisbane Pty Ltd, breached clause 5.6.1 of the Commercial Television Industry Code of Practice 2004 by scheduling more than the permissible 13 minutes per hour of non-program matter.

The ABA noted that, in response to the breach finding, the licensee had:

- spoken to the scheduler responsible for the error
- continuously checked and double checked the schedules and
- reiterated the appropriate verification and checking procedures to all schedulers.

The ABA considered these actions addressed the compliance issues raised by the investigation and ACMA will continue to monitor the licensee's performance in this regard.

TVQ 10 Brisbane

Program: *V8 Supercar sports coverage*

Breach: Failing to exercise care in selecting material for broadcast during a sports program in G

In February 2004, the ABA received a written complaint concerning language broadcast during the V8 Supercar coverage on 9 November 2003. The complainant alleged the radio exchanges between drivers and pit crew contained coarse language in breach of the code.

The ABA determined that the licensee, Network TEN (Brisbane) Pty Ltd, breached clause 2.7.1 of the Commercial Television Code of Practice 1999 by failing to exercise care in the broadcast of material.

The licensee took action to address this issue, including using it as a case study at driver briefings and raising it with the *V8 Supercar* production staff. Taking into consideration that this was the first occasion on which the licensee

has been found to have breached code provision 2.7.1, as well as the licensee's stated desire to focus on proactive measures to address the issue, the ABA did not intend to take further action against the licensee in relation to this matter.

TVQ 10 Brisbane

Program: First At Five News

Breach: Breach of privacy, failure to exercise special care before using material relating to a child's personal or private affairs, complaints handling

On 23 February 2005 the ABA received a written complaint about a news item concerning bullying in schools broadcast by TVQ 10. The complainant alleged that the licensee breached her and her son's privacy by revealing their names and by including footage of her son in the news item. The ABA also noted that the licensee, Network TEN (Brisbane) Pty Ltd, did not advise the complainant that she may refer her complaint to the ABA if she was dissatisfied with TVQ's response.

The ABA determined that the licensee:

- breached clause 4.3.5 of the Commercial Television Industry Code of Practice 2004 by using material which invaded the complainant's privacy
- breached clause 4.3.5.1 of the code by failing to exercise special care before using the name of the complainant's son and
- breached clause 7.12 the code by failing to advise the complainant that she may refer the matter to the ABA if not satisfied with the licensee's response.

In relation to clause 7.12, the ABA noted that the licensee reminded network staff of the importance of ensuring that complaints are processed through the proper channels, and of advising complainants of their right to refer code complaints to the ABA. The ABA considered that this action addressed the compliance issue raised by the investigation and ACMA will continue to monitor the licensee's performance in this regard. In relation to clauses 4.3.5 and 4.3.5.1, the ABA noted that this was the second occasion there have been breaches of the code provisions in the past three years. The ABA decided not to take any further action on this occasion and

ACMA will continue to monitor the licensee's compliance with these code provisions.

STQ Regional Queensland

Program: Seven Local News

Breach: Failing to present a news item fairly and impartially

On 6 September 2004, the ABA received a complaint alleging that an item in the *Seven Local News* bulletin of 14 July 2004 was biased and that the journalist had made no effort to corroborate the contents of the item. The segment was an interview with the manager of the Weipa shopping centre, who talked about what he considered to be the impact that the Alcohol Management Plans in local Aboriginal communities were having on Weipa and the shopping centre.

The ABA determined that the licensee, Channel Seven Queensland Pty Ltd, breached clause 4.4.1 of the Commercial Television Industry Code of Practice 2004, by failing to present news fairly and impartially.

The licensee advised that it had conducted training with relevant staff, which emphasised the impartiality requirement of the code and the need for particular care when dealing with matters that could involve negative racial stereotypes. The licensee also advised that it would provide the ABA investigation report to news and current affairs management and the reporting and research staff involved in the preparation of the segment.

The ABA considered these actions addressed the compliance issues raised by the investigation and ACMA will continue to monitor the licensee's performance in this regard.

TNQ 10 Regional Queensland

Program: Good Morning Australia

Breach: Complaints handling

In April 2004, the ABA received a written complaint concerning the program *Good Morning Australia* broadcast on 22 March 2004. The complainant was concerned that the program contained nudity and semi-nudity that was inappropriate for a PG timeslot, and was not satisfied with TNQ's response.

The ABA determined that the licensee, Regional Television Pty Limited, breached clauses 7.9 and 7.12 of the Commercial Television Industry Code of Practice 1999 by failing to supply a substantive written response to the complainant, and by not advising the complainant of their right to refer the matter to the ABA. Regarding the matter of nudity, the ABA determined that the licensee complied with clause 2.13.2 of the code, as it considered the material was mild in impact and contained restrained depictions of partial nudity that were justified by the context of the segment.

The licensee accepted the ABA's breach finding and advised that it had implemented procedures to ensure the appropriate handling of responses to complaints. The ABA was satisfied that the breach was not part of a pattern of non-compliance by the licensee and decided not to take further action.

South Australia

SAS 7 Adelaide

Program: *Desperate Housewives promotion*

Breach: *Broadcasting material classified M during sports coverage*

See ATN Sydney above, page 131.

Western Australia

TVW Perth

Program: *Sunrise*

Breach: *Complaints handling*

In April 2004, the ABA received an unresolved written complaint about a segment on the current affairs program Sunrise, broadcast by the licensee of TVW, Channel Seven Perth Pty Ltd, on 16 February 2004.

The segment discussed male circumcision, particularly its relevance in current society. The complainant expressed concern that the licensee presented factual material inaccurately by the omission of research data. The complainant also complained of a lack of balance, however, as the Commercial Television Industry Code of Practice 1999 requirement for fairness and impartiality in clause 4.4.1 applies to news programs only, this issue was

not considered by this investigation. The complainant also alleged that he did not receive a response to his complaint to the licensee.

The ABA determined that in a segment of the *Sunrise* program broadcast on 16 February 2004, Channel Seven Perth Pty Ltd breached clauses 7.9 (provide substantive written response to a complaint) and 7.10 (response must be made as soon as practicable) of the code.

After considering the preliminary findings, of this report the licensee has advised the ABA that it intended to take the following actions to remedy the breach:

- it would provide a copy of the report to its senior news and current affairs management
- it would provide all news directors and current affairs producers with a detailed written outline of the complaints handling requirements in the code and procedures to ensure that records were maintained of complaints received and responses sent and
- the Seven network conducted an extensive code training program.

The ABA noted that the licensee had not breached the complaints handling provisions of the code in the previous three years, and decided not to take further action in this instance.

COMMERCIAL RADIO

Licence conditions, or Commercial Radio Codes of Practice

Australian Capital Territory

ICBR Canberra

Breach: *Broadcasting of election advertisements*

The ABA received a complaint regarding an announcement broadcast by commercial radio station ICBR on Friday 15 October 2004, the day before elections in the Australian Capital Territory. The complainant alleged that the announcement was 'blatant political advertising'. Clause 3A(2) of Schedule 2 to the Broadcasting Services Act states that a broadcaster must not broadcast an election advertisement in relation to an election to a Parliament during the relevant

period. The Act defines ‘relevant period’ as commencing at the end of the Wednesday before polling day and concluding at the close of polling. The announcement in question was therefore broadcast during the ‘relevant period’. The announcement commented on the issue of funding for non-government schools. As this was an important issue in the election and as the station received payment for its broadcast the ABA formed the opinion that it was an ‘election advertisement’ within the meaning of the Broadcasting Services Act. The ABA therefore determined that the licensee of 1CBR, Canberra FM Radio Pty Ltd, breached the condition of its licence at clause 3A(2) of Schedule 2 to the Act by broadcasting an election advertisement during the relevant period.

The licensee advised the ABA that in response to the investigation finding it would provide additional training to all staff with decision-making roles in relation to all requirements relating to political advertising. Due to these steps taken by the licensee the ABA decided not to take any further action.

Victoria

3AW Melbourne

Program: Drive with Derryn Hinch

Breach: Vilification

On 22 April 2004 the ABA received a written complaint concerning the broadcast of a segment during a talkback program on commercial radio service 3AW. The complainant alleged that, in a segment of the program presented by Rex Hunt, the licensee vilified him on the basis of mental disability and presented factual material inaccurately.

The ABA determined that, during the *Drive – with Derryn Hinch* program broadcast on 13 February 2004 the licensee of 3AW:

- breached clause 1.3(e) of the Commercial Radio Code of Practice 1999 by broadcasting programming content, which was likely to vilify the complainant on the basis of his mental disability and
- did not breach clause 2.2(a) of the code by presenting factual material accurately.

The licensee of 3AW agreed that the comments made by Mr Hunt on the *Derryn Hinch Drive*

program of 13 February 2004 vilified the complainant, in breach of code clause 1.3(e), and both the presenter and the licensee apologised to the complainant. The presenter also gave the licensee an assurance that any similar comments would not be repeated.

3FOX FM Melbourne

Program: The Matt and Jo Show

Breach: Presentation of the misuse of alcohol as desirable

On 1 July 2004, the ABA received a complaint that a broadcast on the *Matt and Jo Show* on 3FOX FM on 1 June 2004 had presented the misuse of alcohol as desirable. The broadcast concerned a competition involving the consumption of a considerable number of Cosmopolitan cocktails in Las Vegas casinos. The contestant who had consumed the cocktails was interviewed by the program presenters, who described her as ‘the hero of this challenge’ and congratulated her on her performance.

The ABA determined that the licensee, Austereo Pty Ltd breached clause 1.3(c)(i) of the Commercial Radio Codes of Practice 2001 by presenting the misuse of alcohol as desirable in its broadcast of the *Matt and Jo Show* on 3FOX FM on 1 June 2004.

The licensee advised that following receipt of the complaint, it had:

- discussed the matter with the program presenters, and was satisfied that there would not be a repetition of the conduct and
- attended meetings with the Australian Drug Foundation, as a result of which 24 announcements for the Community Alcohol Action Network were broadcast on the station in August 2004.

In light of the licensee’s action, the ABA decided not to take any further action against the licensee on this occasion, and ACMA will continue to monitor the licensee’s compliance with the code.

3CAT Geelong

Program: Morning Program

Breach: Complaints handling

On 21 February 2005, the ABA received a written complaint alleging that the licensee of the commercial radio station 3CAT, Geelong Broadcasters Pty Ltd, had breached the Commercial Radio Australia Codes of Practice

2004 by broadcasting matter during the *Morning Program* of 20 December 2004 that vilified Christians. The complainant also alleged that the licensee failed to respond to his complaint.

The ABA determined that the licensee:

- did not incite or perpetuate intense dislike, severe ridicule or serious contempt on the grounds of religion and therefore did not breach clause 1.3(e) of the code but
- breached clause 5.6 of the code by failing to provide a substantive written response to the complainant.

The ABA noted that in response to the breach finding, the licensee had forwarded an apology to the complainant, together with an explanation of the action taken in regard to his complaint.

Noting that this was the first occasion on which the licensee of 3CAT has been found to be in breach of the complaints handling provisions of the code, the ABA considered this action addressed the compliance issue raised by the investigation and ACMA will continue to monitor the licensee's performance in this regard.

3SUN

Program: Benchwarmers

Breach: Failure to respond to a written complaint within the required timeframe

On 6 December 2004 the ABA received an unresolved written complaint about three editions of the program *Benchwarmers* broadcast by commercial radio station 3SUN on 1, 6 and 9 September 2004. The complainant alleged that the licensee of 3SUN, Goulburn and Border Broadcasters Pty Ltd, had broadcast material that did not reflect community standards and that was unsuitable for broadcast at a time of day when children would be likely to hear it. The complainant also alleged that the licensee failed to respond to her written complaint.

The ABA determined that the licensee of 3SUN:

- did not breach clause 1.5(a) of the Commercial Radio Codes of Practice 2001 (meeting contemporary standards of decency)
- did not breach clause 1.5(b) of the codes (gratuitous use of offensive language)
- did not breach clause 1.7 of the codes (broadcasting a program with an explicit sexual theme) but

- breached clause 5.6 of the codes by not providing a timely and substantive written response to a written complaint.

In response to the breach finding, the licensee advised the ABA that it had revised its complaints handling process so that either the Station Manager or the Program Director would receive electronic and paper copies of all written complaints. The licensee also written to the complainant to apologise for the lack of a timely written response, and for any offence caused to her by the broadcasts in question.

As this was the first time that the licensee was found in breach of the codes, the ABA considered these actions addressed the compliance issues raised by the investigation and ACMA will continue to monitor the licensee's performance in this regard.

Queensland

4EL Cairns

Program: John McKenzie Mornings

Breach: Complaints handling, retention of record of broadcast

On 5 May 2004, the ABA received a complaint about racist and offensive comments in broadcasts on various dates on *John McKenzie Mornings* on 4EL.

The ABA determined that:

- in relation to a broadcast on 14 January 2004, the commercial radio licensee of 4EL, AMI Radio Pty Ltd
 - breached clause 5.6 of the Commercial Radio Codes of Practice 2001, by failing to provide a final reply to the complaint within 45 days of receiving the complaint
 - breached clause 5.7 of the Commercial Radio Codes of Practice 2001, by failing to inform the complainant that he had the right to refer the complaint to the ABA if he was not satisfied with the response from the licensee and
 - breached paragraph 5(3) of Schedule 2 to the Broadcasting Services Act, by not retaining in its custody for 60 days from the date of broadcast a record of matter about which a complaint had been made and

- in relation to broadcasts on 30 October 2003, 16 December 2003 and 18 December 2003 respectively, the licensee did not breach clauses 5.6 or 5.7 of the Commercial Radio Codes of Practice 2001, in relation to handling of complaints, and did not breach paragraph 5(3) of Schedule 2 to the Broadcasting Services Act, in relation to retention of records of broadcasts.

The ABA found that it was unable to assess the substantive complaint, as it had no taped evidence of the broadcasts with which to do so. The licensee advised that following receipt of the ABA's preliminary findings, it undertook the following in order to help ensure that any future complaints are dealt with according to the code and the Act:

- informed all staff of the ABA's preliminary findings, re-issued them with a copy of the licensee's compliance policy and instructed them to review station handbooks, containing guidelines on the codes and the Act
- compiled a detailed analysis of the licensee's handling of the complaint, its actions and thought processes at the time, and a dissection of how the complaint should have been handled in order to comply in full with the codes and the Act; and
- scheduled the posting of this analysis, and a full copy of the ABA's preliminary report, to all of the licensee's station managers.

The licensee also advised that any future letter from it, to any complainant, would include an official notification of the right to forward complaints to the ABA. In light of the licensee's acknowledgements and undertakings, the ABA decided not to take any further action on this occasion.

South Australia

5AA Adelaide

Program: Bob Francis Show

Breach: Hatred and vilification; complaints handling

On 21 May 2004, the ABA received a complaint about comments made concerning Aboriginal people and their 'unwillingness to work' broadcast on the *Bob Francis Show* on 5AA on 17 February 2004 between 11 pm and midnight.

The complainant also stated that he had not received a response to a complaint made about the matter to the licensee.

The ABA determined that the licensee of 5AA, Festival City Broadcasters Pty Ltd, in relation to the broadcast of the *Bob Francis Show* on 17 February 2004:

- breached clause 1.3(e) of the Commercial Radio Codes of Practice 1999, by broadcasting a program which was likely to have incited or perpetuated hatred against or vilified Aboriginal people on the basis of their race, and it was not presented reasonably and in good faith for purposes in the public interest, including discussion or debate about any act or matter and
- breached clause 5.6 of the code, as it did not respond to the complainant's written complaint about the broadcast.

The ABA noted that in response to the breach findings against clause 1.3(e), the licensee has taken remedial action, including the following steps.

- 5AA would provide further training and assistance to Mr Francis in compliance with all aspects of the code, including racial issues and anti-discrimination legislation, to ensure that he fully comprehends his obligations pursuant to the code regarding broadcasts of the nature that resulted in the breach finding.
- Further training and assistance to Mr Francis would incorporate a substantial consideration of the contextual nature of his statements and not limited to a consideration of statements made in isolation.
- This, and the seriousness of the matter, was discussed at length with Mr Francis, who made a commitment to properly address the issue (a letter dated 17 May 2005 from 5AA to Mr Francis, and countersigned by him, acknowledging his obligations to the ABA, the public and 5AA, was attached as Annexure A to the licensee's submission).
- To remove to the greatest extent possible the prospect of any repeat of such unacceptable conduct, 5AA was committed to the training and management program detailed in its submission to the ABA (a copy of the training proposal was attached to the licensee's submission).

- Since the broadcast that resulted in the breach finding, 5AA took actions including quarterly training, ongoing training and support, and monitoring.

The ABA also noted that in response to the breach finding against clause 5.6, the licensee took the following steps:

- The licensee confirmed the steps taken in early 2004 to implement a formal process to ensure compliance with the requirements of clause 5.6 of the code, including:
 - logging of complaints
 - providing a written response to complainants
 - advising complainants of their right to refer their complaints to the ABA if they are dissatisfied with the licensee's response and
 - maintaining a register of complaints, which is being administered personally by 5AA's general Manager and Financial Controller.

The ABA acknowledged that the licensee moved quickly to deal with this matter, and noted that Mr Francis broadcast an apology for the distress caused by the broadcast. The ABA also noted that these were the first breaches against the relevant code provisions by the licensee in the previous five years. Therefore, the ABA considered that the licensee's actions addressed the compliance issues raised by the investigation and ACMA will continue to monitor the licensee's performance against the relevant code provisions.

5AA Adelaide

Program: Leon Byner

Breach: Disclosure Standard and Compliance Standard

See summary on page 44.

COMMUNITY RADIO

Licence conditions, or Community Broadcasting Code of Practice

New South Wales

2CCR Sydney

Breach: Licensee is not encouraging members of the community to participate

in its operations and in the selection and provision of programs

Between 24 March 2004 and 27 April 2004, the ABA received several written complaints about Cumberland Community Radio Inc, the licensee of community radio station, 2CCR. The complaints related to the nature of the service being provided and raised questions of compliance, by the licensee, with conditions on its licence.

The ABA determined that the licensee:

- breached the licence condition at paragraph 9(2)(c) of Schedule 2 to the Broadcasting Services Act in not encouraging members of the community that it serves to participate in its operations and in the selection and provision of programs and
- did not breach the licence condition at paragraph 9(2)(b) of Schedule 2 to the Act in that, on balance, it continues to represent the community interest that it represented at the time the licence was last renewed.

The ABA noted that in response to the breach finding, the licensee took the following steps:

- canvassed expressions of interest, in its latest newsletter, to present a magazine-style program and set aside two hours for the proposed program on Saturday afternoons
- issued a circular asking announcers to do more live reads of community announcements (as opposed to those that have been pre-recorded) in order to have more attention paid to smaller charitable and community groups
- placed more of the perpetual announcements on the Community Announcements Minidisk
- implemented a listener feedback link on its web page – this commenced on 21 April 2004 – the licensee would monitor the emails received, together with membership application surveys
- expected to receive program proposals for a couple of ethnic programs in the very near future – there were some discussions and the licensee was awaiting their membership applications and formal program proposals – and expected that at least one of them will be approved
- approved the big band program, and moved the nostalgia program, *Rock Roll 'N*

Remember, to Saturday nights from 9 pm to midnight, run the *Dave Koz Radio Show* from 7 pm to 9 pm on Saturdays, moved the *Rasa* program for the Singhalese has to Wednesday nights and lengthened it from one to two hours, and approved a Samoan program going to air on Monday nights

- issued an invitation through its newsletter for any member who might wish to assist the station manager and attend the station Monday to Friday (in relation to office attendance)
- with the aim of clearly informing broadcasters of the requirements relating to the definition of a sponsorship announcement, the Board approved a new sponsorship policy on 2 November 2004
- implemented the new policy in a training meeting on 26 November 2004 and
- expected that the new policy would prevent future breaches.

The ABA considered these actions addressed the compliance issues raised by the investigation and ACMA will continue to monitor the licensee's performance in this regard.

2FBI Sydney

Program: Arvo

Breach: Protecting children from harmful material

On 21 November 2003, the ABA received a written complaint concerning the broadcast, at 3.52 pm, of a music track containing explicit and offensive language. The complainant was concerned that the broadcast took place at a time when children may have been listening.

The ABA determined that, during the *Arvo* program, broadcast on 29 October 2003 at 3.52 pm, the licensee of community radio service FBI, Free Broadcast Inc.:

- breached clause 2.4 of the Community Broadcasting Code of Practice 2002 in relation to the establishment of programming practices which protect children from harmful programming material and
- did not breach clause 2.2 of the code in relation to the consideration given to audience, context, degree of explicitness, propensity to alarm, distress or shock, and the social importance of the event.

The licensee advised that in light of the ABA's findings, it had decided to develop a guideline policy to distribute to broadcasters and make available to listeners. The station guide-sheet includes a number of points to consider in relation to broadcasts including the time of day the material is to be broadcast and possible audience characteristics.

2MCR Campbelltown

Program: Drivetime

Breach: Failure to handle a written complaint in accordance with relevant provisions of code

On 28 February 2005, the ABA received a written complaint alleging that the licensee of the community radio station 2MCR, Macarthur Community Radio Association Inc., had breached the Community Broadcasting Code of Practice 2002 by broadcasting matter during the *Drivetime* program of 28 January 2005 that demeaned a person or group on the basis of mental ability. The complainant also alleged that the licensee failed to handle a written complaint in accordance with the code as a copy of the code was not provided with the station's response and the complainant was not advised that he could refer the matter to the ABA if he was dissatisfied with the station's response.

The ABA determined that:

- Macarthur Community Radio Association Inc. did not handle a complaint in accordance with relevant provisions of the Community Broadcasting Code of Practice 2002 and accordingly, breached clauses 7.4(c) and (d) of the code and
- there was no evidence to suggest that comments made during the *Drivetime* program broadcast on 2MCR on 28 January 2005 demeaned any person or group on the basis of mental ability and therefore the licensee did not breach clause 2.3 of the code.

The ABA noted that in response to the breach finding, the licensee took the following steps:

- the Code of Practice would continue to be displayed in the office on the notice board and
- all new staff at the station would be made aware of the relevant provisions of the code.

The ABA considered these actions addressed the compliance issues raised by the investigation and ACMA will continue to monitor the licensee's performance in this regard.

2RES Sydney

Program: Voice of India

Breach: Exceeding sponsorship limit

On 17 January 2005, the ABA received a written complaint alleging that the licensee of the community radio station 2RES, Radio Eastern Sydney Cooperative Ltd, had breached its licence conditions by broadcasting sponsorship announcements that ran for more than five minutes in the hour during the period from midday and 1 pm on 16 January 2005 and 30 January 2005 on the *Voice of India* program. The ABA determined that the licensee breached the licence condition at paragraph 9(1)(b) of Part 5 of Schedule 2 to the Broadcasting Services Act, by broadcasting sponsorship announcements that ran in total for more than five minutes in the hour.

The ABA noted that in response to the breach finding, the licensee has taken the following steps:

- it instructed the presenter of *Voice of India* to ensure that:
 - the program make a proper distinction between sponsorship and community service announcements
 - the hourly time limit for sponsorship is strictly observed
 - all pre-recorded announcements carry pre-recorded 'tags'
 - all live sponsorship announcements are strictly timed and
 - community service announcements are properly identified, for example through an announcement such as 'This is a community announcement'
 - the presenter has undertaken to meet the requirements of the Broadcasting Services Act, and
 - the licensee would carefully monitor the program over the coming months to ensure obligations were met.

The ABA considered these actions did not satisfactorily address the compliance issues raised by the investigation and decided to seek

a written undertaking from the licensee that it would:

- monitor the program *Voice of India (Monika Geetmala)* for four weeks during the month of May 2005 (specifically the broadcasts of 8, 15, 22 and 29 May) to ensure compliance with the licence condition at paragraph 9(1)(b) of Part 5 of Schedule 2 to the Broadcasting Services Act
- provide a report to the ABA, by 10 June 2005, to include:
 - the number and duration of sponsorship announcements per hour of broadcast
 - the number and duration of community service announcements per hour of broadcast and
 - transcripts of material broadcast as community service announcements and
- retain audiotape copies of the broadcasts monitored for the undertaking until 31 August 2005 and make such tapes available to the ABA if so requested.

2SER Sydney

Program: Dhanak: Hindi Program

Breach: Broadcasting advertisements, complaints handling

On 27 January 2005, the ABA received a written complaint alleging that the licensee of the community radio station 2SER, Sydney Educational Broadcasting Ltd, had breached its licence conditions by broadcasting advertisements during the period 5 pm to 6 pm on the *Dhanak* program on 14 November 2004. It was also alleged that the licensee failed to respond to the complaint.

The ABA determined that the licensee:

- breached the licence condition at paragraph 9(1)(b) of Part 5 of Schedule 2 to the Broadcasting Services Act, by broadcasting advertisements and
- breached clause 7.4(c) of the Community Radio Broadcasting Code of Practice 2002 by not responding to a written complaint about the matter within 60 days.

The ABA noted that in response to the breach finding, the licensee took the following steps:

- *Dhanak's* presenter/producer was reprimanded and reminded of his obligation to adhere to the relevant Act, codes and

station policies, and would be required to attend a broadcast law workshop conducted by the licensee and

- the licensee would ensure that any future written complaints would receive a written response.

The ABA considered these actions and undertakings addressed the compliance issues raised by the investigation. Noting that this was the first occasion on which the licensee of 2SER was found in breach of its obligations, ACMA will continue to monitor the licensee's performance against the relevant licence condition and code provision.

2SWR Blacktown

Breach: Broadcasting advertisements

On 16 September 2004 the ABA received a written complaint alleging that the community radio licensee, Blacktown City Community Radio Association Inc., had breached conditions of its licence by broadcasting advertisements and by broadcasting more than five minutes sponsorship announcements per hour.

It was also alleged that the licensee failed to encourage members of the community to participate in the operations and programming of the service and failed to establish a written conflict resolution policy.

The ABA determined that the licensee breached the licence condition at paragraph 9(1)(b) of Part 5, Schedule 2 to the Broadcasting Services Act by broadcasting advertisements in the Punjabi programs on 22 August 2004 and 16 September 2004, and in the Sri Lankan programs on 17 and 19 September 2004.

The ABA found no breaches in relation to the remaining allegations.

The ABA noted that in response to the breach finding, the licensee took the following steps:

- the Board approved a new sponsorship policy on 2 November 2004 with the aim of clearly informing broadcasters of the requirements relating to the definition of a sponsorship announcement
- the new policy was implemented in a training meeting held on 26 November 2004 and
- it expected that the new policy would prevent future breaches.

The ABA considered these actions addressed the compliance issues raised by the investigation and would continue to monitor the licensee's performance in this regard.

South Australia

5EBI Adelaide

Breach: Written internal conflict resolution policy

In June 2004 the ABA received two complaints regarding ethnic community radio station 5EBI Adelaide and the suspension of one of its announcers. The ABA advised the complainants that it would investigate the part of their complaints that related to the existence or otherwise of a conflict resolution policy, as a matter covered by the Community Broadcasting Code of Practice 2002.

A number of the matters complained of, however, appeared to raise no compliance issues relevant to either the code or the Broadcasting Services Act, and the complainants were advised that the ABA had no authority to investigate these issues. The ABA determined that the licensee of 5EBI, Ethnic Broadcasters Inc., was in breach of clause 6.2 of the code in that it did not have a written policy and procedure in place that outlined mechanisms to facilitate internal conflict resolution.

Despite 5EBI informing the ABA that it had amended its constitution to include provision for the expulsion of members and that it had a policy for dealing with written complaints, the ABA was of the view that these measures did not satisfy the code requirement that 'community broadcasting licensees will have a written policy and procedure in place, which outline mechanisms to facilitate internal conflict resolution within the organisation'. Accordingly, the ABA wrote to the licensee, requesting that it comply with the code by providing the ABA with a copy of its written policy and procedure for internal conflict resolution. A copy of 5EBI's 'Dispute Resolution Procedures' was provided to the ABA in February 2005.

Western Australia

Groove 101.7FM

Breach: Community interest, community participation

See summary on page 43.

6HCR Port Hedland

Program: Morning Show

Breach: Broadcasting advertisements

On 30 July 2004 the ABA received a written complaint alleging that, during an outside broadcast of the *Morning Show* on 22 July 2004, the licensee of the community radio station Radio Mulba, the Port Hedland Indigenous Media Aboriginal Corporation, 6HCR, had breached a condition of its licence by broadcasting advertisements for a shopping centre and the businesses operating there.

The ABA determined that during a broadcast of the *Morning Show* on 22 July 2004, the licensee breached the licence condition set out at paragraph 9(1)(b) of Schedule 2 to the Broadcasting Services Act, by broadcasting advertisements.

The licensee advised that:

- the shopping centre broadcasts was made in the genuine belief that they provided a community service, and no disregard for licence conditions had been intended
- the broadcasts were suspended when the licensee was advised of the ABA's investigation and
- no such broadcasts will be allowed in future.

In light of the licensee's actions and undertakings, the ABA did not propose to take any enforcement action in relation to the breach on this occasion, and as this was the first time the ABA had found the licensee to be in breach of a condition of its licence.

6WR Kununurra

Breach: Broadcasting an advertisement

On 20 May 2004, the ABA received a written complaint about *The Brekky Show* program broadcast by 6WR on 10 May 2004. The complainant claimed that the licensee had breached its licence condition by broadcasting 'untagged' advertisements.

The ABA determined that 6WR:

- did not breach clause 9(1)(b) of Schedule 2 to the Broadcasting Services Act by broadcasting the 'Ord Valley Muster Inaugural Qantas Station Challenge Rodeo' announcement and
- breached clause 9(1)(b) of Schedule 2 to the Broadcasting Services Act by broadcasting the 'Tuckerbox Lucky \$5 note' announcement.

The licensee took the following action:

- corrected the sponsorship messages under investigation
- reviewed all messages going to air
- reviewed its production procedure and
- made all staff (salaried and volunteers) aware of the requirements.

The ABA noted that no previous breaches had been recorded against this licensee. In light of this, and in light of the action taken by the licensee, the ABA proposed no further action against the licensee on this occasion and ACMA will monitor the licensee's compliance with the Broadcasting Services Act.

ABC TELEVISION

ABC Code of Practice 2004

ABC TV NSW

Program: News

Breach: Accuracy in news

On 19 April 2004, the ABA received a complaint about an ABC television news bulletin which was about the status of defamation action being taken against Channel 9 and broadcast on 27 February 2004.

The complainant alleged that the news segment:

- was not factually accurate
- gave a biased account of proceedings and
- was misleading.

The ABA determined that, in relation to the broadcast of the ABC TV News of 27 February 2004, the ABC:

- breached clause 4.1 of the ABC Code of Practice 2002, by not presenting factual material accurately and
- did not breach clause 4.2 of the ABC Code.

The ABC gave a commitment, in a letter to the complainant dated 18 May 2004, that it would provide further training to court reporters in its News & Current Affairs Division, to ensure that the process of defamation actions in NSW are fully understood.

ABC TV NSW

Program: A Decade Under the Influence

Breach: Language in PG program

In May 2004, the ABA received a written complaint concerning the content of the program *A Decade under the Influence*, broadcast on 14 March 2004 and classified PG. The complainant alleged that the program contained obscene language, in contravention of the ABC's Code of Practice.

The ABA determined that ABC TV did not comply with clause 8.1 of the code in broadcasting strong coarse language during a PG classified program.

The ABA noted ABC TV's submission that this instance of strong coarse language was inappropriate, and occurred due to human error. The ABC also wrote to the complainant and apologised for this error. The ABA noted that this breach was not part of a pattern of breaches by ABC TV and did not propose to take any further action in relation to the breach finding.

ABC TV Victoria

Program: Stateline

Breach: Accuracy in current affairs

On 12 January 2004, the ABA received a written complaint regarding the *Stateline* program broadcast on ABC TV. The complainant claimed that the program contained factual inaccuracies and that it was not balanced and impartial.

Stateline is a weekly current affairs program that aims to provide political analysis and insight into local issues.

The ABA determined that by broadcasting the Victorian edition of the *Stateline* program on 15 August 2003, ABC TV breached clause 4.1 of the ABC Code of Practice by reporting that:

- all approvals had been granted for the Portland Wind Farm Project to proceed and
- 120 wind towers would be constructed on three capes.

The ABA found that the report was balanced and impartial. ABC TV acknowledged one of the factual inaccuracies and apologised to the complainant.

ABC TV Western Australia

Program: News

Breach: Complaints handling

On 28 June 2004, the ABA received a complaint about a report on the *News* of 5 March 2004 which made a reference to 'Asian crime gangs'. The complainant also alleged that the ABC's response to his direct complaint was inadequate. The ABC's response contained information which the ABC later conceded was incorrect. The ABA determined that, in relation to the broadcast of the ABC TV *News* of 5 March 2004, the ABC:

- breached clause 9.1 of the ABC Code of Practice 2002, by not making a reasonable effort to provide an adequate response to the complaint and
- did not breach clause 2.4 of the ABC Code of Practice 2002, in relation to use of language or images in a way likely to disparage or discriminate against a section of the community on account of ethnicity.

The ABA noted that the ABC subsequently provided the complainant with a further response and an apology. The ABA decided to take no further action on this occasion.

ABC TV Tasmania

Program: Four Corners – Lords of the Forests

Breach: Accuracy

On 7 May 2004 the ABA received a written complaint regarding a report entitled 'Lords of the Forests' broadcast by the ABC on the *Four Corners* program on 16 February 2004. The complainant alleged that the ABC failed to present factual content accurately.

The ABA determined that during a broadcast of the 'Lords of the Forests' report on the *Four Corners* program on 16 February 2004, the ABC breached clause 4.1 of the code by failing to present factual content accurately.

The ABA found that a map depicting Tasmania forestry reserves was misleading, and

accordingly the ABC did not present factual content accurately.

The ABA also considered the code requirement that demonstrable errors will be corrected in a timely manner and in a form most suited to the circumstances. The ABA found that the ABC acknowledged the error and corrected the inaccuracy in a timely manner by posting an accurate depiction of Tasmanian forest reserves on the *Four Corners* website. The ABC also acknowledged the error in its Public Report on Audience Comments and Complaints.

In light of the ABC's actions in correcting the inaccuracy, the ABA did not take any enforcement action in relation to the breach on that occasion.

SBS TV

SBS Code of Practice

SBS TV Western Australia

Program: *John Safran vs God*

Breach: *Complaints handling*

On 15 November 2004, the ABA received a complaint that:

- the program *John Safran vs God*, broadcast on SBS TV on 30 August 2004, offended the religious beliefs of Muslims and
- SBS had not provided a substantive response to a complaint about the program.

The ABA determined that, in relation to the broadcast of *John Safran vs God* on SBS TV on 30 August 2004 the SBS:

- breached clause 7.3.1 of the code in relation to complaints handling, in that SBS did not provide an acknowledgment to the complaint, send a holding reply promising a subsequent and more detailed response, or provide a substantive response with the relevant time frame and
- did not breach clause 2.5 of the code in relation to programs about religion.

SBS acknowledges that it provided an incorrectly-titled acknowledgement of the complaint, and did not provide a substantive response within 60 days. The broadcaster submitted that:

- this was due to a one-off and inadvertent administrative error

- SBS regretted the error
- the staff member involved was counselled and would be a participant in complaints handling training courses being conducted in 2005 and
- SBS had written to the complainant, apologising to him and providing a substantive response to the matters raised in the complaint. The broadcaster provided a copy of this letter, dated 22 December 2004, to the ABA.

In view of SBS's acknowledgements, actions and undertakings, the ABA took no further action in relation to the breach. The ABA noted that this was the second breach of complaints handling provisions of the code since 1 January 2000.

SBS TV Tasmania

Program: *Insight*

Breach: *Accuracy*

On 15 December 2003 the ABA received a written complaint regarding a report entitled 'Styx vs Gunns' broadcast by the SBS on the *Insight* program on 18 September 2003. The complainant alleged that the SBS failed to present factual content accurately.

The ABA determined that during a broadcast of the 'Styx vs Gunns' report on the *Insight* program on 18 September 2003, breached clause 2.4.1 of the SBS codes by failing to present factual content accurately.

The ABA found that Tasmania was not the last Australian State to allow clear felling in old growth forest and the SBS did not present factual content accurately.

The ABA also considered the codes' requirement that SBS will take all reasonable steps to ensure timely acknowledgment and correction of any errors of fact. The ABA found that the SBS acknowledged the error and published corrections to the transcript of the program on the SBS website.

The ABA considered this action addressed the compliance issue raised by the investigation and ACMA will continue to monitor the broadcaster's performance in this regard.

ABC Radio

2CN Canberra

Program: AM

Breach: Impartiality in current affairs

On 23 January 2004, the complainant wrote to the ABA, stating that he was not satisfied with the response from the ABC to his 28 May 2003 complaint, that the content of the AM program, broadcast between 21 March 2003 and 14 April 2003, was biased and anti-American. The complaint concerned AM reports relating to the military operations against Iraq which were initiated by the coalition of countries (the Coalition) including the United States (US), United Kingdom (UK) and Australia on 18 March 2003, and subsequent hostilities (the Iraq War).²

The complainant asked the ABA to investigate 43 separate matters that, in his view, breached the ABC Code of Practice 2002, the relevant code at the time of the broadcasts. For ease of reference, the ABA retained numbers used by the complainant to identify each matter in his original complaint to the ABC.

The ABC's Independent Complaints Review Panel had considered all 68 matters identified in the original complainant to the ABC. The Panel upheld 16 matters on the grounds that the programs concerned contained serious bias or failed to comply with editorial instruction against the use of emotional language or editorialising. The Independent Complaints Review Panel upheld one further matter on the grounds that sources relied on by the program were not adequately identified.

The ABA found that the ABC breached the ABC Code of Practice 2002 on four occasions in the AM program's coverage of the Iraq War broadcast on 22, 27 and 28 March 2002 and on 10 April 2003, by failing to ensure that every

² In his original complaint to the ABC, the complainant identified 68 matters he considered were in breach of the ABC's editorial policies. The ABC's Complaints Review Executive and Independent Complaints Review Panel together upheld 17 of the 68 complaints (The Independent Complaints Review Panel report is on the ABC web site at www.abc.net.au/corp/pubs/ICRP.pdf). In his complaint to the ABA, the complainant asked the ABA to consider only those matters not upheld by the Complaints Review Executive or the Independent Complaints Review Panel. He also identified eight matters that he did not wish the ABA to consider.

reasonable effort was made to ensure that its coverage of certain matters was impartial.

In each case, the ABA found that, owing to the style of presentation and language used by the presenter, an ordinary, reasonable listener would have understood from the program that it was partial, and that every reasonable effort to ensure impartiality was not made.

The ABA further determined that in relation to 37 other matters identified by the complainant, the ABC did not breach the ABC Code of Practice 2002.

While concerned that the breaches found by the ABA and instances of serious bias identified by the ABC's Independent Complaints Review Panel indicate problems in the way certain information was presented by the program, the ABA considered that the breaches are exceptions to what was otherwise a high standard of coverage of the Iraq War and related issues.

The ABA did not make any recommendations about action to be taken by the ABC and was confident that the ABC understood its obligations under the code. The ABA expected the ABC to actively monitor the effectiveness of measures implemented in response to earlier findings of the ABC's Complaints Review Executive and Independent Complaints Review Panel.

There is considerable scope for news and current affairs programs to investigate controversial issues while ensuring that impartiality is maintained. But if a program regularly employs coloured language and questioning aimed at confirming a particular viewpoint, listeners are likely to think that the program has pre-judged issues and that it is not impartial.

JJJ Queensland

Program: Breakfast Program

Breach: Use of inappropriate and gratuitous language, complaints handling

On 10 February 2005, the ABA received a written complaint alleging that the ABC on the *Breakfast Show*, on TripleJ on 23 November 2004, used inappropriate language. The complainant also alleged that the broadcaster failed to respond to his complaint.

The ABA determined that the broadcaster:

- breached clause 2.2 of the ABC Code of Practice 2004 (use of inappropriate and gratuitous language) and
- breached clause 9.2 of the code (failing to provide a response to the complainant within 60 days of receipt of complaint).

The ABA noted that in response to the breach finding, the ABC took the following steps:

- apologised to the complainant in relation to the use of inappropriate and gratuitous language
- apologised to the complainant for the failure to deal with his complaint
- introduced a system to monitor complaints and will train staff to remind them of correct complaints handling procedures.

The ABA considered these actions address the compliance issues raised by the investigation and ACMA will continue to monitor the broadcaster's performance in this regard.

Subscription Television Narrowcast Services

Investigation into Free XTV and Backroom, 'Adult Services' broadcast by satellite into Australia from overseas locations

Breach: class licence conditions and codes of practice for subscription narrowcasting television services

On 24 February 2004 the Department of Communications Information Technology and the Arts advised the ABA that it had received a number of queries, including questions on notice from Senator Harradine³, about the apparent availability of 'adult services' broadcast by satellite in Australia from overseas locations. These services were believed to be subscription satellite services broadcasting XXX material originating in Europe.

On 18 March 2004 the ABA decided, under section 170 of the Broadcasting Services Act, to commence an investigation into 'adult services' broadcast by satellite into Australia from overseas locations and investigated Sexz.TV, Free XTV, Backroom, BlueKiss

and BlueKiss Express. All five of these adult services operated on New Skies NV (New Skies) (Netherlands) satellite, NSS-6. BlueKiss and BlueKiss Express were also available on Asia Satellite Telecommunications Company Limited (AsiaSat) (Hong Kong) its AsiaSat 3S satellite.

The ABA investigated the identity of the broadcasting service provider providing the 'adult services' and the category of broadcasting service being provided for the purposes of the Act. On 6 May 2004 the ABA sent notices, under section 173 of the Broadcasting Services Act, to parties it believed could assist with its investigation.

The ABA made its preliminary findings in late November 2004.

During the investigation, the ABA considered whether 'adult' programs, classified X or RC by the Classification Board, were broadcast on Free XTV, Backroom and Sexz.TV in contravention of class licence conditions and codes of practice for subscription narrowcasting television services. The ABA concluded that X classified programs were broadcast on the adult satellite services Free XTV and Backroom in contravention of the relevant class licence conditions and codes of practice. It also concluded that Sexz.TV broadcast adult programs that would be likely to be classified X by the Classification Board, in contravention of the relevant codes of practice. All the adult satellite services identified at the start of the ABA's investigation ceased broadcasting in Australia, after the ABA's investigation began.

Investigation into Sexz.TV, an Adult Service broadcast by satellite into Australia from overseas locations

Breach: Codes of practice for subscription narrowcasting television services

See Investigation into Free XTV and Backroom above.

³ Senator Brian Harradine asked a number of questions on notice during Additional Senate Estimates Hearings of 16 and 17 February 2004.

Appendix 6 Staffing

Classification	ONGOING				NON-ONGOING				Total
	Full-time Male	Full-time Female	Part-time Male	Part-time Female	Full-time Male	Full-time Female	Part-time Male	Part-time Female	
Members	1	1	3	1					5
SES Band 2	1								1
SES Band 1		3							3
EL2		4		2	1				7
EL2 Legal		2							2
EL2 Public Affairs	1								1
EL1	10	7		2	3	1			23
EL1 Legal		3							3
EL1 Public Affairs		1							1
EL1 Library		1							1
APS6	7	9				1			17
APS5		2		1					3
APS4	1	6				1			8
APS4					1				1
APS3		3		1					4
APS2									0
TOTAL	20	42	3	7	5	3	3	3	80

CANBERRA	Classification	ONGOING				NON-ONGOING				Total
		Full-time Male	Full-time Female	Part-time Male	Part-time Female	Full-time Male	Full-time Female	Part-time Male	Part-time Female	
	SES Band 1									0
	EL2	1								1
	EL2 Engineering	4								4
	EL1	3	2							5
	EL1 Engineering	3								3
	EL1 Technical	1		1						2
	APS6	3	1							4
	APS6 Engineering	4								4
	APS6 Technical	1								1
	APS5 Engineering	1								1
	APS5 Technical	2								2
	APS 5									0
	APS4		2							2
	APS3	1	1							2
	APS2									0
	TOTAL	24	6	1	1	6	3	7	3	31
TOTAL SYDNEY & CANBERRA		44	48	3	3	6	7	7	3	111
TOTAL MALE		53								
TOTAL FEMALE			58							

Appendix 7 External liaison

Section 168 of the Broadcasting Services Act empowered the ABA to inform itself on any matter relevant to its functions. This could be done by consulting with such persons, bodies and groups as the ABA thought 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 thought fit. To this end, ABA officers participated in a range of organisations reflecting the broad range of the ABA's functions. Officers of ACMA will continue this participation.

Meetings

The ABA held meetings with:

- Advertising Federation of Australia
- Australian Association of National Advertisers
- Australian Broadcasting Corporation
- Australian Film Commission
- Australian Music Performance Committee
- Australian Screen Directors Association
- Australian Subscription Television and Radio Association Inc.
- Australian Writers Guild
- Commercial Radio Australia
- Free TV Australia
- Communications Law Centre
- Community Broadcasting Association of Australia
- Community Broadcasting Foundation
- Film Australia
- Film Finance Corporation
- Internet Industry Association
- Media Entertainment and Arts Alliance
- NetAlert
- Office of Film and Literature Classification
- Radiocommunications Consultative Committee

- Screen Producers Association of Australia
- Special Broadcasting Service
- THL Australia

The ABA also held regular meetings with the staff of the Minister for Communications Information Technology and the Arts' office and her Department.

Formal arrangements

The ABA enjoyed the following formal arrangements.

Memorandum of understanding (MOU)—domestic

The ABA entered into memoranda of understanding with Australian state and territory police agencies that cover referral of information about certain categories of internet content.

Service level agreements—domestic

The ABA had service level agreements with the Australian Federal Police covering referral of information about prohibited Internet content and prohibited Internet gambling content.

Radiocommunications Act agreement

The ABA had an agreement under section 31(2) of the Radiocommunications Act with the Australian Communications Authority. The ABA and the Australian Communications Authority agreed that when the text of the *Radiocommunications (Datacasting Transmitter Licence Allocation) Determination 2000* permitted or required the issue of a datacasting transmitter licence to an applicant the Australian Communications Authority could issue the datacasting transmitter licence to the applicant.

Australian preparatory groups

Australian Preparatory Groups consist of representatives from Commonwealth departments and authorities, industry

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

Australian Radiocommunications Study Groups

Australian Radiocommunications Study Groups prepared Australian inputs to considerations of the Radiocommunications and Telecommunications Bureaux of the International Telecommunication Union.

The ABA participated in the ARSG 6, which is studying principles relating to broadcasting and the preparation of recommendations for technical standards relating to radiocommunications and broadcasting services, in the following ITU forums:

- ITU-R Study Group 1: Spectrum Management
- ITU-R Study Group 3: Radiowave Propagation
- ITU-R Study Group 4: Fixed-Satellite Services
- ITU-R Study Group 6: Radiocommunication broadcasting (terrestrial and satellite), including vision, sound, multimedia and data services principally intended for delivery to the general public
- ITU-R Study Group 8: Mobile, Radiodetermination, Amateur and Related Satellite Services
- ITU-R Study Group 9: Fixed Services and
- ITU-T Study Group 9: Integrated broadband cable networks and television and sound transmission.

The ABA's Acting Director Planning was a vice chairman of Working Party 6E—Terrestrial Delivery of ITU-R Study Group 6.

Standards Australia boards and specialist committees

The ABA was represented on:

- TE/3 Electromagnetic Interference
- CT/2 Broadcasting and Related Services and
- Department of Communications, Information Technology and the Arts Digital Radio Broadcasting Committee and the associated policy and technical subcommittees.

Other external participants

The ABA also consulted with other regulators such as the Australian Competition and Consumer Commission, the Australian Communications Authority and the Foreign Investment Review Board.

The ABA was a member of the Internet Hotline Providers in Europe Association.

An ABA representative participated in the New South Wales Internet Safety for Children Taskforce, Australian Federal Police Fraud Liaison Forum and the Mental Health and the Media Reference Group convened by the Department of Health and Aged Care.

The ABA continued its membership with overseas agencies including the Asia-Pacific Broadcasting Union and the Commonwealth Broadcasting Association and the International Institute of Communications

Appendix 8 Publications released in 2004–05

Digital broadcasting

Digital Terrestrial Television Broadcasting Handbook, revised March 2005
Spectrum for Digital Radio, May 2005

Information products

Australian Broadcasting Authority Annual Report 2003–04, October 2003 (print)
Broadcasting at a Glance, January 2005 (print)
Broadcasting Financial Results 2003–04, June 2005 (CD)
Radio and Television Broadcasting Stations 2004, September 2004

Investigation reports

Major investigations

Investigation into Youth Media Society of Western Australia Inc, licensee of community radio broadcasting service Groove 101.7 FM Perth (August 2004)
Investigation into Festival City Broadcasters Pty Ltd (FiveAA) – Alleged Commercial Agreements involving Mr Leon Byner (September 2005)
Investigation into Free XTV and Backroom, ‘Adult Services’ Broadcast by Satellite into Australia from Overseas Locations (January 2005)

Investigations into broadcast operations

ABA investigation report no 1323 WIN (August 2004)
ABA investigation report no 1338 2FBi (July 2004)
ABA investigation report no 1346 SBS TV (September 2005)
ABA investigation report no 1359 ABC TV (December 2004)
ABA investigation report no 1362 ABC Radio (March 2005)

ABA investigation report no 1363 ATV 10 (July 2004)

ABA investigation report no 1368 TVQ 10 (September 2004)

ABA investigation report no 1369 ATN 7 (November 2004)

ABA investigation report no 1378 HSV 7 (August 2004)

ABA investigation report no 1379 ATV 10 (October 2004)

ABA investigation report no 1381 2CCR (June 2005)

ABA investigation report no 1390 ABC TV (December 2004)

ABA investigation report no 1391 3AW (July 2004)

ABA investigation report no 1392 TVW (October 2004)

ABA investigation report no 1393 CBN (November 2004)

ABA investigation report no 1395 5AA (June 2005)

ABA investigation report no 1397 ABC TV (February 2005)

ABA investigation report no 1401 TCN 9 (November 2004)

ABA investigation report no 1402 TNQ (September 2004)

ABA investigation report no 1403 6WR (December 2004)

ABA investigation report no 1404 4EL (December 2004)

ABA investigation report no 1407 ABC TV (January 2005)

ABA investigation report no 1408 GTV 9 (September 2004)

ABA investigation report no 1409 WIN (December 2004)

ABA investigation report no 1411 ATN 7 (December 2004)

ABA investigation report no 1416 ATN 7
(May 2005)

ABA investigation report no 1419 5EBI
(December 2004)

ABA investigation report no 1425 HSV 7
(October 2004)

ABA investigation report no 1426 HSV 7
(February 2005)

ABA investigation report no 1428 ABC TV
(December 2004)

ABA investigation report no 1429 3FOX
(December 2004)

ABA investigation report no 1432 ATN 7
(February 2005)

ABA investigation report no 1436 6HCR
(January 2005)

ABA investigation report no 1455 STQ
(April 2005)

ABA investigation report no 1458 NEN 7
(November 2004)

ABA investigation report no 1461 2SWR
(April 2005)

ABA investigation report no 1463 HSV 7
(December 2004)

ABA investigation report no 1466 NBN
(March 2005)

ABA investigation report no 1468 1CBR
(February 2005)

ABA investigation report no 1470 HSV 7
(May 2005)

ABA investigation report no 1471 NBN 9
(June 2005)

ABA investigation report no 1475 SBS TV
(February 2005)

ABA investigation report no 1482 GTV 9
(May 2005)

ABA investigation report no 1484 3SUN
(June 2005)

ABA investigation report no 1490 TCN 9
(September 2004)

ABA investigation report no 1493 2RES
(May 2005)

ABA investigation report no 1500 2SER
(May 2005)

ABA investigation report no 1508 ATN 7
(May 2005)

ABA investigation report no 1510 SAS 7
(May 2005)

ABA investigation report no 1511 TVQ
(June 2005)

ABA investigation report no 1512 3CAT
(May 2005)

ABA investigation report no 1514 Triple J
(May 2005)

ABA investigation report no 1516 2MCR
(June 2005)

ABA investigation report no 1518 TCN 9
(May 2005)

ABA investigation report no 1523 BTQ 7
(June 2005)

Licence applications and guides

Price-based allocation of transmitter licences for open narrowcasting services, (print only) Parts 1–2 (reprint) April 2005
Round 11, Part 3, October 2004
Round 12 Part 3, April 2005

Newsletter

ABA Update (print)
issue 133, July 2004
issue 134, August 2004
issue 135, September 2004
issue 136, October 2004
issue 137, November 2004
issue 138, December 2004 / January 2005
issue 139, February 2005
issue 140, March 2005
issue 141, April 2005
issue 142, May 2005
issue 143, June 2005

Pamphlets

Complaints About Programs, (print) July 2004, April 2005 (revised, print)
Cybersmart Guide, (revised, print) September 2004
How to be Phone Smart —and Stay Safe, (print) February 2005

Program content

Australian Content Standard, revised
Children's Television Standards, revised

Documentary Guidelines, Interpretation of 'Documentary' for the Australian Content Standard, December 2004

Ownership and control

Current Controllers of a Broadcasting Licence (printed on request)

Guideline for Licensees, Ministerial Direction (Revisiting Radio LAPs) Direction No.1 of 2003

Planning

Digital Terrestrial Television Broadcasting Planning Handbook, revised, March 2005

Radio and Television Broadcasting Stations (Internet, July 2003, October 2003, January 2004, April 2004)

Radio and Television Broadcasting Stations 2004, September 2004 (print)

Research

kidsonline@home, (print) April 2005

Digital channel plans

Final digital channel plan variations

Brisbane—December 2004

Mildura/Sunraysia—March 2005

Regional Victoria (Gippsland and south west)—July 2004

Regional Queensland (mid north coast)—July 2004

Regional Queensland (Rockhampton and Wide Bay)—August 2004

Regional Victoria (north east)—August 2004

Regional Queensland (far north coast)—October 2004

Regional New South Wales (south coast)—December 2004

Regional Tasmania—May 2005

Draft variations to digital channel plans

Brisbane—September 2004

Mildura/Sunraysia—January 2005

Regional Queensland—July 2004

Regional Victoria (north east)—July 2004

Regional Queensland (far north coast)—August 2004

Regional Queensland (south east)—September 2004

Regional New South Wales—October 2004

Regional Tasmania—May 2005

Regional South Australia—May 2005

Licence area plans

Final variations to licence area plans—radio

Albury, New South Wales—May 2005

Bathurst, New South Wales—December 2004

Bega, New South Wales—August 2004

Bega, New South Wales—February 2005

Bourke, New South Wales—October 2004

Brisbane, Queensland—November 2004

Cairns, Queensland—September 2004

Cooma, New South Wales—October 2004

Gold Coast, Queensland—April 2005

Inverell, New South Wales—September 2004

Launceston, Tasmania—March 2005

Murwillumbah, New South Wales—March 2005

Newcastle, New South Wales—April 2005

Nowra, New South Wales—November 2004

Remote North-East, Queensland—May 2005

Rockhampton—Gladstone, Queensland—March 2005

Sydney, New South Wales—August 2004

Wagga Wagga, New South Wales—February 2005

Warragul, Victoria—February 2005

Final variations to licence area plans—television

Adelaide, South Australia—October 2004

Brisbane, Queensland—May 2005

Mildura Sunraysia, Victoria—September 2004

Remote Central and-Eastern Australia—September 2005

Remote and Regional Western Australia—December 2004

Sydney, New South Wales—February 2005

Draft variations to licence area plans—radio

Albury, New South Wales—September 2004

Albury, New South Wales—December 2004

Bathurst, New South Wales—November 2004

Bega, New South Wales—November 2004

Brisbane, Queensland—September 2004

Cairns, Queensland—July 2004
Charleville, Queensland—June 2005
Cooma, New South Wales—July 2004
Gold Coast, Queensland—November 2004
Inverell, New South Wales—August 2004
Launceston, Tasmania—September 2004
Launceston, Tasmania—December 2004
Murwillumbah, New South Wales—December 2004
Newcastle, New South Wales—November 2004
Nowra, New South Wales—September 2004
Perth, Western Australia—September 2004
Remote North-East, Queensland—December 2004
Rockhampton, Queensland—August 2004
Rockhampton, Queensland—November 2004
Scottsdale, Tasmania—May 2005
Wagga Wagga, New South Wales—July 2004
Wagga Wagga, New South Wales—November 2004
Wagga Wagga, New South Wales—June 2005
Warragul, Victoria—November 2004

***Draft variations to licence area plans—
television***

Adelaide, South Australia—August 2004
Brisbane, Queensland—March 2005
Mildura/Sunraysia, Victoria—July 2004
Remote and Regional Western Australia—July 2004

ABA publications were published on the ABA website, www.aba.gov.au; publications also released in print or as CD are marked. The ABA made publications available, on request, to those who had difficulty obtaining them off the internet.

Appendix 9 ABA service charter

Consultation

Commitment	Performance measure	Measurement method	Outcome
Consult with industry and public on planning of new broadcasting services.	Detail consultation process in advance (as part of business plan)	Check actual consultation against plan	Consultation was carried out as per statutory requirements and business plan for variations to licence area plans and digital channel plans.
Consult with industry and public on the development of program standards for broadcasters.	Detail consultation process in advance (as part of business plan)	Check actual consultation against plan	Carried out consultation as per statutory requirements on variation to the Australian content standard for commercial television and minor policy and drafting changes to the Children's Television Standards.
Consult with industry and public on the imposition of conditions on licences.	Detail consultation process in advance (as part of business plan)	Check actual consultation against plan	Carried out consultation as per statutory requirements and business plan for imposition of two licence conditions on community television licences.
Consult with industry and public in the course of major investigations.	Detail consultation process in advance (as part of business plan)	Check actual consultation against plan	Carried out consultation as per statutory requirements and business plan for imposition of licence conditions on the community radio broadcasting licence held by Youth Media Society of Western Australia Inc. (Groove FM) Perth.
Consult with industry and public on other matters.	Detail consultation process in advance (as part of business plan)	Check actual consultation against plan	Consultation was conducted with key broadcasting industry representatives according to the business plans for research projects into privacy protection and digital media in Australian homes

Accessibility

We will endeavour to make dealing with us as easy as possible. When contacting us we will:

Commitment	Performance measure	Measurement method	Outcome
Provide access to services by free call phone number (1800 226 667) and online access via the website (www.aba.gov.au).	1. How many times and for how long freecall number or website is not available 2. Number of calls on free call line and number of page views and downloads on web site	1. Telstra and ISP 2. Telstra for free calls and statistics package for web statistics.	Freecall number available throughout the year. Website available at all times throughout the year. An estimated total page views and total downloads for the 12 months, were more than 3,000,00 page views and 11,000,000 downloads (total hits) from nearly 1,00,000 sessions.
Ensure a switchboard operator is available to answer your call between 8.30 am and 5 pm each working day.	1. Number of times switchboard closed. 2. Number of calls to switchboard	Telstra	The ABA switchboard was open each working day between 8.30 am and 5 pm each working day.
Ensure that in most circumstances, staff members are contactable by phone, fax, in person or by email during our normal business hours.	Contactability – by exception e.g. complaints	Contactability – by exception e.g. complaints	No complaints were received.
Ask individual staff to identify themselves to you over the phone and in person and include a contact name and phone number in ABA letters.	Number of calls answered by staff – percentage identifying themselves. Number of letters sent – percentage including contact name and phone number.	Survey random sample of files for percentage of letters with contact details. Describe how sample selected.	Staff details were provided in all relevant circumstances. All letters included contact details. Survey of files over 12 months – random sample of files showed 100 per cent compliance.
Provide TTY service (02 9334 7777) access for people with a disability and interpreter services if required.	1. Number of times TTY service not available. 2. Number of calls to TTY service	1 & 2. TTY service provider.	As there was no demand for this service and improved facilities are available on the ABA website this service was discontinued.

Quality service

We will provide accurate advice and information in plain English and will respect your right to privacy. We will treat you fairly and courteously and will:

Commitment	Performance measure	Measurement method	Outcome
Address your inquiry as promptly and comprehensively as possible to maximise convenience and minimise time and cost when dealing with us.	Number of queries answered and average time taken to respond to each (phone/fax/email/letter)	Survey of files – random sample. Describe methodology.	ABA sections surveyed a number of files to test their performance against this standard. The average response time for letters and emails ranged from five to seven working days.
Demonstrate awareness of commercial sensitivity and issues of confidentiality.	By exception	Number of complaints received. Examples of demonstrating awareness of issue.	No complaints received. Confidentiality is particularly important in relation to the Online Content Scheme. No information was released that would enable location of prohibited sites to be accessed. Confidential and commercially sensitive files kept in locked cupboards. Commercial-in-confidence material obtained from broadcasters kept confidential in accordance with agreed procedures.
Act consistently with our Access and Equity Plan and Disability Access Plan.	By exception	Number of complaints received. Examples of demonstrating awareness of issue	No complaints received. The Cybersmart Kids site design requires that it should meet international usability standards and comply with Australian Government online policies. As a result, the site has been created as a basic HTML site that readily translates to a text-only environment. Only one Java plug-in has been used on the site and this operates a small drawing activity that is for amusement.

Standards

Our goals for providing service are to:

Commitment	Performance measure	Measurement method	Responsible area
<p>(a) Respond to phone and voice mail messages as soon as we can but no later than two working days.</p> <p>(b) If the message relates to a complaint about broadcast matter we will provide relevant information and forward material as appropriate within two working days.</p>	<p>(a) By exception</p> <p>(b) Percentage of messages relating to a complaint about broadcast matter responded to by providing relevant information within two working days.</p>	<p>(a) Number of complaints received.</p> <p>(b) Random sample. Describe methodology.</p>	<p>(a) No complaints received.</p> <p>(b) In the 12 months, the Investigations Section provided information in response to 2,219 phone and voicemail messages about broadcasting complaints. This data was made available from the section's telephone complaints database which in the six months to 31 December did not record information about timeframes. An improvement to the functionality of AIMS has enabled the production of the following results for the six months to 30 June: of the 1,218 calls, 1,114 (91.5 per cent) were replied to immediately or within two days; information was sent in response to 1,177 calls (96.6 per cent) within two working days.</p>
<p>Acknowledge requests made by letter, email and fax within seven days of receipt. We will exercise discretion in our right to reply and will not normally respond individually to standard form letters. We will however, respond to the organisation on whose behalf the letters were written.</p>	<p>Percentage of requests made by letter, email and fax acknowledged within seven days of receipt.</p>	<p>Survey of files – random sample. Describe methodology.</p>	<p>ABA section carried out random assessment of letters from inquiry files. Compliance rates included 100 per cent, two at 95 per cent and one at 82 per cent (letters of complaint where complainants were anonymous or did not provide contact details were not included in the test population).</p>
<p>Acknowledge public submissions to inquiries and investigations within 14 days of receipt.</p>	<p>Percentage of public submissions acknowledged within 14 days of receipt.</p>	<p>An electronic template on the LAN can be developed for acknowledgement letters. If this were to be done, it would be possible to track response times using AIMS. Until then, survey of files – random sample. Describe methodology.</p>	<p>Surveys of files and random samples of letters by ABA sections show 100 per cent compliance, and one instance of 95 per cent compliance. Estimate of average time taken was 10 days.</p>

Commitment	Performance measure	Measurement method	Responsible area
Take action in relation to complaints about internet content within two working days.	Percentage of complaints about internet content acted on within two working days	System already in place.	<p>An automated response system for complaints received by online complaints form means all complainants receive immediate acknowledgement of complaint. Prioritisation protocol means action on 100% of complaints is initiated within 48 hours of receipt.</p> <p>For complaints received by email and resulting in investigation, random sample indicates action on 70 per cent of complaints was initiated within two working days.</p>
Provide a substantive response on most matters within 28 days, but if this is not possible keep you informed of progress.	Percentage of inquiries dealt with substantively within 28 days.	Survey of files – random sample.	Sections of the ABA surveyed files and random sample of responses were chosen from each file to determine the average time taken to respond. Compliance rates ranged from 100 per cent to one instance of 90 per cent.
Provide a decision on children's program classifications within sixty days of receiving the application.	Percentage of children's program classifications decided within 60 days of receiving the application.	AIMS	Thirty-six (54 per cent) of 67 programs were assessed within 60 day timeframe.
Investigate complaints against broadcasters within an appropriate timetable developed by the ABA and keep you informed of progress.	Percentage of applications for which a timeframe is developed.	AIMS	<p>The timeframe applies to all applications investigated. These are determined to be 'priority' or 'non-priority': 100 per cent of priority investigations must be completed within six months, and 75 per cent of non-priority investigations must be completed within three months.</p> <p>The ABA completed 75 per cent of priority investigations within six months and 61 per cent of non-priority investigations within three months.</p>
Deal with applications within statutory timeframes or, when there is no such timeframe, develop an appropriate timetable for response and inform you of the timetable.	<p>Percentage of applications dealt with within statutory timeframes.</p> <p>Where there is no statutory timeframe, percentage of applications for which a timeframe is developed.</p>	AIMS	<p>Applications were dealt with well within statutory timeframes. All applications for licences were dealt with before the date requested by applicant. All commercial implementation plans were either assessed before services started; national implementation plans were assessed within six weeks once all information has been received. All applications for variations to licence area plans and digital channel plans were dealt with on a priority basis, and applicants were informed of timetables.</p> <p>All applications for an opinion on category of broadcasting service were processed within statutory timeframes.</p>

Appendix 10 Disability strategy

The ABA supported the Australian Government's vision of increasing opportunities for people with disabilities by helping to develop and deliver policies, programs and services that are accessible and promote independence and participation equity.

As a regulator of broadcasting services

The ABA ensured the following.

- All online information was in one of the three formats recommended by the Australian Government Information Management Office's Guide to Minimum Website Standards: PDF, RTF or HTML. This followed Federal Government standards issued by the Australian Government Information Office about the electronic publication of content. All publicly available information was available, upon request, in accessible non-electronic formats. In 2004–05, the ABA received no requests for information about regulations and quasi-regulations to be provided in accessible electronic or non-electronic formats.
- One of the 11 industry codes of practice sets out how people with disabilities may make a complaint about a broadcaster.

As a provider of services

The ABA's service charter complied with the ABA's Access and Equity Plan and the Disability Action Plan. The ABA was committed to providing facilities for people with disabilities.

As an employer

The ABA ensured that:

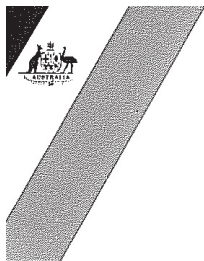
- employment policies, procedures and practices met the requirements of the *Disability Discrimination Act 1992*

- employment policies and procedures were covered by the Certified Agreement. The Workforce Diversity program, the Performance and Development Framework, and the ABA Human Resources Development Plan facilitated the integration and linkages of employment policies and procedures with diversity principles including disability access and equity
- recruitment information for potential job applicants was available in accessible electronic formats at the time of advertising and on request
- agency recruiters and managers applied the principle of 'reasonable adjustment'
- the ABA Staff Selection Guidelines advised on workplace diversity and equity, including reasonable adjustment. Comprehensive information on reasonable adjustment for the interview process was made available to convenors or managers
- training and development programs considered the needs of staff with disabilities
- training and development was devolved to the ABA's branches. Attendance at courses was predominantly through public programs where consideration of the needs of staff with disabilities could be negotiated with the training provider. The ABA Human Resources Development Plan supported cultural and linguistic diversity and disability awareness as essential components of all training
- mechanisms for complaints and grievances, including access to external mechanisms, were in place to address issues raised by staff
- dispute resolution procedures and reviews of decisions affecting employment were outlined in the Certified Agreement in accordance with the *Public Service Act 1999*. Another internal mechanism was the Workplace Harassment Prevention Policy,

which guided the management of complaints relating to harassment, intimidation and discrimination

- external mechanisms for reviewing decisions by the Australian Public Service Commissioner also operated. Other avenues of external address included the Human Rights and Equal Opportunity Commission, the Privacy Commissioner, and the Commonwealth Ombudsman.

Appendix 11 Financial statements



INDEPENDENT AUDIT REPORT

To the Minister for Communications, Information Technology and the Arts

Scope

The financial statements and Members' responsibilities

The financial statements comprise:

- Statement by Members;
- Statements of Financial Performance, Financial Position and Cash Flows;
- Schedules of Commitments, Contingencies and Administered Items; and
- Notes to and forming part of the Financial Statements

of the Australian Broadcasting Authority for the year ended 30 June 2005.

The Members of the Australian Broadcasting Authority (the Authority) are responsible for preparing the financial statements that give a true and fair view of the financial position and performance of the Authority, and that comply with the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*, accounting standards and other mandatory financial reporting requirements in Australia. The Members of the Authority are also responsible for the maintenance of adequate accounting records and internal controls that are designed to prevent and detect fraud and error, and for the accounting policies and accounting estimates inherent in the financial statements.

Audit approach

I have conducted an independent audit of the financial statements in order to express an opinion on them to you. My audit has been conducted in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing and Assurance Standards, in order to provide reasonable assurance as to whether the financial statements are free of material misstatement. The nature of an audit is influenced by factors such as the use of professional judgement, selective testing, the inherent limitations of internal control, and the availability of persuasive, rather than conclusive, evidence. Therefore, an audit cannot guarantee that all material misstatements have been detected.

While the effectiveness of management's internal controls over financial reporting was considered when determining the nature and extent of audit procedures, the audit was not designed to provide assurance on internal controls.

I have performed procedures to assess whether, in all material respects, the financial statements present fairly, in accordance with the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*, including accounting standards and other mandatory financial reporting requirements in Australia, a view which is consistent with my understanding of the Authority's financial position, and of its performance as represented by the statements of financial performance and cash flows.

The audit opinion is formed on the basis of these procedures, which included:

- examining, on a test basis, information to provide evidence supporting the amounts and disclosures in the financial statements; and
- assessing the appropriateness of the accounting policies and disclosures used, and the reasonableness of significant accounting estimates made by the Members.

Independence

In conducting the audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the ethical requirements of the Australian accounting profession.

Audit Opinion

In my opinion, the financial statements of the Australian Broadcasting Authority:

- (a) have been prepared in accordance with the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*; and
- (b) give a true and fair view of the Australian Broadcasting Authority's financial position as at 30 June 2005 and of its performance and cash flows for the year then ended, in accordance with:
 - (i) the matters required by the Finance Minister's Orders; and
 - (ii) applicable accounting standards and other mandatory financial reporting requirements in Australia.

Australian National Audit Office



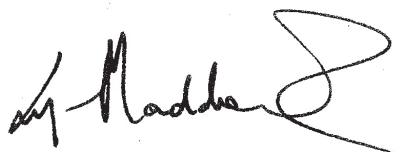
P Hinchey
Senior Director
Delegate of the Auditor-General

Sydney
24 August 2005

AUSTRALIAN BROADCASTING AUTHORITY
STATEMENT BY THE CHAIRMAN AND THE CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2005 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*.

In our opinion, at the date of this statement, there were reasonable grounds to believe that the Authority would be able to pay its debts as and when they become due and payable.



Lyn Maddock
Acting Chair
23 Aug 2005



Greg Randle
Chief Financial Officer
23 Aug 2005

AUSTRALIAN BROADCASTING AUTHORITY
STATEMENT OF FINANCIAL PERFORMANCE
for the year ended 30 June 2005

	Notes	2005 \$	2004 \$
REVENUES			
Revenues from ordinary activities			
Revenues from Government	5A	16,989,000	16,215,000
Goods and Services	5B	111,374	102,453
Interest	5C	144,907	68,901
Revenue from sale of assets	5D	3,000	–
Other Revenues	5E	416,472	457,128
Revenues from ordinary activities		<u>17,664,753</u>	<u>16,843,482</u>
EXPENSES			
Expenses from ordinary activities (excluding borrowing costs expense)			
Employees	6A	10,017,618	10,495,192
Suppliers	6B	4,873,379	5,514,383
Depreciation and amortisation	6C, 9D	1,286,158	1,054,016
Write-down of assets	6D, 9D	156,390	10,921
Value of assets sold	5D	3,374	–
Expenses from ordinary activities (excluding borrowing costs expense)		<u>16,336,919</u>	<u>17,074,512</u>
Borrowing costs expense	7	22,246	27,107
Operating surplus (deficit) from ordinary activities		<u>1,305,588</u>	<u>(258,137)</u>
Net surplus (loss)		<u>1,305,588</u>	<u>(258,137)</u>
Net credit to asset revaluation reserve	13	36,903	–
Total revenues, expenses and valuation adjustments recognised directly in equity		<u>36,903</u>	<u>–</u>
Total changes in equity other than those resulting from transactions with the Australian Government as owner		<u>1,342,491</u>	<u>(258,137)</u>

The above statement should be read in conjunction with the accompanying notes.

AUSTRALIAN BROADCASTING AUTHORITY
STATEMENT OF FINANCIAL POSITION
as at 30 June 2005

	Notes	2005 \$	2004 \$
ASSETS			
Financial assets			
Cash	14B	–	1,906,897
Receivables	8	<u>231,834</u>	<u>167,133</u>
Total financial assets		<u>231,834</u>	<u>2,074,030</u>
Non-financial assets			
Land and buildings	9A, 9D	<u>1,718,100</u>	1,935,688
Infrastructure, plant and equipment	9B, 9D	<u>575,101</u>	559,547
Intangibles	9C, 9D	<u>1,385,246</u>	2,011,464
Other non-financial assets	9E	<u>403,003</u>	<u>203,766</u>
Total non-financial assets		<u>4,081,450</u>	<u>4,710,465</u>
Total Assets		<u>4,313,284</u>	<u>6,784,495</u>
LIABILITIES			
Interest bearing liabilities			
Leases	10A	<u>380,013</u>	312,222
Lease Incentives	10B	<u>1,856,626</u>	<u>2,124,199</u>
Total interest bearing liabilities		<u>2,236,639</u>	<u>2,436,421</u>
Provisions			
Employees	11	<u>3,059,789</u>	3,452,639
Total provisions		<u>3,059,789</u>	<u>3,452,639</u>
Payables			
Suppliers	12A	<u>400,976</u>	406,239
Unearned Income	12B	<u>338,588</u>	526,283
GST payable	12C	<u>4,242</u>	10,087
Total payables		<u>743,806</u>	<u>942,609</u>
Total Liabilities		<u>6,040,234</u>	<u>6,831,669</u>
NET ASSETS		<u>(1,726,950)</u>	<u>(47,174)</u>
EQUITY			
Contributed equity	13	<u>(3,016,267)</u>	6,000
Reserves	13	<u>94,648</u>	57,745
Accumulated surpluses/(deficits)	13	<u>1,194,669</u>	<u>(110,919)</u>
Total Equity	13	<u>(1,726,950)</u>	<u>(47,174)</u>
Current assets		634,837	2,277,796
Non-current assets		3,678,447	4,506,699
Current liabilities		2,262,032	3,011,161
Non-current liabilities		3,778,202	3,820,508

The above statement should be read in conjunction with the accompanying notes.

AUSTRALIAN BROADCASTING AUTHORITY
STATEMENT OF CASH FLOWS
for the year ended 30 June 2005

	Notes	2005 \$	2004 \$
Operating Activities			
Cash received			
Appropriations		16,989,000	16,215,000
Goods and services		193,075	61,384
Interest		136,493	126,277
GST recovered from ATO		486,437	567,192
Other		170,978	885,308
Total cash received		17,975,983	17,855,161
Cash used			
Employees		(10,410,469)	(10,320,204)
Suppliers		(5,650,351)	(6,003,943)
Borrowing costs		(22,246)	(27,107)
Total cash used		(16,083,066)	(16,806,010)
Net cash from operating activities	14A	1,892,917	1,503,907
Investing Activities			
Cash received			
Proceeds from sales of property, plant and equipment		3,000	–
Total cash received		3,000	–
Cash used			
Purchase of property, plant and equipment		(52,633)	(915,809)
Purchase of intangibles		(92,809)	(418,080)
Total cash used		(145,442)	(1,333,889)
Net cash (used by) investing activities		(142,442)	(1,333,889)
Financing Activities			
Cash received			
Appropriation – Contributed equity		9,000	6,000
Proceeds from lease incentive		–	1,912,645
Total cash received		9,000	1,918,645
Cash used			
Reduce Interest bearing liabilities		(635,105)	(548,656)
Cash Returned to Owner		(3,031,267)	–
Total cash used		(3,666,372)	(548,656)
Net cash from (used by) financing activities		(3,657,372)	1,369,989
Net increase / (decrease) in cash held			
Cash at the beginning of the reporting period		1,906,897	1,540,007
Cash at the end of the reporting period	14B	–	1,906,897

The above statement should be read in conjunction with the accompanying notes.

AUSTRALIAN BROADCASTING AUTHORITY
SCHEDULE OF COMMITMENTS
as at 30 June 2005

	2005	2004
By Type	\$	\$
Other commitments		
Operating leases (1)	17,289,919	17,373,956
Other commitments (2)	<u>2,493,853</u>	<u>4,960,620</u>
Total other commitments	<u>19,783,772</u>	<u>22,334,576</u>
Commitments receivable		
GST receivable	<u>(1,798,525)</u>	<u>(2,030,416)</u>
Net commitments	<u>17,985,247</u>	<u>20,304,160</u>
By Maturity		
Operating lease commitments		
One year or less	2,050,618	1,879,150
From one to five years	10,794,627	9,996,210
Over five years	<u>4,444,674</u>	<u>5,498,596</u>
Total operating lease commitments	<u>17,289,919</u>	<u>17,373,956</u>
Other commitments		
One year or less	792,371	1,019,890
From one to five years	<u>1,701,482</u>	<u>3,940,730</u>
Total other commitments	<u>2,493,853</u>	<u>4,960,620</u>
Commitments receivable	<u>(1,798,525)</u>	<u>(2,030,416)</u>
Net commitments	<u>17,985,247</u>	<u>20,304,160</u>

NB: Commitments were GST inclusive where relevant

(1) See list below

(2) See list below. Other commitments included IT Lease, software maintenance and consulting

Nature of lease	General description of leasing arrangement
Leases for office accommodation	Lease payments were subject to fixed annual increases in accordance with the lease agreements. The periods of office accommodation leases were fixed for the Canberra office at 7 years and the Sydney office at 10 years.
Agreement for the provision of motor vehicles – senior executives	No contingent rental exists. There were no renewal or purchase options available to the Authority.
Leases of computer equipment	The lessor provides all computer equipment and software designated as necessary in the supply contract for five years. The initial equipment for desktops and servers was replaced in the 2004–05 financial year, while printers have an average useful life of 3 years.

The above schedule should be read in conjunction with the accompanying notes.

**AUSTRALIAN BROADCASTING AUTHORITY
SCHEDULE OF CONTINGENCIES**

As at 30 June 2005

Contingent losses

The Authority did not have any contingent losses quantifiable or otherwise at 30 June 2005.

Contingent gains

The Authority did not have any reportable contingent gains at 30 June 2005.

The above schedule should be read in conjunction with the accompanying notes.

AUSTRALIAN BROADCASTING AUTHORITY
SCHEDULE OF ADMINISTERED ITEMS
for the year ended 30 June 2005

	Notes	2005 \$'000	2004 \$'000
Revenue Administered on behalf of the Government			
Taxation revenue			
Other taxes, fees and fines		286,979	225,000
Non-taxation revenue			
Revenue from sales of assets		52,282	210,000
Total revenues administered on behalf of Government		<u>339,261</u>	<u>435,000</u>
Assets Administered on behalf of the Government			
Financial Assets			
Receivables (Current)		-	2
Accrued revenues		252,793	208,879
Total assets administered on behalf of Government		<u>252,793</u>	<u>208,881</u>
Administered Cash Flow			
OPERATING ACTIVITIES			
Cash received			
Other taxes, fees and fines		243,206	216,144
Goods and services		52,282	210,000
Total cash received		<u>295,488</u>	<u>426,144</u>
Cash used			
Cash to Official Public Account		(295,419)	(426,121)
Refund of overpaid licence		(69)	(23)
Total cash used		<u>(295,488)</u>	<u>(426,144)</u>
Net cash from operating activities		-	-
Cash at the beginning of the reporting period		-	-
Cash at the end of the reporting period		<u>-</u>	<u>-</u>

The Authority administers the collection of broadcasting licence and auction fees on behalf of the Australian Government. The fees were not available to be used by the Authority for its own purpose and were remitted to the Australian Government's Official Public Account. Transactions and balances relating to these fees were reported as Administered Items.

The above schedule should be read in conjunction with the accompanying notes.

AUSTRALIAN BROADCASTING AUTHORITY
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
for the year ended 30 June 2005

- Note 1: Summary of Significant Accounting Policies
- Note 2: Adoption of Australian Equivalents to International Financial Reporting Standard from 2005–2006
- Note 3: Economic Dependency
- Note 4: Events Occurring after Reporting Date
- Note 5: Operating Revenues
- Note 6: Operating Expenses
- Note 7: Borrowing Cost Expense
- Note 8: Financial Assets
- Note 9: Non-Financial Assets
- Note 10: Interest Bearing Liabilities
- Note 11: Provisions
- Note 12: Payables
- Note 13: Equity
- Note 14: Cash Flow Reconciliation
- Note 15: Contingent Losses
- Note 16: Members' Remuneration
- Note 17: Related Party Disclosures
- Note 18: Remuneration of Officers
- Note 19: Remuneration of Auditors
- Note 20: Average Staffing Levels
- Note 21: Financial Instruments
- Note 22: Administered Items
- Note 23: Appropriations
- Note 24: Reporting of Outcomes

Notes to and forming part of the Financial Statements

Note 1: Summary of Significant Accounting Policies

1.1 Basis of Accounting

The financial statements were required by clause 1(b) of Schedule 1 to the Commonwealth Authorities and Companies Act 1997 and are a general purpose financial report.

The statements have been prepared in accordance with:

- Finance Minister's Orders (being the Commonwealth Authorities and Companies Orders (Financial Statements for reporting periods ending on or after 30 June 2005));
- Australian Accounting Standards and Accounting Interpretations issued by the Australian Accounting Standards Board; and
- Urgent Issues Group Abstracts.

The Authority's Statements of Financial Performance and Financial Position have been prepared on a going concern (see Note 4) and accrual basis and are in accordance with the historical cost convention, except for certain assets, which as noted, are at valuation. Except where stated, no allowance was made for the effect of changing prices on the results or the financial position.

Assets and liabilities were recognised in the Authority's Statements of Financial Position when and only when it was probable that future economic benefits would flow and the amounts of the assets or liabilities could be reliably measured. Assets and liabilities arising under agreements equally proportionately unperformed were however not recognised unless required by an accounting standard. Liabilities and assets that were unrecognised were reported in the Schedule of Commitments and the Schedule of Contingencies (other than unquantifiable or remote contingencies, which were reported at Note 15).

Revenues and expenses were recognised in the Authority's Statement of Financial Performance when and only when the flow or consumption or loss of economic benefits had occurred and could be reliably measured.

Administered items

The Authority administers the collection of licence fees under section 158(f) of the Broadcasting Services Act 1992 on behalf of the Australian Government. Section 5 of the Radio Licence Fees Act 1964 (RLFA) and section 5 of the Television Licence Fees Act 1964 (TLFA) require commercial radio and television licensees to pay a licence fee to the Australian Government. The licence fees are payable on 31 December each year and were calculated as a percentage of licensees' gross earnings for the previous financial year.

In accordance with the plan made by the Minister under section 94E of the Broadcasting Act 1942, published in the Gazette dated 26 August 1987, commercial television licensees in approved markets were eligible for an aggregation rebate.

Statutory Rules 2000 No. 277 under the TLFA introduced the Regional Equalisation Plan, which established a rebate scheme to assist eligible commercial television licensees in specified regional areas to convert their services from analog to digital mode.

Notes to and forming part of the Financial Statements

Administered revenues, expenses, assets, liabilities and cash flows reported in the Schedule of Administered Items and related notes were accounted for on the same basis and using the same policies as for the Authority items, except where stated in Note 1.18.

1.2 Changes in Accounting Policy

The accounting policies used in the preparation of these financial statements are consistent with those used in 2003–2004.

1.3 Revenue

The revenues described in this Note relate to the core operating activities of the Authority.

Revenue from the sale of goods was recognised upon the delivery of goods to customers.

Interest revenue was recognised as it accrued.

Revenue from disposal of non-current assets was recognised when control of the asset passed to the buyer.

Receivables for goods and services were recognised at the nominal amounts due less any provisions for bad and doubtful debts. Collectability of debts was reviewed at balance date. Provisions are made when collectability of the debt is judged to be less rather than more likely.

The full amount of the appropriation for departmental outputs for the year was recognised as revenue.

1.4 Transactions by the Government as Owner

Equity Injections

Amounts appropriated by the Parliament as equity injections were recognised as ‘contributed equity’ in accordance with the Finance Minister’s Orders. Contributed equity was reduced by the amount of cash returned to DoFA on 30 June 2005.

1.5 Employee Benefits

Benefits

Liabilities for services rendered by employees were recognised at the reporting date to the extent that they have not been settled.

Liabilities for wages and salaries (including non-monetary benefits) and annual leave were measured at their nominal amounts. Other employee benefits expected to be settled within 12 months of their reporting date were also measured at their nominal amounts.

Notes to and forming part of the Financial Statements

The nominal amount was calculated at the rates expected to be paid on settlement of the liability.

All other employee benefit liabilities were measured as the present value of estimated future cash outflows to be made in respect of services provided by employees up to the reporting date.

Leave

The liability for employee entitlements included provision for annual leave and long service leave. No provision was made for sick leave as all sick leave was non-vesting and the average sick leave that could be taken in future years was estimated to be less than the annual entitlement for sick leave.

The leave liabilities were calculated on the basis of employees' remuneration, including the Authority's employer superannuation contribution rates assuming that the leave was likely to be taken during service.

The liability for long service leave has been determined by reference to the short hand method prescribed by the Department of Finance and Administration's Finance Brief 13 Measurement of Commonwealth sector employee leave entitlements. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and redundancy

Provision was made for separation and redundancy payments where the Authority had developed a detailed formal plan for the redundancies and had informed those employees affected.

Superannuation

Most employees of the Authority were members of the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme. The liability for their superannuation benefits was recognised in the financial statements of the Australian Government and will be settled by the Australian Government in due course.

The Authority makes employer contributions to the Australian Government at rates determined by the actuary to be sufficient to meet the cost to the Government of the superannuation entitlements of the Authority's employees.

1.6 Leases

A distinction was made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of leased non-current assets. In operating leases, the lessor effectively retains substantially all such risks and benefits.

Where a non-current asset was acquired by means of a finance lease, the asset was capitalised at the present value of minimum lease payments at the beginning of the lease term and a liability recognised at the same time and for the same amount. The discount rate used was the interest rate implicit in the lease. Leased assets were amortised over the period of the lease. Lease payments were allocated between the principal component and the interest expense.

Notes to and forming part of the Financial Statements

Operating lease payments were expensed on a basis that was representative of the pattern of benefits derived from the leased assets.

The Canberra and Sydney fit out costs were capitalised and the lease incentives were recognised as a liability. This liability was reduced by allocating lease payments between rental expense and the liability.

1.7 Borrowing Costs

All borrowing costs were expensed as incurred.

1.8 Cash

Cash means notes and coins held and any deposits held at call with a bank or financial institution. All cash was returned to the Department of Finance and Administration on 30 June 2005. Interest was credited to revenue as it accrued.

1.9 Other Financial Liabilities

Trade creditors and accruals were recognised at their nominal amounts, being the amounts at which the liabilities would be settled. Liabilities were recognised to the extent that the goods or services had been received (irrespective of having been invoiced).

1.10 Acquisition of Assets

Assets were recorded at cost on acquisition. The cost of acquisition included the fair value of assets transferred in exchange and liabilities undertaken.

1.11 Land, Buildings, Infrastructure, Plant and Equipment

Asset Recognition Threshold

Purchases of property, plant and equipment were recognised initially at cost in the Statement of Financial Position, except for purchases costing less than \$2,000, which were expensed in the year of acquisition, unless they formed part of a group of similar items which were significant in total.

Revaluations

Plant and equipment was carried at valuation. Revaluations were undertaken at fair value as required by Australian Accounting Standard AASB 1041 Revaluation of Non-Current Assets. Valuations undertaken were as at 30 June 2005.

Assets which are surplus to requirements are measured at their net realisable value. At 30 June 2005 the Authority held no surplus assets.

Frequency

Plant and equipment and Leasehold improvements were revalued at Fair Value as at 30 June 2005 in accordance with the Finance Minister's Orders.

Notes to and forming part of the Financial Statements

Conduct

All valuations were done by an independent qualified valuer.

Depreciation and Amortisation

Depreciable property, plant and equipment assets were written off to their estimated residual values over their estimated useful lives to the Authority using, in all cases, the straight-line method of depreciation. Leasehold improvements were depreciated on a straight-line basis over the lesser of the estimated useful life of the improvements or the unexpired period of the lease.

Depreciation rates (useful lives) and methods were reviewed at each reporting date and adjustments were recognised in the current, or current and future reporting periods, as appropriate. Residual values are re-estimated only when assets are revalued.

Depreciation rates applying to each class of depreciable asset were based on the following useful lives:

	2005	2004
Leasehold improvements	Lease term	Lease term
Plant and equipment	4 to 10 years	4 to 10 years

The aggregate amount of depreciation allocated for each class of asset during the reporting period is disclosed in Note 6C.

1.12 Impairment of Non-current Assets

Non-current assets carried at up-to-date fair value at the reporting date were not subject to impairment testing.

The non-current assets carried at cost, which were not held to generate net cash inflows, have been assessed for impairment. Where indications of impairment exist, the carrying amount of the asset was compared to its net selling price and depreciated replacement cost and written down to its higher of the two amounts, if necessary.

1.13 Intangibles

The Authority's intangibles comprise internally developed software and purchased software licences. These assets were carried at cost.

Software was amortised on a straight-line basis over its anticipated useful life. The useful lives of the Authority's software was 5 years (2003–04: 5years).

All software assets were assessed for indication of impairment as at 30 June 2005. Impaired software was written-down at 30 June 2005 (Note 9D refers).

Notes to and forming part of the Financial Statements

1.14 Taxation

The Authority was exempt from all forms of taxation except fringe benefits tax and the goods and services tax (GST).

Revenues, expenses and assets were recognised net of GST with the exceptions of receivables and payables, and where the amount of GST incurred was not recoverable from the Australian Taxation Office.

1.15 Insurance

The Authority had insured for risks through the Government's insurable risk managed fund, 'Comcover'. Workers compensation was insured through Comcare Australia.

1.16 Comparative Figures

Comparative figures were adjusted to conform to changes in presentation in these financial statements where required.

1.17 Rounding

Amounts have been rounded to the nearest dollar except the Administered Schedule and Notes 22, 23 and 24 which were rounded to the nearest \$1,000.

1.18 Administered Activities

Administered revenues, expenses, assets, liabilities and cash flows were disclosed in *the Schedule of Administered Items* and related notes.

Except where otherwise stated below, administered items were accounted for on the same basis and using the same policies as for Authority items, including the application of Accounting Standards, Accounting Interpretations and UIG Abstracts.

Administered Cash Transfers to and from Official Public Account

Revenue collected by the Authority for use by the Government rather than the Authority was Administered Revenue. Collections were transferred to the Official Public Account (OPA) maintained by the Department of Finance. These transfers to the OPA were adjustments to the administered cash held by the Authority on behalf of the Government and reported as such in the Administered Statement of Cash Flows and the Administered Reconciliation Table in Note 22C. Thus the Schedule of Administered Items largely reflects the Government's transactions, through the Authority, with parties outside the Government.

Revenue

All administered revenues were revenues relating to the core operating activities performed by the Authority on behalf of the Government.

Revenue and related assets arise when the Government, through the application of legislation administered by the Authority, was provided with the right to fees. Revenue included annual licence fees and sales of broadcasting licences.

Notes to and forming part of the Financial Statements

Note 2: Adoption of Australian Equivalents to International Financial Reporting Standards (AEIFRS) from 2005–2006.

Management of the transition to AEIFRS

The Authority took the following steps for the preparation towards the implementation of AEIFRS:

- The Authority's Audit Committee was tasked with oversight of the transition to and implementation of AEIFRS. The Chief Finance Officer was formally responsible for the project and reported regularly to the Audit Committee on progress.
- All major accounting policy differences between current AASB standards and AEIFRS were identified by 30 June 2004;
- System changes necessary to be able to report under the AEIFRS, including those necessary to capture data under both sets of rules for 2004–05 were completed on 18 August 2004. This included the testing and implementation of those changes;
- A transitional balance sheet as at 1 July 2004 under AEIFRS was completed and presented to the Audit Committee on 15 December 2004; and
- An AEIFRS compliant balance sheet was also prepared during the preparation of the 2004–05 statutory financial reports;

The risks to successful achievement of the project were addressed and strategies were included to ensure deadlines were met. Consultants were engaged where necessary.

Major changes in accounting policy

The Authority merged with the Australian Communications Authority (ACA) on 1 July 2005 to form the Australian Communications and Media Authority (ACMA). An AEIFRS compliant balance sheet was prepared as at 1 July 2004 to facilitate the preparation of an AEIFRS compliant balance sheet as at 30 June 2005.

The Authority's and ACA's combined AEIFRS compliant balance sheets as at 30 June 2005 will form the opening balance sheet for ACMA as at 1 July 2005.

Changes in accounting policies under Australian Equivalents were applied retrospectively i.e. as if the new policy had always applied except in relation to the exemptions available under AASB 1 *First-time Adoption of Australian Equivalents to International Financial Reporting Standards*.

Management's review of the quantitative impacts of AEIFRS represents the best estimate of the impacts of the changes as at reporting date. The actual effects of the impacts of AEIFRS may differ from these estimates due to:

- continuing review of the impacts of AEIFRS on ACMA's operations;
- potential amendments to AEIFRS; and
- emerging interpretation as to the accepted practice in the application of AEIFRS.

Notes to and forming part of the Financial Statements**Property plant and equipment**

It is expected that the 2005–06 Finance Minister’s Orders will continue to require property plant and equipment assets to be valued at fair value in 2005–06.

Decommissioning, Restoration and Make-Good

When assessing accommodation leases for the preparation of the opening balance sheet, it was found that there were obligations under a lease for make-good. This has been estimated at \$208,000 increase in the asset and provision for make-good. As at 30 June 2005, amortisation of \$40,000 and borrowing costs of \$26,000 were charged to retained earnings.

Employee Benefits

The provision for long service leave was measured at the present value of estimated future cash outflows using market yields as at the reporting date on national government bonds.

AEIFRS also require that annual leave that was not expected to be taken within 12 months of balance date was to be discounted. After assessing the staff leave profile, the Authority expects that leave valued at \$268k is likely to be taken later than 12 months from balance date. Consequently, an adjustment for non-current annual leave was recorded.

Reconciliation of Impacts – AGAAP to AEIFRS

	30 June 2005*	30 June 2004
	\$'000	\$'000
Reconciliation of Authority Equity		
Total Equity under AGAAP	(1,726,950)	(47,174)
Adjustments to accumulated results	(50,639)	(5,257)
Total Equity under AEIFRS	<u>(1,777,589)</u>	<u>(52,431)</u>
Reconciliation of Authority Accumulated Results		
Total Accumulated Results under AGAAP	1,194,669	(110,919)
Annual Leave	15,436	23,437
Amortisation	(40,120)	(19,297)
Interest Expense on Make-good	(25,955)	(9,398)
Total Accumulated Results under AEIFRS	<u>1,144,029</u>	<u>(116,176)</u>
Reconciliation of Authority Reserves		
Total Reserves under AGAAP	94,648	57,745
Adjustment:	–	–
Total Reserves under AEIFRS	<u>94,648</u>	<u>57,745</u>
Reconciliation of Authority Contributed Equity		
Total Contributed Equity under AGAAP	(3,016,267)	6,000
Adjustment:	–	–
Total Contributed Equity under AEIFRS	<u>(3,016,267)</u>	<u>6,000</u>

* 30 June 2005 total represents the accumulated impacts of AEIFRS from the date of transition.

Notes to and forming part of the Financial Statements**Note 3: Economic Dependency**

The Authority was established by subsection 154(1) of the *Broadcasting Services Act, 1992* and was controlled by the Commonwealth of Australia.

The Authority was dependent on appropriations from the Parliament of the Commonwealth for its continued existence and ability to carry out its normal activities.

Note 4: Events Occurring after Reporting Date

The Australian Government announced the merger of the Australian Broadcasting Authority ('ABA') with the Australian Communications Authority ('ACA') to form a new media and communications regulator, the Australian Communication and Media Authority ('ACMA'), on 1 July 2005.

ACMA is a prescribed Agency and as such will operate under the *Financial Management and Accountability Act 1997*(FMA). The ABA and ACA which fell under the auspices of the *Commonwealth and Authorities Companies Act 1997*(CAC), will move from operating as CAC agencies to operating as an FMA agency as ACMA. Considerable resources have been used to ensure a smooth transition into the new regime.

On 30 June 2005, ABA transferred all departmental and administered cash to the Official Public Account. This resulted in a nil bank balance in departmental and administered books and a reduction in departmental Equity of \$3,031,267. All assets and liabilities held by the ABA and ACA were transferred to ACMA on 1 July 2005 in line with the transitional arrangements.

Notes to and forming part of the Financial Statements

	2005	2004
	\$	\$
Note 5: Operating Revenues		
<u>Note 5A: Revenues from Government</u>		
Appropriations for outputs	16,989,000	16,215,000
Total revenues from government	16,989,000	16,215,000
<u>Note 5B: Sales of Goods and Services</u>		
Goods	13,549	23,446
Services	97,825	79,007
Total sale of goods and services	111,374	102,453
Provision of goods to:		
Related entities	-	1,538
External entities	13,549	21,908
Total Sale of Goods	13,549	23,446
Rendering of Services to:		
External entities	97,825	79,007
Total Rendering of Services	97,825	79,007
Costs of sales of goods	13,549	23,446
<u>Note 5C: Interest</u>		
Deposits	144,861	68,901
Other	46	-
Total Interest	144,907	68,901
<u>Note 5D: Net (Loss) from Sale of Assets</u>		
Plant and equipment:		
Proceeds from disposal	3,000	-
Net book value of assets disposed	(3,374)	-
Net (loss) from disposal of plant and equipment	(374)	-
<u>Note 5E: Other Revenue</u>		
Sub-leasing of premises	-	7,976
Funding from the Department of Communications, IT and the Arts for the Black Spots Program	214,114	322,382
Registration fees for ABA Conference	57,799	114,293
Other	144,559	12,477
Total other revenue	416,472	457,128

Notes to and forming part of the Financial Statements

	2005	2004
	\$	\$
Note 6: Operating Expenses		
<u>Note 6A: Employee expenses</u>		
Wages and Salaries	7,171,540	7,949,641
Superannuation	1,267,202	1,418,576
Leave and other entitlements	1,067,468	908,200
Separation and Redundancy	351,067	19,123
Other employee benefits	59,912	98,468
Total employee benefits expenses	9,917,189	10,394,008
Workers Compensation Premiums	100,429	101,184
Total employee expenses	10,017,618	10,495,192
<u>Note 6B: Suppliers expenses</u>		
Goods from related entities	–	–
Goods from external entities	152,176	225,907
Services from related entities	478,541	789,516
Services from external entities	2,625,498	2,659,248
Operating lease rentals	1,617,164	1,839,712
Total suppliers expenses	4,873,379	5,514,383
<u>Note 6C: Depreciation and amortisation</u>		
Depreciation of land, buildings, infrastructure, plant and equipment	929,251	307,956
Amortisation of leased assets	356,907	746,060
Total depreciation and amortisation	1,286,158	1,054,016
The aggregate amounts of depreciation or amortisation expensed during the reporting period for each class of depreciable assets were as follows:		
Leasehold improvements	254,492	241,066
Infrastructure, plant and equipment	432,055	310,387
Intangibles	599,611	502,563
Total depreciation and amortisation	1,286,158	1,054,016
<u>Note 6D: Write-down of assets</u>		
Intangibles	119,416	10,921
Software, Plant & Equipment	36,974	–
Total write-down of assets	156,390	10,921

Notes to and forming part of the Financial Statements

	2005	2004
	\$	\$
Note 7: Borrowing Cost Expense		
Leases	<u>22,246</u>	<u>27,107</u>
Total borrowing cost expense	<u>22,246</u>	<u>27,107</u>
Note 8: Financial Assets		
<u>Receivables</u>		
Goods and services	550	200
Interest receivable	17,399	8,986
Other receivables	17,774	48,071
GST receivable	<u>196,111</u>	<u>110,076</u>
	<u>231,834</u>	<u>167,333</u>
Less: provision for doubtful debts	–	(200)
Total receivables (net)	<u>231,834</u>	<u>167,133</u>

All receivables were current assets.

Receivables (gross) were aged as follows:

Not overdue	231,834	167,133
Overdue by:		
More than 90 days	–	200
Total receivables (gross)	<u>231,834</u>	<u>167,333</u>

The provision for doubtful debts was aged as follows:

Overdue by:		
More than 90 days	–	200
Total provision for doubtful debts	<u>–</u>	<u>200</u>

Notes to and forming part of the Financial Statements

	2005	2004
	\$	\$
Note 9: Non-Financial Assets		
<u>Note 9A Land and Buildings</u>		
Leasehold improvements		
– at valuation 30 June	1,718,100	–
– at Cost	–	2,241,666
Less accumulated depreciation	–	(305,978)
Total leasehold improvements (non-current)	1,718,100	1,935,688
<u>Note 9B: Infrastructure, Plant and Equipment</u>		
Plant and equipment		
– at valuation 30 June	204,762	378,387
Less accumulated depreciation	–	(110,762)
	204,762	267,625
Plant and equipment		
– under finance lease	601,148	874,783
Less accumulated amortisation	(230,809)	(582,861)
	370,339	291,922
Total infrastructure, plant and equipment (non-current)	575,101	559,547
<u>Note 9C: Intangible assets</u>		
Computer software		
– at cost	2,865,532	3,104,520
Less accumulated amortisation	(1,480,286)	(1,093,056)
Total intangible assets (non-current)	1,385,246	2,011,464

Notes to and forming part of the Financial Statements**Note 9D: Analysis of Property, Plant and Equipment and Intangibles**

TABLE A – Reconciliation of the Opening and Closing balances of Property, Plant and Equipment and Intangibles.

Item	Leasehold Improvements \$	Plant & equipment \$	Intangibles \$	TOTAL \$
As at 1 July 2004				
Gross value	2,241,666	1,253,170	3,104,520	6,599,356
Accumulated depreciation / amortisation	(305,978)	(693,623)	(1,093,056)	(2,092,657)
Net book value	1,935,688	559,547	2,011,464	4,506,699
Additions				
By purchase	–	52,633	92,809	145,442
By finance lease	–	435,324	–	435,324
Disposals				
Other disposals	–	(3,374)	–	(3,374)
Net Revaluation	36,904	–	–	36,904
Depreciation / amortisation expense	(254,492)	(432,055)	(599,611)	(1,286,158)
Write downs	–	(36,974)	(119,416)	(156,390)
As at 30 June 2005				
Gross book value	1,718,100	815,696	2,865,532	5,399,328
Accumulated depreciation / amortisation	–	(240,595)	(1,480,286)	(1,720,881)
Net book value	1,718,100	575,101	1,385,246	3,678,447

Notes to and forming part of the Financial Statements

TABLE B – Assets at valuation as at 30 June 2005

Item	Leasehold Improvements \$	Plant and Equipment \$	TOTAL \$
As at 30 June 2005			
Gross value	1,718,100	204,762	1,922,862
Accumulated depreciation /amortisation	–	–	–
Net book value	1,718,100	204,762	1,922,862
As at 30 June 2004			
Gross value	–	378,387	379,387
Accumulated depreciation /amortisation	–	(110,762)	(110,762)
Net book value	–	267,625	267,625

TABLE C – Assets held under finance lease as at 30 June 2005

Item	Plant and Equipment \$	TOTAL \$
As at 30 June 2005		
Gross value	601,148	601,148
Accumulated depreciation /amortisation	(230,809)	(230,809)
Net book value	370,339	370,339
As at 30 June 2004		
Gross value	874,783	874,783
Accumulated depreciation / amortisation	(582,861)	(582,861)
Net book value	291,922	291,922

TABLE D – Assets under construction as at 30 June 2005

Item	Computer Software \$	TOTAL \$
Gross value at 30 June 2005	–	–
Gross value at 30 June 2004	853,398	853,398

Notes to and forming part of the Financial Statements

	2005 \$	2004 \$
<u>Note 9E: Other non-financial assets</u>		
Software maintenance & support prepaid	214,402	36,622
Prepaid property rentals	148,835	144,500
Other prepayments	39,766	22,644
Total other non-financial assets	403,003	203,766

All prepayments were current.

Note 10: Interest Bearing Liabilities

Note 10A: Leases

Finance Lease Commitments

Payable:

Within one year	173,548	273,773
In one to five years	231,830	50,995
Minimum lease payments	405,378	324,768
Deduct: future finance charges	(25,365)	(12,546)
Total lease liability	380,013	312,222

Lease liability was represented by:

Current	156,744	261,999
Non-current	223,269	50,223
Total lease liability	380,013	312,222

The Finance lease relates to certain major office equipment assets. The leases were non-cancellable and for fixed terms averaging three years, with a maximum of five years.

Note 10B: Other Interest Bearing Liabilities

Lease incentives	1,856,626	2,124,199
------------------	-----------	-----------

Other interest bearing liabilities were categorised as follows:

Current	276,024	276,024
Non-current	1,580,602	1,848,175
Total other interest bearing liabilities	1,856,626	2,124,199

Notes to and forming part of the Financial Statements

	2005	2004
	\$	\$
Note 11: Provisions		
<u>Employee Provisions</u>		
Salaries and wages	109,712	326,293
Leave	2,492,552	2,727,615
Superannuation	457,525	398,731
Aggregate employee entitlement liability	3,059,789	3,452,639

Employee provisions were categorised as follows:

Current	1,085,458	1,530,529
Non-current	1,974,331	1,922,110
	3,059,789	3,452,639

Note 12: PayablesNote 12A: Supplier Payables

Trade creditors	400,976	406,239
Total supplier payables	400,976	406,239

All supplier payables were current.

Settlement was usually made within agreed supplier terms.

Note 12B: Other Payables

Unearned revenue:		
Black Spots	277,169	391,283
Convergent Devices	23,275	125,000
Alternative Technical Solutions	8,144	10,000
DCITA funding for AIMs Development	30,000	-
Total other payables	338,588	526,283

All other payables were current.

Note 12C: GST Payable

Net GST Payable to the ATO	4,242	10,087
----------------------------	-------	--------

GST payable was current.

Notes to and forming part of the Financial Statements

Note 13: Equity

Analysis of Equity

Item	Accumulated Results		Asset Revaluation Reserve		Contributed Equity		TOTAL EQUITY	
	2005 \$	2004 \$	2005 \$	2004 \$	2005 \$	2004 \$	2005 \$	2004 \$
Opening balances as at 1 July	(110,919)	147,218	57,745	57,745	6,000	–	(47,174)	204,963
Net surplus/(deficit)	1,305,588	(258,137)	–	–	–	–	1,305,588	(258,137)
Net revaluation (decrement)			36,903	–			36,903	–
Transaction with owners								
Contributions by owner:					9,000	6,000	9,000	6,000
Funds returned to DoFA					(3,031,267)	–	(3,031,267)	–
Closing balances as at 30 June	1,194,669	(110,919)	94,648	57,745	(3,016,267)	6,000	(1,726,950)	(47,174)

Notes to and forming part of the Financial Statements

	2005	2004
	\$	\$
Note 14: Cash Flow Reconciliation		
<u>Note 14A: Reconciliation of Operating Surplus/(Deficit) to Net Cash from Operating Activities:</u>		
Operating surplus/(deficit) before extraordinary items	1,305,588	(258,137)
Non-Cash Items		
Depreciation and amortisation	1,031,666	812,950
Amortisation of leasehold incentive	254,492	241,066
Loss on disposal of assets	374	–
Write down of non-current assets	156,390	10,921
Prior year adjustment	–	(29,267)
Changes in Assets and Liabilities		
(Increase) / decrease in receivables	(64,701)	344,434
(Increase) / decrease in prepayments	(199,236)	62,549
Increase / (decrease) in employee provisions	(392,850)	194,953
Increase / (decrease) in supplier payables	(5,266)	40,093
Increase/(decrease) in other payables	(193,540)	84,345
Net cash (used by)/ from operating activities	<u>1,892,917</u>	<u>1,503,907</u>

Note 14B: Reconciliation of Cash

Cash balance comprises:

Cash at bank	–	865,270
Cash on hand	–	4,500
Deposits at call	–	1,037,127
Total cash	<u>–</u>	<u>1,906,897</u>

Balance of cash as at 30 June shown in the Statement of Cash Flows

	<u>–</u>	<u>1,906,987</u>
--	----------	------------------

Temporarily surplus funds, mainly from monthly draw-downs of appropriation, were placed on deposit at call with the Authority's banker. Interest was earned on the daily balance at the prevailing daily rate for money on call and was paid at month end.

Notes to and forming part of the Financial Statements

Note 15: Contingent Losses

Unquantifiable Contingencies

As at 30 June 2005, the Authority had no unquantifiable contingencies.

Note 16: Members' Remuneration

The number of Members of the Authority included in these figures were shown below in the relevant remuneration bands

	<u>2005</u>	2004
\$1 – \$ 9,999	1	–
\$20,000 – \$ 29,999	2	–
\$30,000 – \$ 39,999	–	3
\$50,000 – \$ 59,999	–	1
\$60,000 – \$ 69,999	1	–
\$70,000 – \$ 79,999	1	–
\$80,000 – \$ 89,999	1	–
\$200,000 – \$209,999	–	1
\$240,000 – \$249,999	1	1
\$260,000 – \$269,999	–	1
\$280,000 – \$289,999	1	–
Total number of Members of the Authority	<u>8</u>	<u>7</u>

	<u>2005</u>	2004
	\$	\$
Aggregate amount of superannuation payments in connection with the retirement of Members	93,473	88,068
Other remuneration received or due and receivable by Members of the Authority	<u>726,478</u>	<u>779,918</u>
Total remuneration received or due and receivable by Members of the Authority	<u>819,951</u>	<u>867,986</u>

One part-time associate Member did not receive remuneration during the financial year.

Note 17: Related Party Disclosures

The Members of the Authority during the financial year were:

Full Time Members

- Professor David Flint (Chairman)
- Ms Lyn Maddock (Deputy Chair)(Acting Chair)
- Mr Michael Gordon-Smith
- Mr Giles Tanner

Notes to and forming part of the Financial Statements**Part-Time Members**

Mr Robert Le Tet
 Mr Malcolm Long
 Ms Jane Marquard
 Mr Ian Robertson

Part-Time Associate Member

Dr Robert Horton

The aggregate remuneration of Members was disclosed in Note 16.

As well as being General Manager for the full year, Mr Tanner was also an acting Member from 15 September 2004 to 30 June 2005.

The Authority did not have any other transactions with Members or Member related entities during the financial year.

	2005	2004
--	------	------

Note 18: Remuneration of Officers

The number of officers who received or were due to receive total remuneration of \$100,000 or more:

\$100,000 – \$109,999	–	1
\$160,000 – \$169,999	1	2
\$180,000 – \$189,999	2	1
\$190,000 – \$199,999	1	–
\$200,000 – \$209,999	–	1
	4	5

	2005 \$	2004 \$
--	------------	------------

The aggregate amount of remuneration of officers shown above.

	734,444	821,202
--	---------	---------

The officer remuneration included all officers concerned with or taking part in the management of the Authority during 2004–2005 with the exception of the Members. Refer to Note 16 – Members’ Remuneration.

Note 19: Remuneration of Auditors

Remuneration to the Auditor-General for auditing the financial statements of the Authority for the reporting period.	45,000	38,000
--	--------	--------

No other services were provided by the Auditor-General during the reporting period.

	2005	2004
--	------	------

Note 20: Average Staffing Levels

The average staffing levels during the year were:	109	125
---	-----	-----

Notes to and forming part of the Financial Statements

Note 21: Financial Instruments

Note 21A: Terms, Conditions and Accounting Policies

Financial instrument	Notes	Accounting policies and methods (including recognition criteria and measurement basis)	Nature of underlying instrument (including significant terms & conditions affecting the amount, timing and certainty of cash flows)
Financial assets		Financial assets were recognised when control over future economic benefits was established and the amount of the benefit could be reliably measured.	
Deposits at call	14B	Deposits were recognised at their nominal amounts. Interest was credited to revenue as it accrued.	Funds, mainly from monthly draw-downs of appropriation, were placed on deposit at call with the Authority's banker. Interest was earned on the daily balance at the prevailing daily rate for money on call and was paid at month end.
Receivables (goods and services)	8	Receivables were recognised at the nominal amounts due including GST and less any provision for bad and doubtful debts. Provisions were made when collection of the debt was judged to be less rather than more likely.	Credit terms were usually net 30 days (2003–04: 30 days).
Interest receivable	8	Interest receivable was recognised at the nominal amount and was debited to receivables as it accrued.	As for Deposits at call.
Other receivables	8	As for receivables (goods and services)	As for receivables (goods and services)
GST receivable	8	GST receivable was recognised at the nominal amounts based on payments made and on accrued expenditure.	GST on expenditure not including accrued expenditure was claimed from the Australian Taxation Office usually during the month following outgoings.

Notes to and forming part of the Financial Statements

Note 21A: Terms, Conditions and Accounting Policies (continued)

Financial liabilities		Financial liabilities were recognised when a present obligation to another party was entered into and the amount of the liability could be reliably measured.	
Finance lease liabilities	10A	Liabilities were recognised at the present value of the minimum lease payments at the beginning of the lease. The discount rates used were estimates of the interest rates implicit in the lease.	At reporting date, the Authority had a finance lease with a term of 4 years remaining. The estimate of the interest rate implicit in the lease was 6.3%. The lease liabilities were secured by the lease assets.
Lease Incentives	10B	The lease incentives were recognised at their nominal amounts as a reduction of lease expenses allocated equally over the respective terms of the leases.	The lease incentives were in connection with the office accommodations for Sydney (a 10 year lease terminating in 2013) and Canberra (a 7 year lease terminating in 2009).
Suppliers, Other Payables and GST Payable	12A 12B 12C	Creditors and accruals were recognised at their nominal amounts, being the amounts at which the liabilities would be settled. Liabilities were recognised to the extent that the goods or services had been received (and irrespective of having been invoiced).	Settlement was usually made within the agreed terms for each supplier.

Notes to and forming part of the Financial Statements

Note 21B: Interest Rate Risk

Financial Instrument	Notes	Floating Interest Rate		Fixed Interest Rate Maturing In				Non-Interest Bearing		Total		Weighted Average Effective Interest Rate		
		2005 \$	2004 \$	1 to 5 Years		> 5 Years		2005 \$	2004 \$	2005 \$	2004 \$	2005 %	2004 %	
				2005 \$	2004 \$	2005 \$	2004 \$							
Financial Assets														
Cash at bank and on hand	14B	-	865,270	-	-	-	-	-	4,500	-	869,770	n/a	3.1	
Deposits at call	14B	-	1,037,127	-	-	-	-	-	-	-	1,037,127	n/a	4.5	
Receivables for goods and services (gross)	8	-	-	-	-	-	-	-	-	550	200	n/a	n/a	
Interest receivable	8	-	-	-	-	-	-	17,399	8,986	17,399	8,986	n/a	n/a	
Other receivables	8	-	-	-	-	-	-	17,774	48,071	17,774	48,071	n/a	n/a	
GST receivable	8	-	-	-	-	-	-	196,111	110,076	196,111	110,076	n/a	n/a	
Total		-	1,902,397	-	-	-	-	231,834	171,833	231,834	2,074,230			
Total Assets								4,313,284		4,313,284	6,784,495			
Financial Liabilities														
Finance lease liabilities	10A	-	-	380,013	312,222	-	-	-	-	-	380,013	312,222	6.3	
Lease incentive	10B	-	-	1,380,120	1,554,000	476,506	570,199	-	-	1,856,626	2,124,199	6.3	6.3	
Supplier payables	12A	-	-	-	-	-	-	400,976	406,239	400,976	406,239	n/a	n/a	
Other payables	12B	-	-	-	-	-	-	338,588	526,283	338,588	526,283	n/a	n/a	
GST payable	12C	-	-	-	-	-	-	4,242	10,087	4,242	10,087	n/a	n/a	
Total		-	-	1,760,133	1,866,222	476,506	570,199	743,806	942,609	2,980,445	3,379,030			
Total Liabilities								6,040,234		6,040,234	6,831,669			

Notes to and forming part of the Financial Statements**Note 21C: Net Fair Values of Financial Assets and Liabilities**

	Notes	2005		2004	
		Total Carrying Amount \$	Aggregate Net Fair Value \$	Total Carrying Amount \$	Aggregate Net Fair Value \$
Financial Assets					
Cash at bank	14B	–	–	865,270	865,270
Cash on hand	14B	–	–	4,500	4,500
Deposits at call	14B	–	–	1,037,127	1,037,127
Receivables for goods and services	8	550	550	–	–
Interest receivable	8	17,399	17,399	8,986	8,986
Other receivables	8	17,774	17,774	48,071	48,071
GST receivable	8	196,111	196,111	110,076	110,076
		231,834	231,834	2,074,030	2,074,030
Financial Liabilities					
Finance lease liabilities	10A	380,013	380,013	312,222	312,222
Lease incentive	10B	1,856,626	1,431,163	2,124,199	1,575,154
Supplier payables	12A	400,976	400,976	406,239	406,239
Other payables	12B	338,588	338,588	526,283	526,283
GST payable	12C	4,242	4,242	10,087	10,087
		2,980,445	2,554,982	3,379,030	2,829,985

Financial assets

The net fair values of cash and deposits on call equal their carrying amounts. The net fair values of other receivables equal their carrying amounts.

Financial liabilities

The net fair values of all finance lease liabilities were based on discounted cash flows using current interest rates for liabilities with similar risk profiles.

The net fair value of the lease incentive was based on the net present value of the minimum lease payments using the interest rate implicit in the lease.

The net fair values for trade and other creditors, all of which were short-term in nature, equal their carrying amounts.

Note 21D: Credit Risk Exposures

The Authority's maximum exposure to credit risk at reporting date in relation to each class of recognised financial assets was the carrying amount of those assets as indicated in the Statement of Financial Position.

The Authority had no significant exposures to any concentrations of credit risk.

Notes to and forming part of the Financial Statements

	2005	2004
	\$'000	\$'000

Note 22: Administered Items

Note 22A: Revenues Administered on Behalf of Government
for the year ended 30 June 2005

Other taxes, fees and fines		
Broadcasting licence fees – external entities	286,979	225,000
Non-Taxation Revenue		
Proceeds from auction sales of licences (external entities)	52,282	210,000
Total Revenues Administered on Behalf of Government	339,261	435,000

Note 22B: Assets Administered on Behalf of Government
as at 30 June 2005

Financial Assets		
Receivables	–	2
Accrued Revenues (licence fees)	252,793	208,879
Total Assets Administered on Behalf of Government	252,793	208,881

Note 22C: Administered Reconciliation Table

Opening administered assets less administered liabilities at 1 July	208,881	200,002
Plus: Administered revenues	339,261	435,000
Less: Transfers to Official Public Account	(295,349)	(426,121)
Closing administered assets less administered liabilities	252,793	208,881

Notes to and forming part of the Financial Statements**Note 22D: Administered Commitments**

There were no administered Commitments for 2004–05 (2004: nil)

Note 22E: Administered Contingencies

There were no administered contingencies for 2004–05 (2004: nil)

For the 2004–2005 collection year, the Authority received \$243,124,000 in licence fees which consisted of \$225,176,000 from commercial television and \$17,948,000 from commercial radio licensees.

The amount of Regional Equalisation Rebates (REP) claimed in the 2004–05 collection year totalled \$23,556,000.

Note 22G: Administered Financial Instruments

Notes

Financial instrument		Accounting policies and methods (including recognition criteria and measurement basis)	Nature of underlying instrument (including significant terms & conditions affecting the amount, timing and certainty of cash flows)
Financial assets		Financial assets were recognised when control over future economic benefits was established and the amount of the benefit could be reliably measured.	
Receivables / Accrued revenue	22B	Accrued revenue was recognised at the nominal amounts due.	The due date for licence fees is 31 December each year.
Financial Liabilities		Financial liabilities were recognised when a present obligation to another party was entered into and the amount of the liability could be reliably measured. There were no liabilities recorded.	

Notes to and forming part of the Financial Statements

Note 23: Appropriations

Particulars	Departmental Outputs		Equity		Total	
	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000
Year ended 30 June	–	–	–	–	–	–
Balance carried forward from previous year	–	–	–	–	–	–
Appropriation Acts 1 and 3	16,989	16,215	–	–	16,989	16,215
Appropriation Acts 2 and 4	–	–	9	6	9	6
Available for payments of CRF	16,989	16,215	9	6	16,998	16,221
Payments made out of CRF	16,989	16,215	9	6	16,998	16,221
Balance carried forward to next year	–	–	–	–	–	–

This table reports on appropriations made by Parliament from the Consolidated Revenue Fund (CRF) for payments to the Authority. When received by the Authority, the payments made were legally the money of the Authority and do not represent any balance remaining in the CRF.

Notes to and forming part of the Financial Statements**Note 24: Reporting of Outcomes****Note 24A: Outcomes of the Authority**

The Authority is structured to meet one outcome: An accessible, diverse and responsible broadcasting industry. The two output groups identified for this outcome are:

- (1) managing regulation of broadcasting; and
- (2) licensing of broadcasting services.

Note 24B: Net Cost of Outcome Delivery

	Outcome	
	2005 \$'000	2004 \$'000
Administered expenses	–	–
Departmental expenses	16,359	17,102
Total expenses	16,359	17,102
Cost recovered from provision of goods and services to non-government sector		
Administered	339,261	435,000
Departmental	111	101
Total costs recovered	339,372	435,101
Other external revenues		
Departmental		
Sale of goods and services – to related entities	–	1
Interest	145	69
Revenue from Sale of assets	3	–
Other	416	457
Total Departmental	564	527
Total other external revenue	564	527
Net cost / (contribution) of outcome	(323,577)	(418,526)

Notes to and forming part of the Financial Statements

Note 24C: Departmental Revenues and Expenses by Output Group

	Output 1		Output 2		Total	
	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000
Operating expenses						
Employees	4,708	5,426	5,310	5,069	10,018	10,495
Suppliers	2,290	2,851	2,583	2,663	4,873	5,514
Depreciation and amortisation	604	545	682	509	1,286	1,054
Write-down of assets	74	6	82	5	156	11
Value of assets disposed	2	–	1	–	3	–
Borrowing costs expense	10	14	12	13	22	27
Total operating expenses	7,688	8,842	8,670	8,259	16,358	17,101
Funded by:						
Revenues from Government	7,985	8,383	9,004	7,832	16,989	16,215
Sale of goods and services	52	53	59	49	111	102
Interest	68	36	77	33	145	69
Revenue from sale of assets	1	–	2	–	3	–
Other non-taxation revenue	196	236	220	221	416	457
Total operating revenues	8,302	8,708	9,362	8,135	17,664	16,843

Notes to and forming part of the Financial StatementsNote 24D: Administered Revenues and Expenses by Outcome

	Outcome 1	
	2005 \$'000	2004 \$'000
Operating revenues		
Other taxes, fees and fines	286,979	225,000
Sale of goods	52,282	210,000
Total operating revenues	339,261	435,000

	Outcome 1	
	2005 \$'000	2004 \$'000
Operating expenses	–	–