

australian broadcasting authority



annual report
2001 • 2002

our vision

Broadcasting and online services appropriate to the needs and circumstances of the Australian community.

our mission

To promote the provision of broadcasting and online services and the development of these industries in the best interests of Australians by:

- Ensuring that the public interest is addressed in accordance with the objectives of the Broadcasting Services Act;
- Fostering industry responsibility while ensuring broadcasting and online services comply with relevant laws and provide appropriate community safeguards;
- Facilitating the use of broadcasting services bands of the radio-frequency spectrum and other means of delivering broadcasting services to promote the efficiency, accessibility and diversity of broadcasting services; and
- Providing advice to Government, industry and the community.

Australian
Broadcasting
Authority

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2001–02

Sydney
2002

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28 September 2001

Senator the Hon. Richard Alston
Minister for Communications, Information Technology and the Arts
Parliament House
Canberra ACT 2600

Dear Minister

In accordance with the requirements of section 9 and Schedule 1 of *the Commonwealth Authorities and Companies Act 1997*, I am pleased to present, on behalf of the Members of the Australian Broadcasting Authority, this annual report on the operations of the Authority for the year 2000-2001.

Yours sincerely

David Flint

David Flint

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The year in review 2001–02

The most notable event of the Australian Broadcasting Authority's year was the completion of the radio planning exercise started nine years ago under the *Broadcasting Services Act 1992*. With the objective of increasing the number and diversity of radio services available to Australians, the ABA's planning has resulted in nearly one thousand new services (national, commercial, community and narrowcast) becoming available around Australia.

The ABA response to public and industry demand has resulted not only in a massive expansion of the radio sector, but also a greater choice of listening.

The outcomes of the planning process can be measured in statistics, but a more meaningful way to evaluate the ABA's achievements is to consider the impact of its decisions on the quality and range of broadcasting services at a community level. It has always been critical to achieve a sustainable balance at each location between the number and types of services available. The huge growth in the number of transmitters reflects the tremendous increase in coverage and availability of both new and existing services to Australians.

Since October 1992, the ABA has planned a total of 1,468 new radio transmitters. This compares to the 908 transmitters operating at that date. A similar number of low powered narrowcast services, such as for tourist radio, have also been made available. Radio audiences in regional and remote Australia have benefited most.

With the finalisation of plans for services in Tasmania and Western Victoria in December 2001, the ABA completed the licence area planning process, as identified in its *Planning Priorities* (1993). Together with plans for metropolitan Adelaide and Perth and radio markets in South Australia, Victoria and New South Wales, the ABA planned 135 transmitters for 90 new services during 2001.

In 1992, there were only a handful of commercial FM radio services in Australia outside of the metropolitan markets. Now, all radio markets, except Launceston (where there is currently a lack of suitable FM frequencies) and some remote areas, have, or soon will have, at least one commercial FM radio service.

Community radio has also shown exceptional growth, with the number of transmitters having grown from 202 servicing 129 stations in 1992 to 532 transmitters planned for 304 stations. This clearly reflects the public's increasing interest and involvement in the many radio formats available. There are now few communities in Australia that do not have their own community radio station.

During the year, the ABA auctioned new commercial radio licences for Perth, Western Australia and Gosford, New South Wales. DMG Radio was the successful bidder in both instances, bidding \$25 million for the Perth licence and \$13.5 million for the Gosford one.

The ABA allocated 24 community radio licences during the year. These were to serve Byron Bay, Casino, Coraki, Hornsby and Nimbin (New South Wales); Camberwell, Colac, Geelong, Melbourne (3 licences), Melbourne City and Waverley (Victoria); Beaudesert, Brisbane (2 licences), Cunnamulla, Gayndah, Gold Coast (3 licences), Gympie and Noosa (Queensland); Adelaide and the Barossa Valley (South Australia) and Geraldton (Western Australia).

The ABA's radio planning activity has shifted focus to consolidating its work to date, addressing some unresolved service issues and evaluating its planning methods, to meet the demand for even more services across all types of radio broadcasting.

The Government has declared its interest in funding improvements for commercial radio services in 'blackspot' areas of poor reception, which may follow on from its television blackspots program, and possibilities for digital radio in Australia. The ABA will continue to plan transmitters for the roll-out of ABC and SBS

services and work with AM broadcasters to improve day-time coverage.

The ABA continued the planning for the introduction of analog and digital television services in regional markets during the year. Spectrum was made available for second analog commercial television services in Broken Hill, NSW and the South Australian regional markets of Mt Gambier, Riverland and Spencer Gulf.

Digital channel plans and variations to digital channel plans were completed for the following regional areas: New South Wales South Coast (including the areas of Nowra North, Ulladulla, Batemans Bay/Moruya, Narooma, Bega, Eden and Bega/Cooma); Inland NSW and ACT (Upper Namoi, Central Western Slopes, Central Tablelands, SW Slopes/E Riverina, Bombala, Cooma Town, Cooma/Monaro, Tuggeranong and Weston Creek/Woden); Regional Victoria and Tasmania (Upper Murray, La Trobe Valley, Goulburn Valley, Bendigo, Ballarat, Western Victoria, Murray Valley, Nhill, Horsham and NE Tasmania); Regional Queensland (Southern Downs, Darling Downs, Wide Bay, Rockhampton, Mackay, Townsville and Cairns); Broken Hill, Regional Victoria and Regional SA (Broken Hill, Mildura/Sunraysia, Renmark/Loxton, South East SA and Spencer Gulf).

In May 2002, the ABA released a proposal for the third commercial television service in Tasmania. This follows an application from TasTV Pty Ltd (a company jointly owned by Southern Cross

Television (TNT9) Pty Ltd and WIN Television Tas Pty Ltd) to provide a digital television service.

The Broadcasting Services Act allows for the allocation of an additional commercial television licence to a company that is jointly owned by the existing licensees in a two-station market, such as the Tasmanian television market. The ABA was pleased to release a draft variation to the digital channel plan for Tasmania to make the necessary modifications to the channel assignments.

In December 2001, the Australian National Auditors' Office tabled in Parliament a report into the performance of the ABA's planning and licensing functions. The ABA welcomed the report, in particular the acknowledgement the report gives to the work the ABA has already undertaken towards improving its processes and systems. The ABA was happy to accept all seven of the auditor's recommendations.

Regional TV news

In November 2001 the ABA commenced an investigation into the adequacy of the provision of local television news and information programs in regional and rural Australia.

The ABA's decision followed the ending of local television news bulletins in Canberra, Cairns, Townsville, Darwin and Alice Springs by Southern Cross Broadcasting in November 2001



Stephen Jolley, Manager 3RPH, interviews David Flint during the Melbourne community radio hearings in August 2001.

ABA Chairman David Flint congratulates successful bidders Vincent Crowley, Australian Radio Network and Paul Thompson, DMG Radio at the ABA's Perth radio auction.



and the cutting of local television news bulletins in Canberra, Newcastle and Wollongong by Prime Television in June 2001.

It is the ABA's view that in a democratic society, all citizens are entitled to be informed adequately on matters of public interest including matters of local significance. The ABA was concerned that these developments may amount to a significant decrease in the availability of these services to viewers in regional and rural areas. The ABA's investigation will seek to understand the basis for these decisions and whether an exercise of the ABA's powers under the Act is warranted.

The ABA called for submissions from the general public and interested parties, and conducted a survey of all commercial television broadcasting licensees. The ABA made visits to television stations in Canberra (ABC), Hobart (WIN), Launceston (Southern Cross), Tamworth (Prime), Wollongong (WIN), and held public meetings in Cairns, Canberra, Mildura, Mt Isa, Newcastle, Townsville and Wollongong in early 2002.

The report on the investigation was being drafted at the time of this report.

Loud ads on TV

In December 2001, the ABA decided to investigate the issue of loud advertisements on commercial television. The loudness of advertisements relative to programs on commercial television has concerned viewers and

prompted calls for regulation. The ABA proposed to examine the basis for these concerns and investigate whether there are any ways to address them.

To assist in its investigation, the ABA sought submissions from the commercial television industry and other media industry organisations, producers, technical experts and researchers.

The report on the investigation was being drafted at the time of this report.

Australian content on commercial TV

The ABA commenced a review of the Australian content standard for commercial television in November 2001. The review is examining whether the standard is operating effectively to ensure that commercial television audiences will have access to a diverse range of quality Australian programs into the future.

The current decade will be one of significant change for broadcasting and associated industries. The ABA anticipates that Australian content will continue to be of central importance to commercial television audiences well into the future. The review is examining issues of concern to broadcasters and producers in the producing and funding of local content, particularly high quality adult and children's drama, and any other developments that might prevent the standard achieving its cultural purpose. At the time of this report proposals for

amending the standard were being considered by stakeholders.

Anti siphoning report

The Minister for Communications, Information Technology and the Arts, Senator the Hon. Richard Alston, directed the ABA on 22 December 2000 to investigate which events should be removed from or added to the anti-siphoning list and the date or dates that protection should expire for listed events. The ABA provided the report of its investigation to the Minister on 29 June 2001.

In conducting its investigation the ABA was directed to have regard to the policy that an event should be included on the list only if the event has been consistently broadcast on free-to-air television in the past five years.

The ABA's investigation identified a number of events that have not received consistent free-to-air coverage, for removal from the list. The ABA also recommended the FINA World Swimming Championships, Pan Pacific Swimming Championships and international soccer matches involving Australia for possible inclusion to the list. These events have grown in popularity as television events.

L–R: Tony Bell, Managing Director Southern Cross Broadcasting; Peter Harvie, Executive Chairman, Austereo Pty Ltd, Kim Williams, CEO, Foxtel and Richard Hooper, Chairman of the UK Radio Authority participated in the 'Business models for a digital future' session at the second ABA conference.

The anti-siphoning list aims to safeguard the interests of those in the Australian community without access to pay TV by ensuring free-to-air coverage of important sporting events. The rules were not intended to limit the enjoyment of pay TV subscribers to sports channels by reducing the amount of sport available on new services.

The ABA recommended a thorough re-examination of the anti-siphoning legislation, with changes to the scope of the list and its operation decided in the context of the other reviews concerning the implementation of digital television.

The ABA advocated that any amendments arising from its investigation be implemented as soon as possible, and that the new list should run for no more than five years through to the end of 2006.

Commercial radio code for emergency procedures

In December 2001, the ABA registered a new code of practice that covers response procedures to be followed by commercial radio stations in the event of an emergency.

This concluded an extensive consultation process between the ABA and the Federation of Australian Radio Broadcasters Limited (FARB). Public input was also an important aspect of the code's development. During the code's development both the ABA and FARB contacted the various State Emergency Services and the Bureau of Meteorology and encouraged their input.



The ABA had long regarded the introduction of a code of practice dealing with emergency response procedures as a matter of priority and had negotiated with FARB for some time regarding the matter. Commercial radio broadcasters now have clear guidelines on the minimum standards expected of them in responding to emergencies, thus establishing 'industry best practice' in this regard. These minimum standards should ensure that commercial radio service providers can be contacted at all times with a view to broadcasting important information should the need arise.

The new code will be subject to review when FARB undertakes its next full review of the Commercial Radio Codes of Practice. Such a review is due to commence in October 2002.

Open narrowcasting radio services

The ABA decided to clarify the definition of open narrowcasting radio services during the year. The clarification will increase certainty about the category of service into which certain broadcasting services fall under the Broadcasting Services Act. It does this by deeming services that conform to the criteria set out in the clarification to be open narrowcasting radio services.

It is in the interests of everyone in the radio industry to have a high level of certainty as to the category of service that a broadcasting service falls into. The clarification will increase the level of certainty for a significant number of

niche broadcasting services which are either currently being provided in the community or which may be provided in the future.

The services covered by the clarification are racing radio services, non-English language services, religious services, services provided to cover special events, services provided for a limited period, information services (such as stock market reports and weather services), pre-recorded looped services and services provided using only a subcarrier channel (ancillary services).

The clarification also makes clear that a service provided using a one-watt transmitter is not an open narrowcasting service by reason only of the power of the transmitter used to provide the service.

Internet filter research

Families now have access to reliable information that will assist them to select an Internet filter that suits their needs.

In March 2002, the ABA and NetAlert released a report on the effectiveness of Internet filter products. The report provides details on the performance of 14 products. Almost nine hundred web sites in 28 categories were used to conduct the tests.

The report provides the most comprehensive information available on the effectiveness of filter software products. For the first time available products were tested in Australia on such a large number of Internet sites, representing a broad



range of content available on the Internet. The products were tested by the CSIRO, on behalf of the ABA and NetAlert.

The report shows that available products differ in their effectiveness in blocking certain types of content. Variations in effectiveness appear to be related to the blocking techniques used by different products, with those products that combine two or more techniques generally performing better.

The results contained in the report are broadly comparable and consistent with results from tests recently conducted overseas as part of the European Union's Safer Internet Action plan.

Internet codes

In May 2002, the ABA registered replacement codes of practice for the Internet industry, setting out the responsibilities of Internet service providers (ISPs) and Internet content hosts (ICHs) in relation to offensive and illegal Internet content.

The new codes were developed by the Internet Industry Association (IIA) and replace those originally registered by the ABA in December 1999. They reflect the outcome of a review of the codes conducted by the IIA during 2001.

While Content Codes 1 and 3 remain the same, Content Code 2 has been modified to require ISPs to provide users with an Internet filter software product or service at a cost that does not exceed the cost to the ISP of obtaining, providing, supporting and maintaining the software.

Effective codes of practice are critical to the success of a co-regulatory scheme, and the IIA has worked to ensure that the codes continue to address community concerns about illegal and offensive Internet content, while not imposing unreasonable burdens on the Internet industry.

Many Internet users, particularly families with children, consider Internet filter software to be useful in helping to restrict access to illegal and offensive material, while also being aware of the limitations of existing products. Filter software is

a useful tool to be used in conjunction with household rules and parental supervision. The new code helps to ensure that users are not discouraged from taking up this software because of cost.

The codes apply to all ISPs and ICHs, and the ABA may direct an ISP or ICH to comply with them. Failure to comply with such a direction may amount to an offence under the Act.

Cybersmart Kids Online

In December 2001, the ABA launched an education program to help keep children safe on the Internet.

Cybersmart Kids Online – Smart net surfing for kids and their grownups features a range of material, including an updated website (www.cybersmartkids.com.au), brochures and posters providing tools and information for adults supervising children, and friendly tips for children to be Internet savvy.

The program was formulated in response to the ABA's *Internet@home* research. This innovative research project has provided a wealth of detail about the concerns and information needs of Australian families the way the Internet is used in Australian homes.

ABA conference

The second annual ABA conference — *What Will Australian Audiences Want?* — was held at the Hyatt Hotel, Canberra on 29 and 30 April 2002. The conference, opened by Senator Alston, featured the themes 'Buying Digital' and the 'New Public Interest'. Key topics included how to attract audiences to upgrade to digital, new technology and industry regulation and the latest developments in digital video and digital radio technologies.

The conference attracted 296 delegates and speakers from a broad cross-section of the communications industries. The delegates came from free-to-air and pay TV, online and interactive media, commercial and community

radio, industry analysts, the academic sector, hardware and software manufacturers, government and the media. The ABA annual conference proved itself to be a stimulating, informative and entertaining forum for these groups to engage with the ABA in wide ranging policy and technical debate.

Highlights of the conference included presentations from international speakers Richard Hooper, Chairman, UK Radiocommunications Authority; Jeff Astle, Strategy and Development, Digital One Service, UK; Damian Tambini, Senior Research Fellow, Institute for Public Policy Research, UK; and Marc Goodchild, Producer iTV, BBC.

Chapter 1

The Australian Broadcasting Authority

Establishment

The ABA was established by subsection 154(1) of the *Broadcasting Services Act 1992*, and began operations on 5 October 1992.

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

Functions

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

- (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, and
 - 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.

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

administering aspects of the ownership and control rules applying to certain categories of licences. The ABA also issues evidentiary certificates stating that a specified service is, or was, a telephone sex service, pursuant to section 158F of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

The ABA also has a number of functions in relation to the regulation of Internet content:

- 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 overseas about cooperative arrangements for the regulation of the Internet industry.

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

- the objects of the Act and the regulatory policy set out in the Act
- any general policies of the Government notified to the 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, Freedom of information, for more information about the ABA's role and functions.

Minister

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

Members of the ABA

The Members of the Australian Broadcasting Authority are:



Chairman:
Professor David Flint AM

LLM (Sydney), BSc(Ecs)
(London), DSU (Paris)

Appointed 5 October 1997 for
three years, reappointed to
4 October 2004.

Professor Flint, Professor of
Law, was Chairman of the
Australian Press Council from
1987 to 1997. Professor Flint
was also Dean of Law at the
University of Technology,
Sydney.



Deputy Chair:
Ms Lyn Maddock

BEC

Appointed 13 December 2000
for three years.

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:
Mr 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.

He began his career by
abandoning an engineering
scholarship to pursue an
honours degree in philosophy.
Mr Gordon-Smith is an
associate member of the
Australian Communications
Authority.

As at 30 June 2002



Member:
Mr Robert Le Tet

BE, BSB, AASA

Appointed 10 August 2000 for three years.

Mr Le Tet has been Chairman and Chief Executive Officer of the Filmhouse/Entertainment Media Group since the late 1970s. He was Chairman or Deputy Chairman of a number of commercial radio stations in Melbourne in the 1980s and 1990s, and co-founded EONFM, now known as FoxFM.



Member:
Mr Malcolm Long

LLB

Appointed 10 August 2000 for three years.

Mr Long has extensive experience in the national and international broadcasting scene. He is Managing Director of the broadcasting, communications and new media strategic consultancy Malcolm Long Associates. 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, he held various production and management positions with the ABC rising to the position of Deputy Managing Director.

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



Member:
Mr Ian Robertson

LLB, BCom

Appointed 23 July 1997 for three years, reappointed on 10 August 2000 for a further four years.

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

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

Mr Robertson is a board member and Deputy Chair of Ausfilm, an advisory board member of Network Insight (formerly the Media and Telecommunications Policy Group) at RMIT, a former Director and Deputy Chair of Film Australia Ltd and a former Director of Cinemedia (now Film Victoria).



Member:

Ms Jane Marquard

BA LLB

Appointed 8 March 2001 for three years.

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, NSW. She has served on the board of the Sydney Festival and as a fellow of the and as a fellow of the University of Sydney Senate.

Associate members

Dr 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 is Deputy Chairman of the Australian Communications Authority.

Mr Ross Jones

Commissioner, Australian Competition and Consumer Commission, was appointed for general purposes of the ABA from 2 November 1999 to 13 June 2004.

Senior staff (by branch and section)



General Manager Giles Tanner

Corporate Services



Director
Louise Harkness

- Human Resources
Julie Newman
- Information Management
Carol Wilson
- Secretariat
Marilyn Woolford
- Resource Management
and Planning
Tom Weir
- Information Technology
and Facilities Management
Neil Shannon

Legal and Policy



General Counsel
Jacqueline Gleeson

- Legal
Margaret Harradine
- Policy and Research
Lesley Osborne

Planning and Licensing



Director
Jonquil Ritter

- Director Engineering &
Technology
Fred Gengaroli
- Engineering and
Information Services
Ennio Ravanello
- Manager Planning
Greg Cupitt
- Radio Planning
Richard Longman
- Licensing
Maria Vassiliadis
- Branch Support
David Simmons

Policy and Content Regulation



Director
Andree Wright

- Industry Review
Leon Atkinson-MacEwen
- Content Assessment
Sharon Trotter
- Financial and Control
Phyllis Fong
- Investigations
Andrea Malone

As at 30 June 2002

Committees 2001-02

The ABA works through a number of committees which are designed to allow its deliberative work to be considered in more detail and to identify relevant and principal issues that need to be brought to the attention of the full ABA. All Members attend meetings of the Planning and Licensing Committee and the Policy and Content Regulation Committee. The Corporate Finance and Administration Committee membership includes four Members. The Audit Committee has a membership of four. The Chairman is always a part-time Member.

Members are kept informed of their responsibilities by way of briefing sessions with senior management of the ABA and Members regularly receive detailed advice on the financial accounts of the Authority. The General Manager and General Counsel attend all Board meetings and Board Committee meetings. Members may obtain additional internal and external professional advice as appropriate. The ABA maintains appropriate registers of private interests and Members are expected to declare any interest whenever relevant.

Committee	ABA	Audit	PCR	CFAC	PLC
Professor David Flint	31	–	13	9	12
Lyn Maddock	29	4	13	8	15
Michael Gordon-Smith	31	4	12	9	15
Robert Le Tet	32	5	13	–	15
Malcolm Long	30	4	13	–	12
Jane Marquard	30	–	11	–	13
Ian Robertson	30	–	12	9	14
Ross Jones	–	–	–	–	–
Dr Robert Horton	3	–	–	–	1

PCR: Policy and Content Regulation
 CFAC: Corporate, Finance and Administration
 PLC: Planning and Licensing
 Audit: Audit Committee

Achievements against the Corporate Plan 1999–03

The *Corporate Plan 1999–03* includes Our Vision and Our Mission (see inside front cover), outcomes, outputs, goals and strategies as well as success indicators by which our performance can be measured. The goals and success indicators follow with a report of achievements against each. The performance report which follows reports against the goals and strategies.

Outputs

- 1. An accessible diverse and responsible broadcasting industry**
- 1.1 Managed regulation of broadcasting**
- 1.2 Licensing of broadcasting services**

Goals

- 1. In partnership with industry and the community, safeguard the public interest through co-regulation of broadcasting services (Output 1.1)**
- 2. In partnership with industry and the community, implement a co-regulatory scheme for Internet content that addresses community concerns and encourages use of the Internet (Output 1.1)**
- 3. Allocation of spectrum for analog Radio and TV broadcasting services in all parts of Australia (Output 1.2)**
- 4. National and commercial TV broadcasters, to have commenced digital services in metropolitan areas, and where achievable in regional areas (Output 1.2)**

Output 1.1 Managed regulation of broadcasting

Goal 1 In partnership with industry and the community, safeguard the public interest through co-regulation of broadcasting services

1.1.1 Codes are developed, implemented and evaluated

- On the ABA's recommendation, the Community Broadcasting Association of Australia has commenced a review of the Community Broadcasting Code of Practice. The review aims to clarify provisions in the code and make it more effective.
- On the ABA's recommendation, the Commercial Radio Australia (formerly the Federation of Australian Radio Broadcasters) has put in place a code of practice for commercial stations to improve communications for emergency services and individuals in the event of an emergency.
- The Federation of Australian Commercial Television Stations has agreed to review the Commercial Television Industry Code of Practice to ensure it continues to be effective and responsive.
- A review of the Australian Subscription TV and Radio Association Codes is currently underway.

1.2.1 Standards are developed, implemented and evaluated

- The ABA has confirmed that all commercial television networks met the minimum quota requirements for children's television.
- The ABA assessed 50 programs (or series of programs) for C or P classification and granted classification to 41.
- The ABA commenced a review of the Australian content standard. Resulting changes to the Australian content and children's television standards are planned to apply from 1 January 2003.

1.3.1 ABA contributes, as expert body, to Government inquiries into regulatory issues of public interest

- The ABA contributed to the following parliamentary, government and public inquiries:
 - the House of Representatives Communications, Transport and the Arts Committee report, *Local Voices: Inquiry into Regional Radio*, which was tabled in Parliament on 24 September 2001
 - the Productivity Commission draft report on its public inquiry into *Review of Radiocommunications Acts and of the Market-Based Reforms and Activities Undertaken by the Australian Communications Authority* and
 - DCITA's review of digital transmission of community television, *The Future of Community Television*.

1.4.1 Enforcement action taken where appropriate

- The ABA took enforcement action in relation to one subscription television broadcasting licensee who failed to comply with the notification requirements.
- The ABA took enforcement action against WIN Television Qld Pty Ltd by placing an additional condition on its licence in relation to the handling of complaints.

1.5.1 Timely resolution of complaints

- The average time for the ABA to complete an investigation (into a programming related matter) during the reporting period was approximately 11 weeks, similar to the average time taken in the previous reporting period.
- The ABA completed 67 per cent of investigations commenced within the reporting period within 12 weeks, 90 per cent within 26 weeks and 95 per cent within 32 weeks.

1.5.2 The ABA is satisfied with industry compliance

- The ABA welcomes the continued compliance by commercial television broadcasters with the standard for Australian content as evidenced by all commercial television networks:
 - exceeding the minimum 55 per cent Australian transmission quota for Australian content
 - meeting the required levels of documentary and drama programs;
 - meeting their obligations for new Australian documentary programs and
 - complying with the Australian Content in Advertising Standard.
- The ABA welcomes the compliance by pay TV broadcasters with the enforceable scheme for new expenditure on drama.
- The ABA is concerned about the operation and adequacy of the community radio code provisions concerning dispute resolution. The code is currently being revised to address these concerns.
- The ABA is generally satisfied with action taken by licensees in response to findings of a breach.
- The ABA continues to be concerned by the commercial broadcasting industry's compliance with the Act's notification requirements as it has had to remind 25 licensees of these requirements and took enforcement action in relation to one licensee.
- The ABA commenced two investigations into possible breaches of the ownership and control provisions.

Goal 2 In partnership with industry and the community, implement a co-regulatory scheme for Internet content that addresses community concerns and encourages use of the Internet

2.1.1 Codes of practice registered by 1 January 2000 or industry standards to be developed

- Codes of practice initially registered in 1999–00. Replacement codes registered on 8 March 2001 and 9 May 2002.

2.1.2 Codes of practice or industry standards operating effectively to create awareness of filtering software, the complaints mechanism and content control options

- The ABA is satisfied that major Internet service providers, accounting for the majority of Internet users, are complying with the registered codes. The ABA raised code compliance issues with Internet service providers as they arose.
- Replacement codes registered by the ABA on 9 May 2002 include the requirement that Internet service providers provide users with filter software at a cost that does not exceed the cost incurred by the Internet service provider in obtaining, supplying and supporting the filter.

2.2.1 Timely resolution of complaints

- Complaints about content hosted outside Australia were generally resolved within two days of receipt.
- Complaints about content hosted in Australia, which require the Classification Board to classify the content, were generally resolved within two weeks.

2.2.2 Enforcement action pursued when appropriate

- The ABA issued 36 take-down notices to Australian Internet content hosts. All hosts complied with the notices within the required

timeframe and the ABA has not needed to use enforcement powers.

2.3.1 Increased understanding of community information needs

- The ABA published findings of the *Internet@home* research project, providing detailed information about Internet usage by Australian families and their information needs in managing access to the Internet.

2.3.2 Education material that meets identified information needs

- The ABA commissioned research and published information on the effectiveness and usability of Internet filter software products.
- Findings of the *Internet@home* research project have informed development of a range of materials that provide families with information about Internet safety issues. The ABA relaunched its website for families, www.cybersmartkids.com.au, and produced printed materials containing general Internet safety tips and information about filter software.

2.4.1 ABA an active participant in the major international fora on Internet content regulation.

- The ABA monitored regulatory developments in Europe, USA and Canada.
- The ABA participated in a European Commission workshop on Internet filter software.
- The ABA was represented at three meetings of the Internet Hotline Providers in Europe Association and the ABA's Hotline Manager chairs the INHOPE working group on Internet content issues.

Output 1.2 Licensing of broadcasting services

Goal 3 Allocation of spectrum for analog radio and television broadcasting services in all parts of Australia

3.1.1 Completion of licence area plans (LAPs) no later than 2002

- The ABA completed all radio licence area plans in December 2001, finalising a program of planning radio spectrum throughout Australia which commenced in 1992. Television licence area plans are scheduled to be completed in the second half of 2002.

3.1.2 Completion of essential LAP variations on a priority basis

- The ABA completed 14 radio and television licence area plan variations and commenced determination of a timetable defining completion dates for all currently known licence area plan variations.
- The ABA released a further three draft licence area plan variations for public comment.

3.2.1 Allocation of commercial and narrowcasting licences within one year of being made available in the LAP

- The ABA allocated three new commercial radio licences in the period. Two were allocated within one year, whilst the third one was allocated within 12 months of the resolution of legal proceedings.
- Allocation of narrowcast licences was delayed due to section 19 clarification review and the renewal fee scheme conducted by the Australian Communications Authority. On 1 April 2002 the ABA invited applications for 92 narrowcasting licences. Allocation will take place during the next reporting period.

3.2.2 All community licences allocated within two years of being made available in the LAP

- Twenty four of the 26 licences were allocated within two years of being planned. The remaining two licences were allocated once there was a suitable applicant for the licence.

3.2.3 The community and the industry have been consulted, and have had the opportunity to participate in, the process leading to the decision

- The ABA consults widely to before reaching LAP decisions and in making decisions regarding the allocation of community radio licences. In all instances, the public are invited via news releases to make submissions relating to aspects of planning prior to, and following, release of a draft LAP, or allocation of licences once applications have been received.

3.2.4 All licence allocation processes are completed efficiently and effectively

- Licence allocation processes were completed efficiently and effectively and, generally well within the timeframes specified.

3.2.5 Allocation of international broadcasting licences

- In April 2001, the ABA allocated the first 10 international broadcasting licences, in consultation with the Minister for Foreign Affairs.

Goal 4 National and commercial television broadcasters to have commenced digital services in metropolitan areas, and where achievable, in regional areas

4.1.1 Conversion schemes are completed by the end of 2000

- National and commercial television conversion schemes were completed in 1999. There have been no further changes.

4.2.1 Metropolitan broadcasters commence by 1 January 2001 and regional broadcasters commence by 1 January 2004

- All metropolitan broadcasters commenced digital transmissions by 1 January 2001. Regional broadcasters are commencing digital transmissions on a rolling basis with services being provided at larger regional areas throughout the country.

4.2.2. Digital channels allotted as needed and the spectrum is efficiently structured

- The ABA completed digital channel plans and variations to digital channel plans for Regional Queensland, New South Wales South Coast, Regional Victoria and Tasmania, Regional South Australia and Broken Hill, Inland New South Wales and Australian Capital Territory.
- The ABA released for comment, draft variations to digital channel plans for Inland New South Wales and Tasmania.
- The ABA allocated 21 licences for digital terrestrial television broadcasting during the reporting period.

4.3.1 Implementation plans are assessed in a timely way

- The ABA had 32 applications on hand and received an additional 69. It has approved 49 and has 52 applications to be assessed. The ABA has set a benchmark of assessment of implementation plans within 6 months of receipt.

4.4.1 The Minister and the Department seek advice from the ABA on digital technology

- The ABA regularly briefs the Minister for Communications, Information Technology and the Arts and his department on developments in digital technology.
- The ABA has actively participated in international forums such as the International Telecommunications Union meetings in Geneva and the Asia-Pacific Broadcasting Union Engineering Conference in Singapore, as well as domestic and international meetings and subsequent working parties to further explore developments in digital technology for television and radio services.

4.5.1 Reasonable level of community awareness of the implications of digital conversion

- The Digital Television Interference Management Scheme outlines digital licensees' responsibilities regarding interference to analog television transmissions caused by digital transmissions. It is designed to ensure that a viewer's analog television service is protected, and resolution to interference, when it does occur, is timely. After extensive consultation with industry and consumer representative groups, the ABA determined the scheme on 21 December 2000.
- An interference hotline was established as part of the scheme and provides viewers with advice and assistance for channel or co-channel interference, particularly with interference to VCRs and poor reception of analog services. The service was used to good effect with the commencement of digital television services in Newcastle in April 2002.

Outcome

The planned outcome which is critical to our success over the period of the corporate plan is:

An accessible, diverse and responsible
broadcasting industry

Output 1.1
Managed regulation of broadcasting

Chapter 2

Regulation of broadcasting services

Goal 1: In partnership with industry and the community, safeguard the public interest through co-regulation of broadcasting services

Strategy 1.1 Encourage service providers and industry groups to take responsibility for addressing community concerns about broadcasting by:

- facilitating development of codes (unless standards are mandatory); and
- evaluating, registering and monitoring effectiveness of codes.

Codes of practice

Under section 123 of the *Broadcasting Services Act 1992*, representative industry groups are to develop codes of practice in consultation with the ABA, taking account of any relevant research conducted by the ABA. Monitoring these codes once they are implemented, and dealing with unresolved complaints made under these codes, are also among the primary functions of the ABA.

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

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

The following codes were registered with the ABA as at 30 June 2002:

- Commercial Television Industry Code of Practice
- Commercial Radio Codes of Practice
- Community Broadcasting 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

The ABC Code of Practice and SBS Codes of Practice were notified to the ABA.

Commercial television codes of practice

The Federation of Australian Commercial Television Stations (FACTS) is currently engaged in a review of its code of practice, and it is anticipated that the review will continue into the next reporting period. When it registers a code, the ABA is required to consider the codes against the criteria in section 123(4) of the Act. It must be satisfied that any revised code provides appropriate community safeguards for the matters covered; that it is endorsed by a majority of providers of services in this sector; and that members of the public have been given adequate opportunity to comment.

Commercial radio codes of practice

In December 2000, the ABA requested the Federation of Australian Radio Broadcasters (FARB) to develop a code covering emergency access. After extensive consultation between FARB and emergency services representative organisations, an emergency services code was registered by the ABA in December 2001.

The three commercial radio standards (determined by the ABA in November 2000) are in force until April 2003. The ABA expects Commercial Radio Australia (formerly Federation of Australian Radio Broadcasters) to develop codes of practice to replace the standards before they expire. It is anticipated that these new codes will 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.

ASTRA codes

The Australian Subscription Television and Radio Association (ASTRA) is currently engaged in a review of its codes of practice. This review has involved a period of public consultation as well as an extensive period of consultation between the ABA and ASTRA. It is anticipated that the review will continue into the next reporting period.

Community radio code of practice

The Community Broadcasting Association of Australia (CBAA) is currently engaged in a review of its code of practice, and it is anticipated that the review will continue into the next reporting period.

Strategy 1.2: Develop, implement and evaluate standards where appropriate.

Australian content

Review of the Australian content standard

The *Broadcasting Services (Australian Content) Standard 1999* for commercial television (Australian content standard) came into force on 1 March 1999, following a public review by the ABA. The 1999 review included New Zealand in the standard in accordance with Australia's obligations under the Closer Economic Relations Trade Agreement (CERTA) and foreshadowed a review of the operation of the standard commencing in 2001.

The 2001 review is the first general examination of the Australian content standard since the ABA's first review, which ran from 1994 to 1996. The aim of the review is to examine whether the standard is operating efficiently to ensure that commercial television audience have access to a diverse range of quality Australian programs into the future.

In November 2001, the ABA released an issues paper which specifically sought comment on the operation of the sub-quotas for adult drama, children's drama and documentary programs. The issues paper incorporated the outcome of preliminary consultation with key stakeholders undertaken during 2001 and ABA analysis of compliance and expenditure data relevant to the standard. A total of 41 public submissions (plus four supplementary submissions) were received in response to the issues paper.

In addition, as part of its consultation, the ABA met with industry and government representatives. The Communications Law Centre hosted two public forums during the submission period and Network Insight, the Australian Film Commission, and Allens Arthur Robins hosted a workshop after the close of submissions. In May

2002, the ABA also presented a paper at its annual conference – *What Will Australian Audiences Want?* – on the methodology adopted in analysing how the drama points system could be reviewed. The transcript of the workshop and the conference paper are available on the ABA website.

During the course of the review, the ABA undertook new research on television production trends and their implications for the production and financing of Australian drama and documentary programs. The ABA also commissioned independent advice from two consultants. Zenith Media provided information on how C drama series might be effectively promoted to their target audience by the commercial television networks. Kevin Durkin, Professor of Psychology at the University of Western Australia, provided advice concerning the different development stages of Australian children, particularly as they relate to television and how they might inform the way the ABA assesses C drama programs against the CTS2 criteria.

In late 2002, the ABA expects to release for comment a draft revised Australian content standard and amendments to the Children's Television Standards. The ABA plans to implement the new Australian content standard and amendments to Children's Television Standards by 1 January 2003.

Compliance with the Australian content standard in 2001*

The Australian Content Standard has two main mechanisms: an overall transmission quota and minimum quotas for specific types of programs. The transmission quota for 2000 set the overall annual minimum level of Australian programming at 55 per cent between 6.00 a.m. and midnight. (First-release sports coverage commencing before midnight and finishing before 2.00 a.m. can also count towards the quota).

There are specific quotas for annual minimum amounts of first-release Australian programs in the following categories.

These quotas currently are:

- drama – minimum 225 points (with 775 points required in successive three year period from 1999);
- documentary – 20 hours; and
- children's C programs – 130 hours, including 32 hours of children's C Drama.

There is also a requirement for a minimum amount of 130 hours of Australian preschool programs.

The ABA uses its commercial television compliance database to monitor network compliance with the Australian content standard. The database contains detailed information provided by network stations concerning all programs broadcast.

Very little New Zealand programming was broadcast by the networks in 2001–02, making up only six hours of programming. There were two hours on the Seven network, including one hour of documentary programming and one hour of feature film and four hours on the Nine network, including two hours of feature film and two hours of light entertainment programming. Overall levels of Australian programming were similar to those of 2000–01.

All networks exceeded the minimum 55 per cent Australian transmission quota, with SAS Seven in Adelaide achieving the highest level of 65.6 per cent. Required levels of documentary and drama programs were also exceeded.

There is a requirement to broadcast 20 hours of first-run Australian documentaries. All networks met their obligations for new Australian documentary programs. Seven network broadcast 20 hours on average across the network, Nine network stations broadcast 20 hours on average and Ten network stations broadcast 20 hours each (see appendix 3).

* All compliance information is provisional at the time of publishing.

Compliance with the Australian content in advertising standard*

The Australian Content in Advertising standard requires at least eighty per cent of advertising time broadcast each year by commercial television licensees, between 6.00 a.m. and midnight, to be used for Australian-produced advertisements. Up to twenty per cent of this time is therefore available for the broadcast of foreign-produced advertisements.

The networks provide the ABA with annual reports on compliance with the standard, and commercials clearance information is provided by Commercials Advice Pty Limited.

All networks complied with the standard in 2001 with the amount of foreign advertising being well below the twenty per cent maximum allowed. Foreign advertising averaged 7.5 per cent of all advertising on Nine (compared with 7.4 per cent in 2000), 8.6 per cent on Seven (10.6 per cent in 2000) and 10.8 per cent on the Ten Network (Ten)(10.5 per cent in 2000).

Pay TV

Requirement for new eligible Australian drama expenditure on pay TV

The enforceable scheme for expenditure on new eligible Australian drama programs by pay TV drama services came into effect on 1 July 1999. The scheme, which is set out in Part 7, Division 2A of the Broadcasting Services Act, is enforced by a licence condition. It requires licensees and channel providers who provide a pay TV drama service to spend at least ten per cent of their total program expenditure on new eligible drama programs each financial year. The channel provider and/or the licensee must make up any shortfall in the channel provider's expenditure in the following financial year.

The Act defines a pay TV drama service as a service devoted predominantly to drama programs. An eligible drama program is new if,

and only if, the whole or a substantial part of the program has not been televised in Australia or New Zealand on a broadcasting service at any time before the expenditure on the program by the licensee or channel provider is incurred.

Compliance*

All licensees and channel providers complied with the requirement to lodge annual returns on their program expenditure with the ABA by lodging annual returns in the second half of 2001. Due to the confidential nature of the information, compliance is reported in aggregate form only.

In 2000–01, total program expenditure by the 15 pay TV drama services was \$195 million creating a requirement to spend a minimum of \$19.5 million on new eligible Australian drama programs. Actual expenditure on new eligible Australian drama programs was \$17.6 million (\$5.5 million of this amount was required expenditure carried over from 1999–2000). This results in a carry-over obligation for 2001–02 of \$8.5 million.

The carry-over obligation does not equate to the difference between the ten per cent requirement and the amount already spent, as some services spent more than ten per cent on new eligible drama programs. Any expenditure above 10 per cent for one service cannot be used to offset a shortfall by another service.

Children's television

Under section 122 of the Act, the ABA is required to develop standards for children's programming. The Children's Television Standards (CTS) came into effect on 1 January 1990, and the most recent amendments took effect on 26 April 2001. Compliance with the CTS is a condition of licence for commercial television licensees.

The objective of the Children's Television Standards is to ensure children have access to a variety of quality television programs made specifically for them, including Australian drama

* All compliance information is provisional at the time of publishing.

and non-drama programs. Each commercial television station must broadcast a total of 390 hours of quality children's programs that have been classified by the ABA.

This includes:

- C programs for primary school children – 260 hours; and
- P programs for preschool children – 130 hours.

The ABA uses its commercial television compliance database to monitor network compliance with the Children's Television Standards.

In late 2002, the ABA expects to release for comment amendments to the Children's Television Standards, consequent on the review of the Australian content standard. The ABA expects to implement the new Australian content standard and amendments to Children's Television Standards by 1 January 2003.

Compliance*

All commercial television networks met the minimum quota requirements for children's programs in 2001, including the requirement for 130 hours of first-release Australian C programs and 32 hours of first-release Australian children's C Drama. The requirement for eight hours of repeat Australian Children's C Drama was also exceeded many times over - the Ten network stations broadcast an average of 67 hours, the Nine Network stations broadcast an average of 48 hours, and the Seven network stations broadcast an average of 21 hours (see appendix 3).

All network stations exceeded the quota of 260 hours of C classified programs. Although half of these programs must be new programs produced locally, generally few foreign programs were broadcast, for example, only 25 hours on the Ten Network, four hours by the Nine Network and two hours by the Seven Network.

C and P program assessment

The system for pre-classification of children's programs by the ABA is based on initial assessment of programs by ABA staff and additional assessment by specialist consultants, as required.

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

The ABA grants the following classifications:

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

Provisional classification is awarded to programs which in early development appear likely to meet the criteria when completed. Most drama is classified at provisional stage.

If an application for program classification is refused, the ABA provides a statement of reasons detailing the criteria the program failed to meet and why. If requested, ABA staff meet with applicants to discuss their programs and ABA decisions.

C and P programs classified

The ABA assessed 50 programs (or series of programs) and granted classification to 41 of these in the reporting period, compared with 59 programs assessed and 51 programs granted classification in the previous year (see table 1).

* All compliance information is provisional at the time of publishing.

Table 1 C and P program classifications

	Applications granted classification	Applications refused classification*
2001-02		
C	16	4
C Drama	12	2
Provisional C	9	3
Provisional P	1	0
P	3	0
Total	41	9
2000-01		
C	12	1
C drama	21	4
Provisional C	10	2
Provisional P	1	0
P	7	1
Total	51	8

* These programs failed to satisfy the criteria in the CTS.

See appendix 3 for a full list of C and P classified programs.

Commercial radio

Compliance with the Disclosure Standard in 2001-02

Licensees complied with the notification requirements of the new standard. Sixteen licensees notified the ABA, on the approved form, of the existence of relevant commercial agreements. The notifications relate to 16 commercial radio services.

community attitudes on issues relating to programs. The ABA must also monitor the broadcasting industry and inform itself about broadcasting service trends. The research results complement other community views which are apparent in submissions, public processes and the ABA's complaints processes.

Industry groups representing service providers are required to take the ABA's research into account when developing or reviewing codes of practice.

Strategy 1.3: Undertake, as necessary, research into whether the regulatory scheme safeguards the public interests

Research

The ABA's research program is mandated by the Broadcasting Services Act which states that one of the ABA's primary functions is to research

Radio program format survey

The radio program format survey of commercial radio licensees is an annual survey that was first conducted in 1999-00 and is planned to run for five years. The survey is intended to provide insight into the source and range of programs broadcast on commercial radio services and provides an important benchmark of commercial radio content, especially in regional and remote areas.

The ABA published the first two years of the survey results in February 2002. Findings of the survey include:

- 49 per cent of program material broadcast by commercial radio services in regional areas is syndicated or networked, and
- music services in regional areas broadcast more news and information programming than similar services in metropolitan areas.

In its report *Local Voices: Inquiry into Regional Radio*, the House of Representatives Standing Committee on Communications, Transport and the Arts recommended that the ABA should continue its survey of program formats on an ongoing basis. The ABA is currently considering how to modify the survey to improve the respondent rate and to ensure consistency with the reporting requirement being developed for high-power narrowcasting services. This may result in the survey being run on a bi- or triennial basis.

Complaints handling

As a prelude to the review of the Commercial Television Code of Practice in late 2002, the ABA surveyed the complaints handling procedures used by the commercial television industry. The questionnaire sought information regarding:

- procedures used by the commercial television industry to handle codes-related complaints received in written form, telephone, in person and by email
- numbers of codes-related complaints received by each station over the 2001 calendar year
- the broadcast of public information spots publicising the code and
- other complaints handling provisions and issues.

The ABA has been concerned that the public's knowledge and understanding of the complaints handling procedures in the commercial television sector could be improved. Earlier ABA research confirmed that the majority of the Australian viewing public does not know how to register a

formal complaint about television programs. The information gathered from the survey will assist the ABA to gain a greater understanding of complaints handling by commercial television licensees. The ABA proposes to release the results by the end of 2002.

Research papers

Several research reports and findings were released at the ABA's Annual Conference in Canberra in April 2002.

Professor Duane Varan, Director of the Interactive Television Research Institute at Murdoch University, Western Australia, presented the findings of a Delphi survey of 90 key players in the free-to-air, pay TV and advertising industries. The ABA provided financial support for the survey. The survey tested industry views on the likely uptake levels of digital television by consumers as well as potential preferences for program types. Industry views were also sought on the range of possible program enhancements including sport, games shows, children's television, reality television and music programs. The survey also identifies three biggest inhibitors to digital television uptake are expense (including cost of infrastructure and set top boxes), lack of content and complexity. Other survey findings were the potential benefits of digital television to advertisers.

The ABA's Research and Policy section presented a paper on its current review of the Australian content standard. The presentation included findings of ABA research into the funding of Australian adult drama programs and described the methodology the ABA has developed to analyse the operation of the first-release Australian adult drama sub-quota.

Broadcasting financial results

In April 2002, the ABA released the 2000–01 broadcasting financial results for 245 commercial radio and 48 commercial television licensees. In line with the role of informing itself and the government on industry trends, the ABA requests that commercial television and commercial radio

licensees submit details of their financial performance each year. Licensees provide information on revenue, expenses and profits for each of their broadcasting services. The ABA aggregates the information which is published as *Broadcasting Financial Results*. Aggregated financial results are a valuable source of information for the industry, including existing and aspirant broadcasters, the Government, financial advisers and market researchers.

Anti-siphoning

The aim of the anti-siphoning provisions is to prevent pay TV services obtaining exclusive rights to broadcast major television sports events. Section 115 of the Act empowers the Minister for Communications, Information Technology and the Arts, to list in a formal notice (known as the anti-siphoning list) events which should be available to viewers of free-to-air national or commercial television broadcasting services.

The anti-siphoning list contains sporting events within 11 sports categories and covers the period up until 31 December 2005 (2006 in the case of the FIFA World Cup soccer).

The anti-siphoning provisions were amended by the *Broadcasting Legislation Amendment Act (No. 2) 2001*. A new subsection 115(1AA) of this Act provides that an event specified on the anti-siphoning list is taken to be removed 1008 hours (i.e. six weeks) before the start of the event, unless the Minister publishes in the *Commonwealth Gazette* before that time 'a declaration that the event continues to be specified in the notice after that time'.

The intention is that if an event on the anti-siphoning list is automatically de-listed six weeks before the event, this maximises the time free-to-air broadcasters have to negotiate the rights, while providing an adequate time prior to the event for subscription services to acquire and promote an event.

Subsection 115(1AB) provides that the Minister may only publish a declaration under subsection 115(1AA) to retain an event on the anti-

siphoning list if he is satisfied 'that 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'.

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

Following reports from the ABA, the Minister removed the 2002 Australian Cricket Tour of Zimbabwe and the 2002 Australian Cricket Tour of South Africa from the anti-siphoning list in the reporting period.

Anti-hoarding

The intention of the anti-hoarding rules, under Part 10A of the Broadcasting Services Act, is to maximise opportunities for full and live free-to-air coverage of major events, particularly sporting events.

The regime applies to live free-to-air broadcast rights to events that are acquired by licensees (or their program suppliers), or the national broadcasters, after the Minister has declared those events and series and their offer times.

The ABA monitors compliance with the anti-hoarding provisions.

Ministerial directions

Evaluation of the community TV trial

In January 2001, the Minister directed the ABA to conduct an investigation of the community TV trial. The ABA's evaluation was to take account of the nature and quality of services provided by the current community television providers, the management of those services, including identification of relevant licensees and their

relationship to station management, the program diversity and community participation in program production, community support for those services, including support from audiences, sponsors, station members and volunteers, the financial position of the current community television service providers, including operational costs and revenue sources, and any other issues the ABA considers relevant.

The ABA gathered information for the investigation by obtaining documents and other relevant material from trial licensees; determining the potential areas of reach and commissioning research into support for CTV services. It also convened consultative meetings with a broad range of interested parties in areas where CTV services are in operation. The ABA reported to the Minister on 1 August 2001.

Submissions to parliamentary committees, public inquiries and reviews

The ABA provided additional information on request to the House of Representatives Communications, Transport and the Arts Committee parliamentary inquiry into regional radio services. The Committee's final report – *Local Voices: Inquiry into Regional Radio* – was tabled in Parliament on 24 September 2001.

On 25 October 2001, the ABA provided a submission to the Productivity Commission Review of the Radiocommunications Acts and the role of the Australian Communications Authority. Additional information was provided on request on 18 December 2001 and 7 January 2002.

In October 2001, Members of the ABA and the General Manager appeared before the Committee at its hearing in Canberra.

The Productivity Commission's draft report was released on 28 February 2002. On 15 April 2002, the ABA provided a submission to the Productivity Commission's draft report. The ABA Chairman and General Manager appeared before the Productivity Commission at its hearings in Canberra on 18 April 2002.

Strategy 1.4 Develop and implement investigative and enforcement strategies as required

Clarification of criteria for open narrowcasting services: Section 19 of the Broadcasting Services Act

Open narrowcasting services are defined in section 18 of the Broadcasting Services Act as a service whose reception is limited:

- (i) by being targeted to a special interest group; or
- (ii) by being intended only for limited locations, for example, arenas or business premises; or
- (iii) by being provided during a limited period or to cover a special event; or
- (iv) because it provides programs of limited appeal; or
- (v) for some other reason.

Only one of these criteria needs to be satisfied for a service to be an open narrowcasting service.

Open narrowcasting services are provided under the class licence provisions of the Act. Class licences are standing authorisations which allow anyone to provide a broadcasting service as long as the person abides by the conditions applicable to the particular category of class licence. Individual broadcasting licences are not required by services provided under class licences.

Along with a set of standard conditions (Schedule 2, Parts 2 and 7 of the Act), open narrowcasting services must comply with any determinations or clarifications made under section 19 of the Broadcasting Services Act. Under section 19, the ABA may determine additional criteria or clarify existing criteria in relation to the categories of service defined in sections 14–18 of the Act.

In January 2002, the ABA clarified the criteria for open narrowcasting services by making the *Broadcasting Services Clarification Notice 2001* (the 2001 clarification notice) under section 19 of the Act.

As of 30 June 2001, the ABA was in the process of finalising a second clarification notice, the *Broadcasting Services Clarification Notice 2002* (the 2002 clarification notice), which further clarifies the criteria for open narrowcasting services.

Both clarification notices apply only to radio non-subscription AM or FM broadcasting services delivered within the broadcasting service bands.

The 2001 clarification notice clarifies that specific types of broadcasting services which are defined in the notice fall within the category of narrowcasting services. (A broadcasting service which does not meet any of the definitions in the notice may still be a narrowcasting service, depending on whether or not it satisfies any of the relevant criteria set out in the Act.)

The 2001 clarification notice covers services provided during limited periods and to cover special events, pre-recorded looped services, information services, religious services, non-English language services, racing services and ancillary services. The notice also clarifies that a broadcasting service is not an open narrowcasting service simply by virtue of being a low-power service.

The 2002 clarification notice clarifies that a broadcasting service targeted to persons of a particular age or range of ages (including audiences described in terms such as 'baby boomers' or 'generation X') is, with one exception, not an open narrowcasting service by reason only of being targeted to those persons. The exception is that a broadcasting service targeted to persons less than 10 years of age is an open narrowcasting service. The notice also clarifies that a group may be a special interest group whether or not the group is organised on a formal basis

The 2002 clarification notice was gazetted in August 2002.

Variation of conditions of a class licence (open narrowcasting radio services):

Section 120 of the Broadcasting Services Act

The ABA is proposing to vary the class licence under which open narrowcasting radio services are provided by imposing additional conditions on these services. The additional conditions are contained in the proposed *Broadcasting Services (Additional Conditions-Open Narrowcasting Radio Services) Notice 2002* (the notice). The notice was being drafted at 30 June 2002.

The proposed conditions will apply to a person who provides an open narrowcasting radio service using a transmitter authorised under a high power licence (a HPON licence, i.e. a licence planned and auctioned by the ABA), or who provides an open narrowcasting radio service as a networked service (including services provided under low-power, or LPON, licences issued by the Australian Communications Authority).

The conditions will require persons to whom the Notice applies to give the ABA a statement in an approved form explaining how reception of their service is limited in a way described in paragraph 18(1)(a) of the Broadcasting Services Act (which sets out the criteria for open narrowcasting services). This statement must be given to the ABA within 30 days of either the commencement of the Notice or the day on which the service is first provided, whichever is the later.

If, after having given the ABA such a statement, there is a significant change to a fact or circumstance by which reception of the service is limited, the person must give the ABA a further statement in an approved form describing the change, and explaining how reception of the service is limited in a way described in paragraph 18(1)(a) of the Act. This statement must be given to the ABA not later than 30 days after the significant change.

Before varying a class licence, section 120 of the Broadcasting Services Act requires the ABA to publicise its intention to vary the licence and invite representations on the proposed variation. The ABA expects to commence this process in early July 2002.

Monitoring commercial television services

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

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

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

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

Regulation of telephone sex services

Part 9A of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* came into force on 3 February 2000. Its intention is to address concerns that telephone sex services are too easily accessed by children.

The Australian Communications Authority is responsible for enforcing compliance with the legislation. The ABA's role is to issue certificates, under section 158F, stating that a specified service is, or was, a telephone sex service.

Guidelines

In October 2000, the ABA approved guidelines for telephone sex services, which summarise the ABA's role under Part 9A of the Telecommunications (Consumer Protection and Service Standards) Act. The guidelines provide information about the definition of 'telephone sex service', and are intended to assist telephone sex service providers and carriage service providers comply with the law. They are available on the ABA's website at www.aba.gov.au/other_responsibilities/telephone/services/index.htm.

Evidentiary certificates

During the reporting period, the ABA received four requests from the Australian Communications Authority regarding the issue of evidentiary certificates. The requests encompassed a total of twenty premium rate services. The ABA concluded that, of these services, one was a telephone sex service, within the meaning of s158J of the Telecommunications (Consumer Protection and Service Standards) Act, and provided the Australian Communications Authority with an evidentiary certificate to this effect. Investigation of two services was yet to be completed at 30 June 2002.

Strategy 1.5 Investigate complaints and suspected breaches as required, and take appropriate steps to ensure compliance

Investigations into programming matters

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

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

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

In addition, the ABA may itself initiate investigations into breaches of the Act, or of licence conditions or codes under section 170 of the Act.

The ABA has a range of sanctions available to it in the event of a breach by a commercial broadcaster, community broadcaster, subscription broadcaster or a provider of a service under a class licence. With regard to breaches of the Act or a licence condition, the ABA may issue a notice requiring the broadcaster to take action to remedy the breach, or refer the matter to the Director of Public Prosecutions for possible prosecution, or suspend or cancel the licence. The ABA took no such action during the reporting period.

With regard to a breach of a code of practice, the ABA may make compliance with a code a

condition of a broadcaster's licence. In its investigations, the ABA has focused on ensuring that broadcasters took action so that problems with their performance against the code were rectified and not repeated.

With regard to a breach of a code of practice by a national broadcasting service (ABC or SBS), the ABA may, if it is satisfied that the complaint was justified, by notice in writing recommend that it take action to comply with the relevant code of practice. This may include the broadcast or other publication of an apology or retraction. If the national broadcaster does not, within 30 days after the recommendation was given, take appropriate action, the ABA may give the Minister a written report on the matter. The Minister must cause a copy of the report to be laid before each House of Parliament within seven days of receiving the report. The ABA took no such action during the reporting period.

Investigations started

The ABA commenced 121 investigations in the reporting period, 18 per cent fewer than the 148 started in 2000–01.

Investigations completed

The ABA completed 163 investigations in the reporting period, four per cent more than the 156 completed in the 2000–01 reporting period.

Sixty-two investigations resulted in the ABA finding a breach, 14 per cent fewer than in 2000–01. There were 93 breaches in total (some investigations resulted in findings of more than one breach and/or findings against more than one licensee). These breaches relate to investigations completed during the reporting period and not to when the broadcast occurred.

Of the 71 code breaches, 34 related to commercial television stations, 22 fewer than in the previous reporting period. Seven (10 per cent) of these breaches related to the manner in which commercial television licensees handled complaints from viewers. Five code breaches related to commercial radio services, compared with 36 in the previous reporting period.

Table 2 Investigations resulting in breach findings

Investigations summary	2001 – 02	2000 – 01
Investigations started	120	148
Investigations completed	162	156
Breaches		
Code of practice	71	123
Licence condition	20	15
Broadcasting Services Act	2	4
Total	93	142

Note: five investigations did not proceed to a finding. Four complaints were withdrawn and the ABA decided not to proceed in one instance.

Table 3 Code breaches (by type of service)

Service	2001 – 02	2000 – 01
Commercial television	34	56
Commercial radio	5	36
Community radio	25	16
SBS TV	–	1
ABC TV	3	10
ABC radio	3	4
Subscription broadcast TV (pay TV)	1	–
Total	71	93

Table 4 Licence condition breaches (by type of service)

Service	2001 – 02	2000 – 01
Commercial television	3	4
Commercial radio	1	1
Community radio	16	7
Open narrowcast radio	–	1
Subscription broadcast TV	–	2
Total	20	15

Table 5 Broadcasting Services Act breaches (by type of service)

Service	2001 – 02	2000 – 01
Subscription broadcast TV	–	1
Open narrowcast radio	1	3
Community radio (TCBL)	1	–
Total	2	4

Twenty-five code breaches related to community radio, nine more than in the previous reporting period. The ABA is concerned about the operation and adequacy of the community radio code provisions concerning dispute resolution. The four investigations conducted during the reporting period into dispute resolution have again highlighted deficiencies in the code that the ABA is presently seeking to redress in its review of the code.

There were three breaches in relation to ABC television and three in relation to ABC radio, compared to 14 in the previous reporting period. Two of the breaches found against ABC television, and the three found against ABC radio, related to the manner in which the ABC handled complaints.

There were no code breaches in relation to SBS television, compared to one in the previous reporting period.

The ABA found one code breach in relation to subscription broadcasting television (pay TV), one more than in the previous reporting period.

Of the 20 breaches of licence conditions, three related to commercial television, one to commercial radio, and 16 to community radio (12 of these related to the licence condition proscribing the broadcast of advertisements).

See appendix 4 for details of these investigations.

Time taken to complete investigations

At the start of the reporting period, the ABA had 47 outstanding investigations. Of these, 9 were more than six months old, 13 were between three and six months old, and 25 were less than three months old.

At the end of the reporting period, the ABA had 29 outstanding investigations – three were more than six months old, 10 were between three and six months old, and 16 were less than three months old.

The average time for the ABA to complete an investigation during the reporting period was similar to the previous reporting period at approximately 11 weeks.

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

- sixty-seven per cent within 12 weeks (compared to a target of 50 per cent)
- ninety per cent of investigations completed within 26 weeks (compared to a target of seventy-five per cent), and
- ninety-five per cent of investigations completed within 32 weeks (compared to a target of 100 per cent).

Breaches of the Broadcasting Services Act

Other than the breaches of licence conditions (above) there were two breaches of the Act. Both related to licensees found providing a community radio service without a licence.

There were two breaches of the Children's Television Standards in the current reporting period relating to the obligation of a licensee to broadcast C and P programs under CTS 3 (see appendix 4 for more details regarding this breach).

Regional TV news investigation

On 22 November 2001, the ABA decided to commence an investigation into the adequacy of local news and information programs provided on commercial television services in regional and rural Australia.

The investigation was in response to community concerns at the time about the closure of news bureaux in Canberra, Cairns, Townsville, Darwin and Alice Springs by Southern Cross Broadcasting (Australia) Limited in November 2001. This followed similar closures by Prime Television Ltd in Canberra, Newcastle and Wollongong in June 2001.

The ABA called for submissions from the general public and interested parties, and conducted a survey of all commercial television broadcasting licensees. The ABA visited commercial television stations Canberra (ABC), Hobart (WIN), Launceston (Southern Cross), Tamworth (Prime) and Wollongong (WIN) and held public meetings

in Cairns, Canberra, Mildura, Mt Isa, Newcastle, Townsville and Wollongong in early 2002.

The investigation examined:

- what is meant by matters of local significance
- what constitutes adequate coverage of matters of local significance
- whether commercial television services provide appropriate coverage of matters of local significance in regional and rural Australia and
- the level of community concern about the coverage of local news and information by commercial television services (and the responsiveness of that coverage to audience needs) in regional and rural Australia.

The report on the investigation was released in August 2002, after the date of this report.

Loudness of advertisements investigation

The loudness of advertisements relative to surrounding programming on commercial television has concerned viewers and prompted calls for regulation. The issue was the subject of a Private Members Bill, the *Quieter Advertising Happier Homes Bill 2001*, introduced in Parliament by Ms Michelle O'Byrne MP, Member for Bass, and a request for the ABA's advice as to what action might be taken to ensure that the community's concerns are addressed from Senator Alston, Minister for Communications, Information Technology and the Arts.

On 17 December 2001, the ABA announced that it had decided to investigate the issue of loudness of advertisements on commercial television relative to adjacent programming. At that time the ABA sought submissions from the commercial television industry and other media industry organisations, producers, technical experts and researchers.

In response, the ABA received 12 submissions from these industry sectors, as well as 92 submissions from the general public.

The ABA was grateful for the assistance of the Australian Film and Television and Sound Radio School and the Federation of Australian

Commercial Television Stations in demonstrating the techniques known as compression, limiting and equalisation.

The following issues were identified by the ABA as key to the investigation.

1. What factors, including technical factors, contribute to community perceptions that advertisements are louder than adjacent programs?
2. What means do broadcasters and production houses currently use to control the loudness of advertising relative to adjacent programming?
3. What methods could broadcasters use to control the loudness of advertising relative to adjacent programming? What measures might feasibly be put in place in the production, studio or transmission stages to control the loudness of advertisements?
4. What are the practical implications for broadcasters of adopting measures that will ensure advertisements are not noticeably louder than the surrounding programming? What modifications would be required to current production, studio and transmission practices, and what would the resource implications of these modifications be?
5. What tests can be devised to make it possible to measure and monitor the loudness of advertisements?
6. What impact has the introduction of digital television had on broadcasters' ability to control the loudness of advertisements? Will the full conversion to a digital environment make it easier to regulate loudness?
7. Does the current Commercial Television Industry Code of Practice provide appropriate community safeguards in relation to this issue?
8. Does the community have similar concerns about the loudness of advertisements relative to surrounding program on other media, particularly commercial radio?

A report on the findings of the investigation was released in July 2002.

ABA review of remote commercial radio services

In November 2001, the ABA announced its intention to conduct a review in 2002 of the Remote Commercial Radio Services (RCRS). The RCRS scheme was set up in 1987 to enable commercial radio services to be provided to people in remote Australia without access to such services.

The ABA has decided to conduct a review of the RCRS because of the apparent failure of the scheme to meet its objectives. To date, only the RCRS serving Western Australia provides a level of service which approaches the coverage intended by the scheme.

The RCRS licence areas and current licence holders for those areas are listed in table 6.

The ABA's review is expected to examine issues such as the nature and characteristics of the RCRS, the commercial viability of the services, the appropriateness of current planning and licensing arrangements for RCRS, and alternative arrangements for delivering commercial radio services to remote areas (including, but not limited to, technological issues).

The ABA will also take account of the potential improvement in access to radio services in remote communities resulting from the Government's Commercial Radio Blackspots Program, announced in the 2002-03 Budget.

Control of broadcasting services

The ABA did not conduct any major investigations into possible breaches of the control provisions under the Broadcasting Services Act during the period under review.

Applications for prior approval

The prior approval of temporary breaches under section 67 of the Act and extensions of the approval periods for such breaches under section 68 continue to facilitate changes to the structure of the industry. As in previous years, this has particularly been the case for commercial radio.

The ABA approved one application under section 68 of the Act for an extension of an approval period granted under section 67. One application for prior approval was refused by the ABA. Further, two temporary breaches were remedied within the reporting period.

Section 67 has been utilised less by the industry during the period than in the last reporting period when the ABA approved nine applications for temporary approval.

Sections 67 and 68 require that the ABA must either approve or refuse to approve the breach or grant the extension within 45 days after receiving an application.

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

Table 6 Remote commercial radio services

Licence area	Area served	Licensee	Callsign
Western Zone (mono service)	Remote WA	North West Radio Pty Ltd	6FMS
Western Zone (stereo service)	Remote WA	North West Radio Pty Ltd	6SAT
Central Zone	NT, SA, & parts of Victoria	W&L Phillips Pty Ltd	8SAT
North-East Zone	Remote Qld & northern NSW	Rebel FM Pty Ltd *	4SUN

* Rebel FM has been allocated a second commercial radio licence under section 39 of the Broadcasting Services Act in February 2002. As of 1 July 2002, no service was being provided under the licence.

Applications for opinions on control

Under section 74 of the Act, an applicant can request that the ABA give an opinion on whether a person is in a position to control a licence, a newspaper or a company. The ABA must provide an opinion within 45 days, otherwise it is to be taken that the ABA has given an opinion that accords with the applicant's opinion. The process may take longer if the ABA requires further information from the applicant. Opinions on control are available on the payment of a fee.

One opinion was given by the ABA during the reporting period.

Notices

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

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

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

Notification requirements

Annual notifications

Section 62 of the Act requires that each commercial television and commercial radio licensee must provide the ABA with details of persons who were in a position to exercise control of the licence, the name of each director of the licensee and the name of each foreign director of the licensee at the end of the financial year.

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

Finally, sub-section 112(6) requires that subscription television broadcasting licensees notify the ABA of foreign persons with company interests in a subscription television broadcasting licence, also within three months of the end of each financial year.

Notifications of changes in control

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

The ABA received notifications in relation to changes in control for 104 commercial radio broadcasting licences and 7 commercial television broadcasting licences. Compared with the previous reporting period, this was a 67.7 per cent increase in commercial radio notifications, and a 40.0 per cent increase for commercial television.

The ABA continues to be concerned by the commercial broadcasting industry's compliance with the Act's notification requirements, as it has had to remind 25 licensees of these requirements. Further, the ABA decided to impose an additional condition on the subscription television broadcasting licences held by one licensee requiring it to comply with its obligations under sub-section 112(6) during the period. Non-compliance by the licensee with the additional condition could lead to suspension or revocation of the subscription television broadcasting licences it holds.

The public is kept informed of changes in ownership and control through the Notifications Register, extracts from which are available to the public on request.

Licence fees

The ABA collected commercial broadcasting licence fees of \$218.6 million, a 3.4% increase on last year's \$211.4 million. The fees are based on revenue earned by commercial television and commercial radio licensees during the 2000-01 financial year.

Annual licence fees are calculated on a percentage of a licensee's gross earnings for the previous financial period. Licence fees paid by individual operators are not published in order to preserve confidentiality. Licence fees collected go to the Commonwealth's consolidated revenue.

The appointment of an auditor in October 2001 saw the licensee audit project of commercial radio and commercial television licensees commence, in accordance with the methodology and framework developed during 1999-00.

The ABA received full co-operation from the 10 licensees (six commercial television and four commercial radio) who were audited for the period ended 30 June 2000, or any substituted financial period ending prior to 31 December 2000.

All audits were completed satisfactorily, with the licensees examined accurately reporting their gross earnings in ABA Form 10 and therefore paying the correct amount of licence fee under

the *Radio Licence Fees Act 1964* and the *Television Licence Fees Act 1964*.

The ABA is in the process of finalising reports of this successful outcome to the Minister for Communications, Information Technology and the Arts, and commercial radio and commercial television licensees involved.

During implementation of the licensee audit project, several issues came to light, which has resulted in the audit methodology and program being improved and updated.

The second round of licensee audits are scheduled to commence in October 2002.

Collection of digital levy

Under the *Television Licence Fees Amendment Act 1999*, commercial television licensees are required to pay an additional licence fee on 31 December 1999, 2000 and 2001. The revenue collected is to cover the ABA's costs in implementing the legislative framework for the conversion of commercial television broadcasting services from analog to digital mode. The 2001-02 collection year represented the final payment of this additional fee.

Table 7 Licence fees collected

	Number of licences	Total licence fees collected (\$million)
2001 - 02		
Commercial radio	245	15.6
Commercial television	48	203.0
2000 - 01		
Commercial radio	240	14.5
Commercial television	48	196.9

Regional equalisation plan

The ABA administers the Regional Equalisation Plan which was introduced as a disallowable instrument under clause 64(b) Part 11 of Schedule 4 to the Broadcasting Services Act. The plan enabled regional television licensees to claim rebates totalling \$20.3m for the 2001–02 collection year, in recognition that regional television licensees face higher per capita costs in converting to digital broadcasting, compared with their metropolitan counterparts. While metropolitan television licensees were required to begin digital transmission from 1 January 2001, regional licensees can do so between that date and 1 January 2004.

Aggregation rebate scheme

The Aggregation Rebate Scheme has been in operation since 1989 and recognises the expenses incurred by regional television licensees in expanding their service under the Government's aggregation policy. Some regional television licensees have been able to offset the payment of their licence fees by using credits accrued over the period of the Aggregation Rebate Scheme. Rebates and use of all accumulated credits in 2001–02 collection year totalled \$1m (the same as in the previous year). All licensees have now exhausted their eligibility to a rebate under this scheme.

Chapter 3

Internet content regulation

Goal 2: In partnership with industry and the community, implement a co-regulatory scheme for Internet content that addresses community concerns and encourages use of the Internet

Strategy 2.1: Ensure the development and active adherence to a comprehensive set of guidelines governing industry's responsibilities to the community, through:

- fostering industry associations
- evaluating, registering and monitoring the effectiveness of codes of practice, and
- developing industry standards where codes are not developed or where they fail.

The ABA administers Australia's co-regulatory scheme for Internet content, which aims to address public concerns about Internet content that would be illegal or restricted in distribution if published in another format. Information about the scope and elements of the scheme is available on the ABA's website.

The ABA has adopted four strategies to carry out its functions under the co-regulatory scheme.

Codes of practice

In July 2001, the Internet Industry Association (IIA) completed a review of the registered codes of practice for the Internet Industry and draft replacement codes were submitted to the ABA for consideration. The ABA provided feedback to the IIA on the draft codes, and as a result, the IIA amended the proposed replacement Content Code 2 to include a provision that requires ISPs to provide their end users with a filter software product at a cost that does not exceed the cost to the ISP of supplying, supporting and maintaining the software.

In March 2002, the IIA published a revised draft of the new codes for public consultation. The IIA received and considered submissions from members of the Internet industry and the community, and replacement codes were again submitted to the ABA for consideration. The ABA registered the new codes on 9 May 2002.

Over the course of 2001–02, the ABA continued to monitor industry compliance with the codes. While no complaints about code of practice compliance were received by the ABA, lack of compliance by several Internet service providers came to the ABA's attention and meetings with Internet service providers were held in December 2001 and April 2002. Most compliance issues have been promptly resolved to the ABA's satisfaction. Following registration of the new codes, the ABA will continue to raise code compliance matters with Internet service providers as they arise.

In January 2002, the IIA advised the ABA that it had established a program to help encourage

industry compliance with the codes. The 'Look for the Ladybird' scheme allows code-compliant Internet service providers to display a ladybird symbol on the website and other promotional material as an indication that they are 'family friendly'. The ABA welcomes this initiative and considers that it will further enhance the effectiveness of the codes, and the scheme generally.

Strategy 2.2: Investigate complaints about prohibited content and follow the specified procedures aimed at limiting the availability of such content

Complaints investigated – 1 July 2001 to 30 June 2002

The ABA received 601 complaints about Internet content in the period 1 July 2001 to 30 June 2002. The ABA also initiated 13 investigations: 11 based on notifications received from Internet hotlines in other countries, one based on information forwarded by an overseas regulatory agency, and one based on media reports about a website alleged to contain child pornography.

Sixteen matters were current at 1 July 2001.

The ABA completed 488 investigations. One hundred and forty-two investigations were terminated prior to completion because of the lack of necessary information — usually because the ABA was unable to locate the Internet

content described by the complainant, based on the details provided in the complaint. Four investigations were current at 30 June 2002.

Of the 488 completed investigations, 371 resulted in location of prohibited or potentially prohibited content and 117 investigations located content that was not prohibited or potentially prohibited (see table 8).

Some investigations involve more than one item of content, and the total number of items actioned is greater than the number of investigations that resulted in location of prohibited or potentially prohibited content. The ABA took action in relation to 478 items of content (see table 9).

The ABA issued 36 take-down notices to Australian Internet content hosts, covering a total of 87 items. All hosts have complied with notices within the required timeframe and the ABA has not needed to use enforcement powers to obtain compliance.

Some 68 per cent of items that were prohibited or potentially prohibited content were, or were likely to be, refused classification. Around one-half of all items actioned constituted an exploitative or offensive depiction of a child (commonly referred to as child pornography), an offensive depiction of a minor, or were otherwise concerned with paedophile activity.

The United States and the Russian Federation (60 per cent and 11 per cent respectively) continued to account for the majority of prohibited or potentially prohibited content that was investigated and found to be hosted outside Australia. This content was also hosted in Canada, Denmark, Japan and the Netherlands.

Table 8 Internet content complaints investigated 1 July 2001 to 30 June 2002 (number of items)

	Prohibited/potentially prohibited	Not prohibited	Total
Hosted in Australia	36	20	56
Hosted overseas	335	97	432

Table 9 Action taken in relation to prohibited and potentially prohibited content—July 2001 to June 2002 (number of items)

Classification and description of content*	Take-down notice for Australian hosted** content	Referral to makers of filters**for overseas hosted content	Total
R — Adult themes	4	N/A	20
R — Implied/simulated sexual activity	8	N/A	37
R — Nudity	8	N/A	10
X — Depiction of actual sexual activity	11	88	99
RC — Depiction of bestiality	12	15	27
RC — Detailed instruction in crime	4	0	4
RC — Child pornography	23	219	241
RC — Excessive violence or cruelty	0	2	2
RC — Offensive/abhorrent fantasies	3	31	34
RC — Offensive/abhorrent sexual activity	11	15	26
RC — Paedophile activity	0	4	4
RC — Sexual violence	3	17	20
Total	87	391	478

Notes

* The actual or likely classification of Internet content is determined according to the Classification Board's Guidelines for Classification of Films and Videotapes. The ABA asks the Classification Board to classify potentially prohibited Internet content hosted in Australia. In the case of content hosted outside Australia, the ABA generally determines the likely classification itself.

** The ABA issues take-down notices for Internet content hosted in Australia. When the content is hosted outside Australia, the ABA notifies to the makers of scheduled filters in accordance with the registered code of practice for Internet service providers.

Referral to law enforcement agencies

If the ABA considers that prohibited or potentially prohibited content hosted outside Australia is of a 'sufficiently serious' nature it must notify the content to an Australian police force or another appropriate body, by agreement with an Australian police force.

The ABA has agreed with the Australian Federal Police that it will refer details of certain categories of content to the AFP or, if there is a competent Internet hotline in the jurisdiction concerned, the ABA will refer the content to that hotline. Through its associate membership of the Internet Hotline Providers in Europe Association (INHOPE), the ABA is able to refer such material to other INHOPE hotlines for appropriate law enforcement action.

From 1 July 2001 to 30 June 2002, the ABA referred 186 items of Internet content hosted

outside Australia to the AFP, and 33 items of content to Internet hotlines in Europe and the USA.

Similar arrangements covering Australian hosted Internet content are set out in memoranda of understanding with State and Territory police forces. The ABA negotiated memoranda of understanding with police services in Queensland, Tasmania, New South Wales, Victoria, and Western Australia before 1 July 2001. An MOU with South Australia Police was formalised in January 2002.

Twenty-three items of Internet content were referred to the relevant State or Territory police service during the period 1 July 2001 to 30 June 2002.

Strategy 3: Research the community's use of the Internet and implement education initiatives aimed at increasing awareness of the options for addressing concerns about content

Research

The Act requires the ABA to undertake or commission research on Internet content and service issues and the ABA uses research to support its other regulatory roles relating to Internet content, particularly community education.

Internet@home

In July 2000, the ABA commissioned Entertainment Insight to conduct research on Internet usage in Australian homes. The research was conducted over the period July to November 2000.

A final report of the findings was released on 18 December 2001. The research findings included:

- The majority (61 per cent) of adult Australians had some access to the Internet (national survey). However, the largest single group of users is teenage children
- Home and work are the most common places of access
- Reasons for connecting to the Internet included: work or study (adults); study/education (children); to pursue an interest or hobby; and to keep in touch with family and friends
- The study or office was the most common room for the Internet-connected computer, followed by the family room/lounge room, spare room and then adult bedroom
- There is considerable family interaction around the Internet, including sharing hints on how to do things, on good/entertaining sites and solving problems

- Email was the most commonly-used Internet service by both children and adults and
- Parents use the Internet as an information resource and communication tool, whereas young people use it more as an entertainment medium.

The ABA has used the findings of this research to inform development and implementation of its community education strategy to promote awareness of Internet safety amongst Australian families (see below). Printed copies of the report can be obtained from the ABA. The report also can be downloaded from the ABA's website at www.aba.gov.au/internet/research/.

Filter effectiveness

The *Internet@home* research findings showed that parents perceived Internet content filter software to be a useful tool for managing children's access to the Internet, and they would find it helpful to have more information about the types of products available and how they work. In this context, the ABA and NetAlert commissioned the CSIRO to research and report on the effectiveness of currently available filter software products.

The research examined the filters included on the schedule to the codes of practice (at 30 March 2001), as well as others in common use. CSIRO's report was released by the ABA and NetAlert in March 2002. The report found that the performance of filters varies, with a key determinant of effectiveness being the type of blocking methodology used by the product. However, there was also variation of performance within filter types. The results suggest that the more effective products are those that combine two or more blocking methodologies. A copy of the report is available on the ABA's website at www.aba.gov.au/internet/research/filtering/index.htm. Results of the research have been used to develop information to assist families in selection of appropriate filter software. This information is available on the ABA's cybersmartkids website www.cybersmartkids.com.au/parents/filters/ and in brochure form.

Audiovisual streaming

Following preliminary research undertaken during 2000–01, the ABA commissioned further research into audiovisual streaming services that are delivered over the Internet. The research, conducted by the Centre for Telecommunication Information Networking (CTIN) on behalf of the ABA, looked at existing audiovisual streaming technology and services, and provides realistic estimates of the likely uptake of these new technologies in Australia.

The report is a valuable addition to the ABA's store of information on these areas of growing importance and will help to inform the upcoming review of the operation of Schedule 5 of the Broadcasting Services Act.

Community education

A key component of the co-regulatory scheme for Internet content is provision of information to Internet users about Internet safety issues and the Act requires the ABA to undertake activities in this regard.

Following development of a community education strategy during the course of 2000–01, the ABA proceeded with implementation of this strategy during 2001–02.

Launch

The ABA's community education strategy for Internet content and *Internet@home* research report were launched on 18 December 2001 at Tempe High School in Sydney. Students from Tempe Primary School also participated in the event. The ABA's Director of Industry Performance and Review Branch, Ms Andree Wright, introduced speeches from NSW Commissioner for Children and Young People, Ms Gillian Calvert, and ABA Chairman, Professor David Flint. A video news release featuring the Minister for Communications Information Technology and the Arts, Senator Alston, and footage of Internet usage in an Australian family home was prepared and distributed to a range of media outlets. The event received positive media

coverage in Australia and overseas and proved an effective vehicle for dissemination of the ABA's Internet safety message.

Cybersmart kids online

The *Internet@home* research showed that the Internet itself is an important source of information about safe Internet use for families, with just over one-quarter of respondents nominating it as a place that they would seek such information. The ABA's *Australian Families Guide to the Internet* was first established as part of the first Online Australia Day on 27 November 1998, as a joint initiative of the ABA and the National Office of the Information Economy. Based on the ABA's *Internet@home* research findings, the site was updated in 2001. The new site, Cybersmart Kids Online (www.cybersmartkids.com.au) was launched on 18 December 2001. The redesigned site incorporates the best aspects of the original site, updated safety tips for children and parents, an interactive Internet safety quiz, and drawing activity which allows children to post pictures to the site.

Cybersmartkids brochures

The ABA developed a series of brochures and posters to promote the www.cybersmartkids.com.au website and Internet safety information. One brochure, which doubles as a colourful poster for display in schools, libraries and other similar locations, contains general information about the cybersmartkids website. A second sets out the ABA's top Internet safety tips for children and parents. The third contains information to assist families in selection of appropriate filter software, based on the results of the filter effectiveness report prepared by CSIRO for the ABA and NetAlert. The ABA proposes to produce a fourth brochure with tips for avoiding and managing unsolicited email later in 2002.

Strategy 4: Monitor and contribute to inter-governmental and other international initiatives that address community concerns about Internet content

Domestic initiatives

NetAlert

NetAlert Limited is an independent body established by the Federal Government in December 1999 to promote a safer Internet experience and research access management technologies. As the designated body under clause 58(1) of Schedule 5 of the Broadcasting Services Act, NetAlert has a statutory role to be consulted on Internet industry codes of practice relating to the management of Internet content before the ABA registers the codes. The ABA also works closely with NetAlert on a range of Internet safety issues. In April 2002, the ABA and NetAlert released the report by CSIRO on filter software effectiveness. To facilitate ongoing co-operation between the ABA and NetAlert, a representative of the ABA attends NetAlert board meetings in an observer capacity.

Investigation into unsolicited email

Unsolicited email, or 'spam' as it is commonly known, is an issue of increasing concern for Internet users. In particular, a significant amount of spam relates to content that is illegal, offensive or unsuitable for minors. In 2002, the Government directed the National Office of the Information Economy (NOIE) to investigate the issue of spam and identify possible options for addressing it. The ABA participated in this review, attending a roundtable meeting of industry, government and community stakeholders and providing information to the taskforce. Further information about the investigation is available on NOIE's website at www.noie.gov.au/.

Racial hatred

The ABA has provided advice and assistance to the Human Rights and Equal Opportunity Commission in relation to current regulatory arrangements for Internet content, and has been invited to attend a roundtable conference on this issue later in 2002.

Safety Net?

On 5 December 2001, the NSW Attorney General directed the Legislative Council Standing Committee on Social Issues to inquire into aspects of the *Classification (Publications, Films and Computer Games) Enforcement Bill 2001*. In March 2002, the ABA's Director, Industry Performance and Review Branch and Manager, Content Assessment Section appeared before the Committee to provide information on the operation of the co-regulatory scheme for Internet content.

International initiatives

Because of the global nature of the Internet, international co-operation is a key requirement for effective regulation. The Act charges the ABA with the responsibility 'to liaise with regulatory and other relevant bodies overseas about co-operative arrangements for the regulation of the Internet industry, including (but not limited to) collaborative arrangements to develop:

- (i) multilateral codes of practice; and
- (ii) Internet labelling technologies.

European Union Safer Internet Action Plan

During the reporting period, the ABA continued to monitor international developments in Internet content regulation policy, particularly the European Union's Safer Internet Action Plan (SIAP) (see www.saferinternet.org). The plan has objectives and elements similar to the Australian co-regulatory scheme.

In the course of commissioning research on the effectiveness of Internet filter software, the ABA had regard to similar work being undertaken within the European Union (EU), as part of a

strategy to develop improved filtering technologies: The ABA's Hotline Manager attended a workshop on filtering technologies in Luxembourg on 29 January 2002 and met with representatives of the NetProtect, Solution for Internet Combined Filtering (SIFT) and Internet Content Rating Association (ICRA) consortia in May 2002. The ABA is proposing to test prototypes of some new filter software packages later in 2002.

The European Union has recently moved to extend the operation of the SIAP for two years, until 31 December 2004. In doing so, it has noted the value of cooperation with bodies outside the European Union, citing Australia's associate membership of the Internet Hotline Providers in Europe Association (INHOPE) as an example of this (see below). The European Union is proposing that the interface between European Union and non-EU countries be expanded during this next phase of the SIAP, and the ABA will be exploring with the European Union opportunities for further co-operation.

Internet Hotline Providers in Europe Association

INHOPE is partly funded by the European Commission under the SIAP and provides a forum through which Internet hotlines are able to exchange information and experience on matters such as complaint investigation processes, occupational health and safety for hotline staff, and standardised reporting of hotline statistics. The network is also an effective mechanism for dealing with specific complaints and enhancing and complementing existing arrangements with law enforcement agencies (see www.inhope.org).

The ABA has been an associate member of INHOPE since September 2000 and attends two of the four INHOPE members meetings held each year. The ABA's Hotline Manager attended members' meetings in Madrid (February 2002) and Berlin (May 2002). At the meeting held in Madrid, working groups were established to develop operational guidelines and resources for member hotlines at the meeting. The ABA's

Hotline Manager chairs the working group on content issues, which has subsequently developed guidelines for investigating content on peer-to-peer services. These were presented to all INHOPE hotlines in Berlin. Other working groups have established guidelines for exchange of information between member hotlines, raising community awareness of hotlines, and statistical reporting.

The ABA also exchanged complaint information with INHOPE member hotlines in the UK, Netherlands, the USA and Germany.

Internet Content Rating Association

The Internet Content Rating Association (ICRA) is an international non-profit organisation, which has been developing a content rating and filtering system to make the Internet safer for children. The system is designed to be adapted to different national, cultural and individual needs. Internet content developers and providers complete an online questionnaire to help define and describe the content available on their site. Using this information, the system generates a content label that is added to the site. Parents and other Internet users can then set up their Internet browser or compatible filtering software to allow or disallow access to websites based on the information in the label and their individual preferences. Plug-in software for the system is available for popular brands of browser software.

The ABA participated in the pilot of the ICRA system in October 2001. The system was subsequently launched internationally on 21 March 2002. On 25 June 2002, ICRA announced that the three most-trafficked sites on the Internet – AOL, MSN and Yahoo! – had labelled some 93 per cent of content on their sites.

Interactive gambling

The *Interactive Gambling Act 2001* received Royal Assent on 11 July 2001. The Interactive Gambling Act makes it an offence to provide certain types of gambling services to Australian Internet users, and to advertise such services in

Australia. Under the Interactive Gambling Act, the ABA is responsible for handling complaints about Internet gambling services, and for ensuring the establishment of either a code of practice or standard for Australian Internet Service Providers in relation to designated gambling matters.

Codes of practice

Following commencement of the Interactive Gambling Act, the Internet Industry Association advised the ABA that it proposed to make a code of practice pursuant to Part 4 of the Interactive Gambling Act. The IIA's draft code was endorsed by the ABA on 27 September 2001, subject to amendments relating to the designated notification scheme for overseas-hosted content, contained in the code. The IIA incorporated in the draft code provisions giving effect to the ABA's request and released a revised draft of code for public consultation on 15 October 2001. Following consideration of submissions received from the Internet industry and the community, the IIA formally submitted the code to the ABA for registration. The ABA registered the code on 13 December 2001. The code includes provision for review within 18 months of commencement.

Complaints

The ABA's complaint handling function under the Interactive Gambling Act commenced operation on 11 January 2002. In the period to 30 June 2002, the ABA received 10 complaints about Internet gambling content. Eight investigations were completed, with two investigations terminated due to lack of sufficient information (in both cases the ABA was unable to locate any Internet content at the addresses provided by the complainants). Of the eight investigations completed, six resulted in location of prohibited Internet gambling content hosted outside Australia and the ABA notified the details of the content to the makers of filter software products, in accordance with the procedure set out in the registered code of practice. Two investigations resulted in location of Australian-

hosted content. In considering whether the matters warranted referral to an Australian police force, the ABA was satisfied that this action was not required.

Output 1.2
Licensing of broadcasting services

Chapter 4

Licence area planning and licence allocation

Goal 3: Allocation of spectrum for analog radio and TV broadcasting services in all parts of Australia

Strategy 3.1 Develop licence area plans for long term use of spectrum

Planning the radiofrequency spectrum

In December 2001, the ABA completed the radio planning exercise it began in 1992. Over the past nine years, the ABA has been engaged in a comprehensive program to completely re-plan radio broadcasting services throughout Australia. The ABA has responded to public and industry demand. This has resulted in a massive expansion of the radio sector, and a greater choice of services for the listening public.

With the objective of increasing the number and diversity of radio services available to Australians, the ABA's planning over this time resulted in nearly one thousand new national, commercial, community and medium and high power narrowcast services becoming available around Australia.

Licence area plans

Final licence area plans – radio

Adelaide, SA – September 2001

In the licence area plan for radio in Adelaide the ABA decided to make channel capacity available for one new commercial radio service and five new community radio services. The ABA plans to invite applications for the additional commercial radio licence in 2003.

Two of the community radio licences are for Adelaide-wide services, while the other three are to serve the local communities in the Adelaide Foothills, Port Adelaide and the Barossa Valley. In addition, pioneer community radio station 5UV will convert to FM after 29 years on the AM band.

The ABA also decided to make licences available for two new open narrowcasting services in Adelaide and one in the Barossa Valley.

Burnie, Tas – December 2001

In the licence area plan for radio in Burnie the ABA made one new commercial radio service available. Under section 39 of the Broadcasting Services Act, the licensee of the existing AM commercial radio service is eligible to apply for the new licence. In addition the ABA made one new community radio service available for Lileah and one open narrowcasting service for Burnie. The ABA also made channel capacity available for four national radio services.

Devonport, Tas – December 2001

In the licence area plan for radio in Devonport the ABA decided to make channel capacity available for an open narrowcasting radio service for the town of Devonport.

Griffith, NSW – December 2001

In the licence area plan for radio in the Griffith area, the ABA decided to make channel capacity available for one community radio service for the town of Narrandera and one national radio service for the Griffith licence area.

Hamilton, Vic – December 2001

In the licence area plan for radio in the Hamilton area the ABA decided to make channel capacity available for one new commercial radio service. Under section 39 of the Broadcasting Services Act, the licensee of the existing AM commercial radio service is eligible to apply for the new licence. In addition the ABA made three open narrowcasting radio services available, one in each of Hamilton, Casterton and Portland. The ABA also made channel capacity available for five national radio services, three in Portland and two to serve the whole Western Victoria area.

Hobart, Tas – December 2001

In the licence area plan for radio in Hobart the ABA decided to make channel capacity available for two new community radio services, one at each of Hobart South and the Tasman Peninsula. The ABA made alternative frequencies available for the existing national radio service 7PB Hobart and the existing community radio service 7HFC Hobart, and an additional translator for each of the existing community radio services 7THE Hobart, 7RPH Hobart and 7RGY Geeveston. The ABA also made one new open narrowcasting radio service available for Hobart.

Horsham, Vic – December 2001

In the licence area plan for radio in Horsham the ABA decided to make channel capacity available for an additional translator for the existing commercial radio service 3WM Horsham to serve the town of Nhill, one community radio service for Horsham and five open narrowcasting radio services, one in each of Ararat, Horsham, Stawell, St Arnaud and Warracknabeal. The ABA also made channel capacity available for six national radio services, four in Horsham and two in Nhill.

Launceston, Tas – December 2001

In the licence area plan for radio in Launceston the ABA decided to make channel capacity available for two new community radio services, one in each of Georgetown and the Northern Midlands and capacity for an additional translator for each of the two existing Launceston

community radio services, 7LTN and 7WAY, to serve the Tamar Valley. The ABA also made channel capacity available for one national radio service to serve North East Tasmania.

Mt Gambier, SA – December 2001

In the licence area plan for radio in Mt Gambier the ABA decided to make channel capacity available for one community radio service to serve Mt Gambier and Naracoorte and an alternative FM frequency for the existing community radio service 5GTR Mt Gambier. The ABA also made channel capacity available for one national radio service to serve the entire licence area.

Murray Bridge, SA – December 2001

In the licence area plan for radio in Murray Bridge the ABA decided to make channel capacity available for two new community radio services, one to serve Victor Harbor, Strathalbyn and Yankalilla and one to serve the town of Victor Harbor. The ABA also made capacity available to the existing commercial radio service 5EZY Murray Bridge for two additional translators to serve Mt Barker and Victor Harbor.

Perth, WA – October 2001

In the licence area plan for radio in Perth the ABA decided to make channel capacity available for one new commercial radio service and five new community radio services.

One of the community radio services is a Perth-wide service while the other four are to serve the local communities in Armadale, Fremantle, Kalamunda and Wanneroo. In addition, the ABA made capacity available for community radio services 6NR and 6AR to convert to the FM band, and an alternative FM frequency for the existing community radio service 6CCR Fremantle.

The ABA also decided to make four open narrowcasting services available in Perth.

To improve reception of the existing commercial AM radio service 6IX, the ABA made FM spectrum available for two additional transmitters to serve the northern and southern parts of the

Perth licence area. The ABA changed the technical specifications of the existing commercial AM radio service 6PR which will relocate its transmitter site and increase its maximum transmission power to improve its reception.

Port Lincoln, SA – December 2001

In the licence area plan for radio in the Port Lincoln area the ABA decided to make channel capacity available for a translator in Wudinna for the existing commercial radio service 5CC Port Lincoln. The ABA also made channels available for three national radio services to serve the Port Lincoln region.

Queenstown, Tas – December 2001

In the licence area plan for radio in the Queenstown area the ABA decided to make channel capacity available for two additional translators for the existing commercial radio service 7XS Queenstown to serve the towns of Rosebery and Strahan.

Sale, Vic – December 2001

In the licence area plan for radio in the Sale area the ABA decided to make channel capacity available for a new commercial radio service. The licence for the service was to be made available to the existing AM commercial radio licensee under section 39 of the Broadcasting Services Act. In addition, the ABA made five new open narrowcasting services available, one in each of Myrtlebank, Bairnsdale, Kalimna, Orbost and Yarram. The ABA also made channels available for four national radio services, three in Bairnsdale and one in Lakes Entrance.

Scottsdale, Tas – December 2001

In the licence area plan for radio in Scottsdale the ABA decided to make channel capacity available for a new commercial radio service. The licence for the service was to be made available to the existing AM commercial radio licensee under section 39 of the Broadcasting Services Act. The ABA also made a community radio service available to serve the Break O'Day area.

Spencer Gulf North, SA – December 2001

In the licence area plan for radio in Spencer Gulf North the ABA decided to combine the licence areas of AM commercial radio services 5AU Port Augusta and 5CS Port Pirie. The new 5AU Spencer Gulf North service will provide an AM service and 5CS a FM service.

5CS will broadcast on 105.9 MHz across the Spencer Gulf North area while 5AU will broadcast on both its existing 1242 kHz frequency to Port Augusta/Whyalla and on the current 5CS AM frequency (1044 kHz) to Port Pirie/Whyalla. Channel capacity has been made available for both commercial services for transmitters at Roxby Downs.

The ABA also made capacity available for two new community radio services, one to serve Port Pirie and the other the northern Yorke Peninsula, and an additional national radio service to serve Spencer Gulf North.

Wagga Wagga, NSW – December 2001

In the licence area plan for radio in Wagga Wagga the ABA decided to make channel capacity available for two community radio services, one in each of Wagga Wagga and Tumut. The ABA also made capacity available for one national radio service in Wagga Wagga.

Warragul, Vic – December 2001

In the licence area plan for radio in Warragul the ABA decided to make channel capacity available for a new commercial radio service. The licence for the service was to be made available to the existing AM commercial radio licensee under section 39 of the Broadcasting Services Act. The ABA also made capacity available for two community radio services, one in each of Leongatha and the Latrobe Valley, and two open narrowcasting services, one in each of Leongatha and the Latrobe Valley. The ABA also made capacity available for three new national radio services, two in the Latrobe Valley and one in Forster.

Warrnambool, Vic – December 2001

In the licence area plan for radio in Warrnambool the ABA decided to make channel capacity available for a new commercial radio service. The licence for the service was to be made available to the existing AM commercial radio licensee under section 39 of the Broadcasting Services Act. The ABA also made capacity available for two open narrowcasting services, one in each of Terang and Warrnambool and an alternative FM frequency for the existing community radio service 3WAY Warrnambool. The ABA also made capacity available for one national radio service for Warrnambool.

Young, NSW – December 2001

In the licence area plan for radio in the Young area the ABA decided to make channel capacity available for three community radio services, one in each of Young, Cowra and Cootamundra.

Variations to licence area plans (radio and television)

Broken Hill, NSW – March 2002

The ABA varied the television licence area plan for Broken Hill to make spectrum available for a second commercial television service under section 38A of the Broadcasting Services Act.

Carnarvon, WA – October 2001

The ABA varied the licence area plan for radio in Carnarvon by excising the town of Exmouth and adding it to the Remote Western Australia commercial radio licence area. Yamatji Media Aboriginal Corporation, the licensee of the commercial radio services in Carnarvon, is unable to maintain its AM operations in Exmouth. The licensee of the commercial radio services 6FMS/6SAT Remote Western Australia indicated it could provide a service to Exmouth.

Gympie, Qld – November 2001

The ABA varied the licence area plan for Gympie by making capacity available in the Noosa/

Tewantin area for additional translator services for the existing commercial services (4GY and 4NNN Gympie) in order to rectify a signal deficiency.

Maryborough, Qld – August 2001

The ABA varied the licence area plan for radio in Maryborough by allowing the two FM commercial radio services, 4CEE and 4MBB Maryborough to move the transmitter site from River Heads Road, Bingham to Scrub Hill (Nikenbah). The ABA's decision followed Hervey Bay City Council's withdrawal of its permission for the transmitter to be located at the nominal site.

Melbourne, Vic – July 2001

The ABA decided to move the existing commercial radio service 3AK Melbourne from 1503 kHz on the AM band to an alternative frequency (1116 kHz) and make 1503 kHz available for a community radio service in Melbourne to address community desire for additional community radio services. The variation to the licence area plan reduced the number of open narrowcasting services available in the Melbourne licence area.

Melbourne, Vic – October 2001

The ABA changed the frequency of the new Melbourne commercial radio service originally planned to operate on 91.5 MHz to 100.3 MHz and determined that the second new commercial radio service to be made available in 2004 would operate on 91.5 MHz.

In its final licence area plan for Melbourne radio, released in June 2000, the ABA made a new commercial service available on 91.5 MHz but placed restrictions on its use because of the potential for interference to a television service in Tasmania. The ABA also planned a second FM commercial radio service to be made available on 100.3 MHz in July 2004. At the time of planning, this second frequency was being used by Geelong community radio station 3YYR.

The change to 100.3 MHz was made possible by 3YYR moving off the frequency in July 2001. Furthermore, the ABA expects that the issue of interference by a service on 91.5 MHz will be resolved by the time that the second FM licence is auctioned in 2004, and the power restrictions that have prompted the change of frequencies can be removed.

Melbourne, Vic – March 2002

The ABA varied the licence area plan for radio in Melbourne by extending the licence area of the community radio service 3RPH Melbourne to include Warragul and Warrnambool to meet community demand for vision impaired services in those regions.

Mt Gambier, SA – December 2001

The ABA varied the television licence area plan for Mt Gambier to make spectrum available for a second commercial television service under section 38A of the Act.

Nambour, Qld – November 2001

The ABA varied the licence area plan for radio in Nambour by making capacity available in the Noosa/Tewantin area for additional translator services for the existing commercial services (4SEE and 4SSS Nambour) and the as yet unallocated new commercial radio service for Nambour, in order to rectify a signal deficiency.

Remote North East Zone radio – November 2001

The ABA varied the licence area plan for radio in the Remote North East Zone by making an alternative frequency available at Mt Tamborine for the commercial radio service, 4SUN. The ABA also made capacity available at Mt Tamborine for 4SUN's additional licence that was made available under section 39 of the Broadcasting Services Act.

Riverland, SA – December 2001

The ABA varied the licence area plan for Riverland to make spectrum available for a

second commercial television service under section 38A of the Act.

Spencer Gulf, SA – March 2002

The ABA varied the licence area plan for Spencer Gulf to make spectrum available for a second commercial television service under section 38A of the Act.

Sydney, NSW – March 2002

The ABA varied the licence area plan for radio in Sydney to make an additional community radio service available. The high power service is to serve the wider Sydney region.

The ABA made the service available by changing the category of service of the AM frequency 1386 kHz from open narrowcasting to community, to better address community need for additional community radio services.

Townsville, Qld – August 2001

The ABA varied the Townsville radio licence area plan by changing the nominal site for the transmitter for the open narrowcasting service WOW FM from Castle Hill to Mt Stuart and increasing the ERP from 20 W omnidirectional to 100 W directional. The ABA's decision followed Townsville City Council's decision to withdraw its permission for the transmitter to be located on Castle Hill.

Draft variations to licence area plans

Perth radio

In March 2002 the ABA sought comment on its proposal of an alternative site, an increase in the effective antenna height and a change in the radiation pattern for the provision of an FM translator service on 105.7 MHz at Rockingham for commercial radio service 6IX Perth.

These changes are expected to provide listeners with better access to the 6IX service. 6IX has identified difficulties with its proposed transmission arrangements and at the date of this report the ABA is awaiting further submissions from the licensee.

Remote North East Zone radio

In June 2002 the ABA sought comment on its proposal to make one medium power translator available at Mount Tamborine and additional low-power in-fill translators at Eagle Heights and Canungra for the 4SUN commercial radio service, in order to provide better coverage to listeners within those areas. The timetable for completion of this variation is largely dependent on licensee satisfaction with ABA proposals.

Tasmania television

A draft variation to the licence area plan for television services in Tasmania was released in May 2002. The plan proposes to make channel capacity available for a third commercial television service under section 38B of the Act. The ABA expects to finalise the variation in the latter half of 2002.

Day/night switching for FM-AM radio services

During the reporting period, the ABA received two applications for day/night switching. The applicants are commercial radio services 3AW Melbourne and 6PR Perth. The applications are currently being assessed in accordance with the ABA's day/night switching policy.

4BC Brisbane, an applicant in the previous reporting period, is currently testing its proposed changes.

Analog television

During 2001–02, the ABA has continued to allocate spectrum for analog television services. The ABA assists the Department of Communications, Information Technology and the Arts administer the Television Fund, which provides funding for a number of programs to improve television reception.

Television Black Spots Program

The aim of the Television Black Spots Program is to assist communities around Australia with television reception difficulties. For the purpose of this program, a black spot is an area of poor

or non-existent television reception of one or more potentially locally available commercial and national television services. There are two components to the program: providing new services; and replacing obsolete equipment at existing self-help retransmission sites.

The program has been divided into two rounds. Round 1 was for areas where the number of affected households in a black spot area exceeded 100 and Round 2 was for areas where the number of affected households exceeded 50.

Under Round 1, the ABA has completed planning for 121 areas out of the 178 for which expressions of interest were received from coordinating bodies. Most applications received were to retransmit more than one service. For the completed black spots areas the ABA has issued 276 apparatus licences to the coordinating bodies. There are three black spots areas under Round 1 where planning is still to be completed. There are 11 black spot areas where planning was completed but reworking is required because of various changes e.g. new site requested. In addition, 30 applications were either withdrawn or considered not eligible for funding and there were 13 applications where an adequate solution could not be found.

Under Round 2 of the program, the ABA has completed planning for 147 black spot areas out of the 238 for which applications were received from coordinating bodies. For the completed black spots areas the ABA has issued 85 apparatus licences to the coordinating bodies. There are 15 black spots areas under Round 2 for which planning is still to be completed. There are four black spot areas where planning was completed but reworking is required because of various changes e.g. new site requested. In addition, 56 applications were either withdrawn or considered not eligible for funding and there were 16 applications where an adequate solution could not be found.

The ABA has also issued 299 apparatus licences to replace obsolete equipment under the program.

Radio retransmissions

During the reporting period, the ABA issued 143 radiobroadcasting retransmission licences.

Out-of-area reception

During the reporting period, the ABA issued two out of area radio broadcasting retransmission licences and 1015 direct to home out of area television licences.

Analog changes

As part of the planning for digital television, some changes to existing analog services are required before new digital services can start. These areas are detailed in the appendices.

Planning tools

The ABA has been using broadcasting engineering planning tools originally developed in the early 1980s and re-developed in 1995–96. Upgrading these tools for recent developments in broadcasting transmission technology, particularly digital modulation schemes and implementation of single frequency networks, was assessed as impractical so the ABA has implemented the broadcasting modules of the CHIRplus package from German company LS telcom AG. The CHIRplus software provides the ABA with the necessary tools for planning digital television services and future digital radio services, in addition to analogue television and radio services, in compliance with international standard practice.

ANAO report

Following a request in response to the House of Representatives Standing Committee on Communications, Transport and the Arts Inquiry into Radio Racing Services, the Australian National Audit Office conducted an audit into the work of the ABA's Planning and Licensing Branch.

The report was tabled in the Federal Parliament on 7 December 2001. The report made seven recommendations aimed at improving the ABA's

management of broadcasting planning and licensing. These recommendations were:

- That the ABA adopt a more formal, systematic approach to the management of risks within the Planning and Licensing Branch, and that consideration be given to enhancing staff skills in the application of risk management techniques.
- In order to improve efficiency and timeliness of its planning and licensing functions, the ABA adopt a structured project management approach and assess the adequacy of project management skills and availability of appropriate project management software tools in the Planning and Licensing Branch.
- In order to improve consistency and to provide adequate guidance to its staff, the Planning and Licensing Branch document its radio and television planning procedures and put systems in place to ensure that procedure manuals are kept up to date.
- In order to institutionalise ongoing improvement of its business processes, the ABA examine mechanisms for strengthening inculcation of a continuous improvement culture in the Branch, including by adopting a more formal and systematic approach to identifying and adopting better practices.
- In order to stimulate ongoing and systematic improvements to its business processes, the Planning and Licensing Branch develop its capacity to benchmark its operations by, for example, initially collecting data to enable internal benchmarking and, over time and as proficiency develops, progressing to external benchmarking with selected comparable organisations or processes.
- In order to improve the efficiency, accountability, transparency and equity of its operations, the ABA gives a higher priority to, and set firm timetable for, identifying and adopting improved performance indicators.
- To improve transparency as part of its accountability obligations, the ABA publish timetables for the work conducted by

Planning and Licensing Branch, both on the Internet and in *ABA Update* and provide more comprehensive information about Planning and Licensing Branch performance in ABA annual reports.

The ABA agreed with all recommendations and has implemented activities that will lead to the addressing of recommendations made in the report. The following is a short report on the range of activities implemented.

- Whilst the ABA has in place a performance feedback and development scheme, it has moved to ensure that risk management and project management techniques are incorporated as important aspects for staff development needs. Adopting this approach will ensure staff within the ABA have the appropriate skills to meet expectations in relation to the branch's current work type.
- The Planning and Licensing Branch has further developed its work/process maps and project plans, which include an inherent process of reviewing tasks and activities. To date eighty per cent of the Planning and Licensing Branch's current tasks have been assessed and process maps developed. These process maps have led to the identification of potential areas for improvement and will substantially contribute to a culture of continuous improvement at all levels through the branch. The remaining activities will be addressed in the first half of 2002–03.
- Planning and Licensing Branch has commenced benchmarking activities to provide data against which measurements of improvement and performance can be measured. Benchmarking processes are being developed in line with the ABA's overall reinvestment in IT tools and programs, in particular the AIMS project. In addition, the branch is looking to develop a more comprehensive benchmarking process through the development of the corporate plan process and outputs and measures identified in the Corporate Plan for 2003 – 2005.
- A report was issued in December that brought together accomplishments in the area of radio planning. This report is available on the ABA's website www.aba.gov.au.
- Planning and Licensing Branch is developing a three-year forward program of planning timetables in conjunction with development of the ABA's *Corporate Plan 2003–2005*. This will improve transparency and its accountability obligations. Individual section work plans will initially be available on the ABA's intranet site. Extracts of these plans for large scale work such as licence area plans, digital channel plans and variations will be available for public viewing on the ABA's website, by the end of the year.
- The annual report this year contains more comprehensive information about the work of the Planning and Licensing Branch, including dates where targets have been identified.
- The branch strengthened communication with its key stakeholders in Government and in other Government agencies through providing regular reports to the Minister, the Department of Communications, Information Technology and the Arts, and the Australian Communications Authority and briefing sessions, as required, with other Parliamentary stakeholders.

Strategy 3.2 Allocate licences in a timely, fair and transparent manner through price-based auctions for commercial licences, merit-based selection for community licences and other allocation processes as necessary

Licence allocation

The ABA allocates a number of different types of new broadcasting licences under the Broadcasting Services Act including:

- commercial television and radio broadcasting licences for services using the broadcasting services bands (under section 36 of the Act)
- commercial television and radio broadcasting licences for services that are transmitted by means other than the broadcasting services bands (under section 40 of the Act)
- community radio broadcasting licences (under section 84 of the Act)
- community broadcasting licences for services that are transmitted by means other than the broadcasting services bands (under section 82 of the Act)
- temporary community radio licences (under section 92B of the Act)
- subscription television broadcasting licences (under section 96 of the Act)
- open and subscription narrowcasting licences (under section 117 of the Act) and
- international broadcasting licences (under section 121FD(2) of the Act).

Commercial radio broadcasting licences

New commercial radio and television broadcasting licences for services that broadcast within the broadcasting services bands are allocated under section 36 of the Broadcasting Services Act. They must be allocated under a price-based system determined by the ABA.

Applicants for commercial licences must pay an application fee.

The ABA allocated three new commercial radio licences in the period. On 30 August 2001, the ABA allocated a new commercial radio broadcasting licence for Brisbane, following a licence allocation exercise held on 30 May 2001. On 14 February 2002, the ABA conducted a licence allocation exercise for one commercial radio licence to serve Perth, and allocated the licence on 11 April 2002. On 19 April 2002, the ABA conducted a licence allocation exercise for one commercial radio licence to serve Gosford, and allocated the licence on 20 June 2002 (see table 11).

On 21 June 2002, the ABA invited applications for new commercial radio licences to serve the Gold Coast and Nambour. A licence allocation exercise had not been conducted as at the date of this report.

A section 40 licence authorises the licensee to provide a commercial broadcasting service that does not use the broadcasting services bands, but does not entitle the licensee to any particular mode of transmission or delivery. Section 40 licences are available on application for a pre-determined price, currently \$2400.

On 5 March 2002, the ABA allocated one section 40 licence to serve Queensland and the Northern Territory (except the licence areas of Innisfail and Alice Springs), and one to serve Emerald (see table 12).

Open narrowcasting licences issued under the Radiocommunications Act

The ABA issues, under delegation from the Australian Communications Authority, apparatus licences for open narrowcasting radio services using high-powered frequencies within the broadcasting services bands. The ABA issues licences for services it identifies during licence area planning, under a price-based allocation system determined under the *Radiocommunications Act 1992*.

In January 2002 the ABA decided to clarify the definition of open narrowcasting radio services

Table 10 Total number of licences on issue*

	30 June 2002	30 June 2001
Commercial television services using the broadcasting services bands	52	48
Commercial radio services using the broadcasting services bands	268	255
Commercial radio services not using the broadcasting services bands	13	11
Community radio licences**	312	286
Remote Aboriginal community television licences	80	80
Open narrowcasting licences^	182	182
Subscription television licences	2001	1824
International broadcasting licences	10	10

Notes

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

** Includes all ex-BRACS (broadcasting in remote Aboriginal communities) radio licences.

^ Only includes licences allocated by the ABA under the Radiocommunications Act after being planned in licence area plans and does not include licences which have been surrendered by the licensee or cancelled by the ABA.

Table 11 Section 36 commercial radio licences allocated

Location	Frequency	Licensee	Price paid	Allocated
Brisbane, Qld	97.3 MHz	Brisbane FM Radio Pty Limited	\$67m	August 2001
Gosford, NSW	104.5 MHz	DMG Radio Australia Pty Ltd	\$13.5m	April 2002
Perth, WA	93.7 MHz	DMG Radio (Perth) Pty Ltd	\$25m	June 2002

Table 12 Section 40 commercial radio broadcasting licences

Location	Licensee	Price paid	Allocated
Emerald, Qld	Coastal Broadcasters Pty Ltd	\$2400	March 2002
Qld & NT (except Innisfail and Alice Springs)	Murrangi Holdings Pty Ltd	\$2400	March 2002

with the gazettal of the *Broadcasting Services Clarification Notice 2001*. The clarification provides certainty about the category of some services by deeming services that conform to the criteria set out in the clarification to be open narrowcasting radio services. The services covered by the clarification are racing radio services, non-English language services, religious services, services provided to cover special events, services provided for a limited period, information services (such as stock market reports and weather services), pre-recorded looped services and services provided using only a subcarrier channel (ancillary services). The clarification also makes clear that a service provided using a one-watt transmitter is not an open narrowcasting service by reason only of the power of the transmitter used to provide the service.

On 1 April 2002 the ABA invited applications for apparatus licences for 92 open narrowcasting radio services throughout Australia. On 24 April 2002, the ABA decided to extend the closing date for applications for these licences from 30 April 2002 to 30 August 2002 to allow time for the resolution of a number of issues directly impacting open narrowcasting services.

Long-term community radio broadcasting licences

The ABA has made 182 new community radio licences available under the planning process and has allocated 106 of those. Of the remaining 76 available licences, 19 are in the process of being allocated, two allocations have been deferred and 19 allocations are due to commence in the next 12 months. Thirty-six have no established aspirants.

At the end of the reporting period, there were 312 long-term community radio broadcasting licensees (this includes licences allocated before 1995). In the reporting period, the ABA allocated 24 licences (see table 13).

The target set in the ABA's Corporate Plan is that licenses be allocated within two years of being planned. In the reporting period, 23 of the 26

licences were allocated within two years of being planned. The remaining three licences were allocated once viable aspirant broadcasting groups had been established.

Temporary community radio broadcasting licences

The temporary community broadcasting licence (TCBL) scheme has been in place since August 1997. The scheme provides for the ABA to allocate non-renewable community radio licences to eligible aspirant broadcasters for periods of up to twelve months. The licences are only allocated if channels in the broadcasting services bands are available for transmission.

This scheme gives the ABA considerable flexibility in promoting the efficient and effective use of the spectrum before the completion of licence area planning. It also gives aspirant broadcasters the opportunity to establish and develop a service for their community of interest before the merit-based allocation of permanent licences.

In 2001–02, the ABA allocated 76 TCBLs. Appendix 5 contains the full list of the 65 aspirant broadcasters that were issued with a TCBL during the reporting period. It should be noted that, because of the nature of the TCBL scheme, licence periods vary and some aspirants held more than one licence during the reporting period.

During the reporting period the ABA did not require any aspirant broadcasters to terminate a broadcast.

Subscription television (pay TV) broadcasting licences

Subscription television broadcasting licences are available on application under section 96 of the Broadcasting Services Act, for a pre-determined price currently set at \$1600. Subscription radio broadcasting and subscription radio and television narrowcasting are licensed under the class licence Determination made in 1992 under section 117 of the Act.

Table 13 Community radio licences allocated

State	Area served	Release date	Decision date	Frequency	Licensee
NSW	Byron Bay	21 Dec 2000	14 Dec 2001	99.9 MHz	Bay FM Community Radio Inc (Bay FM)
	Casino	21 Dec 2000	19 Jun 2002	107.9 MHz	Casino's Own Wireless Assoc. Inc.
	Coraki	21 Dec 2000	21 Jun 2002	107.9 MHz	Community Radio Coraki Assoc. Inc.
	Hornsby	16 Dec 1999	5 July 2001	100.1 MHz	2HHH Pty Ltd
	Nimbin	21 Dec 2000	21 Jun 2002	107.9 MHz	Nimbin Independent Media Inc.
Qld	Beaudesert	21 Dec 2000	21 Feb 2002	101.5 MHz	Beaudesert Community Radio Group Inc.
	Brisbane	21 Dec 2000	30 Aug 2001	96.5 MHz	Family Radio Inc.
	Brisbane	21 Dec 2000	6 Dec 2001	1197 kHz	Brisbane Interactive Group Inc.
	Cunnamulla	27 Aug 1996	27 Aug 2001	99.7 MHz	Cunnamulla Aboriginal Media Association
	Gayndah	12 Oct 1998	26 Oct 2001	91.5 MHz	Central Burnett Community Radio Inc.
	Gold Coast	21 Dec 2000	8 Nov 2001	107.3 MHz	Christian Air Broadcasters Inc.
	Gold Coast	21 Dec 2000	8 Nov 2001	105.7 MHz	Hott FM Ltd
	Gold Coast	21 Dec 2000	8 Nov 2001	94.1 MHz	Radio Hope Island Inc.
	Gympie	21 Dec 2000	30 Jan 2002	91.5 MHz	Cooloolah Christian Association Inc.
	Noosa	21 Dec 2000	22 Feb 2002	101.3 MHz	Noosa District Community FM Radio Association Inc.
SA	Adelaide	9 Sep 2001	24 Dec 2001	1197 kHz	RPH Adelaide Inc.
	Barossa Valley	9 Sep 2001	24 Dec 2001	89.1 MHz	Barossa Broadcasting Board Inc.
VIC	Camberwell	22 June 2000	19 July 2001	94.1 MHz	Whitehorse Boroondara Community Radio Inc.
	Colac	22 June 2000	25 Oct 2001	104.7 MHz	Otway FM Community Radio Group
	Geelong	22 June 2000	13 Sep 2001	99.5 MHz	Vision Australia Foundation
	Melbourne	22 June 2000	13 Dec 2001	1503 kHz	The South Eastern Indigenous Media Association Inc
	Melbourne	22 June 2000	13 Dec 2001	89.9 MHz	Triple Seven Communications Inc
	Melbourne	22 June 2000	13 Dec 2001	90.7 MHz	Student Youth Network Inc
	Melbourne City	22 June 2000	13 Dec 2001	94.9MHz	Joy Melbourne Inc
	Waverley	22 June 2000	19 July 2001	98.5 MHz	Golden Days Radio for Senior Citizens Inc.
WA	Geraldton	16 Sep 1996	30 Nov 2001	97.3 MHz	Soncity FM Inc.

Table 14 Subscription television licences allocated

Applicant	Number of licences	Allocated
FOXTEL Management Pty Ltd	20	13 Sept 2001
TransACT Broadcasting Pty Ltd	6	25 Oct 2001
Telstra Pty TV Pty Ltd	140	6 June 2002
Television and Radio Broadcasting Services Australia Pty Ltd	11	26 June 2002

Since 1992 the ABA has issued 2001 subscription television licences and two satellite licences. A third satellite licence was issued by the then Minister for Communications and the Arts in 1994.

Since 1996 the ABA has issued licences under section 96 that allow services to be delivered by any means, including satellite. The ABA allocated 177 subscription television licences during the reporting period (see table 14).

International broadcasting licences

In April 2001, under new provisions in the Broadcasting Services Act, the ABA allocated the first ten international broadcasting licences. Since that time, no further applications for international broadcasting licences have been received.

National broadcasters

In the reporting period, the ABA issued 25 apparatus licences to national broadcasting service providers (ABC and SBS) to provide analog radio services under the national extensions rollout program. The Television Fund has also provided funding to the SBS to extend services to communities with a population over 10 000.

In 2001–02, the ABA planned 21 new SBS TV transmitters as part of this process, in addition to two new ABC TV transmitters.

Broadcasting licence renewals

The ABA renewed 58 licences in 2001–02. Twenty-eight commercial radio, 26 community radio and four commercial television.

Community TV licences

The so-called ‘sixth channel’ spectrum continues to be used for community television purposes in six areas: Sydney, Melbourne, Adelaide, Brisbane, Perth and Lismore. Community television trial licensees are licensed as open narrowcasting services. Trial community licences have been renewed until 31 December 2002.

The Department of Communications, Information Technology and the Arts is conducting a review to investigate the regulatory arrangements that should apply to the digital transmission of community television broadcasting services using spectrum in the broadcasting services bands.

Special events

During the reporting period, the ABA issued 76 special event radio broadcasting licences and 25 television special licences.

Test transmissions

During the reporting period, the ABA issued 24 radio test transmission licences.

Chapter 5

Digital broadcasting

Goal 4: National and commercial TV broadcasters to have commenced digital services in metropolitan areas, and where achievable, in regional areas

New digital services commenced

In the reporting period, digital television services commenced in the regional markets of the Sunshine Coast in July 2001, Canberra in December 2001, Newcastle in April 2002, Toowoomba in May 2002 and in Western Victoria in June 2002.

Strategy 4.1 Prepare conversion schemes that will enable the ABA to achieve the objectives of the digital conversion legislation

Conversion schemes

These schemes were completed in 1999. There were no amendments to the schemes in the reporting period.

Strategy 4.2 Develop digital channel plans that identify channels available for conversion and maximise the opportunity for other services to use the spectrum during the analog/digital simulcast period

Digital channel plans

The ABA is required to prepare digital channel plans, which allocate channels for digital television conversion. These enable broadcasters to plan digital transmission coverage to match analog coverage.

During 2001–02, the ABA completed digital channel plans and variations to digital channel plans for the following regional areas of Australia.

- Regional Queensland (released in October 2001) – these digital channel plans included the areas of Southern Downs, Darling Downs, Wide Bay, Rockhampton, Mackay, Townsville and Cairns
- New South Wales South Coast (released in December 2001) – these digital channel plans included the areas of Nowra North, Ulladulla, Batemans Bay/Moruya, Narooma, Bega, Eden and Bega/Cooma
- Regional Victoria and variation to Tasmania (released in December 2001) – these digital channel plans included the areas of Upper Murray, La Trobe Valley, Goulburn Valley, Bendigo, Ballarat, Western Victoria, Murray Valley, Nhill, Horsham and NE Tasmania
- Regional Victoria, Regional SA and Broken Hill (released in March 2002) – these digital channel plans included the areas of Mildura/Sunraysia, Renmark/Loxton, Spencer Gulf, South East SA and Broken Hill and
- Inland NSW and variation to ACT (released May 2002) – these digital channel plans included the areas of Upper Namoi, Central Western Slopes, Central Tablelands,

SW Slopes/E Riverina, Bombala, Cooma Town, Cooma/Monaro, Tuggeranong and Weston Creek/Woden.

In addition, the ABA has released for comment, draft variations to digital channel plans as follows:

- Inland NSW (June 2002) – this variation to digital channel plans includes the Murrumbidgee Irrigation Area.
- Tasmania (May 2002).

The ABA expects to determine both variations in the second half of 2002.

The ABA allocated 21 licences for digital terrestrial television broadcasting during the reporting period.

Interference management scheme

The Digital Television Interference Management Scheme outlines digital licensees' responsibilities regarding interference to analog television transmissions caused by digital transmissions. It is designed to ensure that a viewer's analog television service is protected, and resolution to interference, when it does occur, is timely. After extensive consultation with industry and consumer representative groups, the ABA determined the scheme on 21 December 2000.

An interference hotline was established by broadcasters pursuant to the scheme and provides viewers with advice and assistance for channel or co-channel interference, particularly with interference to VCRs and poor reception of analog services. The service was used to good effect with the commencement of digital television services in Newcastle in April 2002.

The ABA will review the scheme in consultation with the broadcasters and industry bodies as required.

Strategy 4.3 Assess commercial licensees' implementation plans for digital television services to ensure that they are achieving the objectives of the legislation

Implementation plans

During 2001–02, the ABA received 69 implementation plans for digital terrestrial television services from existing commercial and national broadcasters. The ABA had 32 plans unapproved from the previous reporting year. In this reporting period it has approved 49 implementation plans for commercial and national broadcasters and issued 18 apparatus licences for digital terrestrial television broadcasting and datacasting. There are 52 implementation plans pending approval.

Strategy 4.4 Assist the Minister and Department where necessary with advice on digital technology

Expert advice

The ABA regularly briefs the Minister for Communications, Information Technology and the Arts and his department on developments in digital technology. The ABA has also actively participated in international forums such as the International Telecommunications Union meetings in Geneva and the Asia-Pacific Broadcasting Union Engineering Conference in Singapore, as well as domestic and international meetings and subsequent working parties to further explore developments in digital technology for television and radio services.

At the March 2002 meeting of the International Telecommunications Union (ITU-R) in Geneva the ABA played a key role in achieving the adoption of a single standard for digital High Frequency (HF) broadcasting. The Digital Radio Mondiale (DRM) standard was adopted following intensive and difficult international negotiations. The adoption of a single standard will significantly reduce the pressure on spectrum availability in the HF band by avoiding the need for major broadcasters to simulcast on different system standards and paves the way for a truly common worldwide HF digital radio system.

Work currently in progress includes the identification of possible requirements for spectrum that will become available following the switch off of analog television services, identifying the penetration of digital television set-top boxes and the breadth of digital television programming in Australia. The ABA is also keeping a close watch on worldwide developments in digital radio technology.

Strategy 4.5 Work with Government and industry to build community awareness

Public consultation

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

When drafting digital channel plans for metropolitan and regional markets, the ABA regularly consults the Digital Television Channel Planning Consultative Group.

When determining the digital channel plans, making amendments to the conversion schemes and finalising the Digital Television Interference Management Scheme, 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 and
- members of the public.

The ABA has also been an observer to the Consumer and Retailer Education Committee of Digital Broadcasting Australia. Digital Broadcasting Australia consists of representatives from retailers of consumer equipment, major manufacturers, suppliers of industry electronics equipment and commercial and national broadcasters. It was formed to promote and provide information about digital free-to-air television in Australia.

Chapter 6

Management improvement and information management

Continuous improvement and leadership strategies

To enable the ABA to achieve the desired outcomes and provide the outputs required by Government, it will focus, internally, on the following:

1. A culture of management improvement with emphasis on people and resource management; and
2. A culture of information and knowledge management with emphasis on improved communication strategies and integrated, management and information technology strategies.

Management improvement

Planning cycle

During the year, the ABA commenced a review of its Corporate Plan (the current plan covers the years 1999 to 2003) to take account of changing priorities and workloads. As part of that review, the ABA sought approval to amend its outputs under the Government's outcome/outputs framework. The two new outputs are:

- Planned and Licensed Electronic Media Services and
- Managed Performance and Review of Electronic Media.

The purpose of the corporate planning review was to:

- develop a new corporate plan (covering the period 2002–05)
- reinforce within the agency the importance of strategic planning and priority setting
- establish credible performance indicators against which the ABA's performance would be managed
- strengthen the links between planning, resource distribution, performance measurement and decision-making and
- provide an opportunity to rethink the ABA planning framework within which key planning processes/functions take place (including branch business planning and employee performance management).

Human resource development plan

In August 2001, the ABA developed an organisational Human Resource Development Plan to set the parameters for further learning, training and professional development across the ABA. This plan has links to the planning and performance frameworks currently in place, as well as to the Studies Assistance Program.

The Performance and Development Framework is the key vehicle for identification of training and development needs. These needs are met through a range of development options, identified and agreed to by the branches in the

ABA. The Human Resource Development Plan is valuable in that it guides strategic decision-making about Human Resource Development activities and expenditure without being overly prescriptive. The principles underpinning the plan reflect the range of needs across the ABA, including corporate priorities. Branches can use the plan as the basis for local Human Resource Development planning.

In developing the plan, the ABA consulted widely with a cross-section of staff and managers to seek their views on training and development in the ABA. Focus group discussions, interviews and feedback helped to shape the content and focus of the Human Resource Development Plan, identifying areas for improvement, processes and implications for resourcing the Plan.

The Human Resource Development Plan was launched by the General Manager in September 2001, both in Sydney and Canberra.

Performance and development framework

The Performance and Development Framework provides the ABA with a key mechanism for work planning, performance review and identification of development activities.

The framework is linked to the ABA's planning cycle. It facilitates effective communication and formal feedback at the mid-cycle review and yearly assessment points.

With the development of the ABA's comprehensive Human Resource Development Plan, the Performance and Development Framework is further enhanced and supported. Learning and development activities are now determined through twin inputs, from needs identified in the business planning cycle and needs identified as corporate priorities in the Human Resource Development Plan.

Development and training

The ABA is committed to providing opportunities for employees to gain the skills needed to do their jobs, increasing the opportunities for adaptability and mobility and assisting employees

to achieve their full potential by supporting learning and development activities.

The Human Resource Development Plan was developed in 2001 to set guiding principles for corporate and individual skill needs both current and in the future. It guides the resource allocation decisions made in relation to learning and development activities and expenditure.

Of the 141 staff employed at the ABA, 134 employees attended training during the year. The net expenditure by the ABA for staff training was \$141 124.43.

Activities include management and leadership training, information technology skills, job-specific skills, legislative requirements, as well as attendance at seminars and conferences. In-house programs were conducted on information management skills, such as use of the ABA Thesaurus and electronic record-keeping. ABA tune-ups are also used to pass on leading edge research and knowledge to others in the agency.

Studies assistance

Studies Assistance provides opportunities for employees to undertake approved courses of study, including formal course work at tertiary and higher education institutions and other educational support courses. Under the scheme, approved students have access to financial assistance and study leave to attend lectures and tutorials, residential schools, exams or any study activity required for successful completion of the course of study.

During the year, 11 employees utilised Studies Assistance under the provisions of the ABA Studies Assistance Policy and Guidelines. This assistance cost \$11 726. Courses undertaken include tertiary qualifications at various levels in specialisations such as communications, information technology, economics and law.

Resource allocation

The ABA continued to implement enhancements to its resource allocation and budgeting processes.

These processes aim to provide:

- stronger links between corporate planning, budgeting, and performance reporting
- an agency-wide approach to resource allocation and regular opportunities for the ABA to review its resource allocation priorities
- improved transparency, flexibility and priority setting
- more streamlined budget processes and
- a framework which facilitates internal allocation and reporting of resources on an accrual basis.

The ABA's internal distribution of resources for the 2001–02 and 2002–03 financial years took place using these enhanced processes.

Internal reporting

A significant achievement in relation to management improvement has been the implementation of improved resources and performance reporting.

A monthly resources report (entitled *Corporate Radar*) is provided to the ABA. The report provides the ABA with an overview of how the agency is performing against its financial targets (both accrual and cash), as well as providing agency-wide human resources information (e.g. vacancy rates, employee turnover rates, accidents/incidents reporting and sick leave statistics).

In addition to monthly resources reporting, each branch in the ABA is required to report quarterly on performance against indicators in the Corporate and Branch plans.

The improved resources and performance reporting has provided the ABA with opportunities to assess its overall performance and to make informed strategic decisions about how it directs its resources to achieve agreed outcomes and outputs.

ABA Fraud Control Plan 2002–04

In accordance with the requirements of the Commonwealth's Fraud Control Policy, the ABA completed its Fraud Control Plan for the period 2002–04 in March 2002.

The ABA's Fraud Control Plan draws together all fraud prevention, detection, resolution and reporting initiatives for the ABA into one strategic document.

The Fraud Control Plan project was undertaken jointly by management and the ABA's internal auditor, Deloitte Touche Tohmatsu and initially required work on the preparation of a Fraud Risk Assessment of the ABA's business activities. This assessment provided the basis for highlighting the areas of the ABA's operations that could be exposed to fraudulent activity, and has identified two major areas for inclusion within the Fraud Control Plan:

1. purchasing/tendering and contracting, and
2. information security.

Deloitte Touche Tohmatsu have advised that in light of the ABA's size and given the nature of its work, that this is a fairly typical result for a Commonwealth authority.

The plan details fraud control strategies for managing risks in these areas of concern. Work is underway to implement these strategies.

Purchasing and contracting: policy and procedures

During the year, the ABA commenced a review of its purchasing and contracting policy and procedures. The aim of the review was to develop a framework to guide purchasing and contracting within the ABA. In developing the new framework, the ABA has taken account of:

- Government policy
- the requirements of the *Commonwealth Authorities and Companies Act 1997* and the *Broadcasting Services Act*
- the business needs of the ABA
- best practice recommendations from the Australian National Audit Office and

- specific recommendations from the ABA's internal auditors, Deloitte Touche Tohmatsu.

It is planned to implement the new framework in the first quarter of 2002–03.

Internal audit

The ABA's internal auditor, Deloitte Touche Tohmatsu, provided assistance during the year in relation to three audits.

Two of these audits related to information technology systems and processes (the IT function in the ABA has been outsourced to Ipex ITG Pty Ltd). Specifically, the ABA sought reviews of processes in place for software asset management and back-up and recovery procedures. Both audits resulted in a number of recommendations aimed at ensuring that systems and processes in place meet industry 'best practice' standards, minimise risk to the ABA, and provide assurance that the ABA is complying with software licence agreements. The ABA is currently working with Ipex to ensure that audit recommendations are implemented where appropriate.

The third audit related to a review of one of the ABA's primary functions – the collection of commercial radio and television licence fees. While the review of the collection process was undertaken by ABA staff, the auditor provided quality assurance on the application of the approved audit methodology. The ABA's Audit Committee will consider the findings of the review process in early 2002–03.

Certified agreement

The ABA Agreement 2000 covers the employment arrangements and conditions of work for staff who have not entered into Australian Workplace Agreements (AWAs). Approximately 125 staff are covered by the agreement, which has a nominal expiry date of June 2002.

AWAs are in place for all Senior Executives and for a small number of Executive Level 2 staff. All AWAs have a nominal expiry date of 30 June 2002.

The ABA commenced negotiations for its third Certified Agreement in February 2002. The new agreement will be a comprehensive agreement made with the union under section 170LJ of the *Workplace Relations Act 1996*. The new agreement will have a notional expiry date of June 2004.

The new agreement seeks to build a more strategic, skilled and satisfying workplace. In pursuing this objective, the ABA will implement three key strategies over the life of the agreement:

- a Strategic Human Resource Plan will be developed to address future workforce needs
- ABA work level standards will be reviewed and new standards developed to assist with the classification of jobs. At the same time, the ABA will also commence a process for defining ABA values and expectations of employee and management behaviour and
- a review of internal communication will be undertaken with a view to developing a communication strategy to enhance two-way communication between employees and management.

Key features include:

- adjustments to maximum pay points; five per cent pay increase from 1 September 2002 or on certification; two per cent pay increase from 1 July 2003
- two-day shutdown at Christmas
- sick leave and personal leave combined into one form of accruable leave and
- inclusion of the APS Code of Conduct.

Consultation

The ABA's agreement provides for a Consultative Forum as the major consultative body in the ABA. The primary matters for consultation by the forum are key strategic and change issues impacting on the ABA. It comprises management, union and staff representatives and is chaired by the Chairperson of the ABA or delegate.

The Consultative Forum met on four occasions during 2001–02. Discussions focused on issues

such as restructuring and retrenchment, Executive Level working hours, non-ongoing employment, remuneration packaging, budget process, new 'intelligent flexisheet', new HR system, accommodation, staff attitude survey and agency bargaining.

A number of approaches are used to involve staff in decision-making and information sharing. These include 'all staff' meetings in Sydney with the General Manager, planning sessions, branch and section meetings, focus groups, tune-ups and the use of the ABA Intranet for all relevant people management information.

Workplace diversity program

The Workplace Diversity Program 2000-02 will be reviewed to ensure that it incorporates APS values and guidelines aimed at valuing the skills, abilities and backgrounds available in the workplace and the Australian community.

The ABA continues to recognise and value individual differences and raise awareness of the importance of workplace diversity by:

- the inclusion of diversity issues in ABA and individual performance plans;
- ensuring selection criteria for management positions include the ability to integrate workplace diversity principles into everyday management practice; and
- making information available to new staff in induction material.

The ABA's staffing profile reflects a diverse cross-section of people and skills. As at 30 June 2002, the ABA employed 140 staff under the Public Service Act. Of these, 75 were women, 24 were from culturally and linguistically diverse backgrounds, and six reported having a disability.

The ABA aims to be an organisation which values fairness, equity and diversity by:

- supporting equal access to training and development in the HRD Plan to foster a multi-skilled, culturally diverse and flexible workforce

- ensuring that training providers demonstrate a commitment to intercultural communication to meet the needs of all training participants
- assisting employees to balance work, family, life, study and other caring responsibilities through access to home-based work, part-time work, flexitime and 'flexbank', Studies Assistance and Purchased Leave and
- undertaking a staff attitude survey in 2001 to measure staff satisfaction with the promotion and benefits of diversity.

The ABA recognises and values the cultural diversity of ABA staff and utilises the skills and experiences of these staff by:

- identifying the development needs of all employees through the Performance and Development Framework.

Equity in staff selection processes is promoted through:

- training in staff selections for all relevant employees and
- monitoring the operation of the staff selection guidelines.

The program continues to operate until a new program is developed next year.

Staff attitude survey

The ABA made a commitment in early 2001 to undertake staff surveys on an ongoing basis, as part of a continuous process of communication with staff.

The first survey was conducted in December 2001 and focused on organisational climate, employee opinion and job satisfaction. SICORE International was engaged to assist with the design and development of the survey.

The results indicated that the majority of staff enjoyed the work they do and enjoyed working with clients. There was also a strong commitment to service and a general pride in the organisation. Furthermore, staff were satisfied with the way their work group functions, the quality of work performed and the level of teamwork within their immediate area. The ABA also scored well on staff being satisfied with

physical conditions and safety provisions, people's ability to balance work and personal life, and an understanding of the APS Values and Code of Conduct.

Of the 29 core issues identified in the survey, the best performing issues, in order, are:

- personal service commitment
- work area's service focus
- APS Values and Code of Conduct
- occupational health and safety (OH&S); and
- job satisfaction.

However, there were numerous key issues with relatively high negative scores, indicating dissatisfaction among staff, including:

- recognition
- workload and resources
- confidence in ABA action
- two-way communication
- pay and benefits
- service support
- change management
- equity and diversity
- procedures and systems
- training and development and
- ABA satisfaction.

SICORE conducted staff information sessions in Sydney and Canberra, facilitating effective communication and discussion about the survey findings.

Following these presentations, the senior staff of the ABA worked to develop common understandings, identify implications for the agency and plan broad initiatives. Branches also held meetings to review the results, identify local issues, plan initiatives and foster involvement in formulating change.

Specific actions to be taken to address ABA-wide issues, include:

- increased emphasis on training and development including the establishment of a Training and Development Committee in the Sydney office

- development of an electronic induction course for new staff
- development of a strategic framework for change management
- initiation of a communications review leading to the development of an internal communications strategy and
- introduction of a scheme for team awards which recognises exceptional work.

The ABA recognises that a successful outcome relies on everyone participating in the process and supporting agreed strategies for change. The ABA intends to undertake a further survey in late 2003.

Occupational health and safety

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

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

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

The ABA has two designated work groups in the Sydney office and one designated work group in the Canberra office. There is one OH&S representative and one deputy for each group. Each representative undertakes a five-day course of training, which is accredited by the Commission for the Safety Rehabilitation and Compensation of Commonwealth Employees.

The ABA has an OH&S Committee, which is made up of management representatives, health and safety representatives and union delegates.

The committee met four times during the reporting period.

Regular workplace inspections are carried out by the OH&S and management representatives.

Action is then taken to remedy any problems identified and prevent potential hazards. Reports on these inspections are presented to each OH&S Committee meeting.

The ABA's Canberra office will be moving into newly refurbished premises in 2002. The new office accommodation has been designed to reflect current OH&S guidelines and ergonomic planning. The new premises ensure accessibility for everyone, including people with disabilities.

Implementation of the recommendations from the October 2000 Comcare Australia audit have been completed. Some of the major initiatives that have been implemented include:

- an OH&S Intranet site
- revision of the ABA's accident and incident reporting procedures
- a new Hazard Management Policy
- revised workplace inspection procedures and
- manual handling and ergonomics training for staff.

During the reporting period, a potentially dangerous occurrence was notified to Comcare Australia within the required timeframe. As a result of the incident, the relevant procedures have been reviewed and improved.

Commonwealth disability strategy

The ABA supports the Commonwealth Government's vision of widening opportunities for people with disabilities by assisting to develop and deliver policies, programs and services which are accessible and promote independence and participation.

See appendix 8 for details of the ABA's activities in support of the strategy.

Service charter

The ABA approved a revised service charter in June 2002. The charter will be launched early in the 2002–03 year.

Accommodation

Canberra

Work in relation to relocating the ABA's Canberra office was undertaken during the year. The new office will be located within the Magenta Building at the Benjamin Offices, Belconnen. It is proposed that the ABA enter into a seven-year lease with the building owner.

Construction of the agreed new office fit-out will take place in the first half of 2002–03, with planned relocation to occur in early December. The new accommodation is to be achieved within the existing budget largely through greater space efficiency. It will provide a more flexible work environment and achieve significant savings in energy and cleaning costs.

Sydney

The ABA's Sydney office is located in the IBM Building at Darling Harbour. The lease at Darling Harbour will expire on 30 July 2003 and the ABA is currently considering its options for accommodation beyond that date.

The aim is to locate accommodation that meets the ABA's business needs within available resources. Arrangements have commenced to either renegotiate the existing lease or identify suitable alternative accommodation. The ABA is confident in resolving this matter within the time available prior to expiry of the existing lease.

Information and knowledge management

During the year, an Information Management Framework was approved by the ABA and published to all staff. This document sets out the strategic direction and key contributing role information and information services play in the ABA realising its goal of an accessible, diverse and responsible broadcasting industry. The Information Management Framework is concerned with the creation, communication, management and availability of information within, and outside, the ABA. It embraces all types of information, including paper-based systems and electronically networked information.

During the year, an email and Internet usage policy was published and all ABA staff were required to sign and conform to this new policy. This policy encourages the productive use by all employees and contractors of email, the Internet and other IT facilities and prohibits unauthorised and improper use of these facilities.

1. Implement and regularly review communication strategies and actions across the organisation to ensure that they meet the needs of the organisation and its stakeholders

Communication services

The ABA developed and reviewed its communication strategy to assist it meet its communication objectives during the year. The ABA also planned and implemented communication strategies for particular events and activities throughout the year to assist it to meet its business objectives.

The ABA pursues a proactive strategy of releasing information to the media to ensure that information in the public arena is timely and accurate. In 2001–02, the ABA issued 142 news releases and dealt with more than eleven hundred queries from journalists. ABA members and staff gave interviews to the electronic and print media on a range of issues, including

digital television, the online content complaints scheme, the decline in regional television news, loudness of television ads and new radio licences.

The ABA's second annual conference, *What Will Australian Audiences Want?* held in Canberra in April 2002, attracted significant media interest. The ABA's auctions of new commercial radio licences for Perth (in February 2002) and Gosford (April 2002), its planning of channels for digital television services in regional areas and its announcement of the successful applicants for three Melbourne community radio licences (December 2001) also received extensive media coverage.

2. Provide improved information technology services to meet the business needs of the organisation in providing a service to the industry and the community.

The ABA engaged CMG to assist it to develop an IT Strategic Plan. The purpose of this plan is to:

- support the ABA's business objectives
- enable Ipex, the ABA's outsourcing provider, to develop the ABA's Technology Plan and
- recommend effective governance, implementation and operational strategies that would successfully drive the ABA's IT Strategic Business Plan into action and realise business benefits.

All areas of the ABA were involved in developing the plan. The plan indicates a requirement for a greater range of IT service and a more mature, flexible and integrated IT environment including:

- better online publishing capabilities
- improved online service provision
- secure data exchange
- a unified data repository
- more sophisticated information management capabilities
- improved reporting tools and
- secure remote access.

During the first quarter of 2002–03 the ABA will work with outsourced Ipx to develop a Technology Plan that responds to the IT Strategic Plan. This Technology Plan will form the basis for the ongoing investment in IT infrastructure to ensure logical development that is cost effective and efficient.

The ABA has refreshed and upgraded its entire desktop hardware and software to deliver consistent computing resources throughout the organisation, whilst rationalising the previous diversity of software and hardware. This has resulted in improved reliability and support for the desktop facilities.

The ABA implemented improved secure remote access for client use, pending the implementation of new and secure Internet infrastructure in 2002–03.

Another new initiative implemented during the year was the introduction of a 'fax gateway' for both incoming and outgoing faxes. Employees can send faxes from their desktop PCs, attaching electronic documents if required, and received faxes are routed via the Microsoft Outlook email system to the recipient.

ABA Information Management System (AIMS)

The ABA is well underway with the implementation of the AIMS Project. The ABA contracted Eden Technology to design, develop and implement its new information management system. AIMS will be implemented in modules and the first of these, the Australian Content Compliance module, went live in April 2002. The main module of AIMS will hold all licensing data for the ABA and it will be integrated with all of the modules of the new system. An electronic document management system will be rolled out with AIMS and this will provide the ABA with timesavings in relation to filing and searching for documents. The electronic document management system is accessible from within the records management system and will enable record-keeping throughout the ABA to be greatly enhanced.

Directed Change Services have been engaged to study and report on the benefits that the ABA can expect once the full implementation of AIMS is complete. Statistics are being collected both before and after the implementations to enable comparisons to be made and benefits to be measured.

Website

The ABA website continues to attract large numbers of clients and members of the public seeking to gain access to information. For example, the PDF version of the ABA's study into the effectiveness of Internet filter products was downloaded 25 727 times after its release in April 2002, while the various PDFs associated with the ABA's review of the Australian content standard were downloaded a total of 21 883 times since November 2001.

The ABA has developed a four-year Online Infrastructure Strategy to take advantage of improvements in technology to streamline the delivery of information electronically to its clients.

One of the key outcomes of the Online Infrastructure Strategy was the redesign and redevelopment of the website, not only to meet growing demand, but also to address Federal Government Online Information Service Obligations.

Special initiatives to enhance the ABA's website and ensure it continued to meet demand included:

- redesigning and redeveloping the website
- implementing an interim solution that provides for electronic transactions with the ABA
- an online subscription service for users to receive customised news releases and
- increasing the number of ABA publications available online to be downloaded.

In addition, the following improvements were made:

- the online forms for television, radio and Internet complaints were redesigned to be

more intuitive to users and to ensure that complaints were filed in a manner which can expedite investigations by the ABA

- a new and effective site search engine was added and
- all pages now comply with disability access laws and meet W3C standards.

The Online Infrastructure Strategy also provides the ABA with a framework to continue improving information delivery and over the next year, the ABA will continue to enhance the website by:

- converting all PDF files to the latest version (Acrobat 5) so that they will be readable by users accessing the website via screenreader software
- continue adding metadata to conform with the AGLS Metadata standards developed by the National Archives and
- adding an online shop to facilitate purchasing/ordering publications over the Internet.

The ABA's Online Action Plan (published in 2000) acknowledges the importance of the ABA's web presence. Many goals have been met and the Online Action Plan will be changed to reflect advances in technology that will benefit users of the website.

ABA Intranet

The ABA is also redeveloping its Intranet to take advantage of the features offered by a 'dynamic' database-driven website. It has added a small content management system to the Intranet and migrated content from the existing Intranet to the new system. The content management system will enable any staff member to update pages, without the need to use third party software or understand HTML, the program language of the web. It is anticipated that with staff now able to update their own pages with ease, they will gain a greater understanding about developing content for the web. Eventually, similar technology will be rolled out to the ABA website, allowing clients a greater ability to customise the information they receive from the ABA.

3. Upgrade access to and quality of information services to customers, staff and the community

Publishing

The ABA continued its extensive print publishing and electronic publishing programs during the year. Apart from a number of commercial publications, the ABA published all its reports, papers, licence area plans, digital channel plans, guides and fact sheets simultaneously in print form and on the ABA website.

The ABA's monthly newsletter, *ABA Update*, continued to be an important source of information about the ABA's activities and circulates to more than five hundred subscribers.

See appendix 9 for details of ABA publications released during the year.

Library and Records Management

During the past year the Library and the Records Management Unit amalgamated in order to develop the synergies between the areas dealing with the access and retrieval of internal and external information.

Library Services

The Library provides a comprehensive research and information service to the ABA. The resources in the library are also available to the public for research and study purposes. Information about the library is available on the ABA website and it is also listed in the Australian Library Gateways website www.nla.gov.au/libraries. The library holdings are also accessible on Kinetica, a National Library initiative. The quarterly *Library Bulletin* is available electronically and gives information about the latest additions to the library collection.

The library's home page on the ABA Intranet is a link to both internal information, e.g. the library catalogue, as well as to external information, e.g. full-text journals, legislation, extrinsic legal materials and loose-leaf services.

Access has been arranged to online bibliographic databases that assist ABA staff to carry out in-depth research. Staff are able to set up

customised alerting services for contents pages of specified journals, as well as regular searches on topics relevant to current work. Results of these searches are delivered as an email to the desktop.

The library is operating increasingly in a hybrid information environment, offering access to both print and electronic information and services as appropriate. ABA staff continues to access electronic services from their desktop.

After consultation with staff, print subscriptions have been converted to electronic online subscriptions wherever appropriate. This has facilitated access and timeliness to this information.

Current awareness services are provided in an electronic format: a list of journal titles received by the library is forwarded to all staff. The list contains links to journal websites, which provide contents pages and in some cases full-text of journal articles.

The Library Inter-library Loan and Document Delivery Service to staff have now been converted to an electronic format. This format offers better tracking and documentation of requests.

The library encourages the uptake and use of electronic services, and provides support in the form of product demonstrations, group and individual training sessions. The library also contributes to and shares information with several library networks including:

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

The library also subscribes to the Federal Libraries Information Network (FLIN) listserver, and continues to support the National Library initiatives by adding new library holdings details onto Kinetica. The support of the library

profession has also continued with one TAFE Industry Placement being assigned to the library.

Records management system

During the year, a new records management system was introduced into the ABA. The Objective RM System was implemented in August 2001, replacing the TRIM system and integrating the Canberra and Sydney records into a common system. A Records Management Policy was introduced with the new system and work continues on documenting current records work procedures.

In addition, the ABA developed a new thesaurus and disposal authority. The ABA Thesaurus, compiled as part of the Thesaurus and Disposal Authority project, was approved by National Archives during the year. The thesaurus takes a functional rather than a structural or subject approach to the arrangement and titling of corporate records and documents. The new thesaurus is based on a whole-of-government thesaurus, Keyword AAA.

The Thesaurus and Disposal Authority project also involved the development of a disposal authority that will improve access by allowing the authorised destruction of records that are no longer required for legal, business or accountability reasons or to meet community expectations. The removal of such records will enable easier retrieval and access to those remaining records for business needs, freedom of information, discovery orders and public access.

Appendixes

Appendix 1

Freedom of information

Section 8 statement

Section 8 of the *Freedom of Information Act 1982* requires each Commonwealth 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 Annual Report explain the role and functions of the ABA. This appendix supplements that information for the purposes of section 8 of the Freedom of Information Act and is correct as at 30 June 2002.

ABA functions and powers

The ABA was established in 1992. It is organised into four branches:

- _ Industry Performance and Review
- _ Planning and Licensing
- _ Legal and Policy
- _ Corporate Services.

The ABA's functions and powers are distributed between the branches as described below.

Industry Performance and Review Branch

The Industry Performance and Review Branch comprises the Content Assessment Section, the Financial and Control Section, the Industry Review Section and the Investigations Section.

The Content Assessment Section is responsible for:

- advising on the development and registration of codes of practice for the Internet industry relating to Internet content and Internet gambling matters
- advising on the determination of standards for the Internet industry relating to Internet content and Internet gambling content
- monitoring compliance with those codes or standards
- investigating complaints about Internet content and Internet gambling content and taking appropriate enforcement action
- advising and assisting parents and responsible adults in relation to the supervision and control of children's access to Internet content
- conducting and/or coordinating community education programs about Internet content and Internet carriage services
- liaising with relevant overseas regulators and other bodies about co-operative arrangements for regulation of the Internet industry
- informing the ABA and advising the Minister on developments and trends in the Internet industry
- investigating complaints alleging breaches of codes of practice in relation to language, violence and sexual content in television programs
- making decisions about the classification of television programs for children
- assessing requests for the issue of a certificate that a specified telephone service is, or was, a telephone sex service.

The Financial and Control Section is responsible for:

- collecting commercial radio and commercial television licence fees
- preparing annual broadcasting financial results
- monitoring compliance with the control provisions of the Act

- conducting investigations or hearings into compliance with the control provisions of the Act
- assessing applications for prior approval of temporary breaches of the control provisions of the Act
- issuing notices to persons in breach of the control provisions of the Act
- maintaining registers relating to:
 - notifications of controllers of licences, directors of licensees, changes of control and interests in associated newspapers
 - approvals of temporary breaches of the control provisions of the Act
 - extensions of time granted to cease temporary breaches of the control provisions approved by the ABA
 - notices to persons in breach of the control provisions
 - extensions of time granted to cease breaches of the control provisions, and
 - large circulation newspapers
- preparing opinions on whether a person is in a position to control a licence, a newspaper or a company.

The Industry Review Section is responsible for:

- advising on the development and registration of codes of practice for each section of the broadcasting industry
- developing standards for commercial television broadcasting licensees relating to the Australian content of programs
- developing program standards for commercial and community television broadcasting licensees relating to programs for children
- monitoring compliance with program standards
- monitoring compliance with the anti-siphoning and anti-hoarding provisions of the Act and reporting to the Minister as required
- monitoring compliance with requirements on subscription television broadcasting licensees

for minimum levels of expenditure on Australian content.

The Investigations Section is responsible for:

- preparing opinions on the category of service into which a broadcasting service falls
- maintaining registers of codes of practice
- monitoring compliance with those codes
- investigating 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
- investigating complaints alleging offences against the Act or breaches of licence conditions by licensees of broadcasting services
- taking enforcement action in relation to breaches of licensing provisions for broadcasting services including:
 - issuing notices to providers of broadcasting services operating without a licence to provide the service
 - 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 codes of practice
 - suspending or cancelling commercial, community or subscription broadcasting licences.

Planning and Licensing Branch

The Planning and Licensing Branch comprises the Licensing Section, the Planning Section, the Planning (Engineering) Section and the Branch Support Section.

The Licensing Section is responsible for:

- designing and administering price-based systems for the allocation of commercial radio and television broadcasting licences

- administering price-based systems for the allocation of high power open narrowcasting apparatus licences
- assessing applications for community broadcasting licences, temporary community broadcasting licences, subscription television broadcasting licences and datacasting licences
- conducting investigations or hearings relating to the allocation of community broadcasting licences
- renewing commercial and community broadcasting licences
- issuing, suspending and cancelling 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
- developing technical planning guidelines for broadcasting services using frequencies within the broadcasting services bands
- determining licence area populations
- allocating call signs for broadcasting services
- approving the transmission of commercial and community broadcasting services outside of their licence areas
- formulating and administering schemes for the conversion of commercial and national television broadcasting services from analog mode to digital mode which require the ABA to:
 - prepare a document explaining technical assumptions relating to consideration of ‘same level of coverage and potential reception quality’ in digital mode as is achieved in analog mode
 - prepare digital channel plans, which allot and assign channels to television broadcasters, allowing them to transmit programs in analog and digital modes during a simulcast period
 - 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
 - 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

The Planning and Planning (Engineering)

Sections are responsible for:

- planning 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 particular areas of Australia using the broadcasting services bands
 - designating and varying licence areas
 - making broadcasting services bands spectrum available for alternative uses for a specified period
- monitoring new technology and service trends.

Legal and Policy Branch

The Legal and Policy Branch comprises the Legal Section and the Policy and Research Section.

The Legal Section is responsible for:

- providing legal advice to the ABA on issues relating to its functions and powers
- conducting or supervising investigations and hearings undertaken by the ABA in the performance or exercise of its functions or powers
- coordinating the ABA's activities under the Freedom of Information Act
- coordinating responses to and liaison with the Commonwealth Ombudsman
- managing litigation in courts and tribunals involving the ABA
- referring to the Director of Public Prosecutions possible criminal offences under the *Broadcasting Services Act 1992* and related legislation.

The Policy and Research Section is responsible for:

- assisting in the identification and exploration of regulatory policy issues to be addressed by the ABA
- providing policy advice on issues relating to the ABA's powers and functions
- conducting and commissioning research into community attitudes on issues relating to programs and other matters relating to the ABA's functions and powers
- developing additional criteria and clarifying existing criteria for the purpose of distinguishing between categories of broadcasting services
- informing the ABA and advising the Minister on technological advances and service trends in the broadcasting industry.

Corporate Services Branch

The Corporate Services Branch comprises the Human Resources Section, the Information Management Section, the IT and Facilities

Management Section, the Resource Management and Planning Section and Secretariat.

The Corporate Services Branch is responsible for:

- all matters related to human resources functions and financial, accommodation and office services
- liaising with Commonwealth Agencies including the Public Service and Merit Protection Commission, 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 resources management
- coordinating the ABA's corporate and business planning processes
- coordinating the implementation of APS wide and other corporate initiatives throughout the ABA
- developing and maintaining the ABA's records management system
- producing and marketing publications and informing the public of the functions, activities and decisions of the ABA
- developing and maintaining the ABA's web site
- developing and maintaining a library service for members and staff of the ABA and members of the public
- promoting the use of information technology to enhance the efficiency and effectiveness of the ABA's operations
- preparing the Portfolio Budget Statements, coordinating the ABA's budget and preparing financial statements, estimates and related material
- maintaining the ABA's accounting system, purchasing and asset control and internal audit and review
- managing corporate contracts including the information technology, travel, cabcharge and credit card contracts

- providing secretariat support to the ABA including organising its regular meetings, preparing formal minutes and maintaining the records of decisions of the ABA
- coordinating briefs and responses to questions arising from Parliamentary processes.

Arrangements for outside participation

The ABA provides 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

The ABA is required under the Act to undertake public consultation before exercising its powers in relation to 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 program standards or standards relating to datacasting services
- determining or varying industry standards relating to Internet content or Internet gambling matters.

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

When undertaking public consultation, the ABA employs a variety of means to inform the public that a particular matter is under consideration and that written comments are sought from interested persons. In many cases, the ABA places advertisements in appropriate newspapers. Documents relating to the matter

under consideration are made available to the public in a variety of ways including on the ABA's website. On occasion, the ABA invites the public to participate in hearings, public meetings or seminars.

The ABA also seeks the views of the wider community through surveys of public opinion conducted or commissioned by the ABA relevant to its functions and powers.

Industry consultation

The ABA consults extensively with a wide range of industry bodies, service providers and other stakeholders in relation to matters that will affect them or in which they have an interest. In the following circumstances, the Act requires the ABA to consult with industry stakeholders:

- commercial and national television broadcasters and the owners and operators of broadcasting transmissions towers must be consulted in formulating and varying the schemes dealing with the conversion of commercial and national television services to digital transmission
- licensees must be given a reasonable opportunity to make representations to the ABA in relation to a proposal to impose, vary or revoke an additional condition on a licence.

Consultation with industry stakeholders takes a variety of forms including informing stakeholders of ABA proposals and inviting written comments, meeting with stakeholders and participation in hearings and public meetings.

Categories of documents

The ABA maintains documents and other records of information in various forms including paper files, card indexes, microfiche and electronic files. The ABA is required to make certain documents and information available for inspection by the public. These include advice received and assumptions made by the ABA in performing its planning functions under the Act and other information required to be maintained in Registers.

Registers

The ABA is required to maintain the following Registers:

- Associated Newspaper Register*;
- Register of licences granted under section 38A or 38B of the Act*
- 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
- Register of approvals given under section 67 of the Act for temporary breaches of the control provisions
- Register of extensions of time given under section 68 of the Act for taking action to cease temporary breaches of the control provisions
- Register of notices given under section 70 of the Act directing a person to take action to cease breaching the control provisions
- Register of extensions of time given under section 71 of the Act for compliance with a section 70 notice
- Large Circulation Newspapers Register;
- Register of nominated broadcaster declarations relating to international broadcasting licences*
- Register of codes of practice for each section of the broadcasting industry
- Register of codes of practice and industry standards relating to 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*
- 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 *

- Register of codes of practice and industry standards relating to 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*
- Register of implementation plans approved by the ABA under the *Commercial Television Conversion Scheme 1999* or the *National Television Conversion Scheme 1999*.*

Registers marked with an asterisk (*) are available on the Internet at www.aba.gov.au. Persons wishing to inspect any of the other registers should contact the Sydney office of the ABA.

Other categories of documents

The following categories of documents are common throughout the agency:

- internal administration papers and records, including working drafts and records relating to human and financial resources management
- ministerial, interdepartmental and general correspondence and papers
- requests for legal advice and 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 the members and staff of the ABA
- 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 maintains 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 reports of investigation of complaints
- 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 television programs for children
- documents relating to the requests for the issue of a certificate that a telephone services 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 approvals of temporary breaches of the control provisions of the Act and related documents including the opinions given by the ABA
- forms and other documents containing information relating to the control provisions of the Act and documents related to compliance with the control provisions of the Act

- information from licensees and other documents relating to compliance with program standards and the provisions of the Act relating to the Australian content of programs and programs for children
- documents relating to the anti-siphoning and anti-hoarding provisions of the Act and their operation.

Planning and Licensing Branch

This branch maintains the following specific categories of documents:

- 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 those licences
- applications for renewal of commercial broadcasting and community broadcasting licences and documents relating to those applications
- applications for apparatus licences under the *Radiocommunications Act 1992* and other documents relating to apparatus licences for services operating in the broadcasting services bands including compliance with conditions
- applications for the transmission of broadcasting services into another licence area and documents relating to the assessment and approval of such applications
- information on radio and television broadcasting stations
- planning priorities, frequency allotments plans, licence area plans and documents relating to the development of these priorities and plans including submissions on draft licence area plans
- documents relating to 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 relating to 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 relating to new technology and service trends.
- 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*.

Legal and Policy Branch

This branch maintains the following specific categories of documents:

- requests for legal advice and records of legal advice given
- documents relating to proposed legislation and legislative changes
- requests for access to documents under the Freedom of Information Act and related documents
- subpoenas directed to the ABA
- documents relating to litigation involving the ABA
- documents relating to policy advice and policy issues
- documents relating to research conducted or commissioned by the ABA.

Corporate Services branch

This branch maintains 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

FOI procedures and initial contact point

In many cases, it may not be necessary to make a request under the FoI Act for documents or information held by the ABA. The information you are seeking may be available from the ABA free of charge or for a fee. In the first instance, check the ABA's website (www.aba.gov.au) for the information you are seeking. If you are unable to locate the information, please contact the Manager, Media and Public Relations, in the Sydney office.

Requests under the Freedom of Information Act for access to documents in the possession of the ABA and any enquiries relating to Freedom of Information requests should be directed to:

The FOI Co-ordinator
 Australian Broadcasting Authority
 PO Box Q500
 QUEEN VICTORIA BUILDING NSW 1230

Tel: (02) 9334 7823
 Freecall: 1800 226 667
 Fax: (02) 9334 7799
 TTY: (02) 9334 7777
 Email: info@aba.gov.au

Requests must be in writing and accompanied by an application fee of \$30 or a request that the fee be wholly or partly remitted.

Under the procedures operating in the ABA for the handling of requests under the Freedom of Information Act, the FOI Co-ordinator may consult applicants seeking access to documents. Specific instances are:

- (a) to assist the applicant to identify documents that have been requested more specifically
- (b) to give the applicant a reasonable opportunity for consultation before refusing a request on grounds of insufficient information (subsection 15(2) of the Freedom

of Information Act) or if the request requires a substantial and unreasonable diversion of resources (subsection 24(1) of the Freedom of Information Act) or

- (c) to notify the applicant of the charges and the deposit that is payable, or to discuss a request that the charges be reduced or not imposed.

Pursuant to arrangements approved by the Chairman of the ABA under subsection 23(1) of the Freedom of Information Act, members, the General Manager, Directors of the Branches and Section Managers are authorised to make primary decisions on applications for access to documents. Members, the General Manager and Directors of the Branches are also authorised to make decisions on applications for internal review of primary Freedom of Information decisions made by the ABA.

Facilities for access

The ABA maintains library facilities in the Sydney office where documents available under the Act, or documents to which access is granted under the Freedom of Information Act, can be examined. Documents may also be examined in the Canberra office by prior arrangement.

The ABA's offices in Sydney and Canberra are located at the following addresses:

Level 15 Darling Park
201 Sussex Street
SYDNEY NSW 2000

Blue Building
Benjamin Offices
Chan Street
BELCONNEN ACT 2617

Tel: (02) 6256 2800

Fax: (02) 6253 3277

Freedom of information statistics

Information on the operation of the Freedom of Information Act in the ABA during 2001–02 is set out below.

Requests	2001–02
Requests carried over from previous year	1
Requests received	12
Granted in full	5
Granted in part	3
Refused	0
Transferred	0
Withdrawn or lapsed	5
Requests outstanding at the end of the year	0

Review of decisions

The ABA had one request for internal review on hand at the commencement of the reporting period. During the reporting period, the ABA received one further request for internal review. Both internal review requests were finalised with greater access being given to the applicants.

There was one existing application for review before the Administrative Appeals Tribunal at the commencement of the reporting period. The Administrative Appeals Tribunal handed down its decision during the reporting period affirming the ABA's internal review decision.

Time taken

The following table indicates the time taken to finalise requests for access. It takes into account extensions of time granted by the legislation in cases of third party consultations and negotiations over the payment of fees and/or charges under the Act.

Time taken to respond (days)	2001–02
0–30	0
31–60	8
61–90	0
over 91	0
Total	8

Fees and charges

The following table set out the total amount of application fees received by the ABA during the reporting period and the amount of charges paid by applicants to the ABA.

2001-02	\$
Application fees	310
Charges received	934
Total	1244

Costs of freedom of information

The total cost to the ABA for Freedom of Information activities in the 2001-02 period was approximately \$38 710.

Staff costs for Freedom of Information activities were approximately \$14 060 which included preparing a matter for hearing before the Administrative Appeals Tribunal. Non-staff costs were approximately \$24 650. This included the cost of legal representation at the hearing before the Administrative Appeals Tribunal.

Appendix 2

Financial and staffing resources summary

	2000-01 Actual \$'000	2001-02 Budget \$'000	2001-02 Actual \$'000
Salaries	9 033	9 312	9 380
Superannuation	949	988	999
Administrative Expenses	7 948	7 475	7 909
Capital Expenses	427	2 142	1 833
Total Cash Expenditure	18 357	19 917	20 121
Less Cash Receipts	(3 272)	(2 428)	(3, 483)
Sub total	15 085	17 489	16 638
Less Cash on Hand at beginning of financial year	(2 065)	(2 732)	(2 732)
Plus Cash on Hand at end of financial year	2 732	993	1844
TOTAL APPROPRIATIONS	15 752	15 750	15 750
TOTAL OUTLAYS	15 752	15 750	15 750
STAFFING			
Staff years (ASL)	139.9	150.0	141.0

Staffing

SYDNEY

Classification	ONGOING				NON-ONGOING				Total
	Full-time	Full-time	Part-time	Part-time	Full-time	Full-time	Part-time	Part-time	
	Male	Female	Male	Female	Male	Female	Male	Female	
Members	2	1	5	1					9
SES Band 2	1								1
SES Band 1		3							3
EL2	4	6			2	1		1	14
EL2 Legal		2							2
EL2 Public Affairs	1								1
EL1	11	8			1			1	21
EL1 Legal	2								2
EL1 Public Affairs		2				1			3
EL1 Library	1	1							2
APS6	5	8		2	1	2			18
APS5	1	3		1					5
APS5 Library									
APS4	1	7			1				9
APS3	1	7				1			9
APS2				1	1				2
TOTAL	30	48	5	5	6	5	2		101
TOTAL SYDNEY & CANBERRA	53	61	5	6	8	5	3		141

CANBERRA

Classification	ONGOING				NON-ONGOING				Total
	Full-time	Full-time	Part-time	Part-time	Full-time	Full-time	Part-time	Part-time	
	Male	Female	Male	Female	Male	Female	Male	Female	
SES Band 1		1							1
EL2	2								2
EL2 Engineering	4								4
EL1	1	2		1					4
EL1 Engineering	3								3
EL1 Technical	2								2
EL1 IT	2								2
APS6	2	2			1				5
APS6 Engineering	3	1							4
APS6 Technical	1								1
APS5 Engineering	1								1
APS5 Technical	2								2
APS 5		1							1
APS4		4							4
APS3		2						1	3
APS2					1				1
TOTAL	23	13		1	2			1	40
TOTAL SYDNEY & CANBERRA	53	61	5	6	8	5	3	141	
TOTAL MALE	66								
TOTAL FEMALE	75								

Performance pay

The following amounts of performance pay were paid in the reporting period.

Classification	Amount
Senior Executive Level 2	\$ 5 000
Senior Executive Level 1	\$20 000
Executive Level 2	\$15 000

Australian Content and Children's Television Standards Compliance 2001

Quota	Australian programs	Australian drama	Australian documentary	Australian children's C drama	Australian Children's C programs	Children's C programs	Australian preschool P programs		
run	all	first release	first release	first release	repeat	first release	all		
measure	(percent: 6am —12mn)	(total annual score)	(total hours)	(total hours)	(total hours)	(total hours — incl. C drama)	(total hours all C programs)		
minimum annual requirement	55%	225 hours score	20 hrs	32 hrs	8 hrs	130 hrs	260 hrs	130 hrs	
Seven network									
ATN Sydney	59.0	229.1	359.9	20.0	32.5	21.0	161	261	130.5
HSV Melbourne	60.9	228.6	359.4	20.0	32.5	21.0	161	261	130.5
BTQ Brisbane	60.9	229.1	359.9	20.0	32.5	21.0	160.5	260.5	130.5
SAS Adelaide	65.6	228.6	359.4	20.0	32.0	21.0	164	263	130.5
TVW Perth	61.9	228.0	357.6	20.0	32.5	21.5	161	261	130.5
Nine network									
TCN Sydney	60.0	119.1	262.9	20.0	32.0	47.5	134.5	262.9	130.4
GTV Melbourne	58.7	119.2	263.2	20.0	32.0	48.5	136.0	263.2	130.4
QTQ Brisbane	61.6	119.4	263.5	20.0	32.0	47.0	134.5	263.5	130.4
Ten network									
TEN Sydney	57.4	187.2	280.5	20.0	32.5	67.5	131.5	260.5	130.5
ATV Melbourne	57.4	187.2	280.5	20.0	32.5	67.5	131.5	260.5	130.5
TVQ Brisbane	57.7	187.2	280.5	20.0	32.5	67.5	131.5	260.5	130.5
ADS Adelaide	57.5	187.2	280.5	20.0	32.5	67.5	131.5	260.5	130.5
NEW Perth	57.5	187.2	280.5	20.0	32.5	67.5	131.5	260.5	130.5

The formula for scoring drama programs forms part of the standard, and can be expressed as: drama score = format factor x duration of program.

The format factors for drama are: 3.2 for one-offs (including feature films, telemovies, mini-series); 2 for series / serial produced at the rate of one hour or less per week; and 1 for series / serial produced at the rate of more than one hour per week

Please note that the information in the above table is provisional at the time of publishing. The format factors for drama are: 3.2 for one-offs (including feature films, telemovies, mini-series); 2 for series / serial produced at the rate of one hour or less per week; and 1 for series / serial produced at the rate of more than one hour per week

C & P classified programs

Programs granted C or P classification in 2001–2002

Program title	Style	Type	Origin	Class	Applicant
Children's – C					
ANNE –					
THE ANIMATED SERIES	animated	variety	Canada	C	Network Ten Pty Ltd
BERNSTAIN BEARS	animated	drama	USA	C	Southern Star Sales
BIG ARVO, THE (series 5)	live action	magazine	Australia	C	Seven Network Ltd
BIG ARVO, THE (series 6)	live action	magazine	Australia	C	Seven Network Ltd
DOWNLOAD (series 3)	live action	game show	Australia	C	Becker Entertainment
DOWNLOAD (series 4)	live action	game show	Australia	C	Becker Entertainment
DOWNLOAD (series 5)	live action	game show	Australia	C	Becker Entertainment
LAND BEFORE TIME II: GREAT VALLEY ADVENTURE	animated	drama	USA	C	Seven Network Ltd
LAND BEFORE TIME III: THE TIME OF THE GREAT GIVING	animated	drama	USA	C	Seven Network Ltd
LAND BEFORE TIME IV: JOURNEY THROUGH THE MISTS	animated	drama	USA	C	Seven Network Ltd
OUTWARD BOUND	live action	information	Australia	C	Crawford Productions Pty Ltd
THE BOOK OF POOH	puppetry	entertainment	USA	C	Seven Network Ltd
THE TOOTHBRUSH FAMILY (series 1)	animated	drama	Australia	C	Southern Star Entertainment Pty Ltd
TOTALLY WILD (series 11)	live action	magazine	Australia	C	Network Ten Pty Ltd
WISHBONE (series 1)	live action	drama	USA	C	Southern Star Sales
WISHBONE– DOG DAYS OF THE WEST	live action	drama	USA	C	Southern Star Sales
Children's drama – CD					
GUINEVERE JONES (episodes 1–13)	live action	drama	Australia	CD	Crawford Productions Pty Ltd
GUINEVERE JONES (episodes 14–26)	live action	drama	Australia	CD	Crawford Productions Pty Ltd
HILDEGARDE	live action	drama	Australia	CD	Nice Pictures
JUNGLE GIRL & THE LOST ISLAND OF THE DINOSAURS	animated	drama	Australia	CD	Burbank Animation Studios
KANGAROO CREEK GANG	animated	drama	Australia	CD	Southern Star Entertainment Pty Ltd
LEGACY OF THE SILVER SHADOW Foundation	live action	drama	Australia	CD	Australian Children's Television
PIRATE ISLANDS	live action	drama	Australia	CD	Jonathan M Shiff Productions Pty Ltd
SHAPIES, THE (episodes 7–13)	animated	drama	Australia	CD	Light Knights Productions Pty Ltd
SHAPIES, THE (episodes 1–6)	animated	drama	Australia	CD	Light Knights Productions Pty Ltd
SHORT CUTS	live action	drama	Australia	CD	Burberry Productions Pty Ltd
SOUTHERN CROSS	live action	drama	Australia	CD	Taylor Media
WORST BEST FRIENDS	live action	drama	Australia	CD	CoxKnight Productions Pty Ltd

Program title	Style	Type	Origin	Class	Applicant
Provisional – PRC and PRP					
BOOGIE WOOGIES, THE EDDIE THE COOL	live action	variety	Australia	PRP	Grande Musical Promotions
DINOSAUR	animated	drama	Australia	PRC	Kidszonetv Pty Ltd
EMMA	live action/ animated	drama	Australia	PRC	Crawford Productions Pty Ltd
FERGUS MCPHAIL	live action	drama	Australia	PRC	Burberry Productions Pty Ltd
GUINEVERE JONES	live action	drama	Australia	PRC	Crawford Productions Pty Ltd
KOALA KINGS	live action	drama	Australia	PRC	Southern Star Entertainment Pty Ltd
OCEAN STAR	live action	drama	Australia	PRC	BBHTV Pty Ltd
REBEL SPIRITS	live action	drama	Australia	PRC	Southern Star Entertainment Pty Ltd
SHAPIES, THE	animated	drama	Australia	PRC	Light Knights Productions Pty Ltd
UNITY V	animated	drama	Australia	PRC	Mediaman Productions
Preschool – P					
HI-5 (series 4, episodes 1-45)	live action	variety	Australia	P	Kids Like Us Pty Ltd
IN THE BOX (series 5)	live action	variety	Australia	P	Network Ten Pty Ltd
RODDY THE ROOSTER & FRIENDS	puppetry	light entertainment	Australia	P	Animagination Pty Ltd

Children's television consultants 2001–02

Name	Expertise
Dina Browne	Production
Anni Browning	Production
Robert Bruning	Production
Ewan Burnett	Production
Donato Caretti	Production/puppetry
Penny Chapman	Production
Kim Elliott	Early childhood
Robert Greenberg	Script writing/editing/assessment
Alan Hardy	Production
Simon Hopkinson	Script writing/editing
Susan Howard	Curriculum/child development/human learning
Stephen Measday	Script writing/editing
Fiona Mitchell	Curriculum/child development/early childhood
John Reeves	Script writing/editing
Susan Roberts	Curriculum/child development/early childhood
Wendy Schiller	Early childhood
Susan Scowcroft	Curriculum/child development
Carole Wilkinson	Script writing/editing

Appendix 4

Investigations completed in 2001–02: breach finding

Call sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition breached
COMMERCIAL TELEVISION			
NWS9 Adelaide, QTQ9 Brisbane, TCN9 Sydney	60 Minutes	Tobacco advertising alleged during interview.	Broadcasting a tobacco advertisement.
New South Wales			
TCN9 Sydney	60 Minutes	Report on the conflict in Israel with the Palestinians was biased and inaccurate, complaints handling.	Complaints handling.
TCN9 Sydney	60 Minutes	Inaccurate presentation of factual material and correction of errors.	Accuracy in news and current affairs, failure to correct significant errors of fact.
TCN9 Sydney	A Current Affair	The Australian Society of Plastic Surgeons alleged the program segment and related promo were partial.	Failed to represent viewpoints fairly, unfairly identifying a single person when commenting on a group.
TCN9 Sydney	A Current Affair	Invasion of privacy in a program and promotions.	Privacy.
TCN9 Sydney	A Current Affair	Alleged used hidden camera and voice recording equipment to record footage broadcast.	Privacy.
TCN9 Sydney	News	Alleged failure to broadcast a retraction after being notified of error in a report.	Accuracy in news, failed to correct significant errors at earliest opportunity.
TCN9 Sydney	Sunday	Inaccuracy in item about the new High Commissioner for Sri Lanka, complaints handling.	Accuracy in current affairs.
TCN9 Sydney	The Footy Show	Offended by sexual references and behaviour, complaints handling.	Complaints handling.
NBN Northern NSW WIN Southern NSW/ ACT	Local News Outriders	Biased news report regarding the Dead Persons' Society. Failure to broadcast C program.	Fair and impartial presentation of news. C programming requirement.*

Victoria

GTV9 Melbourne	A Current Affair	Report not presented accurately or fairly, was an invasion of privacy and failed to correct significant errors.	Accuracy and fair representation, identified a single person as representing a group, failed to correct significant errors at earliest opportunity. Complaints handling.
GTV9 Melbourne	A Current Affair	Alleged inaccuracy, unfair representation of viewpoints in the program segment and promotion, invasion of privacy, correction of errors and complaints handling.	Complaints handling.
GTV9 Melbourne	Special: Ray Martin with Michael Crawford	Offensive content unsuitable for G viewing on Sunday afternoon, complaints handling.	Complaints handling.
BCV Western Victoria	Charmed	Promotions for M program were too violent for inclusion in a G classified program.	G – violence, program promotion during a G classified program, low level of threat or menace.
VTV Regional Victoria	Local news	Graphic advertisement for driver safety shown in 6 p.m. news item in G time.	Not providing a warning before distressing material.

South Australia

NWS9 Adelaide SAS7 Adelaide	Murder Call Today Tonight	Concerned about violence in PG classified time. Segment about the complainant was inaccurate and an invasion of privacy.	PG – Violence Accuracy in current affairs.
SAS7 Adelaide	Today Tonight	Segment contained factual inaccuracies, was misleading and an invasion of privacy.	Privacy.

Queensland

BTQ7 Brisbane	Frank Warrick's World Around Us	The show was too realistic and horrific for G classified time zone.	G – violence.
RTQ Regional Queensland	Local news	News report of committal hearing was biased and unfair and an invasion of the complainant's privacy, complaints handling.	Fair and impartial news reporting, complaints handling.

Western Australia

WIN Remote and Regional WA	National Lampoon's Christmas Vacation	No closed captioning or subtitling as advertised, complaints handling.	Complaints handling.
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Tasmania

TNT Tasmania	Today Tonight	Good Girls/Bad Girls segment denigrated women, complaints handling.	Complaints handling.
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COMMERCIAL RADIO**Australian Capital Territory**

2ROC Canberra	Contemporary Music	Unacceptable language, complaints handling.	Complaints handling.
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New South Wales

2DAY Sydney	Hot30.com countdown: bucket of truth	Program included material unsuitable for radio.	Language unsuitable for the likely audience.
2WFM Sydney	Don't Tell Us Your Name, Tell Us Your Secret	Alleged the segment promotes criminal behaviour.	Contemporary standards of decency of the likely audience.

Victoria

3AW Melbourne	Steve Price	Use of 'f' word on air, no delay employed. False claim by station that it had not gone to air.	Language likely to offend anticipated audience.
3MP Melbourne	Live outdoor broadcast	Complainant alleged that the live outdoor broadcast was paid for by a political party.	Identification of political matter.
3CV Maryborough	News	News item that referred to Russian Mafia was inaccurate, complaints handling.	Complaints handling.

COMMUNITY RADIO (includes services licensed as temporary community radio services)**New South Wales**

2000 Sydney	Sponsorship	Sponsorship announcements were untagged and exceeded five minutes per hour.	Failure to tag sponsorship announcements.
2CHY Coffs Harbour	Management	Management changes are denying opportunities to young volunteers.	Organisational mechanisms and active community participation.
2GLA Foster/2LVR Parkes/Forbes/ 2YOU Tamworth/MAX FM Narrabri 2WET Kempsey	John Laws Management	Broadcasting advertisements during 'The John Laws Morning Show' and 'Take 40 Australia'. Management processes failed to resolve internal conflict with members.	Broadcasting advertisements. Conflict resolution.
2UUU Nowra	Management	Various issues in dispute, station not representing community interest, complaints handling.	Sponsorship influence, complaints handling.
2NUR Newcastle	Business, the Law and You	Alleged that the program included advertising for sponsor and that station broadcasts advertorials.	Broadcasting advertisements.

2WOW Penrith	Management	Dispute over program cancellation and offensive/discriminatory language in program, complaints handling.	Records of matter broadcast, conflict resolution, complaints handling.
Voice of Islam Radio Sydney(TCBL)	General	Inciting violence against members of the Australian Federation of Islamic Councils.	Accuracy and corrections of substantial errors of fact.
SWR FM Blacktown (TCBL)	Sunday for Maltese	Defamation, conflict management, complaints handling.	Conflict resolution.
SWR FM, Blacktown (TCBL) without	General programming	Exceeded TCBL licence date, broadcast offensive language and items, and made offensive remarks about RIO FM.	Providing a community broadcasting service
2ERA Kiama Community Radio (TCBL)	Management	Operating service as part of a profit making enterprise and transmitter power exceeds licence.	a licence, presenting as desirable the misuse of drugs, explicit sexual references. Broadcasting advertisements.
Cool FM Murwillumbah (TCBL)	Talkback	Advertising local cinema movies including starting times, and discouraging volunteer and community involvement.	Broadcasting sponsorship announcements in excess of five minutes per hour.
Victoria			
3WRB Melbourne	Vietnamese language program	An interview with a sponsor, which promoted the sponsor's products, was an advertisement.	Broadcasting an advertisement.
3ZZZ Melbourne	Singhalese language program	An unlawful person is running Singhalese language program, complaints handling.	Conflict resolution.
Country FM Geelong (TCBL)	Management	Allegations of bad management practices and disputes.	Failure to provide on-air information about the code.
Queensland			
4BCR Bundaberg	Management	Changed program format, broadcasting advertisements, dispute resolution.	Records of matter broadcast.
91.1 Sunshine FM Queensland (TCBL)	Advertisement	Announcements did not meet the definition of 'sponsorship announcement' because the businesses were not sponsors of the licensee.	Broadcasting advertisements.
South Australia			
Great Southern FM Victor Harbour (TCBL)	Management	Seven volunteers suspended from on-air operations after refusing to sign volunteers' agreement.	Guidelines for volunteers' rights and conflict resolution.
Great Southern FM Victor Harbour (TCBL)	Management	Volunteer suspended unfairly.	Conflict resolution.
Great Southern FM Victor Harbour (TCBL)	Management	Unfair termination.	Guidelines for volunteers' rights and conflict resolution.

Western Australia

6EBA Perth	Polish Kurier	Presenter made untrue statements regarding the Polish Club, complaints handling.	Accuracy, distinguish fact from commentary and analysis, misrepresentation of a viewpoint by misleading emphasis, complaints handling.
6SON Perth	Sponsorship announcement	Certain sponsorship announcements broadcast were advertisements.	Broadcasting advertisements.

OPEN NARROWCAST RADIO

AIR FM Penrith NSW	General program content	Operating a service that does not satisfy any of the narrowcast criteria.	Providing a community broadcasting service without a licence.
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PAY TV

AUSTAR	Sport - Soccer	Promotion for World Cup soccer that used WWII images was racist, complaints handling.	Complaints handling.
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ABC TV

ABC TV	Backberner	Segment that purported to mock Cat Stevens vilified Muslims and reinforced stereotypes of Muslims.	Denigration on the basis of religion.
ABC TV	Lock Stock	Themes, language and images portrayed were depraved, obscene and disgusting, complaints handling.	Complaints handling.
ABC TV	Micallef Program	Discrimination, depiction of a penis in a PG classified program, complaints handling.	Complaints handling.

ABC RADIO

ABC Radio	AM	Partiality in news item, complaints handling.	Complaints handling.
ABC Regional	AM	Discrimination, news in inappropriate program, complaints handling.	Complaints handling.
ABC Regional	Breakfast	Discrimination against Christians, complaints handling.	Complaints handling

Investigations completed in 2001–02: no breach finding

Call Sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition considered
COMMERCIAL TELEVISION			
ATV Melbourne, ADS Adelaide	Saving Private Ryan	Movie was classified AV and therefore should not have been shown at 8.30 p.m.	Broadcasting of material dealing in a responsible way with important moral or social issues.
New South Wales			
ATN7 Sydney	Morning & evening news	Marlboro advertisement on tail fin of a Formula One racing car with an onboard camera deliberately placed there.	Broadcasting a tobacco advertisement.
TCN9 Sydney	60 Minutes	Alleged program constituted an advertisement for Toyota.	Material for which payment is received must be distinguishable.
TCN9 Sydney	A Current Affair	Filming by hidden camera and broadcast of footage was an invasion of privacy.	Accuracy, privacy, complaints handling.
TCN9 Sydney	Getaway	Item on Vietnam described the delights of eating dog.	G classification.
TCN9 Sydney	National Nine News	Fashion item featuring females in flimsy and suggestive attire was unacceptable.	Care in broadcasting news.
TEN 10 Sydney	Jerry Springer	Program promoted aggression - no response received to original letter to station.	M – violence, complaints handling.
TEN 10 Sydney	News	Violence in news bulletin and news promotion during broadcast of a golf tournament.	Care in broadcasting news in G classified programs, warnings before news and current affairs.
TEN 10 Sydney	The Simpsons	Depiction of violence in Goldilocks and Free Willy segments were unsuitable for a PG program.	PG – violence, supernatural or mild horror.
NBN Northern NSW	60 Minutes	Feature of inappropriate and offensive language.	Language in current affairs.
NBN Northern NSW	Backyard Blitz	Child shown kicking an actor - inappropriate for timeslot and may encourage imitation.	G – violence, imitable and dangerous behaviour.
NBN Northern NSW	Footy Show	'Egg' game segment, references to 'cracking the fat', complaints handling.	M – sex and nudity, language, complaints handling.
NBN Northern NSW	Misery Guts	Use of violence in one episode.	G – Violence.

Victoria

ATV10 Melbourne	Beauty and The Beast	Panelist called viewer who had written to the panel a 'retard'.	Proscribed material likely to provoke or perpetuate intense dislike against a person or group on the grounds of disability.
ATV10 Melbourne	Big Brother	Promotion did not display classification, a PG program was shown in G time and the M classification of the first episode of 'Big Brother Uncut' was inappropriate.	Classification, display of classification symbols in promotions.
ATV10 Melbourne	Evening News	Racist commentary about Germans was made by Nancy Wake.	Proscribed material which is likely to provoke or perpetuate intense dislike against a person or group on the grounds of ethnic origin.
ATV10 Melbourne	News	Inaccuracy and unfairness in two news items: WA elections and petrol excise, complaints handling.	Accuracy, complaints handling.
GTV9 Melbourne	Malcolm in the Middle	Racial vilification of Aborigines.	Proscribed material likely to provoke or perpetuate intense dislike against a person or group on the grounds of race.
GTV9 Melbourne	The Delta Force	Degradation of Muslims in movie, complaints handling.	Proscribed material likely to provoke or perpetuate intense dislike against a person or group on the grounds of race, complaints handling.
GTV9 Melbourne	Today	Interview was prejudiced and other items were inaccurate, complaints handling.	Accuracy and fairness in current affairs programs, complaints handling.
HSV7 Melbourne	Evening News	News item relating to a record Tattslo to draw was a promotion for the lottery.	Distinguish paid material, fairness and impartiality in news.
HSV7 Melbourne	News	Inaccuracy in reporting 1996 Federal Election campaign, complaints handling.	Accuracy and representing viewpoints fairly in news, complaints handling.
BCV/ GLV Southern Victoria	News	Description of a 'daring armed holdup' was inappropriate, complaints handling.	Accuracy, complaints handling.
BCV/ GLV Southern Victoria	Promotions for 'Ed' and 'Grosse Point'	Promotions for PG programs, 'Ed' and 'Grosse Point' in early morning G programs.	Restrictions in G viewing, visual depiction of nudity and partial nudity, reference to sexual behaviour.

Queensland

BTQ7 Brisbane	Extreme Measures	Objected to the use of the 'f' word.	M – language.
BTQ7 Brisbane	Hard Rain	Concerned with the language used in the movie, complaints handling.	M – language, complaints handling.
BTQ7 Brisbane	On The Beach	Unacceptable coarse language in an M movie, complaints handling.	Complaints handling.
QTQ9 Brisbane	A Current Affair	Drugs in schools item was factually incorrect, did not present viewpoints fairly and presented material in a manner likely to panic viewers.	Accuracy and fair representation of viewpoints in current affairs, creating public panic.

QTQ9 Brisbane	Australian Survivor Auditions	Objected to removal of clothing and display of buttocks.	PG – sex and nudity.
QTQ9 Brisbane	Good Will Hunting	Concerned at the use of coarse language.	M – language.
QTQ9 Brisbane	Sale of The Century	Panelist smoked a cigar on-camera.	Broadcasting a tobacco advertisement.
QTQ9 Brisbane	Today On Saturday	Alleged commentator Graham Richardson was biased, equal airtime should be supplied for expression of opposing viewpoints.	Reasonable opportunities to all parties contesting the election during an election period.
QTQ9 Brisbane	Watchdog	Program promotions alleging malpractice by the RSPCA, unfairly implicated RSPCA Queensland, complaints handling.	Accuracy and fair representation of featured viewpoints in promotions for current affairs programs, complaints handling.
TVQ10 Brisbane	Beauty and the Beast	Panelist who appeared to be a white witch encouraged the audience to join a WICCA cult.	PG – supernatural themes.
RTQ/WIN Rockhampton	Burke's Backyard	Inappropriate sexual references.	G – sex and nudity.
RTQ/WIN Rockhampton	News	Broadcast footage of complainant's premises.	Privacy.
TNQ Townsville	News	News poll broadcast during blackout period may constitute an election advertisement.	Broadcasting of election advertisements.

South Australia

ADS10 Adelaide	The Quick and the Dead	Level of violence in the movie.	M – Violence.
ADS10 Adelaide	I Still Know What You Did Last Summer	Level of violence in the movie.	M – Violence.
ADS10 Adelaide	12 Monkeys	Failed to provide closed captions.	Closed captioning for news and current affairs and prime time programs on digital services.
ADS10 Adelaide	Ten News	Pirelli Calendar segment contained nudity unsuited to early evening bulletin, complaints handling.	Care in the selection and broadcast of news and current affairs material in G time, complaints handling.
NWS9 Adelaide	I Know What You Did Last Summer	Level of violence in the movie.	M – violence.
NWS9 Adelaide	A Current Affair	Inaccuracy and bias in describing government's treatment of illegal immigrants, complaints handling.	Accuracy and fair representation in current affairs, complaints handling.
NWS9 Adelaide	Today	Privacy concerns about filming of detention center, identification of detainees and teenager's suicide threat.	Privacy, reporting of suicide.
SAS7 Adelaide	Face/Off	Level of violence in the movie.	M – violence.
SAS7 Adelaide	Today Tonight	Program vilified the complainant, was partial and an invasion of privacy, complaints handling.	Vilification, accuracy and presentation of viewpoints, privacy, complaints handling.

Western Australia

NEW10 Perth	Big Brother	Inappropriate timeslot for such adult material, coarse language, pixilation of nudity.	G – sex and nudity, language.
NEW10 Perth STW9 Perth	Big Brother Uncut Banner tobacco advertisements	Coarse language and demeaning sexual behavior. Alleged breach of Tobacco Advertising Prohibition Act by banner advertisement in Monaco Grand Prix.	MA – sex and nudity, language. Broadcasting a tobacco advertisement.
TVW7 Perth	Titanic movie promotions	Classification of promotions broadcast during G time.	G – violence, restrictions in G viewing.

Tasmania

TVTWIN Hobart	60 Minutes	Bias and inaccuracies in Styx Valley Forest item, complaints handling.	Accuracy in current affairs, complaints handling.
TVTWIN Hobart	Army Recruitment advertisement	Public safety scare campaign advertisement broadcast in preschool program Hi-5 broadcast in G time.	G – violence, advertising in preschool programs broadcast outside P periods.

COMMERCIAL RADIO

New South Wales

2MC Kempsey	Local news	Port Macquarie base hospital news item included inaccurate and unfair assertions.	Accuracy in news.
2NM Muswellbrook	News	Reduction in a sentence for a social security case, complaints handling.	Accuracy in news, complaints handling.

Victoria

3AW Melbourne	Breakfast Show	Derogatory and discriminatory comments about the mentally ill.	Inciting or perpetuating hatred or vilifying any group on the basis of mental disability.
3AW Melbourne	Darren James	Listener offended by send-up of Prime Minister of Australia, complaints handling.	Contemporary standards of decency of the likely audience, complaints handling.
3AW Melbourne	News	Claimed that a news item about a <i>Herald Sun</i> survey included a misleading description of voter sentiment, complaints handling.	Accuracy in news, complaints handling.
3AW Melbourne	Rex Hunt Fishing World	Program included current affairs issues where presenter has not disclosed his commercial interests.	Program is not a current affairs program and therefore declaring presenter's interests not required.
3AW Melbourne	Steve Price	The announcer requested caller to arrange a rendezvous outside 3AW to swap illegal drugs.	Licensee not to use broadcasting bands in the commission of an offence.

3AW Melbourne	Steven Price Drive Show	Complaint that use of the term 'Pommie' was racist, complaints handling.	Inciting or perpetuating hatred or vilifying any person or group on the basis of nationality, complaints handling. Language unsuitable for the likely audience.
3FOX Melbourne	Tracy & Matt Breakfast Show	Unacceptable comments that appear to suggest that the Prime Minister is a liar and a bastard.	
3BBO Bendigo	1800 telephone services ad	Alleged that an advertisement promoted the misuse of alcohol, complaints handling.	Presenting as desirable misuse of alcohol, complaints handling.
3BBO Bendigo	News	Dangers of anti-smoking drug did not distinguish fact from comment and may have breached TAP Act.	Distinguish news from comment.
3EL Maryborough	News	Inaccurate report on parliamentary proceedings, possible breach of suppression orders in Queensland.	Accuracy in news.

South Australia

5AA Adelaide	Bob Francis	Disparaging remarks made about the complainant and use of offensive language.	Vilification, language unsuitable for the likely audience, presentation of viewpoints and fairness in current affairs.
5AA Adelaide	Tony Pilkington	Presenters used coarse language to refer to the complainant.	Language unsuitable for the likely audience, accuracy in current affairs.

Western Australia

6PR Perth	Baz and Barra Breakfast Program	Vilification of Catholic community, complaints handling.	Vilify any person or group on the basis of religion, complaints handling.
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COMMUNITY RADIO (includes services licensed as temporary community radio services)

1CMS Canberra	Sinhala Ethnic Program	Statement was inaccurate and incited violence, complaints handling.	Incitement to violence, accuracy in current affairs, complaints handling.
2000 Sydney	Arabic Program	Complainant alleged that licensee is broadcasting advertisements.	Prohibition on broadcasting advertisements.
2FBI Sydney	Management	New community service is not suitable licensee and failed to encourage community participation.	Suitability, encourage community participation in the operation of the service.
2CCR Parramatta	Management	Station did not grant complainant his request for airtime.	Encourage community participation in the operation of the service.
2CHR Cessnock/ Maitland	Management	Licensee failed to encourage community participation, resolve conflict and represent the community interest, complaints handling.	Encourage community participation in the operation of the service, continue to represent community interest, conflict resolution, complaints handling.

2HHH Hornsby	Management	Licensee failing to represent community interest and to encourage community participation.	Continue to represent community interest, encourage community participation in the operation of the service.
2HHH Hornsby 2HHH Hornsby	Management Management	Complaints handling. Membership renewal was refused, complaints handling.	Complaints handling. Encouraging community participation, complaints handling.
2HHH Hornsby	Thank God It's Friday	Program mentioned the complainant by name and contained factual inaccuracies.	Accuracy and privacy in current affairs.
3WRB Melbourne Western Suburbs	Vietnamese Program	Program alleged to be profit making enterprise and that licensee was broadcasting advertisements.	Prohibition on broadcasting advertisements.
4DDB Toowoomba 4EB Brisbane	Management Management	Membership terminated without adequate reason. Licensee failed to follow adequate dispute resolution procedure.	Conflict resolution. Conflict resolution.
RIO FM Blacktown (TCBL)	Management	Licensee broadcast three minutes early before start of temporary licence period.	Providing a community service without a licence.
Coraki FM Richmond Valley (TCBL)	Management	Temporary licensee broadcasting outside its licence area.	Accidental provision of service outside the licence area.

OPEN NARROWCAST RADIO

Country FM Geelong	Saturday Morning	Coarse language contained in a joke, complaints handling.	Program content consistent with standards acceptable to the relevant audience, complaints handling.
88 Gold FM Roxby Downs	General program content	Publicity material referred to station as a commercial radio service.	Provision of open narrowcast service by virtue of limited location.

OPEN NARROWCAST TELEVISION

CH31 Sydney	Election advertisement	ALP advertisement was screened during the blackout period.	Broadcasting an election advertisement during a blackout period.
iTV 64 Darwin	Management	Licensee is providing a service of wide appeal.	Providing a commercial television service without a licence.

ABC TV

ABC TV	Backberner	Misuse of the name of Jesus Christ amounts to religious vilification, complaints handling.	Language, discrimination, complaints handling.
ABC TV ABC TV ABC TV	Backberner Landline News	Program contained language that was grossly offensive. Dixie Chicks video was violent and offensive. Statement in the news referring to a 'Polish concentration camp' was inaccurate.	M – language. Portrayal of violence. Accuracy in news.

ABC TV	News	Alleges bias in various news programs against certain political parties.	Factual accuracy, impartiality and balance in news.
ABC TV	News	Broadcast of a partial report about the WA election result, complaints handling.	Impartiality in news, complaints handling.
SBS TV			
SBS TV	Is Scientology Above the Law?	Claim of prejudicial, biased content of this program and that SBS has not presented a balance over time, complaints handling.	Prejudice, discrimination, representation of religion, balance and impartiality over time, complaints handling.
SBS TV	Mum's The Word	Complaint that program was abusive to women and not suitable for an 8 p.m. timeslot.	PG classification.
SBS TV	Nude For Satan	Referred to scene which includes Satan presiding over group orgies, simulated sacrifices and homosexual relationships.	Sex and nudity.
SBS TV	Various	Programs not captioned as required by captioning standards.	Closed captioning for news and current affairs and prime time programs on digital services.
ABC RADIO			
ABC 3LO Melbourne	Sunday Night Talk	Believes show was discriminatory and unbalanced about how the earth was created, complaints handling.	Discrimination, impartiality and balance in current affairs, complaints handling.
ABC Radio	PM	Gratuitous use of offensive language denigrated Bill Gates, complaints handling.	Language, discrimination, complaints handling.
ABC Radio	PM	Repeated use of the word 'backflip' and political bias on the part of the ABC	Balance and impartiality in current affairs.
ABC Radio	The World Today	Inaccurate reference to member appointed to the Pharmaceutical Benefits Advisory Committee.	Accuracy of factual content in news and current affairs.
ABC Radio National	AM	Prejudicial political coverage on issue of global warming, complaints handling.	Impartiality and balance in current affairs, complaints handling.
ABC Radio National	Late Night Live	Phillip Adams referred to US President Bush as 'President Shrub', complaints handling.	Discrimination, complaints handling.

Summaries of breaches found in investigations

Commercial television

Licence conditions, Childrens Television Standards, or Code: Commercial Television Industry Code of Practice

TCN 9, QTQ 9, NWS 9

Program: 60 Minutes

Complaint: Broadcasting a tobacco advertisement

Complaints were made in relation to an interview with the actor Russell Crowe on the '60 Minutes' program. In summary, the complainants alleged that the interview contained a prohibited tobacco advertisement in that it showed Russell Crowe displaying a Marlboro cigarette packet while lighting and smoking a cigarette. The same footage was broadcast during the following week's '60 Minutes Mailbag' segment. This segment was the subject of an additional complaint.

The ABA determined that the licensees did not breach the licence condition set out at subclause 7(1)(a) of Schedule 2 to the Act in broadcasting the '60 Minutes' program segment which featured an interview with Russell Crowe but that the licensees had breached that licence condition by broadcasting a tobacco advertisement in the '60 Minutes Mailbag' segment the following week.

As this was the first occasion that the licensees had breached this licence condition, the ABA did not take any action against the licensees. However, the matter will be reported to the Minister for Health and to the Minister for Communications, Information Technology and the Arts. The ABA also proposes to send a copy of this report to all commercial television licensees to remind them of their obligations.

TCN 9 Sydney

Program: 60 Minutes

Complaint: Accuracy and fairness, complaints handling

The ABA received a complaint regarding a report by Richard Carleton on the Palestinian/Israeli conflict in the Middle East. The report was broadcast by TCN 9 on the current affairs program '60 Minutes' in March 2001. The complainant wrote to the station but was dissatisfied with the response.

The ABA was of the view that the licensee breached clause 7.9 of the code by not providing a substantive response to the complainant.

Channel Nine admitted the breach and will conduct training with the '60 Minutes' staff involved in responding to code complaints.

TCN 9 Sydney

Program: 60 Minutes

Complaint: Failure to present factual material accurately, failure to correct significant errors of fact at the earliest opportunity

The complaint was about a segment on '60 Minutes' of 19 August 2001 entitled 'Human Bombs'. The complainant claimed three of the statements made during the course of the segment were inaccurate.

The ABA upheld the complainant's view on the first contested statement. This was made in relation to the tactics used by Palestinians fighting for their homeland in Israel. The presenter asked, 'is a Palestinian refugee justified if he engages in terror?' and referred to a recent Palestinian suicide bombing. He then stated, 'But remember, those who fought for the establishment of the State of Israel did exactly the same thing'.

The complainant stated that this statement implied that those fighting to establish the state of Israel had engaged in suicide bombing, and that this had not been the case. Furthermore, while there had been bombings of military targets, there had been no targeting of civilians. The licensee stated that it was reasonable to assume the statement was referring to the use of

terrorist tactics generally, and not to the use of suicide bombing per se.

The ABA agreed with the complainant that the most obvious interpretation of the statement was that those who fought for the state of Israel had engaged in suicide bombing. This was due to the particular juxtaposition of statements used, in conjunction with the fact that the presenter was sitting against a backdrop reading 'Human Bombs'.

The ABA did not uphold the complainant's view on the other two statements, one of which related to a claim that Israel was illegally occupying land in the Palestinian territories, and the other to demands set by Israel as preconditions for ceasefire negotiations.

The ABA notified the licensee that it had found a breach of clauses 4.3.1 and 4.3.11 of the code in relation to the first statement. The ABA noted that, on receipt of the ABA's breach finding, the licensee issued a clarification as to the intended meaning of the statement, which was that both sides had engaged in terrorist tactics.

TCN 9 Sydney
Program: A Current Affair
Complaint: Invasion of privacy

The ABA received an unresolved complaint regarding a segment of the program 'A Current Affair', broadcast by TCN 9 on 6 August 2001, which concerned the filming and subsequent broadcast of footage of the complainant in his home and without his knowledge. The complainant alleged that the item in question breached his privacy.

The ABA determined that this segment of 'A Current Affair' breached clause 4.3.5 of the code, in that it broadcast material relating to the complainant's personal affairs, which invaded his privacy. In addition, the ABA determined there was no identifiable public interest for broadcasting the material.

The licensee made the ABA's findings known to the Executive Producer of the program and uses the findings in its code compliance training.

TCN 9 Sydney
Program: A Current Affair
Complaint: Failure to represent viewpoints fairly, unfairly identifying a single person when commenting on the behaviour of a group of persons

The complaint was about a segment on 'A Current Affair' broadcast during August 2001. The complainant claimed that the story concerning the medical treatment provided by a plastic reconstructive surgeon to a former patient breached various provisions of section 4 of the code in that it was inaccurate, not balanced, did not represent viewpoints fairly and unfairly identified the doctor concerned when commenting upon the behaviour of plastic surgeons as a whole. The complaint also alleged that preview material broadcast the previous evening was also in breach of the code. Particular issue was taken with the licensee's conduct in broadcasting a story damaging to the professional reputation of a medical practitioner who had been cleared by the court of negligence and breach of contract some six weeks before the broadcast.

The ABA did not uphold the complainant's view that the broadcast did not present factual material accurately. The ABA was of the view that the expression of personal viewpoints by the former patient did not fall into the category of factual material. The ABA also concluded that preview material associated with the program did not breach the code.

The ABA determined that the report did not do justice to the doctor's viewpoint, particularly as it related to the matter of negligence. Further, by presenting only a very small portion of the doctor's evidence, the end result was that his views were not presented in their entirety. There also appeared to have been no particular impediment and ample time to ensure that the doctor's viewpoint was fairly presented in the broadcast by his personal comment, or summary of his evidence, or other means.

The ABA also upheld the complaint that the doctor was unfairly singled out as an individual. The report juxtaposed generalised comments

about the behaviour of the cosmetic surgery industry with a focus on a single doctor who was identified by name. The report conveyed an unfair impression that the doctor was not a good surgeon, when the judgement of the court indicated that the doctor has a reputation for being a highly skilful surgeon and was not negligent in the treatment he provided to his former patient.

The licensee advised that the reporter would receive training in relation to the code, as well as on accuracy in court reporting. The matter will also be used as case study material for training sessions.

TCN 9 Sydney

Program: A Current Affair

Complaint: Invasion of privacy, broadcast of material relating to personal and private affairs

The ABA received a complaint concerning the broadcast of 'A Current Affair' on 28 May 2001 and the promotions for that program broadcast on the preceding days. The complainant alleged that the segment and its promotions used material relating to her personal and private affairs and invaded her privacy in the absence of an identifiable public interest reason for doing so.

The ABA determined that the episode of 'A Current Affair' breached clause 4.3.5 of the code as material was broadcast which invaded the complainant's privacy and related to her personal or private affairs when there was no identifiable public interest reason for the broadcast of that material.

The ABA is currently investigating a number of similar issues in relation to the Nine Network and is considering what action to take.

TCN 9 Sydney

Program: Today, Newsbreak

Complaint: Present factual material accurately, failure to correct the significant errors of fact at the earliest opportunity

The ABA received a written complaint concerning news bulletins broadcast by TCN 9 on 15 October 2001. The complainant alleged

that the licensee broadcast news items during the 7.30 a.m. and 11.00 a.m. news bulletins that inaccurately reported on Newspoll figures that were published in the *Australian* newspaper on 15 October 2001. The complainant further stated that the licensee failed to correct the alleged errors with an on-air retraction.

The ABA determined that the licensee breached clause 4.3.1 of the code twice, due to the broadcast of a news program that did not present factual material accurately, and breached clause 4.3.11 of the code once, by failing to correct the significant errors of fact at the earliest opportunity.

The licensee advised that this matter has been reviewed with the Director of News for the Nine Network and that the staff involved in preparing the report of the news poll have been counselled in relation to the importance of factual accuracy and the requirements of the code. The ABA remains of the view that a correction of the significant errors of fact should have been broadcast at the earliest opportunity.

TCN 9 Sydney

Program: Sunday

Complaint: Inaccurate statements, failure to correct significant errors of fact at the earliest opportunity

The ABA received an unresolved complaint regarding an edition of the program 'Sunday' broadcast by TCN 9 on 17 June 2001 and in particular to an item concerning the appointment of the High Commissioner for Sri Lanka in Australia. The complainant alleged that the item in question was one sided and contained factual inaccuracies. The complainant also alleged that Channel Nine in Sydney had not made a substantive response to his letter of complaint.

The ABA determined that during an edition of the program 'Sunday' broadcast on 17 June 2001 the licensee breached clause 4.3.1 of the code in that factual material was not presented accurately. An assertion made during the program that a 'public outcry' had caused the withdrawal of the (then) Sri Lankan High Commissioner to Canada in 1986 was found by

the ABA, on the evidence provided to it, to be inaccurate.

The network raised the ABA's findings with the Executive Producer of 'Sunday' and the reporter responsible for the preparation of the story. The ABA decided not to take any further action.

TCN 9 Sydney

Program: The Footy Show

Complaint: Sex and nudity in an M rated program, complaints handling

On 2 October 2001 the ABA received a complaint concerning the 'Footy Show' broadcast by TCN 9 on 26 July 2001. The complaint concerned a comedy sketch in which a woman reaches into a popcorn box that is sitting on a man's lap and recoils, giving the impression that she has touched the man's penis. The complainant considered that this sexual innuendo was inappropriate.

The ABA did not uphold the complaint as it was found that there was no visual depiction of intimate sexual behaviour, although it was implied in a restrained way as permitted by the code. However, the ABA determined that the licensee breached clauses 7.9 and 7.10 of the code as the licensee did not provide a substantive written response to a code complaint, and its response was not within 30 working days of receipt of the complaint.

The licensee informed the ABA that it had brought the requirements of the complaints handling provisions of the code to the attention of the Executive Producer of the 'The Footy Show' and it would ensure training was provided in the area of code compliance. The ABA undertook to continue to monitor TCN 9's complaints handling processes.

NBN Northern NSW

Program: Local News

Complaint: Fair, accurate and impartial presentation of news programs

The ABA received an unresolved complaint from The Sydney Dead Persons Society regarding the broadcast of a news report during the NBN Local News in 29 January 2001. The complaint alleges that the news report in question was biased.

The ABA determined NBN breached clause 4.4.1 of the code due to the presentation of a news report, which was not fair and impartial. NBN did not accept the ABA's finding. The ABA has not been provided with details of any action NBN has taken, or intends to take, to prevent similar breaches from occurring.

WIN Southern NSW/ACT

Program: Outriders

Complaint: Failure to broadcast C program

WIN Television NSW Pty Ltd (WIN) advised the ABA that it failed to broadcast a scheduled episode of the first release C drama program 'Outriders'.

Failure to broadcast a C program without meeting the exemptions available to licensees under the Children's Television Standards (the CTS) is a breach of CTS 3(1)(c)(i) and 3(1)(g).

WIN advised the ABA that a review of their systems and procedures was undertaken to prevent future errors. In response to the ABA's breach finding, WIN made a commitment to the ABA to run 730 short promotional spot advertisements (over 12 months). WIN proposed to run a promotional strategy to improve awareness of C and P programming by both parents and children.

GTV 9 Melbourne

Program: A Current Affair

Complaint: Accuracy, fair representation of viewpoints, correction of errors of significant facts and unfairly identifying a single person to represent a group

The ABA received a complaint about a segment of the program 'A Current Affair' entitled 'Work Versus Welfare', which was broadcast on 26 June 2000 on GTV 9 Melbourne. The complainant made a written complaint to GTV 9 about the broadcast but was dissatisfied with the response received.

The ABA determined that the licensee of GTV 9 did not present factual material accurately or represent viewpoints fairly and therefore breached clause 4.3.1 of the code; failed to correct significant errors of fact at the earliest opportunity in breach of subclause 4.3.11 of the

code; and unfairly identified a single person to represent a group (the long term unemployed) in breach of clause 4.3.7 of the code.

Nine submitted to the ABA that it would conduct code training sessions at GTV and the requirements of section 4.3.1 would be discussed separately with the Executive Producer of 'A Current Affair' and the producer and journalist of the story.

GTV 9 Melbourne

Program: A Current Affair

Complaint: Complaints handling

The complainant complained regarding a story about her titled 'Australia's Runaway Bride' broadcast during an edition of 'A Current Affair'. The complainant also complained about the licensee's handling of her complaint.

The ABA determined that the licensee breached clause 7.7 of the code by not advising the complainant during a complaint made by telephone of her option to make the complaint in writing.

The licensee advised that it intended to forward the report to, and discuss it with, the producer and reporter responsible for the preparation of the story, that relevant staff had been counselled regarding compliance with clause 7.7 of the code, and that a memorandum has been sent to the Executive Producer and Supervising Producer of 'A Current Affair' reminding them of the obligations contained in the code.

GTV 9 Melbourne

Program: Ray Martin with Michael

Crawford — By Request

Complaint: Sex and nudity in a G classified time slot, complaints handling

The ABA received a written complaint regarding offensive content in the program 'Ray Martin with Michael Crawford — By Request'. The complainant wrote to the station but was dissatisfied with the response he received from the licensee and complained to the ABA.

The ABA was of the view that the licensee breached clause 7.9 of the code by not providing a substantive response to the complainant.

Channel Nine admitted the breach concerning the handling of complaints. The staff involved in responding to code complaints were advised that the response sent should have specifically referred to the relevant clause of the code and explained why, in Nine's view, the segment did not breach that clause of the code.

BCV Western Victoria

Program: 'Charmed' program promotion

Complaint: Violence in program promotions

The complainant alleged that a promotion for an episode of an M classified program, 'Charmed', was too menacing for broadcast during a G classified animal documentary, 'Sandra Sully Presents: Who's Aping Who'.

The ABA determined that the licensee breached clauses 2.11 and 3.8, and subclauses 3.8.2, 3.8.7 and 2.11.1 of the code by broadcasting the promotions for 'Charmed' in a G classified program.

BCV did not accept the ABA's findings, however they notified the classifiers at Ten Network Pty Ltd (Ten), who will approach the classification of future G classified 'Charmed' promotions with reference to this finding. The ABA recommended to BCV and Ten that the findings should be applied to all promotions for M programs that are broadcast during G classified programs, and not just to promotions for 'Charmed'.

As this was the first time a breach of this nature had been found against the licensee the ABA decided not to take any further action.

VTV Regional Victoria

Program: Local News

Complaint: Not providing a warning before a news item that may seriously distress or seriously offend a substantial number of viewers

The ABA received a written complaint concerning a news item broadcast by VTV Regional Victoria on 8 August 2001. The complainant alleged that the news item, which concerned the launch of a road safety campaign, contained distressing images and should have

been preceded by a warning. The images were of roads accident victims and bereaved relatives.

The ABA determined that the licensee breached clause 4.3.4 of the code in that it broadcast a news item containing material that may have seriously distressed or seriously offended a substantial number of viewers and did not provide an adequate warning prior to that news item being broadcast.

As a result of this incident, all WIN TV offices now have a copy of the code available in their bureau and all journalists have been advised in writing that they must refer to the code for direction and in particular that they must ensure that appropriate warnings are given when material that may seriously distress or offend a substantial number of viewers is telecast for an identifiable public interest reason. WIN TV has also included in its letter of appointment to new journalists a condition requiring them to abide by the terms and conditions of the *All Media Law Handbook* and the code.

Because WIN TV has taken these steps and it is WIN TV's first such breach, the ABA did not take any further action.

NWS 9 Adelaide

Program: Murder Call

Complaint: Violence in a PG rated program

On 19 October 2001, the ABA received a complaint concerning the episode 'Cry Wolf' of the series 'Murder Call' broadcast by NWS 9 at 3:00 p.m. on 14 June 2001. The complainant contended that the depiction of violence in this episode was too strong for its PG classification, citing the depiction of the murders of the two victims, the depiction of the police investigation including the assessment that there had been a sexual assault, and the attack on the female detective.

The ABA found that the program breached clauses 2.13.1 (Violence) and 2.13.6 (Adult Themes) of the code in that the depictions of violence and of the adult theme of sexual assault were not mild in impact.

The ABA noted that the licensee had not previously been found to have breached the

classification requirements of the code and no further action was taken.

SAS 7 Adelaide

Program: Today Tonight

Complaint: Simulating news or events, presenting factual material accurately, invading an individual's privacy, exercising sensitivity

The ABA received an unresolved written complaint regarding a segment of the 'Today Tonight' program broadcast by SAS 7 Adelaide on 20 February 2001. The segment concerned a woman who had fallen down a disused mineshaft on her own property and who was trapped for several days before being rescued. The complainant alleged that the item contained factual inaccuracies, simulated events in a misleading manner, and was an invasion of privacy.

The ABA determined that the licensee breached clause 4.3.5 of the code by using material that invaded an individual's privacy when there was no identifiable public interest reason for the material to be broadcast.

The ABA was of the opinion that the breach was not a serious one, and it was the first time that the licensee had breached clause 4.3.5 of the code, the ABA decided not to take any further action.

SAS 7 Adelaide

Program: Today Tonight

Complaint: Accuracy, invasion of individual's privacy

The ABA received a letter of complaint about a segment of 'Today Tonight' broadcast by SAS 7 on 30 January 2001. The complainant alleged that the segment contained inaccuracies and was an invasion of privacy.

The ABA determined that SAS 7 by not presenting factual material accurately had breached clause 4.3.1 of the code. The ABA also determined that SAS 7 had not breached clause 4.3.5 of the code which relates to broadcasting material relating to a person's personal or private affairs when there was no identifiable public interest reason for that material to be broadcast.

The licensee advised relevant parties of the ABA's decision in relation to the matter. The licensee stated that the inaccuracy was an isolated instance and does not reveal a systemic problem, which would require further action. No further action was taken by the ABA.

BTQ 7 Brisbane

Program: Frank Warwick's World Around Us

Complaint: Violence in a G rated program

On 5 September 2001 the ABA received a complaint concerning 'Frank Warrick's World Around Us' broadcast by BTQ 7 on 4 August 2001. The complainant considered that a segment where a life-like mannequin dressed as a soldier floats out of a submerged aeroplane was too strong for a G classified program.

The ABA found that program breached clause 2.11.1 of the code as the footage showing the mannequin constituted a visual depiction of (the result of) physical violence that was realistic and not restrained as required by the G classification.

The ABA noted that this was the first time the licensee had breached the requirements of the G classification and no further action was taken.

RTQ Regional Queensland

Program: WIN News

Complaint: Fair and impartial presentation of news, privacy, complaints handling

The ABA received a complaint in relation to a news item broadcast on 3 October 2000. The complainant alleged that a news item was not fair and impartial, and represented an invasion of his privacy.

The ABA determined that the broadcast breached clause 4.4.1 of the code, in that it did not present news fairly and impartially, and subsequently breached clauses 7.9 and 7.12 of the code in dealing with a complaint in relation to that broadcast.

The licensee of RTQ has breached section 7 of the code on three previous occasions. The licensee has not previously breached any clauses of section 4 of the code.

The ABA will take no further action in relation to the breach of clause 4.4.1 of the code. After giving further consideration to the licensee's record of compliance with the code's complaint handling procedures the ABA placed an additional condition on RTQ's licence, making the complaints handling provisions of the code a licence condition and requiring RTQ to regularly report to the ABA on complaints received.

WIN Remote and Regional Western Australia

Program: National Lampoon's Christmas Vacation

Complaint: No closed captioning or subtitling, complaints handling

The ABA received a written complaint regarding closed captioning on the program 'National Lampoon's Christmas Vacation' broadcast by WIN TV in December 2000. The complainant stated that it was advertised that the program would be broadcast with closed captions but that the captions did not appear. The complainant was also not happy with the station's handling of his complaint.

The ABA determined that the lack of closed captioning in this instance appeared to have been caused by technical problems. WIN WA advised that it has monitoring in place and that there were no indications that the captioning was not being transmitted on the programs in question. The ABA accepted that WIN WA were endeavouring to provide closed captions to remote areas in a difficult technical environment, in spite of the fact that the legislation does not require them to do so and the technical difficulties involved.

The ABA found that the licensee had adequate procedures for monitoring closed captions and did not breach clause 1.14.2 of the code. The ABA found, however, that the licensee had breached the complaints handling provision of the code in that I omitted to advise the complainant that she may refer to matter to the ABA if not satisfied with the licensee's response. As a result of this finding a computer generated template has now been set-up at the station for

responses to viewer complaints that relate to code of practice matters.

TNT Tasmania

Program: Today Tonight

Complaint: Complaints handling

The ABA received a complaint regarding a segment of 'Today Tonight', identified as 'Good Girls/Bad Girls', which was broadcast by TNT (Hobart) on 10 October 2001. The complainant also referred to the complaint handling procedures of the licensees involved.

The ABA determined that the licensee of TNT breached clause 7.9 of the code when handling a complaint regarding the program in that it failed to provide a substantive written response.

In order to prevent similar breaches TNT, in circumstances where a written complaint is received which notes that the complaint has also been provided to another licensee as the 'responsible licensee', has instructed staff to write to the 'responsible licensee' (with a copy to the complainant) advising it that TNT has instructed the complainant that the complaint will be addressed by the 'responsible licensee'. In view of the steps taken by the licensee the ABA did not take any further action.

Commercial Radio

Code: Commercial Radio Codes of Practice

2ROC Canberra

Program: Contemporary Music

Complaint: Language used by presenters of contemporary music program, complaints handling

The ABA received a letter of complaint about comments that were broadcast on 2ROC in March 2002 during the presentation of contemporary music programs. The complainant alleged that the two segments contained language that did not meet contemporary standards of decency. Further, the licensee's response to the complainant omitted to advise him of his right to refer the matter to the ABA.

The ABA determined that 2ROC breached clause 5.7 of the codes by its failure to refer the complainant to the ABA.

The licensee advised the ABA that all station management would undergo training in the complaint handling provisions of the codes. No further action was taken by the ABA.

2DAY Sydney

Program: Hot30.Com Countdown – Bucket of Truth

Complaint: Offensive language

The ABA received a written complaint concerning the 'Bucket of Truth' segment of the program 'Hot30.com Countdown' broadcast by 2DAY FM Sydney on 16 April 2001 at 8.30 p.m. during school holidays. The complainant alleged that the celebrity guest's answers to provocative questions contained language that did not meet contemporary standards of decency.

The ABA determined that the licensee of 2DAY FM breached clause 1.5(a) of the codes by broadcasting prolonged and explicit comments about masturbation, sex, erections and an attack of diarrhoea that would have offended contemporary standards of decency, including those of the likely audience of 10 to 24 year olds.

Today advised the ABA that, as a result of this incident, the 'Bucket of Truth' segment had only been broadcast once during the last six months, approximately eighty per cent of Hot30.com Countdown's interviews are now pre-recorded in order to diminish the risk of broadcasting unsuitable material, the presenters of the show have been informed of the ABA's preliminary finding and have been directed to switch off the microphone in the event of a similar occurrence, and the 2Day management now conducts routine air checks and meets regularly with the show's presenters to discuss issues concerning material suitable for broadcast.

Due to 2Day taking the above steps to prevent similar breaches occurring in the future, and as this was the first such breach found by the ABA against 2Day, the ABA did not take any further action in this matter.

2WFM Sydney

Program: Breakfast

Complaint: Failure to meet contemporary standards of decency

The ABA received a complaint about a contest called 'Don't Tell Us Your Name, Tell Us Your Secret' broadcast on 21 January 2002. The complainant was concerned that the prize was awarded to a caller who disclosed the 'secret' that he had arranged for the alleged boyfriend of his wife to be 'beaten up'. The complainant believed that this gave tacit approval to criminal behaviour.

The ABA decided that the broadcast did not breach clause 1.3(a) of the code, as it was not likely to have incited, encouraged or presented for its own sake violence or brutality. However, the ABA determined that the broadcast breached clause 1.5(a) of the code, as certain elements of the broadcast went to the issue of community standards. On this occasion, a caller was rewarded by the licensee for publicising an account of his involvement in criminal conduct, an assault. Further, the presenters failed to expressly indicate to the audience that the behaviour described by the caller was unlawful or in any way unacceptable. The circumstances of the broadcast tended to indicate that such behaviour was acceptable.

Although the licensee strongly disagreed with the ABA's decision, it advised the ABA that it has altered station practices regarding the contest to ensure that calls disclosing criminal activity would not be broadcast.

3AW Melbourne

Program: Steve Price

Complaint: Gratuitous use of offensive language, accuracy

The ABA received a complaint from a listener in Victoria. The complainant stated that Steve Price provoked an angry caller into calling him 'a f** idiot'. The complainant stated this was a lie.

The ABA concluded that the licensee breached clause 1.5(b) of the code in broadcasting a program containing the gratuitous use of language likely to offend the anticipated audience for the program.

The licensee submitted to the ABA that all program production staff are trained in the codes and are aware of their responsibilities, and that as a result of this broadcast they have been further reminded of these responsibilities. The licensee also asked the ABA to consider the facts that the licensee did not provoke the caller into saying the offending word on-air and that they tried to prevent the word from being broadcast. The ABA acknowledged these matters and took no further action in relation to this investigation.

3MP Melbourne

Program: Live broadcast

Complaint: Political matter not carrying 'required particulars'

The ABA received a complaint regarding a 13 October 1999 broadcast on 3MP. The complainant's concern was that the broadcast did not carry the required particulars in relation to political matter.

The ABA found radio station 3MP did not comply with clause 4(2) of Schedule 2 to the Act as it did not tag as political matter interviews with a number of Liberal Party politicians that were broadcast at the request of the Liberal Party.

3MP submitted that training programs implemented in accordance with the *Broadcasting Services (Commercial Radio Compliance Program) Standard 2000* substantially reduces the possibility of breaches of this type occurring in the future. No further action was taken by the ABA.

3CV (now 3EL) Maryborough

Program: News item

Complaint: Inaccuracy in news and current affairs, complaints handling

The complainant alleged a news item was inaccurate. The complainant further alleged that he had not been advised of his right to refer the matter to the ABA if unhappy with the licensee's response.

The ABA found that the licensee breached clause 5.7 of the code by not advising the complainant of his right to refer the matter to the ABA in its response to his original letter of complaint.

The licensee advised the ABA that this omission was an oversight on behalf of the then Acting General Manager. The licensee further advised that all staff have been reminded of the requirement to advise complainants of their right to refer matter to the ABA if they are dissatisfied with the licensee's response to a complaint. The ABA was satisfied with the steps taken to prevent future breaches of the same clause of the code and did not take any further action.

Community Radio

Code: Community Broadcasting Code of Practice

2000 Sydney

Program: Arabic Language Program

Complaint: Advertisements, untagged sponsorship announcements, 5 minute per hour limit on sponsorship announcements

The ABA received a complaint that 2000 FM had broadcast advertisements, sponsorship announcements without the required tag, and more than five minutes of sponsorship announcements per hour. The breaches were alleged to have occurred during the Arabic language program between November 2000 and February 2001.

The ABA was of the view that 2000 FM broadcast 18 advertisements on 29 November 2000, 26 advertisements on 7 December 2000, 21 advertisements on 8 December 2000, and 22 advertisements on 11 December 2000.

2000 FM did not dispute the breaches. 2000 FM advised the ABA that it had put processes in place to prevent future breaches. The ABA was not satisfied with 2000 FM's response:

The ABA subsequently issued a notice under section 141 of the Act to 2000 FM to cease broadcasting advertisements, to ensure that all sponsorship announcements are 'tagged' in a manner that accords with clause 2(2)(b) of Schedule 2 to the Act, to cease broadcasting more than five minutes of sponsorship announcements in any one clock hour; and to take this action by 9 August 2001.

2CHY Coffs Harbour

Complaint: Representing the community interest, encouraging community participation

The ABA received a number of complaints that 2CHY was no longer representing its community interest or encouraging community participation. The station was allegedly replacing the student broadcasters who had previously made up the bulk of its announcers with paid staff, as well as

changing its music policy, in efforts to adopt a more commercial format. Complainants also alleged it was unnecessarily difficult to join the station as an adult member.

The ABA found that the licensee had breached the licence condition at paragraph 9(2)(c) of Schedule 2 to the Act, and clause 1.2 of the code.

The licensee had made several changes to address the substance of the complaint. These included the forming of a student-based programming committee to refocus the music policy and the inclusion of a greater number of community-based programs in the programming schedule. Efforts were being made to recruit more adult members and the membership fee for students had been dropped to encourage greater student participation. The ABA did not take any further action in relation to this investigation other than to publish its findings.

2GLA Forster, 2LVR Parkes/Forbes, 2YOU Tamworth, MAX FM Narrabri
Complaint: Broadcasting of advertisements

In July 2000 the ABA decided to use its power under section 170 of the Act to commence investigations into the above community radio stations (MAX FM holds a temporary community broadcasting licence), which were broadcasting the commercially sourced programs, 'The John Laws Morning Show', 'Breakfast with Alan Jones', 'Take 40 Australia' and 'The Outback Club'. The ABA was concerned that even if attempts were made to remove advertisements from the programming and replace them with compliant material, community broadcasters may breach paragraph 9(1)(b) of Schedule 2 to the Act, which prohibits the broadcast of advertisements by community stations.

Each of the four stations involved was found to be in breach of the licence condition set out at paragraph 9(1)(b) of Schedule 2 to the Act due to the broadcast of multiple advertisements.

The ABA is of the view that these issues affect the community radio broadcasting sector as a whole. The ABA recognised that these issues are

of considerable importance for community broadcasters and discussed with the *Community Broadcasting Association of Australia* how best to assist community radio licensees to interpret and comply with the Act and the Community Broadcasting Code of Practice. The ABA is continuing discussions with the CBAA and anticipates the development of guidelines on sponsorship announcements to assist community broadcasters in understanding their obligations under the Act.

2WET Kempsey
Complaint: Conflict resolution

Six members of the Macleay Valley Community FM Radio Association Inc. (2WET) made a complaint concerning a number of issues relating to that station, namely incorrectly processing a grievance complaint at a general meeting rather than at a committee meeting (as is required by the constitution), the President putting a motion to a committee meeting to expel a committee member, and putting motions to a special general meeting to terminate the memberships of two committee members.

The ABA determined that the licensee breached clauses 6.1 and 6.3 of the code by not having adequate mechanisms to facilitate dispute resolution within the organisation and by not effectively managing internal disputes with the complainants.

2WET advised that it has reviewed its grievance procedure to ensure compliance with the code. 2WET will elect a grievance committee which, when necessary, will be independent to the management committee and which, when considering grievances, will not include as members any of the parties to a dispute.

2NUR Newcastle
Program: Business, The Law and You
Complaint: Broadcasting of advertisements

The ABA received a complaint that the 'Business, The Law and You' program encouraged listeners to go to the sponsors for legal advice and that the licensee is therefore breaching advertisement content limitations by providing advertisers with one minute 'advertorials'.

The ABA concluded that the licensee breached the licence condition set out at paragraph 9(1)(b) of Schedule 2 to the Act multiple times by broadcasting advertisements during October 2001.

The licensee acknowledged that the content of the 'Business, The Law and You' program could be construed as an advertisement, but that this was a relatively new program which was broadcast live and at the time was presented by a relatively new presenter. It acknowledged that in hindsight the fourteen announcements broadcast during October 2001 were not sponsorship announcements but that this was unintentional and born out of an attempt to be creative and seek a variation to the standard 'our sponsor' tag. The licensee spoke to the presenter about the program and counselled him on how to avoid similar situations in the future. A general presenter's workshop was conducted to address the issues identified; station procedures have been changed; all announcements in question have been rewritten and re-recorded and the copywriter, announcers and sales staff have been formally advised of the breach and changes in station procedures.

In view of the action taken by the licensee to ensure that the condition is now met, the ABA did not take any further action.

2UUU Nowra Complaint: Management issues

The ABA received an undated complaint about a number of matters concerning the management at 2UUU, particularly in relation to dispute resolution and representing the community interest.

The ABA found the licensee breached clause 4.2 of the code by not having a policy that ensured that sponsors did not influence the content of programs, clause 7.2 by not providing regular on-air information about the code and how the audience may obtain a copy of the code, and clause 7.5 by not providing a copy of the code with a written response to a complaint.

The licensee amended its policy regarding the content of an entertainment program and also

took action to ensure that in future it would meet the complaints handling requirements of the code. In view of the action taken or proposed by the licensee to ensure that the requirements of the code would be met no further action was taken by the ABA.

2WOW Penrith Complaint: Conflict resolution, complaints handling

The complainant made allegations to the ABA concerning the loss of his program, the manner in which the resultant dispute between himself and the licensee was handled and certain remarks broadcast in the 'Jaws' program on 22 November 2001.

The ABA determined that 2WOW breached the licence condition at paragraph 9(1)(i) of Schedule 2 to the Act by not retaining a copy of the relevant program for 60 days from 22 November 2001 as required by paragraph 5(3)(b); breached clause 6.1 of the code by not having in place appropriate conflict resolution mechanisms prior to 21 January 2001 and breached clauses 7.4(b) and (c) of the code by not making appropriate arrangements to ensure that the complaint was conscientiously considered and responded to within six weeks.

In view of the action taken or proposed to be taken by the licensee to ensure that the requirements of the code are met the ABA did not take any further action in this matter.

Voice of Islam Radio Sydney Complaint: Inciting or provoking violence, not presenting factual material accurately

In January 2001, the ABA received a number of complaints about the program 'Think and Win', broadcast on temporary community radio station Voice of Islam Radio on 24 and 25 December 2000.

The complainant, writing on behalf of the Australian Federation of Islamic Councils Inc. (AFIC), alleged the broadcasts made inaccurate comments about AFIC, breaching clause 2.4(b) of the code, and incited violence by encouraging listeners to 'rise up against the leadership of the AFIC', breaching clause 2.1(b) of the code.

The ABA found that the licensee had breached clause 2.4(b) of the code by not presenting factual material accurately. The 25 December 2000 broadcast included a statement that the AFIC's newspaper included an article supporting the Islamic Charity Projects Association (the Ahbash Group, which operates Muslim Community Radio). The AFIC denied that this was the case, and the licensee was unable to supply the ABA with material in support of its claim.

The ABA alerted the station to its finding, but does not intend to take any further action on this matter.

2ERA Kiama

Complaint: Broadcasting advertisements

The complainant alleged that 2ERA Kiama Community Radio broadcast advertisements in October and November 2001.

The ABA concluded that the licensee breached the licence condition relating to advertisements at paragraph 9(1)(b) of Schedule 2 to the Act a total of 24 times in the 5 hours 30 minutes of programming assessed by the ABA.

The licensee admitted that it was in breach of the licence condition relating to advertising and had undertaken steps to rectify the problem and prevent future breaches of the licence condition, as well strengthening internal procedures generally. In view of the steps taken by the licensee, the ABA took no further action.

SWR FM Blacktown

Complaint: Providing a service without a licence, broadcasting offensive material

The ABA received as complaint concerning a number of issues in relation to Blacktown City Community Radio Association Inc. (SWR FM), including that it broadcast for ten minutes after midnight on 28 April 2001 (when its licensed period ended) and that it broadcast offensive material in the period 11.30 p.m. to midnight 28 April 2001.

In its response to the ABA, SWR FM acknowledged that it did not cease transmission at midnight. It contended that the time transmission ceased was approximately six

minutes after midnight. It apologised for any inconvenience and noted that its transmitter was to be switched off by a remote control system, however at 11.36 p.m. it became apparent that it was unable to contact this system and so a technician was despatched to manually isolate the transmission at the transmitter site. The time taken for the technician to reach the transmitter site resulted in transmission continuing for six minutes after the end of the licence period.

The ABA found that on 29 April 2001 SWR FM provided a community broadcasting service using the broadcasting services bands without a licence in breach of section 135 of the Act.

In relation to the offensive material, two references were broadcast during the period concerning 'popping pills'. The second reference made was 'poppin pills Bankstown style' during a discussion by the announcers that SWR FM was going off air for four weeks and as a consequence they would be able to go out on a Saturday night and enjoy themselves. This comment about 'popping pills' appears to have been made in the context of enjoyment and partying and presents as desirable the misuse of drugs. The ABA was of the view that this comment about popping pills was in breach of clause 2.1(c) of the code.

A reference to an escort agency and 'free blowjobs' was also broadcast. The ABA considers that this was an explicit reference to sexual activity, apparently as a prize in a competition. The ABA was of the view that SWR FM breached clause 2.2 of the code.

In response to the preliminary investigation report SWR FM advised that it had taken appropriate steps to prevent similar breaches in the future. The steps taken include ensuring that any future shutdown of transmission will be planned to ensure it ceases at least 10 minutes before the end of the relevant licence period, the suspension of the presenter who broadcast the offensive material and implementing a quality assurance program.

**SWR FM Blacktown
Complaint: Conflict resolution**

This complaint raised issues relating to conflict resolution. A station member had concerns about a program entitled 'Sunday for Maltese' broadcast on SWR FM. He had taken these concerns to the licensee, who dealt with the matter in the context of assessing the complainant's own request for airtime at the station. The situation was not satisfactorily resolved, and the station member resigned his membership.

The licensee was not able to demonstrate that it had adequate mechanisms in place to facilitate conflict resolution. The ABA found the licensee to have breached the code 6 provisions.

The licensee has advised the ABA that it proposes to take action to prevent a similar situation from arising in the future. This includes the proposal to adopt a grievance handling procedure, offering a transparent and impartial process under which station members can have issues addressed. The licensee also proposed to expand its training program for presenters, with more training in media law and more reminders to presenters regarding their responsibilities under the code and relevant legislation.

**Cool FM Murwillumbah/Tweed Heads
Complaint: Sponsorship announcements in excess of five minutes per hour**

The complainant alleged that the temporary community radio broadcast Cool FM at Cabarita Beach was broadcasting advertisements in the form of promotions for the local cinema.

The broadcasts complained about were both editions of the 'Movie Review' program. They consisted of discussions about upcoming movie releases and movie trivia between the announcer and a representative from a local cinema chain, and were preceded by announcements acknowledging sponsorship of the licensee by the cinema chain.

The ABA determined that both broadcasts were sponsorship announcements that exceeded the five minutes permissible in any hour of broadcasting. The 'Movie Review' items

immediately followed legitimate sponsorship announcements for the cinema chain. Catchphrases and jingles used in the sponsorship announcements were repeated in the opening sequences of the programs, and the background music carried through from one into the other, making it difficult to determine where one finished and the other began. The ABA considered that the programs were continuations of the sponsorship announcements, as they were not distinctly separate from the announcements. The ABA also considered that the 'Movie Review' programs drew the public's attention to and promoted a service available at the cinema chain, which stood to benefit directly from the broadcast. The licensee was found to have breached the licence condition at paragraph 9(1)(b) of Schedule 2 to the Act by broadcasting sponsorship announcements that ran in total for more than five minutes in any hour of broadcasting.

**3WRB Melbourne
Program: Vietnamese Language Program
Complaint: Broadcasting advertisements**

The ABA received a written complaint regarding Melbourne community radio station 3WRB. The complainant alleged that during its Vietnamese language program of 17 July 2001 3WRB breached a condition of its community broadcasting licence by broadcasting an advertisement.

The ABA determined that the licensee breached the condition of its community broadcasting licence at paragraph 9(1)(b) of Schedule 2 to the Act by broadcasting advertisements during 3WRB's Vietnamese language program.

3WRB held meetings between the Station Manager and the station's Vietnamese on-air presenters in relation to the importance of distinguishing between community service announcements, station promotions and paid sponsorships. The same presenters underwent a period of retraining and were informed that their programs would be closely monitored in the future. A memo was circulated to all announcers,

presenters, producers and contributors re-enforcing the guidelines pertaining to advertisements and sponsorships. This memo was incorporated into 3WRB's training program. The General Manager now sanctions all interviews before they go to air.

The ABA considered that the above measures would assist the licensee of 3WRB in meeting the conditions of its licence.

The ABA is concerned that this was the second time in less than twelve months that the Vietnamese language program on 3WRB has breached the same licence condition. The ABA regards the breach of a licence condition to be a serious matter. The ABA is currently investigating another complaint alleging that advertisements were broadcast during 3WRB's Vietnamese language program. Once this investigation has been finalised the ABA will consider what, if any, action to take as a result of its findings in relation to 3WRB.

3ZZZ Melbourne
Program: Sinhalese Language Program
Complaint: Conflict resolution

Four complainants jointly complained about the Sinhalese language program. Disputed issues centred on the management of the program, in particular the presenter of the Saturday edition. The licensee convened a meeting, however the complainants were dissatisfied with the outcome of the meeting and believed that disputed issues remained unresolved.

The ABA determined that the licensee of 3ZZZ breached clause 6.1 of the code by not having mechanisms in place to facilitate conflict resolution within its organisation and breached clause 6.4 of the code by not seeking alternative dispute resolution mechanisms.

3ZZZ accepted the ABA's findings and redrafted and implemented new policy procedures. Office procedures have also been tightened to keep track of the progress of disputes. In view of the action taken by the licensee, the ABA did not take any further action.

Country FM Geelong
Complaint: Responsibilities of broadcasting to the community, principles of diversity and independence, participation, sponsorship, volunteers, conflict resolution and complaint handling

The ABA received a complaint regarding Southern Victorian Community Radio Inc., broadcasting as Country FM. The allegations were that the management team at Country FM had contravened the code and licence conditions applying to temporary community broadcasters.

The ABA determined Country FM breached clause 7.2 of the code due to its failure to provide on-air information about the code.

Country FM admitted to the breach finding and is now broadcasting information regarding the code and also drafting a sponsorship policy. No further action was taken by the ABA.

4BCR Bundaberg
Complaint: Management, broadcasting advertisements

The ABA received a complaint regarding various management issues at 4BCR. The complainant stated that the licensee was not suitable, no longer continued to represent its community of interest, was not encouraging community participation, did not maintain records of matter broadcast and was broadcasting advertisements.

The ABA determined that the licensee had breached the licence condition set out at subclause 9(1)(i) of Schedule 2 to the Act by not maintaining a record of news and current affairs programs broadcast.

4BCR advised the ABA that it had purchased a new logging machine and that all programs are now being logged and the copies retained for the required period.

91.1 Sunshine FM Sunshine Coast
Complaint: Broadcast of advertisements

The complainant alleged that the licensee broadcast advertisements for various local businesses.

The ABA concluded that the licensee breached paragraph 9(1)(b) of Schedule 2 to the Act by broadcasting advertisements. The licensee

breached the licence condition a total of 50 times, with 50 advertisements recorded.

The licensee listed a number of steps that it would take to ensure compliance with the licence condition. These steps include: introducing provisions to ensure that 'unpaid advertisements' are not broadcast on the station, training staff in the 'nature of unpaid advertising', not broadcasting sponsorship announcements for any business that is not yet a sponsor, ensuring that people preparing sponsorship announcements do not omit the statement of sponsorship, penalising announcers and producer who do not follow the rules set down to prevent 'unpaid advertising' from being broadcast, and publishing an article in its internal newsletter and the Community Broadcasting Association of Australia newsletter 'explaining the nature of unpaid advertising'.

Great Southern FM Victor Harbour Complaint: Conflict resolution

The ABA received three complaints concerning the rights and responsibilities of volunteers and conflict resolution. As a result of these complaints the ABA commenced two separate investigations.

The ABA determined that Great Southern Community Broadcaster's Association Inc. breached clause 6.1 of the code by not having in place appropriate conflict resolution mechanisms prior to 11 December 2001.

The licensee acknowledged that it did not have a grievance tribunal mechanism in place, which has now been rectified. The licensee also advised that its constitution would be amended prior to the next annual general meeting to incorporate mechanisms to deal with internal conflict. In view of the action taken or proposed action to be taken by the licensee the ABA took no further action in this matter.

Great Southern FM Victor Harbour Complaint: Rights and responsibilities of volunteers, dispute resolution

The ABA received a complaint concerning the termination of the involvement of a former volunteer worker at the station. The complainant

had documented a number of concerns connected with the running of the station, including the treatment of personnel, morale, and training. This document was provided to the Station Manager who in turn presented it to a board meeting, who had interpreted certain words in the paper as indicating that the complainant had resigned. The complainant contended that she had not resigned and that the board's action was in breach of the code. The complainant was also critical of the licensee's lack of response to her various letters of complaint.

The ABA found that the licensee, in its handling of the dispute, breached clauses 5.1, 6.1, 6.2, 6.3 and 6.4 of the code. At the time of the dispute with the complainant, the licensee did not have guidelines in place that outlined the principles of volunteering and the rights and responsibilities of volunteers, nor did it have in place adequate mechanisms to facilitate conflict resolution. The ABA noted that the complainant's offer to leave was made in the context of a paper setting out disputed matters between the complainant and the licensee. The board dealt with the dispute by treating the complainant's offer to leave as an actual resignation, and advising the complainant in writing that her 'resignation' had been accepted. The licensee did not seek to clarify the complainant's concerns and did not implement any conflict resolution strategies in an endeavour to resolve the disputed matters raised by the complainant (i.e. managing discussion or seeking alternative dispute resolution mechanisms). Further, the ABA noted that adequate responses had not been provided to the complainant's letters to the board.

The licensee acknowledged that the matter could have been avoided if guidelines had been in place. It was able to demonstrate that volunteer guidelines and conflict resolution procedures had been developed and implemented since the complaint was made about the station. These procedures are now documented in the *Station Operating Procedures* manual.

6EBA Perth

Program: Polish Kurier

Complaint: Records of matter broadcast. accuracy and fairness, complaints handling

The ABA received two complaints about comments made during the program 'Polish Kurier', broadcast on 18 May 2000. The complainants made numerous written complaints to the licensee and did not receive a response.

The ABA determined that the licensee of community radio station 6EBA breached clauses 2.4(b), 2.4(c) and 2.4(e) of the code relating to news and current affairs; and breached clauses 7.4 and 7.5 of the code relating to complaints handling.

The licensee commenced a review of its policies and procedures relating to the obligation of broadcasters pursuant to the Act and to the code. The review covers the processes for informing and educating broadcasters as to their obligations under the Act and the code.

6SON Perth

Complaint: Broadcasting advertisements

The ABA received two complainants alleging that the licensee, on 15 January and 15 February 2001, broadcast advertisements for several local businesses.

The licensee expressed its view that no breach of the regulations occurred and stated that the announcements were sponsorship announcements, and acknowledged the support of the sponsor. The ABA acknowledged that the licensee had attempted to tag the announcements, but that the form of the tag was not sufficient for the purposes of the Act. The ABA therefore concluded that the licensee breached the licence condition at paragraph 9(1)(b) of Schedule 2 to the Act in that it broadcast advertisements on 15 January 2001 and 15 February 2001.

The licensee accepted the ruling of the ABA and expressed its desire to cooperate with the ABA. The licensee noted that the lack of a definition in the Act for the terms 'sponsorship' and 'advertisement' made matters challenging for

community broadcasters. The licensee adjusted existing sponsorship announcements to include the tag 'station sponsor'. The licensee issued instruction to the copy and production department to ensure that all future announcements will be correctly tagged. No further action was taken by the ABA.

Open narrowcast radio

Code: Radio Open Narrowcasting Codes of Practice

AIR FM Penrith

Complaint: Not operating as a narrowcast service

Between June 2001 and January 2002 the ABA received several complaints regarding AIR FM, an open narrowcast radio station broadcasting in the Penrith area of NSW on the frequency 87.6 FM. The complaints alleged that the AIR FM service was not distinguishable from the content of the service that was being provided by AIR FM when it was operating as a temporary community broadcaster, did not fall within any of the open narrowcasting criteria as set out in section 18 of the Act and was therefore either an unlicensed community broadcasting service or an unlicensed commercial broadcasting service.

The ABA determined that, at the time relevant to its investigation, the AIR FM service, being provided by Nepean Riverlands Community Radio Association Inc., was not an open narrowcasting service as defined at section 18 of the Act, was not a commercial broadcasting service as defined at section 14 of the Act, was a community broadcasting service as defined at section 15 of the Act, and was being provided without an appropriate licence and therefore in breach of section 135 of the Act.

The ABA has issued AIR FM with a notice directing it to cease providing a community broadcasting service without a licence.

Subscription television

Code: Subscription Television Broadcasting Codes of Practice

AUSTAR - ESPN

Program: Soccer program promotion Complaint: Vilification, complaints handling

The complainant claimed that the use of World War II footage in a promotion for a World Cup Soccer qualifying game, 'was deeply offensive ... somehow connecting views of the second world war with a soccer game between England and West Germany'. The complainant claimed that while AUSTAR had acknowledged his complaint by email, it had not addressed the concerns he had raised about the soccer promotion.

The ABA was of the view that the licensee breached clause 5.1(c) of the code by not taking every reasonable effort to resolve the complaint.

Regarding its handling of the complaint, AUSTAR stated that it was received during a period of transition in the organization which caused delays in a number of customer service areas.

ABC Television

Code: ABC Code of Practice

Program: Backberner

Complaint: Denigration on the basis of religious belief

The ABA received a written complaint concerning an edition of the program 'Backberner'. The complainant alleged that a sketch in the program about the performer Yusuf Islam was offensive and vilified Muslims.

The ABA determined that the segment broadcast was likely to encourage the denigration of Mr Yusuf Islam because of his religious beliefs, was not in the 'legitimate context of a humorous' or 'satirical' work; and that it breached clause 2.4 of the code.

The ABA noted that the ABC had apologised to the complainant for the offence caused.

Program: Lock Stock and Four Stolen Hooves

Complaint: MA classification, complaints handling

On 9 October 2001, the ABA received a written complaint about the program 'Lock Stock: Lock Stock and Four Stolen Hooves'. The complaint was about the suitability of the themes, language and images portrayed in this episode for an MA classification. The complainant also contended that the ABC had failed to respond within the period of time permitted in the ABC Code.

The ABA did not uphold the complaint in regards to the view that the program was incorrectly classified MA. The ABA did determine, however, that the ABC failed to comply with clause 8.1 of the code by failing to provide a response to the complainant within 60 days.

The ABA noted that the ABC has recently undertaken a review of its complaints handling procedures. The ABA decided to take no further action in respect of this complaint, however, it will continue to monitor the ABC's performance in this regard.

Program: Micallef

Complaint: Discrimination, coarse language and references to sexual activity in a PG rated program, complaints handling

On 18 June 2001 the ABA received a complaint concerning a sketch in 'The Micallef Program' broadcast by ABC TV on 5 March 2001. The complainant contended that the sketch was discriminatory to deceased servicemen and contained language and references unsuitable for the program's PG classification.

The ABA did not uphold the complaint that the sketch was discriminatory (clause 2.4 of the code), finding that the segment was broadcast in the 'legitimate context of a humorous' or 'satirical' work. The ABA also found that the language and verbal references to sexual activity were mild and discreet and within the ABC's classification guidelines (clause 7 of the code). The ABA did determine, however, that the ABC failed to comply with clause 8.3 of the code by failing to provide a response to the complainant's

concerns within 60 days of receipt of the complainant.

The ABC acknowledged that it had failed to comply with clause 8.3 of the code and stated that it had reviewed its complaints handling procedures to ensure future compliance.

ABC Radio

Code: ABC Code of Practice

Program: AM

Complaint: Complaints handling

The ABA received a complaint in relation to a story broadcast on the ABC Radio 'AM' program. The complainant alleged that he had not received a response to his letter of complaint to the ABC.

The ABA determined that the ABC did not respond to the complainant within the period required by clause 8.1 of the code.

Since this complaint was made the complainant has been asked to send all future correspondence to the Director of Corporate Affairs, which the ABC has stated should ensure that any future complaints made by the complainant are handled satisfactorily. In view of the steps taken to address the issues raised regarding complaints handling procedures the ABA took no further action.

Program: AM

Complaint: Discrimination, placement of news bulletin, complaints handling

The ABA received a complaint regarding the coverage by the ABC of the destruction of the World Trade Centre in New York USA on 11 September 2001 and subsequent events on the days following. In particular the complainant mentioned a statement made on the 'Early AM' program in which the complainant alleged that the statement, 'the entire staff believe him to be criminally insane' was broadcast. The complainant also stated that in his opinion the ABC's response to his written complaint was inadequate.

The ABA determined that the ABC in its coverage of the events of 11 September 2001 did not broadcast news updates or news promotions during obviously inappropriate programs or in programs directed at young children. The ABA also determined that the complaint regarding the 'Early AM' program was as a result of the complainant mishearing what was actually broadcast. The ABA was of the view, however,

that in responding to the complainant on 15 October 2001 the State Editor did not make every reasonable effort to resolve the complaint made to him concerning the 'AM' program broadcast on 4 October 2001.

The ABC has advised the ABA that since these complaints were made the complainant has been asked to send all future correspondence to the Director of Corporate Affairs. This action should ensure that any future complaints made by the complainant are handled satisfactorily.

Tropical North FM

Program: Breakfast

Complaint: Ridiculing Christianity, complaints handling

The ABA received an unresolved complaint regarding a program segment broadcast on ABC Radio station Tropical North FM during the Breakfast program on 20 October 2001. The complaint alleged that the segment, called 'God' featuring the well-known comedian Marty Feldman, ridiculed Christianity and was offensive. The complainant also referred to the length of time taken by the ABC to respond to the complaint.

The ABA found that the program itself had not breached the 'discrimination' clause of the ABC Code of Practice. The ABA found, however, that the ABA had breached the complaints handling provision of its code by not providing a response within 60 days of receiving a written complaint.

The ABC informed the complainant and the ABA that there had been significant staff turnover at the time that the complaint was received. Due to the circumstances surrounding the lack of a timely response to the original letter of complaint the ABA did not take any action regarding the breach.

Appendix 5

Temporary community broadcasting licences allocated

State/licence area	Licensee	Frequency
New South Wales		
Ballina RA1	Paradise F M Community Radio Association Inc.	101.9
Blacktown RA1	Blacktown City Community Radio SWR-FM Association Inc.	99.9
Blacktown RA1	Western Community-Radio Association Inc.	99.9
Byron Bay RA1	Bay FM Community Radio Inc.	99.9
Coffs Harbour RA2	Coffs Harbour Christian Broadcasters Inc.	94.1
Coonabarabran	Warrumbungles Community Broadcasting Association Inc. (Coonabarabran)	99.5
Coonamble	Warrumbungles Community Broadcasting Association Inc. (Coonamble)	91.9
Cowra RA1	Cowra Community Information and Neighbourhood Centre Inc.	100.7
Eden	Eden Community Radio Inc.	104.7
Gilgandra	Warrumbungles Community Broadcasting Association Inc. (Gilgandra)	98.9
Gosford RA1	Central Coast Broadcasters Ltd	94.1
Gosford RA1	Five-O-Plus Public Radio Association Inc.	95.3
Gosford RA1	Newcastle Christian Broadcasters Ltd	94.9
Gosford RA1	Radio Yesteryear Inc.	93.3 MHz
Gosford RA1	Wyong-Gosford Progressive Community Radio Inc.	93.3
Lord Howe Island RA1	Lord Howe Island Radio Station Association Inc.	100.1
Monaro RA1	High Country Community Media Association Inc.	90.5, 93.3, & 93.9
Monaro RA1	Monaro Community Radio Inc.	90.5, 93.3, 93.9
Murwillumbah RA2	Cool FM Community Radio Association Inc.	101.3
Taree	Manning Great Lakes Christian Broadcasters Inc.	106.5
Wagga Wagga	Riverina Christian Radio Inc.	101.9
Wollongong RA2	Hellenic Australian Radio Inc.	93.3
Yass RA1	Yass Community Radio Association Inc.	100.3
Queensland		
Beaudesert RA1	Beaudesert Community Radio Group Inc.	101.5
Blackwater	Blackwater Community Broadcasters Association Inc.	92.7
Boonah RA1	Scenic Rim Broadcasting Association Inc.	100.1
Cairns RA2	Smithfield Community Radio Association Inc.	101.9
Charleville	Bidjara Media & Broadcasting Company Ltd	105.7
Moranbah	Rock FM Association Inc.	96.9
Nambour RA2	Caloundra Community Radio Association Inc.	104.9
Nambour RA2	Maleny Community Radio Association Inc.	104.9
Nambour RA2	SDA Radio Association Inc.	91.1
Nambour RA2	Sunshine Coast Christian Broadcasters Association Inc.	106.5
Noosa RA2	Noosa District Community FM Radio Association Inc.	101.3
Whitsunday	Radio Whitsunday Association Inc.	89.1

State/licence area	Licensee	Frequency
South Australia		
Adelaide	Fresh Broadcasters Inc.	92.7
Adelaide	Music Broadcasting Society of South Australia Inc.	92.7
Adelaide	Radio Televisione Italiana (SA) Inc.	92.7
Adelaide Foothills	Adelaide Independent Radio Inc.	99.9
Adelaide Foothills	Progressive Dance Network Inc.	99.9
Adelaide Foothills RA1	Urrbrae Community Radio Inc	99.9 MHz
Barossa Valley	Barossa Broadcasting Board Inc.	89.1
Cooper Pedy	Dusty Radio Inc.	104.5
Mt Gambier	South East Christian Broadcasters Inc.	99.3 & 104.9
Port Adelaide RA1	Way Out West Broadcasters Inc.	100.5
Port Pirie	Pirie Community Radio Broadcasters Inc.	105.9
Victor Harbor	Encounter FM Community Broadcasters Association Inc.	89.3, 94.7 & 88.3
Victor Harbor	Great Southern FM Community Broadcaster's Association Inc.	90.1
Yorke Peninsula	Peninsula Community Broadcasters Inc.	89.3
Tasmania		
Hobart	Cadence FM Inc.	99.3
Northern Midlands	Northern Midlands Community Broadcasters Inc.	95.7
St Helens	BOD FM Inc.	100.3, 93.7
Tasman Peninsula	Tasman Community Broadcasters Association Inc.	97.7
Victoria		
Corryong RA1	High Country Christian Broadcasters Association Inc.	94.9
Gippsland – Warragul	West Gippsland Community Radio Inc.	99.5
Horsham	Horsham & District Community FM Radio Inc.	96.5
Walwa/Jingellic/Tumbarumba	Upper Murray Community Radio Inc.	88.7 & 107.7
Western Australia		
Armadale	Heritage FM Inc.	93.7
Fremantle RA1	Portuguese Cultural and Recreational Centre of Western Australia Inc.	91.3
Kalamunda	Kalamunda Community Radio (Inc.)	102.5
Perth RA1	Capital Community Radio Inc.	101.7
Perth RA1	Youth Media Society of Western Australia Inc.	101.7
Port Hedland	Port Hedland Indigenous Media Aboriginal Corporation	101.3 MH
Wanneroo RA1	Wanneroo Joondalup Regional Broadcasting Association Inc.	89.7
Territories		
Christmas Island RA1	Radio VLU2-FM Announcers Association Inc.	102.1, 105.3

Appendix 6

Arrangements for outside participation

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

The ABA has entered into the following formal arrangements:

Memorandum of understanding — international

The ABA has a memorandum of understanding with the Singapore Broadcasting Authority (effective for five years from 1 October 2000).

Memoranda of understanding — domestic

The ABA has entered into memoranda of understanding with Australian State and Territory police agencies, that cover referral of information about certain categories of Internet content (see chapter 3 for details of the operation of these agreements).

Service level agreements — domestic

The ABA has 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 entered an agreement under section 31(2) of the *Radiocommunications Act 1992* with the Australian Communications Authority (ACA).

The ABA and the ACA agreed that where 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 ACA could issue the datacasting transmitter licence to the applicant.

Cooperation agreements

- Broadcasting Standards Council, UK (signed 30 August 1995)
- Canadian Radio-Television and Telecommunications Commission (signed 21 April 1997)
- Conseil Supérieur de l'Audiovisuel, France (signed 22 April 1997) and
- Broadcasting Standards Authority, NZ (signed 15 September 1998).

Australian Preparatory Groups

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

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

The ABA participates in the ARSG 6, which is concerned with studying principles relating to spectrum management and the preparation of recommendations for technical standards relating

to radiocommunications and broadcasting services, in the following ITU forums:

- ITU-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.

Additionally, the ABA Director of Engineering and Technology, Mr Fred Gengaroli, is a Vice Chairman of Working Party 6E — Terrestrial Delivery of ITU-R Study Group 6.

Standards Australia Boards and Specialist Committees

The ABA is represented on the following:

- TE/3 Electromagnetic Interference;
- CT/2 Broadcasting and Related Services; and
- Department of Communications, Information Technology and the Arts Digital Radio Broadcasting Committee as well as the associated policy and technical sub-committees.

Other external participants

In addition, the ABA consults and meets with various interested parties, including Commercial Radio Australia (previously the Federation of Australian Radio Broadcasters), the Federation of Australian Commercial Television Stations, the Australian Subscription Television and Radio Association Inc., Broadcast Australia (previously NTL Australia), TX Australia, TVNZ Australia, Australian Broadcasting Corporation, Special

Broadcasting Service, Community Broadcasting Association of Australia, Community Broadcasting Foundation, Internet Industry Association, Net Alert, Progressive Radio Association, Australian Association of National Advertisers, Advertising Federation of Australia, Radiocommunications Consultative Committee, Screen Producers Association of Australia, Australian Screen Directors Association, Australian Writers Guild, Media Entertainment and Arts Alliance, Communications Law Centre, Office of Film and Literature Classification, Australian Film Commission, Film Finance Corporation, Film Australia and the Australian Music Performance Committee.

The ABA also consults with other regulators such as the Australian Competition and Consumer Commission, the Australian Communications Authority and the Foreign Investment Review Board.

The ABA is an associate member of the Internet Hotline Providers in Europe Association.

An ABA representative participates 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 Broadcast Union and the Commonwealth Broadcasting Association.

The ABA has responded promptly to overseas requests for relevant information.

One overseas intern was hosted for one month.

One student from the Centre for Media Policy and Research, at the Queensland University of Technology, participated in a Professional Placement Scheme, as part of the ABA's commitment to provide work experience for appropriate tertiary students.

Conferences

Public forums for Australian content standard review

In December 2001, the Communications Law Centre hosted public forums in Sydney and Melbourne, to inform the ABA's review of the Australian content standard. The CLC facilitated discussion of matters raised in the ABA's issues paper released in November 2001.

Representatives of the television production industry, television broadcasters, pay TV, film funding agencies and community organisations attended.

Sixth Regulatory Roundtable meeting

The Sixth Regulatory Roundtable for Asia and the Pacific was held in Kuala Lumpur, Malaysia from 28–30 August 2001. The meeting was hosted by the Malaysian Communications and Multimedia Commission with representatives present from Australia, Hong Kong SAR China, India, Japan, Korea, Malaysia, New Zealand, Philippines, Singapore and Taiwan.

The Roundtable discussed matters relating to:

- transborder satellite broadcasting
- safeguarding children from harmful content on television and the Internet
- community consultative fora and
- evaluating the performance of the media.

Professor David Flint, Chairman and Ms Phyllis Fong, Manager Policy and Research, represented the ABA. The next Regulatory Roundtable Meeting will be hosted by the ABA in October 2002.

Internet Hotline Providers in Europe Association (INHOPE)

The ABA is an associate member of INHOPE and was represented at members meetings in January 2002 (Madrid) and May 2002 (Berlin). Further information about the ABA's participation in INHOPE is in chapter 3.

Second annual ABA Conference

The second annual ABA conference — *What Will Australian Audiences Want?* — was held at the Hyatt Hotel, Canberra on 29–30 April 2002. The

themes of the conference were 'Buying Digital' and the 'New Public Interest' and topics explored included how to attract audiences to upgrade to digital, new technology and industry regulation and the latest developments in digital video and digital radio technologies.

Further information about the ABA Conference 2002 can be found in the 'Year in Review' report.

Appendix 7

Licence area planning and licensing

Table 1 Number of new transmitters planned in final licence area plans – Radio

Licence area plan	Date published	National	Commercial	Community	Open narrowcast
New South Wales					
Griffith	6 December 01	1	-	1	-
Wagga Wagga	6 December 01	1	-	2	-
Young	6 December 01	-	-	3	-
Victoria					
Hamilton	13 December 01	5	1	-	3
Horsham	13 December 01	6	1	1	5
Sale	6 December 01	4	1	-	5
Warragul	6 December 01	3	1	2	2
Warrnambool	13 December 01	1	1	1	2
South Australia					
Adelaide	6 September 01	-	2	7	3
Mt Gambier	6 December 01	1	-	2	-
Murray Bridge	6 December 01	-	2	2	-
Port Lincoln	6 December 01	3	1	-	-
Spencer Gulf North	6 December 01	1	4	2	-
Western Australia					
Perth	11 October 01	-	3	8	3
Tasmania					
Hobart	13 December 01	1	-	6	1
Burnie	13 December 01	4	1	1	1
Devonport	13 December 01	-	-	-	1
Launceston	13 December 01	1	-	4	-
Queenstown	13 December 01	-	2	-	-
Scottsdale	13 December 01	-	1	1	-

**Table 2 Retransmissions:
Radio**

Area served	Service transmitted	Area served	Service transmitted
Murray Islands	?	St Lawrence	4ABCRR
Naracoorte	?	The Monument	4JJJ
New South Wales		Umagico	4ACR
Bathurst	2SBSFM	Weipa	4AMT
Cootamundra	2LFF	Winton	4JJJ
Khancoban	2ABCFM	South Australia	
Khancoban	2ABCRR	Andamooka	5SBSFM
Khancoban	2ABCRR	Angaston	5ABCFM
Talbingo	2ABCFM	Angaston	5AD/T
Talbingo	2ABCRR	Leigh Ck Coalfield	5ABCRR
Talbingo	2ABCRR	Leigh Ck Coalfield	5JJJ
Young	2SBSFM	Moomba	5ABCRR
Victoria		Moomba	5JJJ
Myrtleford	3NE	Oak Valley	5ABCFM
Queensland		Port Lincoln	5JJJ
Ayton	4ABCRR	Roxby Downs	5JJJ
Babinda	4KZ	Tirrawarra	5JJJ
Ballera	4ABCRR	Wudinna	5JJJ
Burdekin Falls	4ABCRR	Western Australia	
Burton via Mackay	4HOT	Blackstone	6ABCRR
Carmilla	4ABCRR	Carnarvon	6JJJ
Clairview	4ABCRR	Channar	6ABCRR
Cloncurry	4ABCFM	Channar Mine	6FMS
Cloncurry	4ABCRR	Christmas Island	6ABCRR
Cloncurry	4ABCRR	Christmas Island	RA
Cloncurry	4ABCRR	Christmas Island	RA
Cloncurry	4JJJ	Cockatoo Island	6ABCRR
East Palmerston	4ZKZ	Cockatoo Island	6FMS
Einsleigh	4ABCRR	Cocos Islands	6ABCRR
Einsleigh	4ABCRR	Cocos Islands	6FMS
Forsayth	4ABCRR	Cocos Islands	6JJJ
Forsayth	4ABCRR	Coorow	6FMS
Foxleigh Coal Mine	4HIT	Curtin	6ABCRR
Jackson Oil Field	4ABCRR	Curtin	6FMS
Jackson Oil Field	4JJJ	Dalgaranga	6ABCRR
Karumba	4JJJ	Dalgaranga	6FMS
Longreach	4ABCFM	Dalwallinu	6FMS
Longreach	4JJJ	Exmouth	6JJJ
Mount Surprise	4ABCRR	Fitzroy Crossing	6FMS
Mount Surprise	4ABCRR	Green Head	6FMS
Normanton	4JJJ	Gull Tunkawanna	6ABCRR
St George	4ZRT	Gull Tunkawanna	6FMS
		Gull Tunkawanna	6JJJ

Area served	Service transmitted	Area served	Service transmitted
Kondinin	6FMS	Nabarlek	8ABCRR
Lagrange	6FMS	Ngukurr	8ABCRR
Lake Grace	6FMS	Ngukurr	8ABCRR
Lake Gregory	6ABCRR	Oak Valley	8KIN
Lake Gregory	6FMS	Pine Creek	8MIX
Lake King	6FMS	Ramingining	8ABCRR
Laverton	6JJJ	Ramingining	8ABCRR
Leonora	6ABCFM	Ramingining	8ACR
Looma	6FMS	Ramingining	8KIN
Marandoo	6ABCRR	Ti Tree	8ABCRR
Menzies	6FMS	Timber Creek	8ABCRR
Mt Keith	6ABCRR	Timber Creek	8ABCRR
Mt Keith	6FMS	Uluru	8ABCRR
Mt Keith	6JJJ	Uluru	8ACR
Mt Keith	6JJJ	Uluru	8JJJ
Mt Keith	6JJJ	Uluru	8JJJ
Mukinbudin	6JJJ	Warrego	8JJJ
Murrin Murrin	6ABCRR	Yulara	8ABCRR
Newdegate	6FMS	Yulara	8ABCRR
Nimary Gold Mine	6ABCRR	Yulara	8HA
Nimary Gold Mine	6FMS	Yulara	8KIN
Parrngurr	6JJJ		
Plutonic Gold Mine	6ABCRR		
Southern Cross	6FMS		
Three Springs	6FMS		
Warakurna	6ABCRR		
West Angelas	6ABCRR		
West Angelas	6FMS		
Wiluna	6ABCRR		
Wurreranginy Community	6JJJ		
Yiyili	6ABCRR		
Northern Territory			
Batchelor	8ABCRR		
Batchelor	8KIN		
Bathurst Island	8MIX		
Channel Point	8JJJ		
Elliott	8KIN		
Groote Eylandt	8KIN		
Jabiru	8JJJ		
Jim Jim	8ABCRR		
Katherine	8KIN		
Maningrida	8ABCRR		
Maningrida	8KIN		
Mereenie Gas/Oil Field	8ABCRR		
Mereenie Gas/Oil Field	8JJJ		
Mt Beenak	8SAT		
		Retransmissions: Television	
		New South Wales	
		Rosewood	ABCN55
		Rosewood	CBN58
		Rosewood	CTC64
		Rosewood	WIN67
		Victoria	
		Eskdale	AMV61
		Eskdale	VTV58
		Eskdale	GLV64
		Queensland	
		Eloise Mine	ABQ66
		Marpuna	ABQ69
		South Australia	
		Glendambo	ABS69
		Gumeracha	ABS56
		Gumeracha	ADS65
		Gumeracha	NWS62
		Gumeracha	SAS59
		Western Australia	
		Bruce Rock	ABW66

Area served	Service transmitted	Area served	Service transmitted
Bruce Rock	WAW63	Glendambo	IMP66
Cue	WAW9	Laramba	QQQ62
Jurien	WOW58	Marpuna	QQQ66
Varanus Island	ABW65	Morven	IMP9
Varanus Island	WAW68	Morven	QQQ10
Varanus Island	WOW59	Nymagee	IMP63
Westonia	ABW65	Yuendumu	QQQ63
Westonia	WAW62		
Westonia	WOW59	SBS services	
Wurreranginy Community	ABW8	Areyonga	SBS69
Wurreranginy Community	WAW6	Augathella	SBS6
Wurreranginy Community	WOW10	Blackall	SBS63
		Bruce Rock	SBS69
Northern Territory		Charleville	SBS7
Areyonga	ABD66	Cooper Pedy	SBS60
		Eloise Mine	SBS69
Remote central and eastern services		Gumeracha	SBS53
Andamooka	IMP63	Marree	SBS63
Areyonga	IMP63	Morven	SBS63
Areyonga	QQQ60	Roebourne	SBS28
Augathella	IMP59	Rosewood	SBS61
Augathella	QQQ8	Thursday Island	SBS11
Eloise Mine	IMP60	Varanus Island	SBS62
Eloise Mine	QQQ63	Weipa	SBS56
Euabalong	IMP63	Westonia	SBS56
Euabalong	QQQ60	Wurreranginy Community	SBS12

Table 3 Out of area – radio and television

Area	Licence area	Service(s) retransmitted
Victoria		
Apollo Bay	Regional Victoria	SBS, ABC, QQQ, IMP
Dargo	Remote Central and Eastern Australia	SBS, ABC, ABV, AMV, VTV
Lorne	Regional Victoria	SBS, ABC, HSV, ATV, GTV
Wye River	Regional Victoria	SBS, ABC, HSV, ATV, GTV
Queensland		
Dingo Beach	Regional Queensland	SBS, ABC, QQQ, IMP
Weipa	Remote North East zone radio	4AM
Western Australia		
Kalbarri	Remote Western zone radio	6BAY

Table 4 Special events: Radio (in order of area served)

Organisation	Area served	Issue date
Australian Capital Territory		
Canberra Tourism & Events Corp	Canberra	12 July 01
Canberra Islamic Centre	Canberra	14 November 01
Street Machine Services Pty Ltd	Canberra	18 December 01
Canberra Tourism & Events Corp	Canberra	21 May 02
New South Wales		
Details unavailable	Appin	4 September 01
Details unavailable	Bathurst	3 October 01
WF Sound Services Pty Ltd	Eastern Creek International Raceway (SE)	15 May 02
Sutherland Shire Community Radio Assoc Inc	Sutherland	29 November 01
Sutherland Shire Community Radio Assoc Inc	Sutherland	29 November 01
Sutherland Shire Community Radio Assoc Inc	Sutherland	29 November 01
Sutherland Shire Community Radio Assoc Inc	Sutherland	29 November 01
Sutherland Shire Community Radio Assoc Inc	Sutherland	29 November 01
Sutherland Shire Community Radio Assoc Inc	Sutherland	29 November 01
Sutherland Shire Community Radio Assoc Inc	Sutherland	29 November 01
Sutherland Shire Community Radio Assoc Inc	Sutherland	29 November 01
Ace Communications Pty Ltd	Sydney	27 November 01
Royal Agricultural Society of	Sydney	3 January 02
32 Hundred Lighting Pty Ltd	Sydney	7 February 02
2CR China Radio Network Pty Ltd	Sydney	8 February 02
Lateral Linking (Aust) Pty Ltd	Sydney	15 May 02
Lateral Linking (Aust) Pty Ltd	Sydney	15 May 02
Country Music Association of Australia	Tamworth	18 December 01
Victoria		
Bicycle Institute of Victoria	Bright	12 November 01
Bicycle Institute of Victoria	Dederang	12 November 01
Lateral Linking (Aust) Pty Ltd	Geelong	15 May 02
Lateral Linking (Aust) Pty Ltd	Geelong	15 May 02
Details unavailable	Hamilton	31 July 01
Bicycle Institute of Victoria	Mansfield	12 November 01
Bicycle Institute of Victoria	Marysville	12 November 01
Australian Grand Prix Corporation	Melbourne	7 February 02
Lateral Linking (Aust) Pty Ltd	Melbourne	15 May 02
Lateral Linking (Aust) Pty Ltd	Melbourne	15 May 02
St John Ambulance Australia (Victoria) Inc	Melbourne North East Suburbs	12 March 02
Mildura Country Music Festival Inc	Mildura	20 September 01
Mildura Country Music Festival Inc	Mildura	12 October 01
Mildura Country Music Festival Inc	Mildura	16 October 01
Shepparton Agricultural Society	Shepparton	31 August 01
Bicycle Institute of Victoria	Wangaratta	12 November 01
Bicycle Institute of Victoria	Whitfield	12 November 01
Bicycle Institute of Victoria	Yea	12 November 01
Scout Association of Australia (Victorian Branch)	Yea	21 May 02

Organisation	Area served	Issue date
Queensland		
Details unavailable	Brisbane	4 July 01
BBC Worldwide Ltd	Brisbane	10 September 01
Details unavailable	Caboolture	6 September 01
Gold Coast Events Co. Pty Ltd	Gold Coast	11 September 01
Ivory's Rock Conference Centre Pty Ltd	Ivory Rock	26 March 02
Ivory's Rock Conference Centre Pty Ltd	Ivory Rock	26 March 02
Ivory's Rock Conference Centre Pty Ltd	Ivory Rock	26 March 02
Ivory's Rock Conference Centre Pty Ltd	Ivory Rock	26 March 02
Ivory's Rock Conference Centre Pty Ltd	Ivory Rock	26 March 02
Ivory's Rock Conference Centre Pty Ltd	Ivory Rock	26 March 02
Ivory's Rock Conference Centre Pty Ltd	Ivory Rock	26 March 02
Ivory's Rock Conference Centre Pty Ltd	Ivory Rock	26 March 02
Ivory's Rock Conference Centre Pty Ltd	Ivory Rock	26 March 02
Ivory's Rock Conference Centre Pty Ltd	Ivory Rock	26 March 02
Ivory's Rock Conference Centre Pty Ltd	Ivory Rock	26 March 02
Ivory's Rock Conference Centre Pty Ltd	Ivory Rock	26 March 02
Scout Association of Australia Queensland Branch Inc	Landsborough	3 December 01
South Australia		
Australian Major Events	Adelaide (city)	12 September 01
South Australian Motorsport Board Pty Ltd	Adelaide (city)	15 January 02
Uniting Church in Australia	Adelaide (city)	18 February 02
The Cove Christian Family Centre Incorporated	Adelaide SW Suburbs	18 February 02
Details unavailable	Naracoorte	7 August 01
Western Australia		
Western Australian Tourism Commission	Boddington	13 July 01
Western Australian Tourism Commission	Collie	13 July 01
Western Australian Tourism Commission	Harvey	13 July 01
Western Australian Tourism Commission	Harvey	9 October 01
Western Australian Tourism Commission	Mundaring	13 July 01
Western Australian Tourism Commission	Mundaring	9 October 01
Western Australian Tourism Commission	Perth	13 July 01
Uniting Church in Australia	Perth	18 February 02
Tasmania		
Rotary Club Of Deloraine	Deloraine	12 September 01
North Eastern Agricultural and Pastoral Society	Scottsdale	17 October 01
Daylight Promotions	Symmons Plains	7 November 01
Motorsports Tasmania Pty Ltd	Symmons Plains	26 March 02
Northern Territory		
Details unavailable	Darwin	20 August 01
Details unavailable	Gove Peninsula	15 August 01

Table 5 Special events:**Television, by area served****New South Wales**

Sydney City
 Sydney City
 Sydney Olympic Park
 Eastern Creek International Raceway

Victoria

Melbourne Flemington Racecourse
 Melbourne Flemington Racecourse
 Melbourne Flemington Racecourse
 Geelong Racecourse
 Philip Island Motor Race Circuit

Queensland

Brisbane South Bank

South Australia

York Racecourse

Western Australia

Perth Ascot Racecourse
 Perth Ascot Racecourse
 Perth Ascot Racecourse
 Perth Ascot Racecourse
 Perth Rally Australia
 Boddington Rally Australia
 Bunbury Racecourse
 Kalgoorlie Racecourse
 Symmons Plains Raceway
 Wanneroo Barbagello Raceway

Tasmania

Hobart Baskerville Raceway

Northern Territory

Darwin Hidden Valley Raceway
 Darwin Hidden Valley Raceway
 Pinjarra Racecourse

Table 6 National radio services commenced**Area served****Callsign****New South Wales**

Bathurst 2JJJ
 Bathurst 2ABCFM
 Cobar 2ABCRN
 Dungog 2NC/T
 Gloucester SBS30
 Gosford 2BL/T
 Inverell SBS41
 Port Stephens 2NC/T
 Port Stephens 2ABCRN

Victoria

Alexandra SBS28
 Apollo Bay 3LO/T
 Eildon Town SBS54
 Horsham 3ABCRN
 Warrnambool City SBS58
 Yackandandah 3ABCRNQueensland
 Emerald 4ABCFM
 Gold Coast 4PNN
 Roma 4ABCFM

South Australia

Cowell SBS58
 Tumby Bay SBS29
 Waikerie SBS53

Western Australia

Busselton 6RN
 Narrogin 6ABCFM
 Northampton SBS59 OR SBS65
 Southern Agricultural SBS30

Table 7 Test transmissions

Organisation	Callsign	Area served	Issue date
New South Wales			
Bega Access Radio Inc.	TCBL	Bega	11 April 02
Bega Access Radio Inc.	TCBL	Bega	26 September 01
Northside Broadcasting Cooperative Ltd	2NSB	Chatswood	19 July 01
Coffs Harbour Christian Broadcasters Inc.	2IAM	Coffs Harbour	26 April 02
2KY Broadcasters Pty Ltd	2KY	Goulburn	14 January 02
Midwest Radio Limited	2ICE	Katoomba	18 December 01
Midwest Radio Limited	2ICE	Katoomba	25 March 02
2KY Broadcasters Pty Ltd	2KY	Parkes/Forbes	28 May 02
Victoria			
Australian Broadcasting Corporation	3PB	Melbourne	9 November 01
Student Youth Network Inc.	TCBL	Melbourne	23 May 02
Goulburn and Border Broadcasters Pty Ltd	2BDR/T	Falls Creek	28 May 02
Queensland			
BBC Worldwide	N/A	Brisbane	6 August 01
Radio 4BC Brisbane Pty Ltd	4BC	Brisbane	9 August 01
Radio 4BC Brisbane Pty Ltd	4BC	Brisbane	21 September 01
Radio 4BC Brisbane Pty Ltd	4BC	Brisbane	21 September 01
Radio 4BC Brisbane Pty Ltd	4BC	Brisbane	22 November 01
Sun FM Stereo Pty Ltd	4SUN	Mount Tamborine	23 January 02
Sun FM Stereo Pty Ltd	4SUN	Mount Tamborine	23 January 02
WOW FM	HPON	Townsville	18 October 01
South Australia			
Radio Murray Bridge Pty Ltd	5EZY	Mt Barker	24 August 01
5 Rox 98 FM Community Radio Inc.	TCBL	Roxby Downs	17 September 01
Radio Murray Bridge Pty Ltd	5EZY	Victor Harbor	30 November 01
Western Australia			
Creative Community Radio Inc	6CCR	Fremantle	30 July 01
Tasmania			
Radio Geeveston Youth Inc	7RGY	Geeveston	4 April 02

Table 8 Digital television licences issued

Area served	Service	Date
Australian Capital Territory		
Canberra	SBS30	August 2001
Canberra	WIN11	November 2001
Canberra	CTC6	December 2001
Canberra	ABC9A	December 2001
Canberra	CBN12	January 2002
New South Wales		
Newcastle	NRN51	March 2002
Newcastle	NBN36	March 2002
Newcastle	SBS38	March 2002
Newcastle	ABHN37	March 2002
Queensland		
Sunshine Coast	ABQ62	March 2002
Nambour	ABQ62	March 2002
Noosa/Tewantin	ABQ62	March 2002
Gympie	ABQ62	March 2002
Gympie Town	ABQ62	March 2002
Toowoomba	STQ58	June 2002
Gold Coast	ABQ62	June 2002
Currumbin	ABQ62	June 2002
Tasmania		
Hobart	ABT8	November 2001
Hobart	SBS9A	November 2001
Northern Territory		
Darwin	ABD30	October 2001
Darwin	SBS9A	October 2001

Table 9 Analog changes

Callsign	Area served	Channel changes	Reason
New South Wales			
WIN	Batemans Bay/ Moruya	Channel 11 increased by 1 MHz	Adjacent channel interference from channel 10 Batemans Bay/Moruya digital service
SBS	Braidwood	From channel 54 to channel 69	Co-channel interference from channel 54 Bega/ Cooma digital service
SBS	Cooma Town	From channel 53 to channel 68	Adjacent channel interference from channel 54 Bega/Cooma digital service
SBS	Cowra	From channel 45 to channel 60	Co-channel interference from channel 45 SW Slopes/E Riverina digital service
ABCN	Cowra	From channel 48 to channel 63	Co-channel interference from channel 48 SW Slopes/E Riverina digital service
CBN	Cowra	From channel 51 to channel 66	Co-channel interference from channel 45 SW Slopes/E Riverina digital service
ABN	Crookwell	From channel 45 to channel 60	Co-channel interference from channel 45 SW Slopes/E Riverina digital service
ABGN	Deniliquin	From channel 9 to channel 57	Co-channel interference from channel 9 Goulburn Valley digital service
CTC	Eden	From channel 63 to channel 49	Adjacent channel interference from channel 63 Batemans Bay/Moruya digital service
ABN	Goodooga	From channel 8 to channel 60	Co-channel interference from channel 8 Upper Namoi digital service
TNQ	Goondiwindi	From channel 49 to channel 61	Co-channel interference from channel 49 Upper Namoi digital service
WIN	Gundagai	From channel 44 to channel 62	Co-channel interference from channel 44 SW Slopes/E Riverina digital service
CTC	Gundagai	From channel 47 to channel 65	Co-channel interference from channel 47 SW Slopes/E Riverina digital service
NEN	Inverell	From channel 10 to channel 56	Co-channel interference from channel 9A Upper Namoi digital service
ABN	Lightning Ridge	From channel 10 to channel 57	Co-channel interference from channel 9A Upper Namoi digital service
ABLN	Menindee	From channel 9 to channel 60	Co-channel interference from channel 9 Broken Hill digital service
ABHN	Merriwa	From channel 8 to channel 49	Co-channel interference from channel 8 Upper Namoi digital service
ABQ	St George	From channel 8 to channel 64	Co-channel interference from channel 8 Upper Namoi digital service
ABHN	Upper Hunter	From channel 8 to channel 56	Co-channel interference from channel 8 Upper Namoi digital service
Victoria			
ABSV	Hopetoun	From channel 56 to channel 35	Co-channel interference from channel 56 Horsham digital service
AMV	Hopetoun	From channel 62 to channel 38	Co-channel interference from channel 62 Murray Valley digital service
VTV	Hopetoun	From channel 65 to channel 41	Co-channel interference from channel 65 Murray Valley digital service
VTV	Jerilderie	From channel 8 to channel 68	Co-channel interference from channel 8 Upper Murray digital service

Callsign Reason	Area served	Channel changes	Channel changes
ABGN	Jerilderie	From channel 10 to channel 56	Co-channel interference from channel 10 Upper Murray digital service
AMV	Myrtleford	From channel 9 to channel 56	Co-channel interference from channel 9 Goulburn Valley digital service
VTV	Nhill	From channel 7 to channel 68	Co-channel interference from channel 7 Western Victoria digital service
AMV	Orbost	From channel 33 to channel 28	Co-channel interference from channel 33 Latrobe Valley digital service
VTV	Orbost	From channel 39 to channel 31	Co-channel interference from channel 39 Latrobe Valley digital service
AMV	Upper Murray	Channel 11 increased by 1 MHz	Interference from channel 9A and 10 Upper Murray digital services
AMV	Warrnambool	From channel 46 to channel 52	Co-channel interference from channel 46 Ballarat digital service
VTV	Western Victoria	From channel 10 to channel 11	Interference from channel 10 Western Victoria digital service
GLV	Yea	From channel 42 to channel 48	Co-channel interference from channel 42 Goulburn Valley digital service
AMV	Yea	From channel 45 to channel 51	Co-channel interference from channel 45 Goulburn Valley digital service
Queensland			
SBS	Ashford	From channel 54 to channel 66	Co-channel interference from channel 54 Southern Downs digital service
TNQ	Babinda	From channel 6 to channel 57	Co-channel interference from channel 6 Cairns digital service
SBS	Bowen Town	From channel 29 to either channel 57 or 47	Co-channel interference from digital services at Cairns and Mackay
STQ	Bowen Town	From channel 35 to either channel 60 or 50	Co-channel interference from digital services at Cairns and Mackay
SBS	Cairns East	From channel 35 to channel 53	Co-channel interference from channel 35 Cairns digital service
SBS	Cairns North	From channel 53 to channel 68	Co-channel interference from alternative channel 53 Cairns East analog service
ABQ	Charters Towers	From channel 44 to channel 59	Co-channel interference from channel 44 Townsville digital service
QQQ	Cooktown	From channel 6 to channel 63	Co-channel interference from channel 6 Cairns digital service
ABQ	Cooktown	From channel 8 to channel 67	Co-channel interference from channel 8 Cairns digital service
QQQ	Cracow	From channel 10 to channel 65	Co-channel interference from channel 10 Wide Bay digital service
ABEQ	Emerald	From channel 11 to channel 55	Co-channel interference from channel 11 Rockhampton digital service
ABQ	Glenden	From channel 29 to channel 47	Co-channel interference from channel 29 Mackay digital service
STQ	Glenden	From channel 32 to channel 50	Co-channel interference from channel 32 Mackay digital service

Callsign	Area	Channel changes	Reason
SBS	Glenden	From channel 35 to channel 53	Co-channel interference from channel 35 Mackay digital service
STQ	Goondiwindi	From channel 46 to channel 55	Co-channel interference from channel 46 Darling Downs digital service
TNQ	Goondiwindi	From channel 49 to channel 61	Co-channel interference from channel 49 Darling Downs digital service
RTQ	Goondiwindi	From channel 52 to channel 55	Co-channel interference from channel 52 Southern Downs digital service
TVQ	Kooralbyn	From channel 43 to channel 68	Co-channel interference from channel 43 Southern Downs digital service
TNQ	Mareeba	From channel 6 to channel 57	Co-channel interference from channel 6 Cairns digital service
ABMSQ	Miles	From channel 9 to channel 64	Co-channel interference from channel 9 Wide Bay digital service
RTQ	Miles	From channel 10 to channel 67	Co-channel interference from channel 11 Wide Bay digital service
ABWQ	Miriam Vale	From channel 11 to channel 55	Co-channel interference from channel 11 Rockhampton digital service
STQ	Moranbah	From channel 11 to channel 46	Co-channel interference from channel 11 Rockhampton digital service
ABNQ	Mossman	From channel 8 to channel 41	Co-channel interference from channel 8 Cairns digital service
TNQ	Mossman	From channel 11 to channel 44	Co-channel interference from channel 11 Cairns digital service
SBS	Mossman	From channel 29 to channel 53	Co-channel interference from channel 29 Cairns digital service
STQ	Mossman	From channel 32 to channel 44	Co-channel interference from channel 32 Cairns digital service
RTQ	Mossman	From channel 35 to channel 50	Co-channel interference from channel 35 Cairns digital service
SBS	Port Douglas	From channel 52 to channel 67	Co-channel interference from digital services in Cairns region
ABNQ	Ravenshoe	From channel 8 to channel 11	Co-channel interference from channel 8 Cairns digital service
TNQ	Ravenshoe	From channel 11 to channel 44	Co-channel interference from channel 11 Cairns digital service
SBS	Smithfield Heights	From channel 53 to channel 68	Co-channel interference from channel 53 Cairns East digital service
ABQ	Taroom	From channel 11 to channel 63	Co-channel interference from channel 11 Rockhampton digital service
SBS	Tenterfield	From channel 54 to channel 69	Co-channel interference from channel 54 Southern Downs digital service
ABNQ	Tully	From channel 8 to channel 55	Co-channel interference from channel 8 Cairns digital service
TNQ	Tully	From channel 11 to channel 67	Co-channel interference from channel 8 Cairns digital service
Tasmania			
TNT	East Davenport	From channel 51 to channel 63	Co-channel interference from channel 51 NE Tasmania digital service
TNT	Waratah	From channel 49 to channel 60	Co-channel interference from channel 49 NE

Table 10 Black spots program**Areas where planning was successfully completed**

Area	Services requested
New South Wales	
Bunnan	SBS, ABC, NBN, NEN, NRN
Eden	SBS, ABC, CTC, CBN, WIN
Grevillea/Rukenvale	SBS, ABC, NBN, NEN, NRN
Tathra/Mogareeka	SBS, ABC, CTC, CBN, WIN
Mullimbimby Creek	SBS, ABC, NBN, NEN, NRN
Nethercote	SBS, ABC, CTC, CBN, WIN
Pambula Beach	SBS, ABC, CTC, CBN, WIN
Towamba	SBS, ABC, CTC, CBN, WIN
Wyndham	SBS, ABC, CTC, CBN, WIN

Victoria

Eildon/Taylor	VTV, AMV, GTV
Jeeralang	SBS, ABC, VTV, AMV, GTV
Traralgon Sth/ Calignee/Koornalla	SBS, ABC, VTV, AMV, GTV
Yinnar Sth	SBS, ABC, VTV, AMV, GTV

Queensland

Dimbulah	IMP, QQQ
Nelly Bay	SBS, ABC, TNQ, RTQ, STQ
Horsehoe Bay	SBS, ABC, TNQ, RTQ, STQ
Langley/Kapaldo	SBS, ABC, RTQ, TNQ, STQ

Northern Territory

Adelaide River	SBS
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Areas where planning was completed, but the application requires further work because of requested changes

Area	Services applied for
New South Wales	
Burrill	SBS, ABC, CTC, CBN, WIN
Eugowra	SBS, ABC, CTC, CBN, WIN
Holbrook	SBS, ABC, CTC, CBN, WIN
Mannus	SBS, ABC, CTC, CBN, WIN
Tullamore	SBS, ABC, IMP, QQQ
Victoria	
Boolarra	SBS, ABC, GLV, AMV, VTV
Shelford	SBS, ABC, BCV, VTV, AMV
Queensland	
Kelso	SBS, ABC, STQ, RTQ, TNQ
Kuranda	SBS, ABC, STQ, RTQ, TNQ

Paluma	SBS, ABC, IMP, QQQ
Tully Heads	SBS, ABC, QQQ, IMP
Mama Creek	SBS, ABC, QTQ, TVQ, BTQ

Western Australia

Perth	SBS, ABC, TVW, STW, NEW
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Tasmania

Collinsvale	ABC, SBS, TVT, TNT
Avoca/Royal George	SBS, ABC, TNT, TVT

Areas where an adequate terrestrial solution could not be found.¹**Area** **Services requested****New South Wales**

Banora Point	SBS, ABC, NBN, NEN, NRN
Cobargo	SBS, ABC, CTC, CBN, WIN
Brogo	SBS, ABC, CTC, CBN, WIN
Rosebank	SBS, ABC, NRN, NEN, NBN
Bylong Valley	SBS, ABC, NRN, NEN, NBN
Capertee	SBS, ABC, WIN, CTC, CBN
Corlette, Salamander Bay	SBS, ABC, NRN, NEN, NBN
Edith	SBS, ABC, CTC, CBN, WIN
Ettrick	SBS, ABC, NRN, NEN, NBN
Glen Davis	SBS, ABC, IMP, QQQ
Kiama	SBS, ABC, CTC, CBN, WIN
Lemon Tree Passage	SBS, ABC, NRN, NEN, NBN
Nelson Bay	SBS, ABC, NRN, NEN, NBN
Shoal Bay	SBS, ABC, NRN, NEN, NBN

Victoria

Bacchus Marsh	ABC, SBS, HSV, GTV, ATV
Blackwood	ABC, SBS, HSV, GTV, ATV
Kalorama	SBS, ABC, HSV, GTV, ATV
Lavers Hill	SBS, ABC, HSV, GTV, ATV

Queensland

Bonogin	ABC, SBS, TNQ, STQ, RTQ
Lake Placid	ABC, SBS, TNQ, STQ, RTQ
Mudgeeraba	ABC, SBS, TNQ, STQ, RTQ
Nerang	ABC, SBS, TNQ, STQ, RTQ
Tugun	ABC, SBS, TNQ, STQ, RTQ
Tully Valley	ABC, SBS, TNQ, STQ, RTQ
Worongary	ABC, SBS, TNQ, STQ, RTQ
Crystal Brook	SBS, ABC, STQ, TNQ, RTQ

¹ However some of these areas may be fixed under the Alternative Technical Solutions component of the Television Funds Black Spots Program

Delaneys Creek	SBS, ABC, QTQ, TVQ, BTQ
Maryvale	SBS, ABC, QQQ, IMP
Parkwood	SBS, NRN, BTQ, QTQ, ABQ
Tallebudgera	SBS, ABC, TNQ, STQ, RTQ
Tenthill	SBS, ABC, NRN, NEN, NBN
Tallebudgera	SBS, ABC, TNQ, STQ, RTQ
Tenthill	SBS, ABC, NRN, NEN, NBN

Black spots solutions approved

Round one

Area served	No of services made available
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New South Wales

Adelong	3
Armidale	3
Batehaven	5
Batlow	5
Baywood (Suffolk Park)	5
Bemboka	4
Berry	5
Brewarrina	1
Burra	5
Cootamundra	5
Darbys Falls	5
Drake	4
Forster	5
Glengarry & Grawin	4
Gravesend	5
Hartley	4
Hillston	4
June	5
Kangaroo Valley	5
Lismore East	5
Mt George	5
Mt Kembla	5
North Narooma	5
Narrandera	4
Ocean Shores	5
Old Bonalbo	5
Pacific Palms	5
Peak Hill	5
Portland	5
South Durras	5
Talbingo	5
Urbenville	4
Warialda	5

Area served	No of services made available
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Woodenbong	5
Woronora	5

Victoria

Aireys Inlet/Fairhaven	5
Anglesea	5
Apollo Bay	3
Freeburgh/Smoko	1
Buxton	1
Cohuna	1
Flowerdale/Hazeldene	4
Forrest	5
Geelong	5
Gellibrand	5
Healesville	5
Lorne	3
Monbulk	5
Murrayville	4
Omeo	3
Rosebud South	2
Taggerty	3
Tallagantta	5
Mt Beauty	1
Wye River	5

Queensland

Agnes Waters/Seventeen Seventy	5
Alligator Creek	5
Armstrong Beach	5
Buchan	4
Canungra	5
Conondale	5
Crows Nest	5
Dingo Beach	4
Dirranbandi	1
Flagstone	5
Flame Tree/Jubilee Pocket	5
Flying Fish Point	5
Helensvale	5
Little Mulgrave	5
Miriam Vale	4
Moranbah	1
Mossman	5
Mt Alford	5
Mt Molloy	3
Mt Morgan	5

Area served	No of services made available	Area served	No of services made available
Mudgeeraba	1	Gapuwiyak	1
Oxenford	5	Mt Nancy	4
Quilpie	2	Wadeye	1
Rathdowney	5		
Redlynch Valley	3	Round two	
Roma	1	Australian Capital Territory	
Sarina	5	Conder	5
Somerset Dam	5		
Speewah	5	New South Wales	
Toogoolawah	5	Bolivia	5
Cardwell Kennedy	2	Booral/Stroud	5
Warroo	1	Cassilis	3
Willows Gemfield	4	Deepwater	4
Yarrabah	5	Emmaville	2
South Australia		Green Pigeon	4
Kimba	3	Gunning	5
Mannum	5	Kyogle	5
Melrose/Wilmington	3	Long Flat	5
Swan Reach	5	Mooney Mooney	5
Truro Grove	5	Macleay/Ashby	5
Wudinna	1	Mallanganee	5
Western Australia		Megalong Valley	4
Prevelly (Beach Park)	4	Mudgee	5
Carnarvon	1	Nundle	4
Denmark	4	Elizabeth Beach	5
Dongara	4	Smiths Lake	5
Gracetown	4	Patonga	5
Manjimup	1	Sofala	5
Tambellup	4	South Woy Woy	5
Walpole	4	Tabulam	5
Wellstead	4	Telegraph Point	5
Youngs Siding (Albany West)	4	Tottenham	3
Tasmania		Tullibigeal	4
Derby	1	Uralla	5
Gunns Plains	4	Wonboyn Lake	5
Hillwood	2	Wyangala	5
Maydena	4	Victoria	
Meander	2	Berm River	4
Paloona	4	Ensay	4
Sisters Beach	4	Eskdale	5
Northern Territory		Tecoma/Belgrave	5
Borrooloola	4	Underbool	4
Daly River	2	Warnambool	1
Galiwinku	1	Yendon	5

Area served	No of services made available	Area served	No of services made available
Queensland		Cudlee Creek	5
Alpha	4	Eudunda	5
Anakie	4	Goodooga	1
Ayton	4	Haslam/Streaky Bay	1
Banana	5	Lyndoch	5
Bancroft	5	Marion Bay	4
Bell	3	Marree	1
Biloela	5	Myponga	5
Bollon	1	Orroroo	3
Bonny Hills	5	Penong	1
Boyne Valley	5	Poochera	1
Byfield	5	Quorn	1
Carmila	4	Mt Hall	1
Chillagoe	2	Wirrulla	1
Coen	3	Wudinna/Minnipa/Waramboo	3
Colston Park	5	Yalata	2
Comet	4	Tasmania	
Daintree Village	4	Blackstone	4
Glen Alice/Bogee	4	St Helens	1
Greenvale	2	Currie	3
Irvinebank	4	Eaglehawk Neck	4
Jericho	2	Little Swanport	4
Lakeland	4	Naracoopa	3
Lowmead	4	Neika/Leslie Vale	4
Mapoon	2	Port Arthur	4
Maroon	5	Ringarooma/Legerwood	3
Millstream Estate	4	Wilmot	4
Moonford	5	Western Australia	
Mossman South	5	Baynton	4
Moura	4	Beacon	1
Mt Garnett	3	Beagle Bay	2
Rosedale	5	Bencubbin	1
Rossville	4	Boddington	4
Sapphire/Rubyvale	5	Borden	1
Stanage Bay	4	Bruce Rock	1
Thangool	5	Burringurrah	2
Theodore	3	Coolgardie	4
Tin Can Bay	5	Dalwallinu	3
Turkey Beach	5	Gnowangerup	1
Watsonville	4	Kalumburu	2
Willows Gemfield	4	Katanning	1
Wurdong Heights	5	Kellerberrin	1
Yarwun/Targinnie	5	Kulin	1
South Australia		Looma	3
Cape Jervis	5	Marvel Loch	3

Area served	No of services made available
Mataranka	1
Merredin	1
Mullewa	1
Muradup	4
Narembeen	1
Northcliffe	4
Ongerup	1
Onslow	1
Paraburdoo	1
Peaceful Bay	4
Quinninup	4
Tom Price	1
Warmun	2
Yunggora	2
Northern Territory	
Angurugu	3
Elliott	4
Laramba	1
Minjilang/Crocker Island	3
Mt Liebig	1
Nganmariyanga	1
Nyirripi	2
Timber Creek	4
Tjuntjuntjara	2
Umbakumba	1
Yarralin	4
Yuelamu	4

Appendix 8

Commonwealth Disability Strategy

The ABA supports the Commonwealth Government's vision of widening opportunities for people with disabilities by helping to develop and deliver policies, programs and services which are accessible and promote independence and participation.

As a regulator of broadcasting services, the ABA ensures that:

- ninety per cent of publicly available information on regulations and quasi-regulations is made available in accessible electronic formats (either PDF (version 5), RTF or HTML). All publicly available information is made available in accessible non-electronic formats, upon request. No requests were received for information on regulations and quasi-regulations to be provided in accessible electronic or non-electronic formats in 2001–02
- through the ABA's website, 80 per cent of electronic information has been converted to the latest version of PDF document (Adobe Acrobat Reader 5) form, which is compliant with disability softwares
- among our industry codes of practice, one of the 11 codes specifically sets out how people with disabilities may make a complaint about a broadcaster. Electronic complaints forms in relation to regulations are made available to people with disabilities.

As a provider of services, the ABA has established:

- quality improvement and assurance systems which focus on people and resource management and communication and information technology strategies which meet the needs of internal and external stakeholders
- a service charter that complies with the ABA's Access and Equity Plan and Disability

Action Plan, with a commitment to provide facilities for people with disabilities.

As a policy advisor:

- no new or revised policy/program proposals were developed by the ABA, so impact assessments on the lives of people with disabilities prior to decision, were not required. Consultations with people with disabilities were not warranted during 2001–02
- one hundred per cent of announcements about licence area plans and digital channel plans are available in accessible electronic formats on the ABA website.

As a purchaser of goods and services:

- the ABA did not engage in any purchasing processes during 2001–02 that had a direct impact on the lives of people with disabilities. Information for the public on purchasing specifications is not available in accessible electronic or non-electronic formats. ABA purchasing specifications are based on a standard contract which does not refer to the *Disability Discrimination Act 1992*.

As an employer:

- ABA employment policies, procedures and practices meet the requirements of the *Disability Discrimination Act 1992*
- ABA employment policies and procedures are covered by the certified agreement. The Workplace Diversity program, Performance and Development Framework and the ABA Human Resource Development Plan facilitate the integration and linkages of employment policies and procedures with diversity principles including disability access and equity
- the ABA introduced an employee self service kiosk in 2002 which complies with disability software standards
- recruitment information for potential job applicants is available in accessible formats on request

- one hundred per cent of recruitment information is available in accessible electronic formats at the time of advertisement. It is not available in other formats and there were no requests received in 2001–02
- agency recruiters and managers apply the principle of 'reasonable adjustment'
- the current ABA Staff Selection Guidelines provide assistance on workplace diversity and equity including reasonable adjustment. Comprehensive information on reasonable adjustment for the interview process is not made available to convenors or managers
- training and development programs consider the needs of staff with disabilities
- training and development is devolved to Branches and attendance at courses is predominantly through public programs where consideration of the needs of staff with disabilities can be negotiated with the training provider. The ABA Human Resource Development Plan supports cultural and linguistic diversity and disability awareness as essential components of all training.
- complaints/grievance mechanisms, including access to external mechanisms are in place to address issues raised by staff
- reviews of decisions affecting employment and dispute resolution procedures are outlined in the certified agreement in accordance with the *Public Service Act 1999*. Another internal mechanism includes the Workplace Harassment Prevention Policy which guides the management of complaints relating to harassment, intimidation and discrimination
- external mechanisms for review of decisions by the Australian Public Service Commissioner also operate. Other avenues of external address include the Human Rights and Equal Opportunity Commission, the Privacy Commissioner and the Commonwealth Ombudsman.

Goals for 2002–03

- One hundred percent of reports concerning regulatory compliance to be posted on the ABA's website within five working days of completion
- One hundred per cent of customers requesting information on regulations and quasi-regulations in accessible formats (other than electronic) will be advised of the expected delivery date of their preferred format within five days of the request
- Electronic complaints forms in relation to regulations will be made available to people with disabilities
- One hundred per cent of requests for electronic information on regulatory compliance reporting to be fulfilled within two weeks
- One hundred per cent of customers requesting information on regulatory compliance reporting in accessible formats (other than electronic) will be advised of the expected delivery date of their preferred format within five days of request
- Increase in the number of industry codes of practice that specifically advise people with disabilities how to make a complaint against a broadcaster
- Advice will be sought from disability groups on appropriate non-electronic formats for recruitment and management of recruitment information
- Advertisements for in-house training programs will include information about the needs of people with disabilities
- The application cover sheet for job applications will be reviewed to enable person with a disability, and
- The ABA recruitment website will be revamped to include information on reasonable adjustment.

Appendix 9

Publications 2001–02

The ABA makes all discussion and working papers about issues on which it is publicly consulting freely available to the public, in printed form and on its website.

Pamphlets and information products

Radio and Television Broadcasting Stations Guide 2001, September 2001

An Introduction to the ABA, reprinted December 2001

Complaints about Programs, reprinted December 2001

Annual Report 2000–01, February 2002 (release delayed due to federal election)

Radio Program Format Survey Information, February 2002

Cybersmart Filters, June 2002

Cybersmart Tips for Families, June 2002

Licence applications, guides and forms

Form ABA 34, March 2002

Form ABA 35, March 2002

Form ABA 36, March 2002

Price-based Allocation Open Narrowcasting Licences, Parts 1, 2 and 3, Round 10A, April 2002

Price-based Allocation of Commercial Radio Licences, Part 4, Round 12, June 2002

Price-based Allocation of Commercial Radio Licences, Part 4, Round 13, November 2001

Licensing reports

Allocation of Four Community Radio Licences for Melbourne, December 2001

Digital channel plans

Regional Queensland, October 2001

New South Wales South Coast, December 2001

Regional Victoria and variation to Tasmania, December 2001

Regional Victoria, Regional SA and Broken Hill, March 2002

Inland NSW and Variation to ACT, May 2002

Inland NSW, June 2002

Tasmania, May 2002

Licence area plans

Final radio licence area plans

Adelaide, SA. Radio Licence Area Plan, September 2001

Burnie, Tas. Radio Licence Area Plan, December 2001

Devonport, Tas. Radio Licence Area Plan, December 2001

Griffith, NSW. Radio Licence Area Plan, December 2001

Hamilton, Vic. Radio Licence Area Plan, December 2001

Hobart, Tas. Radio Licence Area Plan, December 2001

Horsham, Vic. Radio Licence Area Plan, December 2001

Launceston, Tas. Radio licence Area Plan, December 2001

Mt Gambier, SA. Radio Licence Area Plan, December 2001

Murray Bridge, SA. Radio Licence Area Plan, December 2001

Perth, WA. Radio Licence Area Plan, December 2001

Port Lincoln, SA. Radio Licence Area Plan, December 2001

Queenstown, Tas. Radio Licence Area Plan, December 2001

Sale, Vic. Radio Licence Area Plan, December 2001

Scottsdale, Tas. Radio Licence Area Plan, December 2001

Spencer Gulf, SA. Radio Licence Area Plan, December 2001

Wagga Wagga, NSW. Radio Licence Area Plan, December 2001

Warragul, Vic. Radio Licence Area Plan, December 2001

Warrnambool, Vic. Radio Licence Area Plan, December 2001

Young, NSW. Radio Licence Area Plan, December 2001

Variations to licence area plans (radio and television)

Broken Hill, NSW Variation to Television Licence Area Plan, March 2002

Carnarvon, WA Variation to Radio Licence Area Plan, October 2001

Gympie, Qld Variation to Radio Licence Area Plan, November 2001

Maryborough, Qld Variation to Radio Licence Area Plan, August 2001

Melbourne, Vic Variation to Radio Licence Area Plan, July 2001

Melbourne, Vic Variation to Radio Licence Area Plan, October 2001

Melbourne, Vic Variation to Radio Licence Area Plan, March 2002

Mt Gambier, SA Variation to Television Licence Area Plan, December 2001

Nambour, Qld Variation to Radio Licence Area Plan, November 2001

Remote North East Zone Variation to Radio Licence Area Plan, November 2001

Riverland, SA Variation to Television Licence Area Plan,

December 2001

Spencer Gulf, SA Variation to Television Licence Area Plan,
March 2002

Sydney, NSW Variation to Radio Licence Area Plan, March
2002

Townsville, Qld Variation to Radio Licence Area Plan,
August 2001

Draft variations to licence area plans (radio and television)

Draft variation to Perth radio licence area plan, March
2002

Draft variation to Remote North East zone radio licence
area plan, June 2002

Draft variation to Tasmanian television licence area plan,
May 2002

Research

Children's Views about Media Harm, November 2000,
reprinted August 2001

Review of the Australian Content Standard, November
2001

Internet@home Report, December 2001

Effectiveness of Internet Filtering Software Products,
March 2002

Media Streaming and Broadband in Australia, May 2002

Sources of News and Current Affairs, reprinted June 2002

Newsletters

ABA Update: issue 100 July 01, issue 101 August 01,
issue 102 September 01, issue 103 October 01,
issue 104 November 01, issue 105 December/January 01/
02, issue 106 February 02, issue 107 March 02, issue 108
April 02, issue 109 May 02, issue 110 June 02.

Appendix 10

Legislation

The Australian Broadcasting Authority performs its principal functions under the following legislation.

Acts and amending Acts, 2001–02	Act number	Date of assent	Date of commencement
<i>Broadcasting Services Act 1992 as amended in 2001–02 by</i>			
<i>Broadcasting Services Amendment Act (No. 3) 1999</i>	198, 1999	23 December 1999	1 July 2001 [Schedule 1, items 20 and 22]
<i>Communications and the Arts Legislation Amendment (Application of Criminal Code) Act 2001</i>	5, 2001	20 March 2001	1 July 2001 [Schedule 1, item 27]
<i>Corporations (Repeals, Consequential and Transitionals) Act 2001</i>	55, 2001	28 June 2001	15 July 2001
<i>Broadcasting Legislation Amendment Act (No. 2) 2001</i>	92, 2001	20 July 2001	20 July 2001
<i>Classification (Publications, Films and Computer Games) Amendment Act (No. 1) 2001</i>	13, 2001	22 March 2001	22 March 2002
<i>Interactive Gambling Act 2001 as amended in 2001–02 by</i>			
	84, 2001	11 July 2001	8 August 2001 [Sections 15, 15A, 61AA-61FE] 12 January 2002 [sections 16–31, 42, 43, 48, 49, 54–59]
<i>Corporations (Repeals, Consequential and Transitionals) Act 2001</i>	55, 2001	28 June 2001	15 July 2001
<i>Interactive Gambling Amendment Act 2001</i>	139, 2001	1 October 2001	1 October 2001
<i>Financial Services Reform (Consequential Provisions) Act 2001</i>	123, 2001	27 September 2001	11 March 2002
<i>Radiocommunications Act 1992</i>	174, 1992	11 December 1992	
<i>Radio Licence Fees Act 1964</i>	119, 1964	24 November 1964	
<i>Telecommunications Act 1997</i>	47, 1997	22 April 1997	
<i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	50, 1999	5 July 1999	
<i>Telecommunications (Consumer Protection and Service Standards) Amendment Act 2000</i>	33, 2000	19 April 2000	
<i>Telecommunications (Consumer Protection and Service Standards) Amendment Act (No. 1) 2000</i>	95, 2000	30 June 2000	
<i>Television Licence Fees Act 1964</i>	118, 1964	24 November 1964	

Appendix 11

Litigation summary

Federal Court Matters

**RG Capital Radio Pty Limited v
Australian Broadcasting Authority****Gosford Proceedings**

RG Capital Radio Pty Limited applied to the Federal Court for judicial review of a licence area plan made by the ABA under section 26 of the Broadcasting Services Act. RG Capital Radio Pty Limited sought review of the decision to make available an additional commercial radio broadcasting licence in Gosford (the Gosford proceedings). A question of law was referred to the Full Federal Court for determination. Resolution of the legal question would determine whether judicial review of the licence area plan would proceed. The question of law before the Full Federal Court (Wilcox, Branson and Lindgren JJ) was:

Is the decision of the respondent to determine the licence area plan made 31 August 2000 for the Gosford licence area a decision of an administrative character within the meaning of the *Administrative Decisions (Judicial Review) Act 1977* (Cth)?

Decisions which are of an administrative character are reviewable under the *Administrative Decisions (Judicial Review) Act*. Decisions of a legislative character are reviewable under the *Judiciary Act 1903* (Cth). The grounds for review are considered broader under the *Administrative Decisions (Judicial Review) Act* than the *Judiciary Act*.

On 6 July 2001 the Full Federal Court handed down its decision which said that a licence area plan was not a decision of an administrative character. The Full Federal Court stated in its reasoning that there is no simple rule for determining whether a decision is of an administrative or a legislative character. It stated that not one consideration discussed in the decided cases or raised by counsel is decisive of the issue.

In deciding that a licence area plan is a decision of a legislative, not an administrative character, the Full Federal Court found that the considerations most persuasive were:

1. the licence area plan is of a general application as distinct from being a determination which affects only particular individuals or is made with particular individuals in contemplation
2. notwithstanding the power of variation give by section 26(2) a licence area plan is expected to have a moderately long term application and to lay down parameters within which decisions affecting individuals will be taken
3. there is a clear distinction between the planning concerns of Part 3 of the Act and the Part 4 provisions regarding allocation of licences which more directly affect the interest of individuals, and
4. section 204 of the Act provides for review by the Administrative Appeals Tribunal of a wide range of decisions which the ABA makes under the Act, including decisions under Part 4 and subsequent parts of the Act but omits review of the preparation of a licence area plan under section 26(1).

RG Capital Radio Pty Limited lodged an application for special leave to appeal to the High Court in respect of the decision by the Full Federal Court. On 20 November 2001 the High Court refused special leave to appeal from the decision of the Full Federal Court.

On 3 December 2001, RG Capital Radio Pty Limited withdrew from the Gosford proceedings in the Federal Court, and consent orders were made permitting the ABA to give effect to the licence area plan for Gosford.

Queensland proceedings

RG Capital Radio Pty Limited also applied to the Federal Court for judicial review of the Murwillumbah, Gold Coast and Nambour licence area plans made by the ABA under section 26 of the Act (the Queensland proceedings). RG Capital Radio Pty Limited sought review of the decision:

- to make available an additional commercial radio broadcasting licence in Nambour
- not to combine the licence areas of the Gold Coast and Murwillumbah, and
- to make available additional radiofrequency spectrum for the retransmission of the existing commercial radio broadcasting licensee's service in Murwillumbah.

On 6 March 2002, RG Capital Radio Pty Limited withdrew from the Queensland proceedings in the Federal Court.

TCN Channel Nine Pty Limited, Queensland Television Limited and Channel 9 South Australia Pty Limited v Australian Broadcasting Authority

On 8 February 2002, TCN Channel Nine Pty Limited, Queensland Television Limited and Channel 9 South Australia Pty Limited applied to the Federal Court for review of the ABA's decision that TCN Channel Nine Pty Limited, Queensland Television Limited and Channel 9 South Australia Pty Limited had breached a condition of their licences by broadcasting a tobacco advertisement in contravention of the *Tobacco Advertising Prohibition Act 1992*. This matter is listed for hearing on 17 July 2002.

Local Court Proceedings

Australian Broadcasting Authority v Great Southern Broadcasters Radio 6GS Pty Limited

The ABA obtained default judgement against Great Southern Broadcasters Radio 6GS Pty Limited for failure to pay licence fees as required under the *Radio Licence Fees Act 1964*. Before the ABA could issue a warrant of execution to enforce the judgement, Great Southern Broadcasters Radio 6GS Pty Limited was deregistered on 18 February 2002.

Administrative Appeals Tribunal Proceedings

Electronic Frontiers Australia Incorporated Application to the AAT

Application for review was lodged by Electronic Frontiers Australia Inc in the Administrative Appeals Tribunal on 18 October 2000 to review the ABA's internal review decision of

6 September 2000 regarding access to documents sought under the *Freedom of Information Act 1982*. The applicant was seeking access to information relating to investigations carried out by the ABA regarding complaints lodged with the ABA under Schedule 5 to the Broadcasting Services Act which relates to online services. The matter was heard by the Administrative Appeals Tribunal on 18 and 19 July 2001. On 12 June 2002, the Administrative Appeals Tribunal decided that access to the information should be refused.

NBN Limited Application to the AAT

On 10 May 2001, NBN Limited applied to the Administrative Appeals Tribunal for a review of the ABA's decision in which the ABA decided to refuse a certificate to NBN Limited under clause 46(5) of Schedule 4 to the Broadcasting Services Act. Under this clause, the ABA may issue a certificate to an owner or operator of a transmission tower site, exempting it from providing access to an access seeker, if the ABA is of the opinion that it is not technically feasible to comply with the access requirement. NBN Limited sought a certificate to exempt it from providing access to Telecasters Australia Limited, who has applied to the Administrative Appeals Tribunal to be joined as a party to the application for review.

On 24 September 2001, NBN Limited withdrew its application from the Administrative Appeals Tribunal upon agreeing access terms with Telecasters Australia Limited.

TCN Channel Nine Pty Limited, Queensland Television Limited and Channel 9 South Australia Pty Limited Application to the AAT

On 3 January 2002, TCN Channel Nine Pty Limited, Queensland Television Limited and Channel 9 South Australia Pty Limited applied to the Administrative Appeals Tribunal for review of the ABA's decision that TCN Channel Nine Pty Limited, Queensland Television Limited and Channel 9 South Australia Pty Limited had breached a condition of their licences by broadcasting a tobacco advertisement in

contravention of the Tobacco Advertising Prohibition Act.

The ABA objected to the jurisdiction of the AAT to hear the matter. On 25 January 2002, the Administrative Appeals Tribunal dismissed the application.

Appendix 12

Financial statements



INDEPENDENT AUDIT REPORT

To the Minister for Communications, Information Technology and the Arts

Scope

I have audited the financial statements of the Australian Broadcasting Authority for the year ended 30 June 2002. The financial statements comprise:

- Statement by Members;
- Statements of Financial Performance, Financial Position and Cash Flows;
- Schedules of Commitments and Contingencies; and
- Notes to and forming part of the Financial Statements.

The Members of the Australian Broadcasting Authority are responsible for the preparation and presentation of the financial statements and the information they contain. I have conducted an independent audit of the financial statements in order to express an opinion on them to you.

The audit has been conducted in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards, to provide reasonable assurance as to whether the financial statements are free of material misstatement. Audit procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Accounting Standards and other mandatory professional reporting requirements in Australia and statutory requirements so as to present a view which is consistent with my understanding of the Australian Broadcasting Authority's financial position, its financial performance and its cash flows.

The audit opinion expressed in this report has been formed on the above basis.

PO Box A456 Sydney South NSW 1235
130 Elizabeth Street
SYDNEY NSW
Phone (02) 9367 7100 Fax (02) 9367 7102

Audit Opinion

In my opinion the financial statements:

- (i) have been prepared in accordance with Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*; and
- (ii) give a true and fair view, in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia and the Finance Minister's Orders, of the financial position of the Australian Broadcasting Authority as at 30 June 2002, and its financial performance and cash flows for the year then ended.

Australian National Audit Office



P Hinchey
Senior Director

Delegate of the Auditor-General

Sydney
27 August 2002

**AUSTRALIAN BROADCASTING AUTHORITY
FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2002**

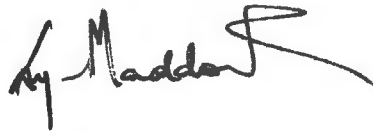
STATEMENT BY MEMBERS

In our opinion, the attached financial statements for the year ended 30 June 2002 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*.



D. Flint
Chairman

23 August 2002



L. Maddock
Deputy Chair

23 August 2002

AUSTRALIAN BROADCASTING AUTHORITY STATEMENT OF FINANCIAL PERFORMANCE

FOR THE YEAR ENDED 30 JUNE 2002

	Notes	2002 \$	2001 \$
Revenue from ordinary activities			
Revenues from government	4A	15,750,000	15,757,150
Sale of goods and services	4B	341,692	133,893
Interest	4C	135,165	128,139
Other	4E	1,824,557	2,512,189
Total revenues from ordinary activities		18,051,414	18,531,371
Expenses from ordinary activities			
Employees	5A	10,327,209	9,758,680
Suppliers	5B	6,924,824	7,013,391
Depreciation and amortisation	5C	590,696	473,202
Write-down of assets	5D	11,615	21,996
Loss on disposal of assets	5E	530	10,703
Total expenses from ordinary activities (excluding borrowing costs expense)		17,854,874	17,277,972
Borrowing costs expense	6	61,017	11,451
Net operating surplus from ordinary activities		135,523	1,241,948
Net surplus attributable to the Commonwealth		135,523	1,241,948
Total changes in equity other than those resulting from transactions with owners as owners		135,523	1,241,948

The above statement should be read in conjunction with the accompanying notes.

AUSTRALIAN BROADCASTING AUTHORITY

STATEMENT OF FINANCIAL POSITION

AS AT 30 JUNE 2002

	Notes	2002 \$	2001 \$
ASSETS			
Financial Assets			
Cash	7A	1,843,678	2,732,368
Receivables	7B	159,842	351,670
Total financial assets		2,003,520	3,084,038
Non-financial assets			
Land and buildings	8A	3,573	7,746
Infrastructure, plant and equipment	8B	1,180,121	407,905
Intangibles	8C	1,994,482	329,824
Other	8E	512,115	461,649
Total non-financial assets		3,690,291	1,207,124
Total assets		5,693,811	4,291,162
LIABILITIES			
Interest bearing liabilities			
Leases	9	901,956	24,828
Total interest bearing liabilities		901,956	24,828
Provisions			
Capital Use Charge		14,908	-
Employees	10	2,964,872	3,016,411
Total provisions		2,979,780	3,016,411
Payables			
Suppliers	11A	465,567	316,443
Other	11B	292,412	-
Total payables		757,979	316,443
Total liabilities		4,639,715	3,357,682
NET ASSETS		1,054,096	933,480
EQUITY			
Parent entity interest			
Reserves	12	152,340	152,340
Accumulated surplus (deficit)	12	901,756	781,140
Total parent entity interest		1,054,096	933,480
Total equity		1,054,096	933,480
Current liabilities		2,750,533	1,898,966
Non-current liabilities		1,889,182	1,458,716
Current assets		2,511,135	3,545,687
Non-current assets		3,182,676	745,475

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 2002

	Notes	2002 \$	2001 \$
OPERATING ACTIVITIES			
Cash received			
Appropriations		15,750,000	15,752,000
Interest		138,886	124,966
Sales of goods and services		329,724	143,431
GST recovered from taxation authority		752,261	432,054
Other		2,100,391	2,427,547
Total cash received		<u>19,071,262</u>	<u>18,879,998</u>
Cash used			
Employees		(10,378,748)	(9,982,147)
Suppliers		(7,848,228)	(7,935,745)
Borrowing costs		(61,017)	(11,451)
Total cash used		<u>(18,287,993)</u>	<u>(17,929,343)</u>
Net cash from operating activities	13	<u>783,269</u>	<u>950,655</u>
INVESTING ACTIVITIES			
Cash received			
Proceeds from sale of property, plant and equipment		160,827	143,732
Total cash received		<u>160,827</u>	<u>143,732</u>
Cash used			
Purchase of infrastructure, plant and equipment		(10,519)	(129,416)
Purchase of intangibles		(1,822,267)	(298,015)
Total cash used		<u>(1,832,786)</u>	<u>(427,431)</u>
Net cash used in investing activities		<u>(1,671,959)</u>	<u>(283,699)</u>
Net increase (decrease) in cash held		(888,690)	666,956
Cash at 1 July		2,732,368	2,065,412
Cash at 30 June	7(A)	<u>1,843,678</u>	<u>2,732,368</u>

The above statement should be read in conjunction with the accompanying notes.

AUSTRALIAN BROADCASTING AUTHORITY SCHEDULE OF COMMITMENTS

AS AT 30 JUNE 2002

BY TYPE	Notes	2002 \$	2001 \$
CAPITAL COMMITMENTS			
Software in development (a)		<u>461,328</u>	<u>1,143,162</u>
OTHER COMMITMENTS			
Operating leases (b)		3,018,721	4,966,699
Other commitments (c)		2,298,361	1,141,939
Total other commitments		<u>5,317,082</u>	<u>6,108,638</u>
COMMITMENTS RECEIVABLE			
GST receivable (d)		(371,670)	(383,122)
Operating leases — sub tenants		(103,207)	(23,655)
Total commitments receivable		<u>(474,877)</u>	<u>(406,777)</u>
Net commitments		<u>5,303,533</u>	<u>6,845,023</u>
BY MATURITY			
All net commitments			
One year or less		3,105,319	3,291,303
From one to two years		1,091,290	3,553,720
From two to five years		1,106,924	-
Net commitments		<u>5,303,533</u>	<u>6,845,023</u>
Net operating lease commitments			
One year or less		1,963,612	1,999,553
From one to five years		1,055,109	2,967,145
Net operating lease commitments		<u>3,018,721</u>	<u>4,966,698</u>

(a) Refers to expenditure on software in development for records management, database consolidation and electronic document management.

(b) Operating leases comprise non-cancellable leases for office accommodation, motor vehicles and plant & equipment.

(c) Refers to amounts payable under contract for goods and services for which the supplier is yet to perform the services required.

(d) Recoveries of GST from the ATO in relation to commitments payable.

The accompanying notes form part of these financial statements.

AUSTRALIAN BROADCASTING AUTHORITY SCHEDULE OF CONTINGENCIES

AS AT 30 JUNE 2002

Contingent losses

The ABA did not have any reportable contingent losses for the financial year ended 30 June 2002.

Contingent gains

The ABA did not have any reportable contingent gains for the financial year ended 30 June 2002.

Schedule of unquantifiable contingent losses/gains

The ABA is a respondent in one application in the Federal Court in regard to a decision that a number of commercial television licencees breached a condition of their licences.

No damages are being sought against the ABA.

The ABA considers it unlikely that any significant liability will be incurred, unless costs are awarded against the ABA.

As with most litigation, the ABA is exposed to the risk of being required to pay an amount towards the other party's reasonable professional costs and disbursements if the ABA is unsuccessful in the proceedings. The ABA may be entitled to recover an amount towards its reasonable professional costs and disbursements arising out of such litigation if it is successful.

The accompanying notes form part of these financial statements.

AUSTRALIAN BROADCASTING AUTHORITY

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2002

Note	Description
-------------	--------------------

- | | |
|-----|--|
| 1. | Summary of Significant Accounting Policies |
| 2. | Economic Dependency |
| 3. | Events Occurring after Reporting Date |
| 4. | Operating Revenues |
| 5. | Operating Expenses |
| 6. | Borrowing Cost Expenses |
| 7. | Financial Assets |
| 8. | Non-Financial Assets |
| 9. | Interest Bearing Liabilities |
| 10. | Provisions |
| 11. | Payables |
| 12. | Equity |
| 13. | Cash Flow Reconciliation |
| 14. | Remuneration of Members |
| 15. | Related Party Disclosures |
| 16. | Remuneration of Officers |
| 17. | Remuneration of Auditors |
| 18. | Average Staffing Levels |
| 19. | Financial Instruments |
| 20. | Administered Items |
| 21. | Appropriations |
| 22. | Reporting of Outcomes |

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

1.1 Basis of accounting

The financial statements are 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 (Financial Statements 2001-2002) Orders*);
- Australian Accounting Standards and Accounting Interpretations issued by the Australian Accounting Standards Board;
- other authoritative pronouncements of the Board; and
- Consensus Views of the Urgent Issues Group.

The statements have been prepared having regard to :

- the Explanatory Notes to Schedule 1 issued by the Department of Finance and Administration; and
- Finance Briefs issued by the Department of Finance and Administration.

The Statements of Financial Performance and Financial Position have been prepared on an accrual basis and are in accordance with historical cost convention, except for certain assets which, as noted, are at valuation. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

Assets and liabilities are recognised in the Statement of Financial Position when and only when it is probable that future economic benefits will flow and the amounts of the assets or liabilities can be reliably measured. Assets and liabilities arising under agreements equally proportionately unperformed are however not recognised unless required by an Accounting Standard. Liabilities and assets that are unrecognised are reported in the Schedule of Commitments and the Schedule of Contingencies (other than remote contingencies, which are reported at Note 14).

Revenues and expenses are recognised in the Statement of Financial Performance when and only when the flow or consumption or loss of economic benefits has occurred and can be reliably measured.

Administered items

The Australian Broadcasting Authority (ABA) administers the collection of licence fees under section 158(f) of the *Broadcasting Services Act 1992* on behalf of the Commonwealth. The ABA can allocate, renew, suspend and cancel broadcasting licences and collect any fees payable for those licences.

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 commercial television licensees respectively to pay a licence fee to the Commonwealth as a tax in respect of the licence issued.

Section 6 of the *RLFA* and section 6 of the *TFLA* require commercial radio and commercial television licensees respectively to pay licence fees on 31 December each year. Licence fees are calculated as a relevant percentage of licensees' gross earnings for the previous financial period and accordingly are paid in arrears.

In accordance with the indicative 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 are eligible for an aggregation rebate.

The Commonwealth has also enacted Statutory Rules 2000 No. 277 under the *TLFA*. These regulations introduced the Regional Equalisation Plan which established a rebate scheme to assist eligible commercial television licensees in specified regional licence areas to convert their services from analog to digital mode.

In accordance with the *Television Licence Fees Amendment Act 1999 (No. 129, 1999)*, the ABA is also required to collect additional licence fees for 1999, 2000 and 2001. The additional licence fees represent a digital levy to meet the cost of planning for and the introduction of digital commercial television services.

1.2 Changes in accounting policy

The accounting policies used in the preparation of these financial statements are consistent with those used in 2000–2001, except in the disclosure of administered items (refer to Note 21).

1.3 Reporting by outcomes

A comparison of Budget and Actual figures by outcome specified in the Appropriation Acts relevant to the ABA is presented in Note 22. Any intra-government costs included in the figure 'net cost to Budget outcomes' are eliminated in calculating the actual budget outcome for the Government overall.

1.4 Revenue

The revenues described in this Note are revenues relating to the core operating activities of the ABA.

Revenue from the sale of goods is recognised upon the delivery of goods to customers.

Interest revenue is recognised on a proportional basis taking into account the interest rates applicable to the financial assets.

Revenue from disposal of non-current assets is recognised when control of the asset has passed to the buyer.

Revenues from Government – Output Appropriations

The full amount of the appropriation for departmental outputs for the year is recognised as revenue.

Resources Received Free of Charge

Services received free of charge are recognised as revenue when and only when a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense. Contributions of assets at no cost of acquisition or for nominal consideration are recognised at their fair value when the asset qualifies for recognition. There were no resources received free of charge in 2001–2002.

Employee entitlements

Leave

The liability for employee entitlements includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of the ABA is estimated to be less than the annual entitlement for sick leave.

The liability for annual leave reflects the value of total annual leave entitlements of all employees at 30 June 2002 and is recognised at its nominal amount.

The non-current portion of the liability for long service leave is recognised and measured at the present value of the estimated future cash flows to be made in respect of all employees at 30 June 2002. In determining the present value of the liability, the ABA has taken into account attrition rates and pay increases through promotion and inflation.

Separation and redundancy

Provision is made for separation and redundancy payments in circumstances where the ABA has formally

identified positions as excess to requirements and a reliable estimate of the amount of the payments can be determined.

Superannuation

The majority of employees contribute to either the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme. Details of Superannuation payments are disclosed in Note 5(a).

1.6 Leases

A distinction is made between finance leases, which effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of leased non-current assets, and operating leases, under which the lessor effectively retains substantially all such risks and benefits.

Where a non-current asset is acquired by means of a finance lease, the asset is capitalised at the present value of minimum lease payments at the inception of the lease and a liability recognised for the same amount. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are expensed on a basis which is representative of the pattern of benefits derived from the leased assets. The net present value of future net outlays in respect of surplus space under non-cancellable lease agreements is expensed in the period in which the space becomes surplus.

1.7 Cash

For the purposes of the Statement of Cash Flows, cash includes cash on hand and deposits held at call with banks.

1.8 Financial instruments

Accounting policies for financial instruments are stated at Note 20.

1.9 Acquisition of assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and revenues at their fair value at the date of acquisition, except where they are acquired as part of a transfer of functions from another Government entity, in which case they are recognised as contributed equity at the carrying amount on the books of the transferor.

1.10 Infrastructure, plant and equipment

Asset recognition threshold

Purchases of infrastructure, plant and equipment are recognised initially at cost in the Statement of Financial Position, except for purchases costing less than \$2,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total). The \$2,000 threshold was selected because it facilitates efficient asset management and recording without materially affecting asset values recognised. Infrastructure, plant and equipment acquired free or for a nominal charge is recognised initially at fair value.

Revaluations

Infrastructure, plant and equipment are revalued in accordance with the 'deprival' method of valuation so that no asset has a value greater than three years old.

Plant and equipment assets, including assets under finance leases, are being revalued over the financial years 2000–01 to 2002–03 by type of asset. All valuations are independent.

In accordance with the deprival methodology, infrastructure, plant and equipment are measured at their depreciated replacement cost. Where assets are held which would not be replaced or are surplus to requirements, measurement is at net realisable value. At 30 June 2002, the ABA had no assets in this situation.

Recoverable Amount Test

Schedule 1 requires the application of the recoverable amount test to the ABA's non-current assets in accordance with AAS 10 *Recoverable Amount of Non-Current Assets*. The carrying amounts of these non-current assets have been reviewed to determine whether they are in excess of their recoverable amounts. In assessing recoverable amounts, the relevant cash flows have been discounted to their present value.

Depreciation and amortisation

Depreciable infrastructure, plant and equipment assets are written off to their estimated residual values over their estimated useful lives to the ABA using, in all cases, the straight-line method of depreciation. Leasehold improvements are amortised on a straight-line basis over the lesser of the estimated useful life of the improvements or the unexpired period of the lease.

Depreciation/amortisation rates (useful lives) and methods are reviewed at each balance date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate. Residual values are re-estimated for a change in price only when assets are revalued.

Depreciation and amortisation rates applying to each class of depreciable asset are based on the following useful lives:

	2001–02	2000–01
Plant and equipment	5 years	5 years
Computer equipment	4 years	4 years
Leasehold improvements	Lease term	Lease term
Technical equipment	10 years	10 years

The aggregate amount of depreciation allocated for each class of asset during the reporting period is disclosed in Note 5C.

1.11 Intangible assets

The ABA's intangibles comprise internally developed software and purchased software licences. The carrying amount of each non-current intangible asset is reviewed to determine whether it is in excess of the asset's recoverable amount. If an excess exists as at the reporting date, the asset is written down to its recoverable amount immediately. In assessing recoverable amounts, the relevant cash flows, including the expected cash inflows from future appropriations by the Parliament, have been discounted to their present value.

No write-down to recoverable amount has been made in 2001–02.

Intangible assets are amortised on a straight-line basis over their anticipated useful lives.

The useful lives are:

	2001–2002	2000–2001
Computer software and licences	5 years	5 years

1.12 Taxation

The ABA is exempt from all forms of taxation except fringe benefits tax and the goods and services tax (GST).

1.13 Capital Use Charge

A capital use charge of 11% (2001: 12%) is imposed by the Government on the net assets of the ABA. The charge is adjusted to take account of asset gifts and revaluation increments during the financial year. The Capital Use Charge calculated for the financial year ending 2001-2002 for ABA is \$14,908.

1.14 Insurance

The ABA has insured for risks through the Government's insurable risk managed fund, called 'Comcover. Workers compensation is insured through Comcare Australia.

1.15 Comparative figures

Comparative figures have been adjusted to conform to changes in presentation in these financial statements where required.

1.16 Rounding

Amounts have been rounded off to the nearest dollar except in relation to the Administered item which is rounded to the nearest \$1,000.

1.17 Administered revenue

All revenues described in this note are revenues relating to the core operating activities performed by the ABA on behalf of the Commonwealth.

Revenue and related assets arise when the Commonwealth, through the application of legislation by the ABA, is provided with the right to fees. Revenue includes licence fees which are collected annually and are based on a percentage of the licensees' gross earnings for the previous financial period. Revenue is also derived from auction sales of broadcasting licences (also referred to as price based allocation of licences).

1.18 Accumulated surplus/(deficit)

The accumulated surplus/(deficit) predominantly includes employee liabilities which were not funded at the time of the conversion from cash accounting to accrual accounting. From 1999-2000, employee liabilities include employer contributions to superannuation payable on accrued long service leave and accrued annual leave taken by staff during employment.

The on-going viability and solvency of the ABA is determined by Parliament which provides funding for the ABA's programs and activities, enabling it to meet its agreed outcome. The ABA has the ability to meet its current financial commitments as they fall due and will therefore be able to continue to provide goods and services in the future.

NOTE 2: ECONOMIC DEPENDENCY

The ABA was established by subsection 154(1) of the *Broadcasting Services Act, 1992* and is controlled by the Commonwealth of Australia.

The ABA is dependent on appropriations from Parliament of the Commonwealth for its continued existence and ability to carry out its normal activities and functions under the *Broadcasting Services Act*.

NOTE 3: EVENTS OCCURRING AFTER REPORTING DATE

No reportable events occurred after reporting date.

NOTE 4: OPERATING REVENUES**Note 4 (A) Revenues from Government**

	2002	2001
	\$	\$
Appropriations for outputs	15,750,000	15,752,000
Resources received free of charge	-	5,150
Total	<u>15,750,000</u>	<u>15,757,150</u>

Note 4 (B) – Sale of goods and services

Goods	28,640	45,137
Services	313,052	88,756
Total	<u>341,692</u>	<u>133,893</u>

Goods & services were sold to Non-Government

Note 4 (C) – Interest

Deposits	<u>135,165</u>	<u>128,139</u>
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Note 4 (E) – Other revenue

Sub-leasing of premises	111,931	112,208
Funding from the Department of Communications, IT and the Arts for Planning Tools Software	344,736	1,680,000
Funding from the Department of Communications, IT and the Arts for the Black Spots Program	1,257,588	500,000
Registration fees for Year 2001 Conference	106,566	144,698
Other	3,737	75,283
Total	<u>1,824,588</u>	<u>2,512,189</u>

The ABA received \$1,680,000 in June 2001 from the Department of Communications, IT and the Arts for the purchase of broadcast planning tools software. The software was purchased during the course of 2001–2002. This will increase the efficiency and quality of ABA planning by providing better modelling of coverage and interference. It will also provide increased flexibility and speed in assessing alternative planning options which will improve spectrum productivity.

Additionally, between financial years 2001–02 and 2005–06 approximately \$344,000 will be received annually from the Department of Communications, IT and the Arts to enable the broadcast planning tools software to be adequately maintained and replaced at the end of its useful life.

The ABA also received \$1,257,000 during 2001–2002 financial year from the Department of Communications, IT and the Arts to provide the ABA with the means to undertake work relating to the Government's Black Spots Program.

NOTE 5: OPERATING EXPENSES**Note 5A - Employee expenses**

	2002	2001
	\$	\$
Remuneration (for services provided)	9,930,177	9,688,533
Separation and Redundancy	397,032	70,147
Total remuneration	<u>10,327,209</u>	<u>9,758,680</u>

Redundancy expenses are calculated on the basis of two weeks pay for every year of service and include 4 or 5 weeks in lieu of notice (which is dependent on the age and length of service of the employee).

Employer contributions to superannuation amounting to \$998,629 (2000-01 : \$949,459) have been expensed in these financial statements and are included in basic remuneration for services provided. Contributions to superannuation schemes are at rates calculated to cover existing and emerging obligations. Employer Superannuation Productivity Benefit contributions amounted to \$230,184 (2000–01 : \$227,106).

Note 5B - Suppliers expenses

Supply of goods and services	5,021,806	5,105,290
Operating lease rentals	1,903,018	1,908,101
Total suppliers expenses	<u>6,924,824</u>	<u>7,013,391</u>

Note 5C - Depreciation and amortisation

Depreciation of leasehold, plant & equipment	96,469	98,450
Amortisation of leased assets	336,618	343,789
Amortisation of intangible assets – purchased computer software	157,609	30,963
Total depreciation and amortisation	<u>590,696</u>	<u>473,202</u>

Note 5D - Write-down of assets

Non-financial assets :		
Plant and equipment – write-off	11,615	21,996
Total	<u>11,615</u>	<u>21,996</u>

Note 5E - Net Gain from Sales of Assets

Infrastructure, plant and equipment Revenue (proceeds) from sale	827	810
Net book value at sale	1357	11,513
Net gain/(loss)	<u>(530)</u>	<u>(10,703)</u>

NOTE 6: BORROWING EXPENSES

Leases	61,017	11,451
Total	<u>61,017</u>	<u>11,451</u>

NOTE 7: FINANCIAL ASSETS**Note 7A - Cash**

Cash at bank and on hand	70,142	57,477
Deposits at call	1,773,536	2,674,891
	<u>1,843,678</u>	<u>2,732,368</u>

The cash balance as at 30 June 2002 includes other receipts of \$372,000 which was received from the Department of Communications, IT and the Arts for the Black Spots program .This funding was provided in addition to the ABA's Parliamentary Appropriation for 2001–02.

	2002 \$	2001 \$
Balance of cash as at 30 June shown in the Statement of Cash Flows	<u>1,843,678</u>	<u>2,732,368</u>
Note 7B - Receivables		
Goods and services	14,011	2,043
Other Receivables	29,198	186,287
GST Receivable	118,676	163,340
Total Receivables	161,885	351,670
Less: Provision for Doubtful Debts	2,043	-
	<u>159,842</u>	<u>351,670</u>
Receivables (gross) are aged as follows:		
Not overdue	<u>145,843</u>	<u>162,734</u>
Overdue by:		
- 30 to 60 days	-	16,990
- more than 90 days	16,042	171,946
Total receivables (gross)	<u>161,885</u>	<u>351,670</u>
NOTE 8: NON-FINANCIAL ASSETS		
Note 8A - Leasehold improvements		
Leasehold improvements - at cost	8,352	8,352
Less accumulated depreciation	<u>(4,779)</u>	<u>(606)</u>
Total Leasehold improvements	<u>3,573</u>	<u>7,746</u>
Note 8B - Infrastructure, plant and equipment		
Infrastructure, plant and equipment - at cost	138,453	121,064
Less accumulated depreciation	<u>(24,562)</u>	<u>(5,317)</u>
	<u>113,891</u>	<u>115,747</u>
Infrastructure, plant and equipment - at valuation 1999-2000 (i)	344,550	349,050
Less accumulated depreciation	<u>(155,344)</u>	<u>(85,541)</u>
	<u>189,206</u>	<u>263,509</u>
Plant and equipment under finance lease	1,557,431	372,438
Less accumulated amortisation	<u>(680,407)</u>	<u>(343,789)</u>
	877,024	28,649
Total Infrastructure, plant and equipment	<u>1,180,121</u>	<u>407,905</u>
Note 8C - Intangible assets - Purchased computer software		
Purchased computer software	1,833,999	296,059
Less accumulated amortisation	<u>(355,701)</u>	<u>(228,005)</u>
Sub total intangibles	<u>1,478,298</u>	<u>68,054</u>
Computer software Externally developed - in progress	516,184	261,770
Total intangibles	<u>1,994,482</u>	<u>329,824</u>

Note 8D - Analysis of Infrastructure, Plant and Equipment and Intangibles**TABLE 8A - Reconciliation of the opening and closing balances of Infrastructure**

Item	Buildings leasehold improvements \$	Total land and buildings \$	Plant & equipment \$	Computer software – Total Intangibles \$	Total \$
Gross value as at					
1 July 2001	8,352	8,352	842,552	557,829	1,408,733
Additions – Purchase of assets	-	-	17,389	1,822,372	1,839,762
Initial recognition of lease assets	-	-	1,184,993	-	1,184,993
Write-offs	-	-	-	(30018)	(30,018)
Disposals	-	-	(4500)	-	(4,500)
Gross value as at 30 June 2002	8352	8352	2,040,434	2,350,183	4,398,970
Accumulated Depreciation / amortisation as at					
1 July 2001	606	606	434,647	228,005	663,258
Adjustment for disposals	-	-	(3,248)	-	(3,248)
Depreciation / amortisation charge for the year	4173	4173	428,912	157,608	590,693
Adjustment for write-offs	-	-	-	(29,911)	(29,911)
Accumulated Depreciation / amortisation as at 30 June 2002	4779	4779	860,312	355,701	1,220,792
Net book value as at 30 June 2002	3573	3573	1,180,121	1,994,482	3,178,176
Net book value as at 1 July 2001	7,746	7,746	407,905	329,824	745,475

TABLE 8B - Assets at Valuation as at 30 June 2002

Item	Buildings leasehold improvements \$	Total land and buildings \$	Plant & equipment \$	Computer software – Total Intangibles \$	Total \$
Gross value	-	-	344,550	-	344,550
Accumulated Depreciation / Amortisation	-	-	(155,344)	-	(155,344)
Net book value as at 30 June 2002	-	-	189,206	-	189,206
Gross value	-	-	349,050	-	349,050
Accumulated Depreciation / Amortisation	-	-	(85,541)	-	(85,541)
Net book value as at 30 June 2001	-	-	263,509	-	263,509

TABLE 8C - Assets held under finance lease as at 30 June 2002

Item	Buildings leasehold improvements \$	Total land and buildings \$	Plant & equipment \$	Computer software – Total Intangibles \$	Total \$
Gross value	-	-	1,184,993		1,184,993
Accumulated Depreciation / Amortisation	-	-	(307,969)		(307,969)
Net book value As at 30 June 2002	-	-	877,024		877,024
Gross value	-	-	372,438	-	372,438
Accumulated Depreciation / Amortisation	-	-	(343,789)	-	(343,789)
Net book value as at 30 June 2001	-	-	28,649	-	28,649

TABLE 8D - Assets under construction as at 30 June 2002

Item	Buildings leasehold improvements \$	Total land and buildings \$	Plant & equipment \$	Computer software – Total Intangibles \$	Total \$
Gross value	-	-	-	516,184	516,184
Accumulated Depreciation / Amortisation	-	-	-	-	
Net book value As at 30 June 2002	-	-	-	516,184	516,184
Gross value	-	-	-		
Accumulated Depreciation / Amortisation	-	-	-	261,770	261,770
Net book value As at 30 June 2001	-	-	-	261,770	261,770

Note 8E - Other non-financial assets

	2001-02 \$	2000-01 \$
Software maintenance & support prepaid	263,300	34,839
Prepaid property rentals	118,784	299,212
Other prepayments	130,031	127,598
Total other non-financial assets	<u>512,115</u>	<u>461,649</u>

NOTE 9: INTEREST BEARING LIABILITIES**Leases**

	2002 \$	2001 \$
Finance Lease Commitments		
Payable:		
Within one year	381,820	471,409
In one to five years	762,386	1,144,098
Minimum lease payments	<u>1,144,206</u>	<u>1,615,507</u>
Lease liability is represented by :		
Current	329,023	24,828
Non-current	572,933	-
Lease liability	<u>901,956</u>	<u>24,828</u>

NOTE 10: PROVISIONS**Liabilities to employees**

	2002 \$	2001 \$
Salaries and wages	278,665	254,355
Annual leave	1,069,235	1,080,107
Long service leave	1,616,972	1,681,949
Aggregate employee entitlement liability	<u>2,964,872</u>	<u>3,016,411</u>
Employee provisions are categorised as follows:		
Current	1,639,145	1,557,696
Non-current	1,325,727	1,458,715
	<u>2,964,872</u>	<u>3,016,411</u>

NOTE 11: PAYABLES**Note 11(A) - Supplier payables**

	2002 \$	2001 \$
Trade creditors	456,636	316,443
GST Payable	8,931	1,003
	<u>465,567</u>	<u>316,443</u>

Note 11(B) - Unearned revenue

Black Spots program advance	292,412	-
	<u>292,412</u>	<u>-</u>

NOTE 12: EQUITY

Item	Accumulated results		Asset revaluation reserve		Total equity	
	2002	2001	2002	2001	2002	2001
	\$	\$	\$	\$	\$	\$
Opening Balance						
1 July	781,140	(460,808)	152,340	152,340	933,480	(308,468)
Operating result	135,523	1,241,948	-	-	135,523	1,241,948
Net revaluation increment/ (decrement)	-	-	-	-	-	-
Capital use charge (CUC)	(14,908)	-	-	-	(14,908)	-
Closing Balance						
at 30 June	901,756	781,140	152,340	152,340	1,054,096	933,480

NOTE 13: CASH FLOW RECONCILIATION(Please refer to separate attachments)**Reconciliation of operating surplus to net cash from operating activities**

	2002	2001
	\$	\$
Operating surplus	135,523	1,241,948
Depreciation and amortisation	590,696	473,202
Gain/(Loss) on disposal of assets	(530)	(132,219)
Write down of non-current assets	11,615	21,996
(Increase) / decrease in receivables	19,838	(6,558)
(Increase) / decrease in prepayments	(57,065)	(179,138)
Increase / (decrease) in employee provisions	(51,539)	(223,467)
Increase / (decrease) in supplier payables	149,124	127,572
Increase / (decrease) in other payables	292,412	(25,071)
Prior year reversal of loss on disposal of IT equipment to outsourcing company	-	(59,570)
Extinguishment of lease liability	(307,865)	(288,040)
Net cash from / (used by) by operating activities	783,269	950,655

NOTE 14: REMUNERATION OF MEMBERS

The number of Members of the ABA included in these figures is shown below in the relevant remuneration bands.

	2002	2001
\$Nil - \$10,000	-	1
\$10,001 - \$20,000	-	1
\$20,001 - \$30,000	-	2
\$30,001 - \$40,000	2	2
\$40,001 - \$50,000	1	1
\$50,001-\$60000	1	-
\$110,001 - \$120,000	-	1
\$170,001 - \$180,000	1	1
\$210,001 - \$220,000	1	-
\$240,001 - \$250,000	1	1
	<u>7</u>	<u>10</u>

Two Part-Time Associate Members did not receive remuneration during the financial year.

	2002	2001
	\$	\$
Aggregate amount of superannuation payments in connection with the retirement of Members of the ABA	75,514	56,258
Other remuneration received or due and receivable by Members of the ABA	730,353	649,173
Total remuneration received or due and receivable by Members of the ABA	<u>805,867</u>	<u>705,431</u>

NOTE 15: 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)
Mr Michael Gordon-Smith

Part-Time Members

Mr Robert Le Tet
Mr Malcolm Long
Ms Jane Marquard
Mr Ian Robertson

Part-Time Associate Members

Dr Robert Horton
Mr Ross Jones

The aggregate remuneration of Members is disclosed in Note 14.

The ABA did not have any other transactions with Members or Member related entities during the financial year.

NOTE 16: REMUNERATION OF EXECUTIVE OFFICERS

The number of Executive Officers who received or were due to receive total remuneration of \$100,000 or more :

	2002	2001
\$140,001 - \$150,000	2	2
\$150,001- \$160,000	1	2
\$160,001 - \$170,000	1	-
\$170,001- \$180,000	1	-
	5	4

The aggregate amount of total remuneration of Executive Officers shown above.

	\$	\$
	<u>781,073</u>	<u>601,910</u>

The executive remuneration includes all Executive Officers concerned with or taking part in the management of the ABA during 2001-2002 with the exception of the Members. Details in relation to Members have been incorporated into Note 14 - Remuneration of Members.

NOTE 17: AUDITOR'S REMUNERATION

	2002 \$	2001 \$
Remuneration to the Auditor-General for auditing the financial statements of the ABA in respect of the reporting period.	34,000	34,000

No other services were provided by the Auditor-General during the reporting period.

NOTE 18: AVERAGE STAFFING LEVELS

The average staffing levels for the ABA during the year were:

	2002	2001
	<u>134</u>	<u>140</u>

NOTE 19: FINANCIAL INSTRUMENTS**Note 19A - 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 are recognised when control over future economic benefits is established and the amount of the benefit can be reliably measured.	
Deposits at call	7A	Deposits are recognised at their nominal amounts. Interest is credited to revenue as it accrues.	Funds, mainly from monthly drawdowns of appropriation, are placed on deposit at call with the ABA's banker. Interest is earned on the daily balance at the prevailing daily rate for money on call and is paid at month end.
Receivables (goods and services)	7B	These receivables are recognised at the nominal amounts due less any provision for bad and doubtful debts. Provisions are made when collection of the debt is judged to be less rather than more likely.	Credit terms are net 30 days (2001-02: 30 days).
Other debtors	7B	As for receivables (goods and services)	As for receivables (goods and services)
Financial liabilities			
		Financial liabilities are recognised when a present obligation to another party is entered into and the amount of the liability can be reliably measured.	
Finance lease liabilities	9	Liabilities are recognised at the present value of the minimum lease payments at the beginning of the lease. The discount rates used are estimates of the interest rates implicit in the lease.	At reporting date, the ABA had a finance lease with a term of 5 years. The estimate of the interest rate implicit in the lease is 6.3%. The lease liabilities are secured by the lease assets.
Suppliers	11A	Creditors and accruals are recognised at their nominal amounts, being the amounts at which the liabilities will be settled. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).	Settlement is usually made net 30 days.

Note 19B - Interest Rate Risk

Financial instrument	Notes	Floating interest rate		Fixed interest rate maturing in 1 year or less		Non-interest bearing		Total		Weighted average effective interest rate	
		01-02 \$	00-01 \$	01-02 \$	00-01 \$	01-02 \$	00-01 \$	01-02 \$	00-01 \$	01-02 %	00-01 %
Financial assets (recognised)											
Cash at bank	7A	65,692	53,027	-	-	-	-	65,692	53,027	3.86	4.7
Cash on hand	7A	-	-	-	-	4,450	4,450	4,450	4,450	n/a	N/a
Deposits at call	7A	1,773,536	2,674,891	-	-	-	-	1,773,536	2,674,891	4.21	5.4
Receivables for goods and services	7B	-	-	-	-	14,011	2,043	14,011	2,043	n/a	n/a
Other debtors	7B	-	-	-	-	145,831	349,627	145,831	349,627	n/a	n/a
Total financial assets (recognised)		1,843,678	2,732,368	-	-	159,842	351,670	2,003,520	3,084,038	-	-
Total assets				-	-	-	-	5,693,811	4,291,162	-	-
Financial liabilities (recognised)											
Finance lease liabilities	9			901,956	24,828		-	901,956	24,828	6.3	6.3
Suppliers	11A				-	465,567	316,443	465,567	316,443	n/a	n/a
Other creditors	11B				-	292,412	-	292,412	-	n/a	n/a
Total financial liabilities (recognised)				901,956	24,828	465,567	316,443	1,659,935	341,271	-	-
Total liabilities								4,624,807	3,357,682	-	-

Note 19C - Net Fair Values of Financial Assets and Liabilities

	Note	2001-2002		2000-2001	
		Total carrying amount	Aggregate net fair value	Total carrying amount	Aggregate net fair value
		\$	\$	\$	\$
Financial assets					
Cash at bank	7A	65,692	65,692	53,027	53,027
Cash on hand	7A	4,450	4,450	4,450	4,450
Deposits at call		1,773,536	1,773,536	2,674,891	2,674,891
Receivables for goods and services	7B	14,011	14,011	2,043	2,043
Other debtors	7B	145,831	145,831	349,627	349,627
Total financial assets		2,003,520	2,003,520	3,084,038	3,084,038
Financial liabilities					
Finance lease liabilities	9	901,956	901,956	24,828	24,828
Suppliers	11A	465,567	465,567	316,443	316,443
Other creditors	11B	292,412	292,412	-	-
Total financial liabilities		1,659,935	1,659,935	341,271	341,271

Financial assets

The net fair values of cash and deposits on call equal their carrying amounts.

Financial liabilities

The net fair values of all finance lease liabilities are based on discounted cash flows using current interest rates for liabilities with similar risk profiles.

The net fair values for trade and other creditors, all of which are short-term in nature, equal their carrying amounts.

Note 19D - Credit risk exposures

The ABA's maximum exposure to credit risk at reporting date in relation to each class of recognised financial assets is the carrying amount of those assets as indicated in the Statement of Financial Position.

The ABA has no significant exposures to any concentrations of credit risk.

NOTE 20: ADMINISTERED ITEMS**Note 20A - Revenues Administered on Behalf of Government for the year ended 30 June 2002**

	2002 \$'000	2001 \$'000
Revenues		
Other taxes, fees and fines		
Broadcasting licence fees	230,626	210,449
Proceeds from auction sales of licences	105,500	235,000
Total Revenues Administered on Behalf of Government	336,126	445,449

**Note 20B - Assets Administered on Behalf of Government
as at 30 June 2002**

	2002 \$'000	2001 \$'000
Financial Assets		
Receivables		
Accrued revenue	225,870	214,973
Total Assets Administered on Behalf of Government	<u>225,870</u>	<u>214,973</u>

**Note 20C - Liabilities Administered on Behalf of Government
as at 30 June 2002**

Payables		
Other payables	-	6,700
Total Liabilities Administered on Behalf of Government	<u>-</u>	<u>6,700</u>

**Note 20D - Administered Cash Flows
for the year ended 30 June 2002**

OPERATING ACTIVITIES		
Cash Received		
Other taxes, fees and fines	318,529	437,875
Total Cash received	<u>318,529</u>	<u>437,875</u>
Cash used		
Cash to Official Public Account	318,529	437,875
Total Cash used	<u>318,529</u>	<u>437,875</u>
Net Cash from operating activities	<u>-</u>	<u>-</u>
<i>Net increase (decrease) in cash held</i>	-	-
Cash at the beginning of the reporting period	-	-
<i>Cash at the end of the reporting period</i>	<u>-</u>	<u>-</u>

Revenue derived from broadcasting licence fees represents revenue collected by the ABA under the *Broadcasting Services Act 1992* on behalf of the Commonwealth. The ABA can allocate, renew, suspend and cancel broadcasting licences and collect any fees payable for those licences. Licence fees are due and receivable on 31 December each year and are based on a percentage of the licensees' gross earnings for the previous financial period.

Revenue derived from auction sales of broadcasting licences (also referred to as price based allocation of licences) represents amounts received by the ABA for the sale of commercial licences by auction.

Revenue from both these sources is not available to the ABA for its own purposes and is directly remitted to the Commonwealth's Official Public Account.

Accrued revenue represents amounts receivable for radio and television broadcasting licences. The due date for licence fees is 31 December of each financial year.

Other payables represents the 10% deposit received after an auction for radio and television broadcasting licences has been finalised. The deposit is treated as unearned revenue until such time as the remaining balance is settled (within 45 days of the auction) and the license is issued. At this stage, the control of the asset has passed to the buyer i.e., the purchaser can then trade on the license or use the broadcast frequency. The revenues derived from sales of licences are recognised as proceeds on asset sales rather than as license fee revenue. There were no unearned administered revenues for the financial year ended 2001-2002.

The ABA received \$218.6m in licence fees from commercial radio and commercial television licensees for the 2001-2002 collection year, which consisted of \$15.6m from commercial radio and \$203m from commercial television licensees respectively. A total of \$1.04 m was also collected from commercial television licensees for the same collection period, the amount representing the second of three digital levies.

In the 2001- 2002 collection year, eligible commercial television licensees in approved markets accessed aggregation credits of \$0.96m.

In the same collection year, eligible commercial television licensees in specified regional licence areas accessed regional equalisation rebates of \$20.3m.

Note 20E. Administered Financial Instruments

(a) Terms, conditions and accounting policies

Financial instrument	Note	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 are recognised when control over future economic benefits is established and the amount of the benefit can be reliably measured.	
Accrued revenue	20B	Accrued revenue is recognised at the nominal amounts due.	The due date for licence fees is 31 December of each year.
Financial liabilities			
		Financial liabilities are recognised when a present obligation to another party is entered into and the amount of the liability can be reliably measured.	
Other payables	20C	Revenue received in advance is recognised at the nominal amounts, being the amounts at which the liabilities will be settled.	After a licence has been sold at an auction, the deposit paid is treated as unearned revenue until such time as the remaining balance is settled (within 45 days of the auction) and the licence is issued.

(b) Net fair values of financial assets and liabilities

Financial assets

Accrued revenue is carried at assessed value which is equal to its net fair value.

Financial liabilities

Other payables are carried at their nominal amounts.

The net fair values for other payables, which are short-term in nature, are approximated by their carrying amounts.

(c) Administered credit risk exposures

The maximum exposure to credit risk at reporting date in relation to each class of recognised financial assets is the carrying amount of those assets as indicated in the Schedule of Administered Assets and Liabilities. There are no significant exposures to any concentrations of credit risk in regard to the Administered Item.

NOTE 21: APPROPRIATIONS

The ABA received the following appropriations during the year out of the Consolidated Revenue Fund:

	\$'000	\$'000
Annual Appropriation Acts Nos 1 – basic appropriation	15,750,000	15,752,000

NOTE 22: REPORTING OF OUTCOMES**Note 22A– Outcomes of the ABA**

The ABA is structured to meet one outcome: An accessible, diverse and responsible broadcasting industry. There are two output groups identified for this outcome:

(1) Managed regulation of broadcasting; and

(2) Licensing of broadcasting services.

Note 22B – Total Cost/Contribution of Outcomes

	Actual \$'000	Outcome Budget \$'000
Net taxation, fees and fines revenues	(336,126)	(223,000)
Other administered revenues		
Net subsidies, benefits and grants expenses		
Other administered expenses		
Net cost of departmental outputs	15,614	15,750
Net Cost to Budget Outcome	(320,512)	(207,250)

Note 22C – Major Departmental Revenues and Expenses by Output Group

	Output Group 1		Output Group 2		Total	
	2002 \$'000	2001 \$'000	2002 \$'000	2001 \$'000	2002 \$'000	2001 \$'000
Operating Revenues						
Revenues from Government	7897	7901	7853	7856	15750	15757
Sale of Goods and Services	196	86	146	48	342	134
Other non-taxation revenues	983	231	976	2346	1959	2640
Total operating revenues	9,077	8,153	8,975	10,250	18,051	18,532
Operating expenses						
Employees	5,149	4,866	5,178	4,893	10,327	9,759
Suppliers	3,459	3,497	3,477	3,517	6,925	7,014
Grants	0	0	0	0	0	0
Depreciation and amortisation	295	236	296	237	591	473
Write-down of assets	6	17	6	17	12	34
Total operating expenses	8,904	8,616	8,952	8,664	17,855	17,280

Note 22D – Major Classes of Departmental Assets and Liabilities by Output Group

	Output Group 1		Output Group 2		Total	
	2002 \$'000	2001 \$'000	2002 \$'000	2001 \$'000	2002 \$'000	2001 \$'000
Output specific departmental assets						
Goods and services receivable	25	95	25	94	50	189
Less: provision for doubtful debts	0	0	0	0	0	0
Net GST receivable	55	81	55	81	110	162
Buildings	3	8			3	8
Plant and equipment	588	203	592	204	1,180	408
Internally developed software	1,480	164	514	165	1,994	330
Inventories held for sale	0	0	0	0		
Total specific departmental assets	2,152	552	1,186	545	3,338	1097
Other departmental assets						
Cash at bank and on hand	35	29	35	29	70	58
Deposits at call	884	1,334	890	1,341	1,774	2,675
Other	255	230	257	231	512	462
Total other departmental assets	1174	1593	1181	1601	2356	3194
Output specific departmental liabilities						
Leases	450	12	452	12	902	25
Employees	1478	1,504	1487	1512	2,965	3016
Suppliers	378	159	380	158	758	316
Total specific departmental liabilities	2,306	1675	2,319	1,683	4,625	3358
Other departmental liabilities						
Loans	0	0	0	0	0	0
Capital use charge	0	0	0	0	0	0
Employees	0	0	0	0	0	0
Other	0	0	0	0	0	0
Total other departmental liabilities	0	0	0	0	0	0

The ABA's revenues, expenses, assets and liabilities have been attributed to each output on the bases of resource drivers and asset analysis.

Note 22E – Major Classes of Administered Revenues and Expenses by Outcome

	Outcome	
	2002 \$'000	2001 \$'000
Operating revenues		
Fees and fines	336,126	445,449
Total operating revenues	336,126	445,449

No administered expenses were incurred

Note 22F – Major Classes of Administered Assets and Liabilities by Outcome

	Outcome	
	2002	2001
	\$'000	\$'000
Outcome specific administered assets		
Accrued revenue (Fees and fines receivable)	225,870	214,973
Total specific administered assets	<u>225,870</u>	<u>214,973</u>
Outcome specific administered liabilities		
Other payables	-	6,700
Total specific administered liabilities	-	6,700

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