



# **ANNUAL REPORT**

**(covering period 5-10-92 to 30-6-93)**

**Australian  
Broadcasting  
Authority**

**AUSTRALIAN BROADCASTING  
AUTHORITY**

**ANNUAL REPORT**

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**5-10-92 to 30-6-93)**

**Sydney**

**1993**

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ISSN 1320-2863

Design by Media and Public Relations, Australian Broadcasting Authority

Printed in Australia by Pirie Printers Pty Limited, Canberra

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The Honourable, the Minister for Communications

In conformity with the provisions of clause 14 of Schedule 3 of the *Broadcasting Services Act 1992*, I present the first Annual Report of the Australian Broadcasting Authority. The report covers the period 5 October 1992 to 30 June 1993.

BRIAN JOHNS

Chairman

29 November 1993





**MEMBERS OF THE AUTHORITY**

*MEMBERS OF THE AUTHORITY*

The members of the Authority as at 30 June 1993 were as follows:

**BRIAN JOHNS AO**  
**CHAIRMAN**

Appointed from 5 October 1992 to 4 October 1997. Before joining the Authority, Mr Johns was managing director of SBS for five years, and before that, publishing director of Penguin Books Australia. He has had extensive experience in government having worked in the Prime Minister's department in both the Whitlam and Fraser governments. Mr Johns also has extensive experience in the print media, having held senior journalist positions on the *Sydney Morning Herald*, the *Bulletin* and the *Australian*.

**PETER WEBB**  
**DEPUTY CHAIRMAN**

Appointed as a member of the Authority for the period 5 October 1992 to 4 October 1997, Mr Webb was appointed Deputy Chairman from 1 February 1993 for the remainder of his term. Mr Webb was Acting Chairman of the former Australian Broadcasting Tribunal from 1 July to 4 October 1992, following his appointment as Vice Chairman of the ABT on 11 May 1992. He has held several positions in the New South Wales Attorney-General's Department. He was Deputy Secretary/Deputy Director-General between 1985 and 1991 and Director-General of the New South Wales Courts Services from 1989 to 1991. He was a member of New South Wales Legal Aid Commission from 1983 to 1991 and of the Law Foundation of New South Wales between 1982 and 1985. Mr Webb was also a member of the Board of the Australian Commercial Disputes Centre between 1986 and 1992. He is legally qualified.

**TIM O'KEEFE B.COM., ACA**

Mr O'Keefe was appointed to the Authority for the five year period 5 October 1992 to 4 October 1997. He was previously a member of the Australian Broadcasting Tribunal, following his appointment in July 1990 for a five year period. He has had twelve years' experience in the broadcasting industry and, before joining the Authority, was Chief Executive of Wesgo Ltd and Chairman of all that listed company's licensee subsidiaries. Mr O'Keefe has also held corporate development and financial management positions with Wesgo, AWA Radio Network and 2DAY FM Ltd and has served on the Federal Council of the Federation of Australian Radio Broadcasters.

*MEMBERS OF THE AUTHORITY*

**CHAIRMAN'S REPORT**

*CHAIRMAN'S REPORT*

In its first nine months the Australian Broadcasting Authority has presided over a quiet revolution in broadcasting.

The advent of the *Broadcasting Services Act 1992* on 5 October 1992 created the Authority and ushered in a new era of flexibility in broadcasting regulation.

The intention of the new legislation is to provide a measured and rational approach to managing change in the broadcast environment. Of great significance is that, for the first time, the Parliament has expressed its expectations of broadcasting regulation. These are outlined in the objects of the Act.

These objects range over the whole of the legislation's reach: they speak about a broadcasting industry that is efficient and competitive; about the availability of a diverse range of radio and television services; about the role of broadcasting in developing and reflecting a sense of Australian identity, character and cultural diversity; about the promotion of high quality and innovative programming; about respect for community standards; about the protection of children from harmful program material; and, amongst other matters, about Australian control and diversity of ownership and services.

It falls to all stakeholders in the industry, not only to the Authority, to bear the objects in mind as their responsibility.

The Act expounds a system of regulatory control which is now in accordance with the degree of influence of the service provided. It allows the broadcasting industry to respond to market forces for both programming and types of services offered. The industry can also respond to opportunities created by technological developments which can be accommodated as they emerge.

The Act introduces a licensing system which makes it simple to licence broadcasters using non-traditional methods of service delivery. It promotes self-help retransmission of existing services in under-served areas and introduces pay TV which has the potential to change the nature of Australian television. The legislation also allows unused broadcasting spectrum to be made available to narrowcasting services.

The clear intention of the Act is for industry groups to be responsible for program content. On its creation, the Authority temporarily adopted the program standards of the former Australian Broadcasting Tribunal for commercial television and radio to allow time for the industry to develop codes of practice

Industry groups are now required to develop codes of practice covering unsuitable matter, accuracy and fairness, protection of children and complaints. The codes are required to provide adequate community safeguards for matters covered by the code. It will be the codes which steer the industry groups along the course they are expected to take between satisfying community expectations and providing competitive services.

The Act recognises that broadcasting is integral to developing an Australian identity. For the first time, Australian content and children's television requirements are laid out in the legislation. The Authority is required to set the standards for both Australian content and children's programming on television. Standards covering these two areas are mandatory. The Authority has held a series of informal bilateral discussions with the television production industry about Australian content. The Authority monitors the amount of Australian content shown on Australian television screens, as the Tribunal did before it.



## ***CHAIRMAN'S REPORT***

The Authority has the responsibility for managing the broadcasting services bands. Through planning it is attempting to ensure that the most efficient use is made of the available broadcasting channels and is providing a framework for the introduction of new national, commercial, community and narrowcast services. It also aims to facilitate the provision of services which can be received clearly and do not cause interference to other services.

This process provides for greater industry certainty and the decisions made must weigh the public interest against technical factors. The three stages of the planning process include the preparation of planning priorities, frequency allotment plans and licence area plans.

In determining planning priorities, the Authority must balance the merits of many factors - demographic, social and economic characteristics, number of services and demand for new services, technological developments, technical constraints and demand for alternative uses of the spectrum. The planning process can be likened to a seed bed, from which new services will grow as the process moves forward.

The planning process has demonstrated the Authority's commitment to public consultation, in contrast to the previous system when planning decisions were made behind closed doors. The response to the planning process can be measured as one of the major achievements of the Authority in its first nine months of operation.

The Authority has recorded a number of other notable achievements in this time.

Spectrum for the sixth television channel for community and educational use was released and the Authority licensed, on a temporary basis, a number of community groups to provide services. The sixth channel is the last high power, free-to-air television channel available in many parts of Australia.

The Authority has been at the centre of the development of choices in narrowcasting. Narrowcasting services are limited in some way - by audience, location, duration or because the programs have limited appeal. The Authority expanded the number of radio services available when it awarded low power narrowcasting licences, many of which have been used to provide tourist radio stations around Australia. Narrowcasting also has the potential to provide diversified services satisfying the needs of differing groups.

There is new, lighter regulation for community broadcasters and class licence holders. The class licence system has been established to ease the emergence of a range of educational, business, ethnic, professional and other services. Class licences cover five new types of services: subscription radio broadcasting services, subscription radio and television narrowcasting services and open narrowcasting radio and television services.

The Authority implemented new procedures for licence renewals. These are now automatic, except where the Authority has some doubts as to the suitability of the licensee.

Close consultation between the industry and the Authority have lead to registration and implementation of codes of practice for commercial radio. Progress towards the codes for commercial television is well advanced. The Authority is also working on the development of codes with other industry organisations. (Subsequent to the date of this report, the commercial television code of practice was registered on 5 September 1993.)

There was a large drop in the number of complaints about programs made to the Authority, which can be attributed in part to the broadcaster now being the first port of call for comments and complaints about programs.

Research on community attitudes to R rated material on pay TV and children attitudes to classification issues is underway.

With the co-operation of commercial radio licensees, the Authority has reported the continued financial improvement of the commercial radio industry which has displayed strong growth in advertising revenue.

The Authority has co-ordinated a group of industry and government experts to examine options for a digital television broadcasting system.

Development of a three year Corporate Plan is well underway, which will set out an Authority mission statement, objectives and strategies for achieving those objectives.

In addition, the Authority has moved to complete most of the inquiries which carried over from the former Australian Broadcasting Tribunal.

All this work has been carried out while the Authority itself has undertaken a restructure and considerable review. The Authority inherited the full complement of staff from the Tribunal and the Station Planning Branch of the Department of Transport and Communications. A streamlined structure is being developed, in accordance with the Authority's functions.

In regulating the broadcasting services, the Act requires the Authority to consider the public interest in a way that accommodates technological change, encourages broadcasting technology development and provision of those services to the Australian community.

We look forward with enthusiasm in our role as an agent of change. The Authority wants a broadcasting environment which is consumer focussed and conducive to diversity but at the same time caters to the needs of existing broadcasters.

The consumer is but a step away from a much broader range of technologically diverse methods of delivering broadcasting in the marketplace. The Authority's light touch regulation for the provision of services and programming will help provide the consumer with the opportunity to pick from a plethora of choices.

***CHAIRMAN'S REPORT***

**POWERS AND FUNCTIONS OF THE  
AUTHORITY**



## ESTABLISHMENT

The Australian Broadcasting Authority (the Authority) was established by s.154(1) of the *Broadcasting Services Act 1992* (the Act), and its structure and functions are detailed in Part 12 of the Act. Prior to its establishment, the Australian Broadcasting Tribunal (the successor of the Australian Broadcasting Control Board) regulated broadcasting. On 4 October 1992, the *Broadcasting Act 1942*, which had created and empowered the Tribunal, was repealed by the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992*.

With the commencement of the Act on 5 October 1992, the Authority took over the role of broadcasting regulator. It assumed the licensing and program powers and functions of the Tribunal, and gained the broadcast planning function from the Department of Transport and Communications. The primary functions of the Authority are set out in s.158 of the Act:

- (a) to provide advice to the Minister in relation to the spectrum plan and frequency band plans under the *Radiocommunications Act 1983* and the designation under that Act of bands for broadcasting services use; and
- (b) to plan the availability of segments of the broadcasting services bands on an area basis; and
- (c) to allocate, renew, suspend and cancel licences and to take other enforcement action under this Act; and
- (d) to conduct investigations or hearings relating to the allocating of licences for community radio and community television services; and
- (e) to design and administer price-based systems for the allocation of commercial television broadcasting licences and commercial radio broadcasting licences; and
- (f) to collect any fees payable in respect of licences; and
- (g) to conduct or commission research into community attitudes on issues relating to programs; and
- (h) to assist broadcasting service providers to develop codes of practice that, as far as possible, are in accordance with community standards; and
- (i) to monitor compliance with those codes of practice; and
- (j) to develop program standards relating to broadcasting in Australia; and
- (k) to monitor compliance with those standards; and
- (l) to monitor and investigate complaints concerning broadcasting services (including national broadcasting services); and
- (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 this Act.

The Authority is obliged to perform its functions in a manner consistent with the objects of the Act and the regulatory policy described in s.4, general government policy notified by the Minister under s.161, any Ministerial directions given in accordance with the Act and Australia's obligations under conventions or agreements to which it is a party (s.160). The Authority also has the power to do things that are necessary or are convenient to be done in the performance of its functions (s.164). More details of the Authority's functions are contained in Appendix H (FOI Statement).

## **DELEGATION**

---

In carrying out its functions, the Authority may delegate all or any of its powers to members, associate members, or staff members (Schedule 3 cl.18(1)) except for the following powers (Schedule 3 cl.18(2)):

- (a) cancel or suspend licences; or
- (b) decide that a person is not suitable to be allocated or to continue to hold a licence; or
- (c) impose, vary or revoke a condition on a licence; or
- (d) determine, vary or revoke a program standard; or
- (e) determine or vary priorities under s.24; or
- (f) prepare or vary frequency allotment plans under s.25; or
- (g) prepare or vary licence area plans under s.26; or
- (h) give an opinion under ss.21 or 74; or
- (i) approve or refuse to approve temporary breaches under s.67; or
- (j) issue, or extend the time for compliance with, a notice; or
- (k) refer a matter under this Act to the Director of Public Prosecutions; or
- (i) initiate a hearing.

## **RESPONSIBLE MINISTERS**

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At the date of this report, the responsible Ministers were the Minister for Transport and Communications, Senator the Hon. Bob Collins and the Minister for Communications, the Hon. David Beddall MP.

## **THE ROLE AND POWERS OF THE MINISTER**

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The Minister has a number of areas of responsibility under the Act. There is some overlap between the role and powers of the Minister, and the responsibilities of the Authority.

These are:

### **CATEGORIES OF BROADCASTING SERVICES**

The Minister may give directions to the Authority as to the making of determinations and clarifications for the purpose of distinguishing between categories of broadcasting services (s.19(3)).

### **PLANNING OF THE BROADCASTING SERVICES BANDS**

The Minister may give general or specific directions to the Authority with which it must comply when preparing or varying a frequency allotment plan (s.25(3)), and may notify the Authority to reserve broadcasting services bands for national or community services (s.31(1)).

### **COMMERCIAL TELEVISION AND RADIO BROADCASTING LICENCES**

The Minister may give directions to the Authority for determining a price-based allocation system for commercial television and radio broadcasting licences (s.36(2)).

### **COMMUNITY BROADCASTING LICENCES**

The Minister may direct the Authority to give priority to a particular community interest or interests in allocating broadcasting services band community licences (s.84(1)).

### **LICENCE CONDITIONS**

The Minister may require licensees to broadcast items of national interest free of charge (cls.7, 8, 9(1)(d) of Schedule 2), and obtain control of their broadcasting facilities in emergencies (cls.7, 8, 9, 10(1)(d) of Schedule 2).

### **SUBSCRIPTION TELEVISION BROADCASTING SERVICES**

The Minister is responsible for determining the allocation system for satellite subscription television licences. The ABA must allocate the licences when directed by the Minister but subject to suitability requirements (s.93). The Minister is responsible for declaring the standard for satellite subscription television (s.94) and can require licences A and B to begin broadcasting (s.103). The Minister can direct the Authority to impose conditions on licence C (s.99(3)), can impose a condition ensuring that all licensees adequately involve Australian industry (s.100(4)) and can list specific events or events of a kind to be available free to the general public (s.115). From 14 May 1993, provisions relating to deposits for applicants for licences A and B apply (ss.98A-98D).

### **DEVELOPMENT OF CODES AND PRACTICE**

The Minister must table in Parliament any recommended amendments to s.123(3A) that result from the Authority's periodic review of the operation of s.123(3A) to ensure that it is in accordance with deals prevailing community standards (s.123A). Subsection 123(3A) deals with the requirements of the industry code of practice covering the classification and scheduling of films broadcast on commercial television services.

### **COMPLAINTS**

If the Authority has made a recommendation about a complaint to the ABC or the SBS, and appropriate action is not taken, the Authority may report to the Minister, who must lay the report before Parliament (s.153).

### **THE AUTHORITY AND ITS MEMBERS**

The Minister's powers in relation to members and associate members, their appointment and employment are detailed in ss.156(1), 157(5) and Schedule 3. The Minister may notify the Authority of general Government policies applying to it (s.161) and give directions of a general nature about the performance of its functions (s.162).

### **Information gathering**

The Minister may direct the Authority to conduct investigations or hearings if in the interests of the due administration of the Act (ss.171, 182). The Authority must prepare



## ***POWERS AND FUNCTIONS***

a report and give a copy to the Minister (ss.178(1), 199(2)), who may direct it to publish the report (s.179(2)).

### **Reviews**

The Minister must conduct a review of the television broadcasting industry before 1 July 1997 to assess the impact of having more than three commercial television broadcasting services. As soon as practicable, but also before 1 July 1997, the Minister must review the operation of the Australian content condition on subscription television licensees, including the feasibility of increasing expenditure on Australian content to 20 per cent (s.215). The Minister may form consultative or advisory bodies to assist in the administration of the Act (s.216).

### **Transitional provisions**

Under the Broadcasting Services (Transitional Provisions and Consequential Amendments) Act, the Minister may vary the condition relating to aggregation implementation plans in the same manner as under the Broadcasting Act (the old Act) (s.9(3)) and may impose, revoke or vary conditions on the holder of a transmitter licence (s.10(10)-(11)). AM/FM conversion and aggregation provisions involving Ministerial responsibility remain in operation (ss.14-16). Technical standards in force under the old Act are taken to be standards made by the Minister under the Radiocommunications Act (s.27).

## **PLANNING**

The Authority assumed the role of planning of the broadcasting services bands under the Act (Part 3). The Minister is initially responsible for assigning a part of the radiofrequency spectrum, under s.31 of the Radiocommunications Act, to the Authority for planning (s.25).

The Act spells out the criteria to be used by the Authority in making planning decisions (s.23):

The ABA is to promote the objects of the Act including the economic and efficient use of the radiofrequency spectrum, and is to have regard to:

- (a) demographics; and
- (b) social and economic characteristics within the licence area, within neighbouring licence areas and within Australia generally; and
- (c) the number of existing broadcasting services and the demand for new broadcasting services within the licence area, within neighbouring licence areas and within Australia generally; and
- (d) developments in technology; and
- (e) technical restraints relating to the delivery or reception of broadcasting services; and
- (f) the demand for radiofrequency spectrum for services other than broadcasting services; and
- (g) such other matters as the ABA considers relevant.

The Act requires the Authority to determine priorities between different areas of the country and different parts of the broadcasting services bands prior to preparing frequency allotment plans or licence area plans (s.24).

The Authority is responsible for preparing the frequency allotment plans (s.25) and licence area plans (ss.26-29). Guidelines for technical planning of individual services that use the broadcasting services bands as a means of delivery are to be developed by the Authority (s.33). It may also allow alternative uses of the broadcasting services bands, for specified periods, in circumstances where the Authority does not propose to allocate spectrum immediately for broadcasting services (s.34).

## **LICENSING**

---

Part 2 of the Act provides for six categories of broadcasting services i.e. national, commercial, community, subscription broadcasting, subscription narrowcasting and open narrowcasting. Commercial, community and subscription television broadcasting services require individual licences (s.12(1)), while the remainder, with the exception of the national broadcasters, are provided for under class licences (s.12(2)). The remedies for breaches of the licensing provisions are contained in Part 10.

### **COMMERCIAL TELEVISION AND RADIO LICENCES**

These are covered in Part 4 of the Act. New licences are to be granted by the Authority on a price-based allocation system (s.36) with special provisions in some solus markets (ss.39, 73). The criteria specifying suitability (s.41) include the requirement that the applicant or licensee must be a company formed in Australia and before allocating a licence the Authority must be satisfied that this would not lead to a significant risk of an offence against the Act or a breach of the licence conditions (s.41).

Standard licence conditions apply for television (Schedule 2 Part 3) and radio (Schedule 2 Part 4) and the Authority can attach further specific conditions (ss.42-43). Licences remain in force for five years (s.45) and, following an application (s.46), must be renewed unless the Authority is satisfied the licensee will not be suitable (s.47). Licences can be transferred and surrendered (ss.48-49).

### **COMMUNITY BROADCASTING LICENCES**

These are covered in Part 6 of the Act. The Authority may allocate community broadcasting licences for five years (s.89) on either the broadcasting services bands (s.80) or elsewhere (s.82). When deciding to grant the former type of licence, the Authority is to have regard to a number of factors as set out in s.84(2). The Authority is not to allocate a licence, or allow continued provision of broadcasting services, if satisfied there would be a significant risk of an offence against the Act or a breach of the licence conditions (ss.81 and 83). The Authority is not required to allocate a licence to any applicant (s.85).

Standard licence conditions apply to community broadcasting licences (Schedule 2 Part 5) and the Authority can also attach specific conditions (ss.86-88). Licences remain in force for five years and, following an application, licences must be renewed by the Authority unless it is satisfied the licensee will not be suitable (ss.90-91). Licences may be surrendered (s.92).

## **POWERS AND FUNCTIONS**

### **SUBSCRIPTION TELEVISION BROADCASTING SERVICES**

Part 7 of the Act contains the rules applying to these services, some of which are the province of the Minister. The Authority is constrained from issuing certain types of licences for the time being (s.96(3)-(3A)). The Trade Practices Commission has been provided with a reporting role in relation to licence allocation (ss.96-97), which may constrain the Authority in relevant circumstances. Cross-media ownership must be monitored and concerns reported to the Minister (s.96A). Standard licence conditions apply, including Parliament's ability to approve the broadcast of R films (Schedule 2 Part 6). Other provisions cover licence transfer and surrender (ss.113-114) and specific offences for breaches apply (s.111).

### **SUBSCRIPTION BROADCASTING AND NARROWCASTING CLASS LICENCES**

Part 8 of the Act applies to subscription radio broadcasting and narrowcasting, subscription television narrowcasting, and open narrowcasting radio and television services. The Authority may determine a class licence for these services (s.117) and conditions may apply (ss.118-120, Schedule 2 Part 7). Class licences are disallowable instruments (s.121).

### **OPINIONS ON CATEGORIES OF SERVICES**

The Authority is able to provide written opinions on the category of service into which a service falls. Such an opinion binds the Authority and other government agencies for a period of five years, as long as the service remains substantially the same (s.21).

## **OWNERSHIP AND CONTROL**

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The objects of the Act (s.3) provide justification for control limits which encourage diversity in the control of the more influential services (s.3(c)) and ensure Australians have effective control of those services (s.3(d)).

### **COMMERCIAL BROADCASTING LICENCES**

The control of commercial licences is covered in Part 5 of the Act. There are administrative requirements for the annual notification of controllers and notification of changes in control of licences (Division 6). Part 5 also contains requirements dealing with the responsibility of the Authority to maintain a public register of notifications received and certain decisions of the Authority (s.75). The Authority must also maintain an associated newspaper register (s.59).

The Authority is empowered to give a prior opinion on whether a person is in a position to control a licence, newspaper, or company in circumstances relevant to questions of breaches of the ownership and control provisions. If such an opinion is given, then neither the Authority or any other Government agency may take action against the person for breach of the provisions if the relevant circumstances remain substantially the same (s.74). Prior approval of temporary breaches of the provisions may also be approved by the Authority if it is satisfied that the person concerned will ensure that the breach ceases (s.67).

## **TELEVISION**

A person must not control television broadcasting licences whose combined licence area exceeds 75 per cent of the population of Australia, or more than one licence within a licence area (s.53). Limitations on the extent of directorships of companies apply (s.55) as do limitations on foreign control (ss.57-58).

## **RADIO**

A person must not be in a position to control more than two licences in the same licence area (s.54). Directorships are also limited (s.55).

## **CROSS-MEDIA CONTROL**

A person must not control a commercial television broadcasting licence and a commercial radio broadcasting licence having the same licence area, a commercial television broadcasting licence and a newspaper associated with that licence area, or a commercial radio broadcasting licence and newspaper associated with that licence area (s.60). Cross-media directors' interests are also controlled (s.61).

## **SUBSCRIPTION TELEVISION BROADCASTING LICENCES**

Ownership and control rules are contained in Division 3 of Part 7, and except for foreign ownership limits (s.109), will cease to have effect on 1 July 1997 (s.104). Satellite licence A is subject to the restrictions that a controller of a newspaper with a greater than 100 000 circulation (ss.105-106), a commercial television broadcasting licence (s.107) and telecommunications carrier (s.108), cannot have company interests in the licence of more than two per cent or be in a position to control it. There are also limitations on control of both licences A and B (s.110).

## **PROGRAM STANDARDS AND CODES**

Program regulation is dealt with in Part 9 and, except for television programs for children and Australian content on television, provides for a system of industry-developed codes of practice. The Authority is required to determine program standards (s.122) for children's television programs and Australian content on television. The codes of practice are to be developed by industry groups representing all services in consultation with the Authority (s.123). They may relate to the specific purposes set out in s.123(2), some of which take account of community attitudes in identified areas of concern (s.123(3)). Particular rules apply to the televising of films (s.123(3A)).

If satisfied of certain criteria, the Authority is to include the code in its register (s.123(4), s.124). The Authority may determine standards (s.125) where codes fail, or are not developed. Consultation is required before determining, varying, or revoking a standard (s.126). Parliament may amend codes or standards (s.128).

## **COMPLAINTS**

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Part 11 provides for complaints to be made, in certain circumstances, to the Authority about licences, class licences and the national broadcasters. It specifies how the Authority is required to handle the different types of complaints and what action it should take.

## **INFORMATION GATHERING**

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Part 13 of the Act deals with information gathering by the Authority. The Authority is able to inform itself on any matters relevant to its functions, and may consult with groups or individuals, conduct investigations, or hold hearings (s.168).

## **BROADCASTING SERVICES (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) ACT 1992**

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### **LICENCES**

All licences which were in existence under the Broadcasting Act are preserved under the Broadcasting Services (Transitional Provisions and Consequential Amendments) Act (Transitional Provisions Act), are given an appropriate classification and conditions which apply (ss.5-9). Aggregation processes are preserved by making implementation plans a licence condition (s.9(1)(d)), while special rules apply to Tasmania (s.16). Renewal applications which were pending on the day the Broadcasting Services Act commenced were deemed to have been renewed immediately beforehand by the Tribunal (s.11), while pending licence grants are dealt with under the Broadcasting Act by the Authority as if it were the Tribunal, with certain exceptions (s.12). If granted, the licence is classified under the Transitional Provisions Act (s.12(4)).

Former limited licences (class licences under the Broadcasting Services Act) are dealt with under the Radiocommunications Act (s.13). AM/FM conversions continue under the Broadcasting Act (ss.14-15) if the process had begun before 5 October 1992. Licence warrants, transmitter and retransmission licences were severed from the Broadcasting Act and preserved under the Radiocommunications Act as transmitter licences, and Radiocommunications Act conditions apply (s.10)

### **DIRECTORSHIPS AND CONTROL**

Directorships or interests in broadcasting services, newspapers, or related companies in place before the commencement of the new regulatory regime, which would otherwise breach the ownership and control provisions of the new Act, are specifically preserved (ss.17, 19). Periods of grace to protect those who contravened the Broadcasting Act are preserved (s.18). Persons with interests in former supplementary licences are protected for 11 years after the initial supplementary licence grant (s.20).

## **PROGRAM STANDARDS**

Existing television standards for programs for children or Australian content were deemed to be standards determined by the Authority (s.21(2)) until new standards are determined (s.21(8)). The Authority could determine other program standards to be in force for no longer than two years from the commencement of the Transitional Provisions Act (s.21(4)-(6)) or until replaced by a relevant code of practice (s.21(9)). Such standards may be varied or revoked (s.21(7)).

## **LICENCE FEES**

Certain provisions of the Broadcasting Act have been retained concerning the keeping of accounts and unpaid licence fees (s.22).

## **OTHER RELEVANT LEGISLATION**

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The *Australian Broadcasting Corporation Act 1983* and the *Special Broadcasting Service Act 1991* require both national broadcasters to develop codes of practice relating to programming matters and refer them to the Authority.

The *Television Licence Fees Act 1964* and the *Radio Licence Fees Act 1964*, which specify the annual licence fee payable by commercial licensees on a sliding scale related to gross earnings of the station, are administered by the Authority.

The Radiocommunications Act is significant for the operation of the Authority's planning function. Amongst other things, the Minister may allocate part of the spectrum to the Authority for broadcasting purposes (s.18(3)) and may only grant a licence to operate a radiocommunications transmitter if in accordance with a relevant decision of the Authority (s.24(1A)). If a person is granted a broadcasting licence, the Minister must grant a transmitter licence (s.24B).

## **AMENDMENTS TO THE ACT**

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The Act and transitional provisions were amended by the *Broadcasting Services (Subscription Television Broadcasting) Amendment Act 1992*, which was assented to and commenced on 11 December 1992, the *Transport and Communications Legislation Amendment Act (No. 3) 1992*, which commenced on 24 December 1992, and the *Broadcasting Services Amendment Act 1993* and the *Broadcasting Services Amendment Act (No. 2) 1993*, which were assented to and commenced on 14 May 1993.



**PLANNING**



***PLANNING***

## OVERVIEW

### ASSIGNMENT OF THE BROADCASTING SERVICES BANDS

Under the *Radiocommunications Act 1983*, the Minister may, after consultation with the Authority, assign by instrument in writing a part of the radiofrequency spectrum designated as being primarily for broadcasting purposes to the Authority to plan.

The Minister has assigned the following broadcasting services bands to the Authority:

AM radio	526.5 to 1606.5 kHz (inclusive);
VHF television channel 0	45 to 52 MHz (inclusive);
VHF television channels 1 and 2	56 to 70 MHz (inclusive);
VHF television channels 3, 4, 5 and FM radio	85 to 108 MHz (inclusive);
VHF television channel 5A	137 to 144 MHz (inclusive);
VHF television channels 6 to 12	174 to 230 MHz (inclusive);
UHF television channels 28 to 69	520 to 820 MHz (inclusive).

### DETERMINATION OF POPULATION FIGURES

On 2 December 1992, a notice appeared in the Commonwealth of Australia *Gazette* stating that, with effect from 16 November 1992, the Authority had determined licence area populations for each licence area in Australia, based on 1986 Census data, in accordance with s.30(1) of the *Broadcasting Services Act 1992* (the Act). Section 30(3) requires the Authority to have regard to the most recently published census count conducted by the Australian Bureau of Statistics. Conversion of licence area populations to reflect the 1991 census data is currently being undertaken and is expected to be completed by 1 January 1994. Population figures are particularly important in relation to audience reach and ownership and control rules set out in Part 5 of the Act - Control of Commercial Broadcasting Licences.

### DETERMINATION OF PRIORITIES

As the first stage of planning, the Authority must determine planning priorities for Australia identifying the order in which different markets and different bands will be planned. The priorities decide how the Authority allocates its planning resources and set a timetable for the licensing of new broadcasting services in various parts of Australia. On 7 December 1992, the Authority sought submissions on broadcasting planning priorities - 567 were received. In order to assist people to develop their submissions, the Authority published six volumes of planning information entitled *Current State of Radio and Television Planning*. The five volumes on radio planning were sent to local government authorities, for inclusion in their local libraries, in December 1992. An information kit was also prepared and a freecall 008 telephone number installed - kits were sent to around four thousand people.

On 2 May 1993 the Authority released for public comment its exposure draft of the determination of planning priorities. (The sixth volume of *Current State of Radio and Television Planning*, relating to television planning was sent to local government

authorities at the same time.) For planning priority purposes, the exposure draft proposed that Australia be divided into 23 draft planning zones and set out a timetable for planning these zones over the next two and a half years.

The exposure draft of the planning priorities was included in a kit which was sent to around four thousand people. A freecall 008 telephone number was activated - 176 people rang the number seeking kits in the period to 28 May 1993.

Submissions on the exposure draft closed on 28 May 1993 - 296 were received and will be considered by the Authority in determining the planning priorities. The Authority expects to notify its determination of planning priorities in the Commonwealth of Australia *Gazette* and to publish its determination of planning priorities in 1993-94.

During May, the Authority conducted planning priority seminars and technical workshops in all mainland capital cities. This form of public consultation was well-received, attracting 528 people in total.

### **DETERMINATION OF FREQUENCY ALLOTMENT PLANS (FAPs)**

In accordance with the determined priorities, frequency allotment plans or FAPs must be developed to cover all parts of Australia and all portions of the broadcasting services bands (AM and FM radio, VHF and UHF television). The determination of FAPs is the second stage of planning.

On 2 May 1993, the Authority released draft FAPs setting out the number of radio and television channels available in each zone and the framework for detailed planning of future services in those zones. The draft FAPs were included in the kit containing the exposure draft of the planning priorities. (The 008 telephone number was continued for people making specific enquires about FAPs - 41 phoned the number in the period 28 May to 25 June.) Submissions were sought on the draft FAPs and closed on 25 June 1993 - 159 were received. The Authority expects to notify its determination of FAPs in the *Gazette* and to publish the FAPs in 1993-94.

### **DESIGNATION OF LICENCE AREAS**

All service areas determined by the Minister for Transport and Communications prior to the commencement of the Act were deemed to be licence areas under s.8 of the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992*. These licence areas must be taken into account by the Authority when preparing licence area plans. As no licence areas for national services had been determined by the Minister prior to the commencement of the Act, the Authority is currently drafting licence areas for these services for consultation and comment during the forthcoming licence area plan process. More than 1100 have to be completed.

### **PROGRESS WITH PREPARING FIRST LICENCE AREA PLANS (LAPs)**

The final stage of planning involves developing licence area plans or LAPs. These describe the number and type of broadcasting services (commercial, community or national) to be available in a licence area and will include the description of the licence area and details of the technical characteristics within which the services must operate.

Prior to preparing a draft LAP for comment, the Authority will seek submissions

## *MINISTER'S ASSIGNMENTS, RESERVATIONS, DIRECTIONS AND REQUESTS*

from all interested people about all aspects of planning for broadcasting services in each particular region. Such submissions might include proposals for new services as well as proposals for changes to the licence areas for, and/or transmission parameters of, existing services.

### **MINISTER'S ASSIGNMENTS, RESERVATIONS, DIRECTIONS AND REQUESTS**

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Under the Act, the Minister may reserve capacity in the broadcasting services bands for specified numbers of community and national broadcasting services. The Minister may also advise the Authority of the Government's general policies that are to apply to it and give written directions to the Authority.

#### **NATIONAL SERVICES**

The Minister has advised that he intends to reserve channel capacity for existing (and approved extensions of) ABC and SBS radio and television services throughout Australia. He intends to also reserve capacity for parliamentary broadcasting.

The future provision of national broadcasting services is currently being considered. The Minister advised, in the initial planning stages, that there may be a requirement for six national radio services in each location throughout Australia (with at least two of them to be FM in each area), plus an additional channel in Sydney and Melbourne. The Authority is considering whether there is enough channel capacity to accommodate the Minister's request. The Government has decided to establish a national SBS radio network and the Minister intends to reserve capacity for that network also. Services will begin in Melbourne, Adelaide, Perth and Brisbane in December 1993 and Sydney in July 1994. Services will also be extended to Darwin in December 1993 and Canberra and Hobart in July 1994, subject to availability of frequencies.

Before the (Federal) election in March 1993, the Prime Minister announced that the ABC's Youth Network (JJJ) would also be extended. The Minister advised the Authority that he would not reserve capacity for the extension of JJJ until after the 1993 budget deliberation - the Government is expecting to determine a policy framework for the maintenance and extension of national broadcasting services in the context of the 1993 budget.

#### **COMMUNITY SERVICES**

In a letter of 1 October 1992, the Minister indicated he preferred to exercise his powers to reserve capacity for community services with the benefit of advice from the Authority on demand for them. The Minister has requested the Authority to keep in mind that the Government is of the view that provision should be made for at least one community service in each licence area. The Authority will advise the Minister about the demand and community support for community services in the course of its planning process. The Government wishes to ensure that planning arrangements are flexible enough to facilitate the provision of community broadcasting services to disadvantaged groups. These groups include those with a non-English speaking

background, Aboriginal or Torres Strait Islanders and the print handicapped. The Minister has asked the Authority to keep those special groups in mind when it is preparing LAPs and advise the Minister if there is a need for capacity to be reserved.

### SIXTH TELEVISION CHANNEL

Television planning has made provision for suites of frequencies to support six high power television channels in most areas of Australia. In many areas, five of the six available channels are already in use. Over the years, there has been much discussion about what should be done with the last available channel. The latest report on the matter was released by the House of Representatives Standing Committee on Transport, Communications and Infrastructure (HORSCOTCI) in September 1992.

In response to the HORSCOTCI report, the Government decided that there would be no decision on the permanent use of the sixth high power television channel before the review of the commercial television industry, which the Minister must undertake before 1 July 1997. However the Government agreed, in principle, that permanent use of the sixth channel be non-commercial.

On 22 December 1992, the Minister for Transport and Communications directed the Authority to:

- reserve the sixth channel for a sixth high power national television channel for the provision of national broadcasting services or for community broadcasting services; and
- give favourable consideration to making the channel available immediately for community and educational television on a continuing trial basis.

As a result, the Authority decided the HORSCOTCI recommendations could best be accommodated by making the sixth channel available on an area by area basis for open narrowcasting services for community and educational non-profit purposes.

### TECHNICAL ISSUES

#### Development of technical planning guidelines

Section 33 of the Act requires the Authority to develop technical planning guidelines for all services that use the broadcasting services bands. The guidelines are to cover such matters as guidance on the emission standards to apply to broadcasting services, the minimum field strength required within services' licence areas and permitted maximum field strength of services' transmissions outside their licence areas. The Authority expects to publish *Technical Planning Guidelines* in 1993-94.

#### Assessment of new technology

The Authority has established small groups of experts to investigate developments in technology, assess their possible impact and propose initial planning strategies for their introduction. One of these specialist groups, comprising industry and government experts, is examining options for a digital terrestrial television broadcasting (DTTB) system to best suit Australia's consumer and broadcasting needs into the next century. The specialist group will contribute to the development of a national policy for DTTB, including identifying and interpreting technical information and presenting 'plain English' reports for public consumption. The chairman of the specialist group is the Authority's Director Planning. Most of the detailed tasks will be undertaken by

## ***MINISTER'S ASSIGNMENTS, RESERVATIONS, DIRECTIONS AND REQUESTS***

working parties. The first meeting of the specialist group was held on 26 May 1993, and the first meeting of the convenors of the working groups was held on 28 June 1993.

The Authority is also involved in investigating options for the introduction of digital audio broadcasting (DAB) in Australia. The Authority is represented on the Department of Transport and Communications' DAB Committee as well as on the associated Policy and Technical Sub-committees. The DAB committees met regularly throughout the year.

### **RADCOM Computer Project**

RADCOM is a new computing system that will include a public register of all transmitter licences. The system will provide engineering modelling tools to support spectrum allocation and management for the Spectrum Management Agency (SMA) (when it is created), the Authority and the National Transmission Agency. Existing facilities within these organisations, which are not adequate to meet the new demands of spectrum management imposed by the Act and the *Radiocommunications Act 1992*, will be replaced by RADCOM.

The Authority has made a significant contribution to the development of specifications for RADCOM and will assist with its funding under the resource agreement established with the Department of Finance. The Act was the major source of information used in defining the Authority's requirements, together with extensive user consultation. Five staff from Planning Division have been involved in the project in either a full-time or a part-time capacity. Director Planning is a member of the RADCOM project Steering Committee. RADCOM will feature 'state-of-the-art' software and development tools. Computer Aided Software Engineering will be used in design and development. A Relational Database Management System will store and retrieve data. A Geographic Information System will allow analysis of large amounts of data used in radio frequency engineering.

### **Representation at international fora**

Assistant Director Planning Engineering attended a meeting of specialists in Montreal, Canada, in September 1992 (as an Authority representative, in anticipation of the establishment date). The group is considering improved compatibility criteria for aeronautical receivers (used in aircraft) and FM radio broadcasting systems, which operate in adjacent frequency bands. A Planning Division officer attended the conference of the National Association of Broadcasters in Las Vegas from 19-22 April 1993. The conference included displays of broadcasting equipment and demonstrations of new broadcasting technology, including discussions of new techniques, strategies and policies being developed internationally. The Authority is also involved with the International Telecommunication Union (ITU) in conjunction with the Department of Transport and Communications. In particular, the Authority is represented in Study Group 10 (Sound Broadcasting) and Study Group 11 (Television Broadcasting). Director Planning is Vice Chairman of the Working Party 11C - Terrestrial Television Planning - of Study Group 11 of the Radiocommunications Standardisation Sector of the ITU. He also chairs Australian Study Group 10/11, which is responsible for developing Australia's attitudes and contributions to international debate on radio and television recommendations within the ITU.

## ALTERNATIVE USES OF THE BROADCASTING SERVICES BANDS

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To foster efficient spectrum management, the Authority is given flexibility in determining the use of the broadcasting bands. The Authority has the discretion to make spectrum available for alternative uses for specified periods when:

- not all licences are made available for commercial allocation;
- not all commercial licences are allocated;
- spectrum is available, but planning has not begun or is not complete, or
- capacity is reserved for community or national use, but is not being used.

The Authority may decide that parts of the radiofrequency spectrum are available for allocation, for a period specified by the Authority for:

- temporary or re-transmission purposes;
- subscription broadcasting, subscription narrowcasting or open narrowcasting; or
- any other purpose determined by the Authority.

Narrowcasting use of the broadcasting services bands takes second place after national, commercial and community broadcasting services. Furthermore, narrowcasting services may use the broadcasting bands only while there is no demand for these bands by mainstream broadcasting. Narrowcasters do not have tenure on their assigned channel.

### CLASS LICENCES

#### Overview

No form of service licence is required for services provided under the authority of a class licence (see Chapter 5 - Licensing). Service providers are responsible for making arrangements for their own delivery technology, including any approvals which may be necessary. Users of drop-through spectrum (i.e. spectrum in the broadcasting services bands) apply for a transmitter licence under section 24 of the Radiocommunications Act.

#### **Interaction between the Broadcasting Services Act 1992 and the Radiocommunications Act 1983 in relation to drop-through spectrum**

Authority decisions to allocate capacity for alternative uses must be made taking into account that its planning activities contribute to the economic and efficient use of the spectrum.

Arrangements are being developed between the spectrum managers (the Radiocommunications Division of the Department of Transport and Communications until 30 June 1993 and from 1 July 1993, the Spectrum Management Agency) and the Authority to define administrative responsibilities for the management of spectrum dropped-through from the broadcasting services bands. The Broadcasting Services Act has no mechanism to conduct price-based allocation processes for alternative uses of the spectrum so that the widest range of alternative uses is able to compete. The Radiocommunications Act has been amended to provide for price-based allocation of capacity and this power cannot be delegated.

While it may not allocate the transmitter licences, the Authority will still control the

terms of the release of this spectrum including the duration, purpose and any appropriate technical conditions necessary to maintain the integrity of the broadcasting system.

**Release of Spectrum for Other (non-broadcasting) Purposes**

The Authority has delegated powers to certain officers in Planning Division under s.34 of the Act in respect of uses of the broadcasting services bands for: temporary transmissions not exceeding 90 days; special events; low power information services; community television temporary transmissions by consortia; re-transmission and other narrowcasting services (including TAB services).

**Low power information services**

The Authority released frequencies within the range 87.5 to 88.0 MHz for open narrowcasting purposes, on a nationwide basis, for low power information services until January 1995. These frequencies are at the extreme low end of the frequency range used for FM radio. However, there are areas of Australia where, because of the existence of television services on VHF channel 3, these frequencies cannot be used as interference problems could result. Approval has been given to release alternative frequencies, where available, in areas where frequencies in the range 87.5 to 88.0 MHz cannot be used.

Transmitter licences for 260 low power information services have been granted. Most have been for tourist information services, although there has been interest in providing low power religious services, farming information services and services which transmit inside sports stadiums.

Detailed technical conditions apply to low power open narrowcasting services. A restriction has been placed on the height of the transmitting antenna of these services so that a large number of services can share the channels. Generally the effective radiated power (ERP) of low power information services shall not exceed 1 watt. Where the signal cannot be received in a residential area, the maximum ERP may be increased to 10 watts.

The planning arrangement for these services has been greatly simplified, but the onus is on operators not to cause interference to broadcasting and other services and to rectify any interference that results from the installation of low power services.

**TAB narrowcasting services**

Several limited licence applications for high power racing and betting information services were lodged with the Department of Transport and Communications prior to the formation of the Authority on 5 October 1992. Under s.13 of the Broadcasting Services (Transitional Provisions and Consequential Amendments) Act, any applications for limited licences lodged, but not finalised, were taken as being lodged as applications for a transmitter licence under the Radiocommunications Act. Narrowcasting licences have been granted for racing and betting services at 16 sites in Queensland.

The AM frequency currently held by commercial radio station 7HT Hobart, has been approved for release for a racing and betting information service upon 7HT's conversion to the FM band.

In Wollongong and Newcastle there were two AM frequencies which were vacated by operators converting to the FM band. On the basis that no further planning was



required, an AM frequency in each of these areas was approved for use for high power narrowcasting - racing and betting services, until 31 December 1993. The period may be extended to reflect the timing of planning for those areas.

### **Drop-through policy for high power open narrowcasting services**

Until recently, the Authority allocated licences for high powered narrowcasting services on a first-come, first-served basis. This worked well while demand was low, but an increase in demand for these channels caused the Authority to review its procedures. On 16 May 1993, the Authority announced new procedures for allocating licences to provide high power radio narrowcasting services. Under the new system, the Authority will publicise the availability of high power channels for narrowcasting and call for expressions of interest. As a result of the change in procedure, the Authority has refused 44 pending applications. These applicants will be invited to re-apply when the availability of appropriate spectrum is announced.

The availability of high power channels will be dependent upon the Authority's determination of planning priorities. Where there are competing claims for available channels, the Authority will generally pass the matter to the Spectrum Management Agency for resolution by a price-based allocation system.

### **Special events and special interest**

Sections 18(a)(i) and (iii) of the Act provide for open narrowcasting services that are targeted to special interest groups, or for a limited period to cover special events, such as annual festivals, grand prix and scout jamborees.

A transmitter licence for a special interest Aboriginal radio service has been granted at Port Augusta, South Australia. Transmitter licences for 36 special events have been approved.

### **Guidelines for temporary transmissions for bona fide community broadcasters**

The Act defines temporary transmissions in s.18(a)(iii). Temporary transmissions are used by community radio and television broadcasting aspirant groups. These groups use the tests to attract community support, test equipment and give the members of their groups valuable practice in broadcasting.

On 19 October 1992, the Authority decided that the duration of temporary transmissions be limited to 28 days in a twelve month period. Following negotiations with the broadcasting industry, agreement was reached that temporary transmissions can be undertaken to an aggregate of 90 days over a twelve month period. The minimum period of a temporary transmission is one day. Weekend only transmissions, or any other combination of days, are permitted. Weekend only or day(s) only transmissions are usually issued for calendar quarters (January - March, April - June, July - September and October - December).

A paper has been developed, setting out the guidelines for temporary transmissions. The guide has been published in *ABA Update* (Number 6, April 1993). The Authority intends to review the guide, and will seek comments from users toward the end of 1993.

Transmitter licences for 151 temporary transmissions have been issued since 5 October 1992.

### **Community television - temporary transmissions by consortia**

The Authority has made the last high power, free-to-air television channel (usually

## *ALTERNATIVE USES OF THE BROADCASTING SERVICES BANDS*

UHF channel 31) available for open narrowcasting television for community and educational non-profit use, on a temporary basis, until 28 February 1996. The decision will be re-examined at that time. This reflects the view of the Government in response to the HORSCOTCI report on the matter (see Minister's Assignments, Reservations, Directions and Requests above for further information on uses for the sixth channel).

The Authority decided that the HORSCOTCI recommendations would be best accommodated by making the sixth channel available, on an area-by-area basis, for open narrowcasting services for community and educational non-profit purposes. In exercising its discretion to issue transmitter licences to applicants, the Authority has regard to the extent to which the service will be accessible to individuals and relevant groups within the area to be served.

To date, transmitter licences have been granted for community and educational non-profit purposes at the following locations:

<b>LOCATION</b>	<b>GRANTED</b>	<b>EXPIRY</b>
Sydney	5 May 1993	28 April 1994
Melbourne	5 May 1993	28 February 1994
Adelaide	29 April 1993	28 April 1994
Lismore	29 April 1993	28 April 1994

Transmitter licences to conduct temporary transmissions for testing purposes have been granted to members of the consortia in:

<b>AREA</b>	<b>NUMBER</b>	<b>DATES</b>
Melbourne	5	various dates from April-September 1993
Adelaide	1	2-16 May 1993

### **Non-broadcasting uses of broadcasting services bands**

The Authority has approved the release of channels in the VHF and UHF television bands, for non-broadcasting purposes, under s.34(1) of the Act.

- VHF channel 9A (202-208 MHz) and VHF channel 12 (222-230 MHz), for aeronautical navigation, until 28 February 1996 (the decision will be reviewed in December 1995);
- VHF channel 5A (137-144 MHz) for radioastronomy throughout Australia, until 15 February 1996, except in Newcastle, Armidale, Ashford and Hay (New South Wales); Alexandria, Colac and Mt Dundas (Victoria); Moranbah, Capella, Wandoan, Bowen, Nambour, Toowoomba, Cairns North/Buchan Point, Herberton, Mission Beach/Dunk Island and Townsville North/Yarrowonga (Queensland); Renmark/Loxton (South Australia); Mawson and Leeman (Western Australia) and Wynyard (Tasmania). The decision will be reviewed in December 1995;
- UHF channels 36 (582-589 MHz), 37 (589-596 MHz) and 38 (596-603 MHz), for radionavigation, until 31 December 1995; and
- UHF channel 35 (575-582 MHz), for experimental television transmissions by operators in the Amateur Radio Service, until 31 December 1995, at Oakdale, Springwood and Lane Cove (New South Wales); Olinda and Lyndhurst (Victoria); Spring Hill and Redbank Plains (Queensland); Illawarra Hill (South

Australia); Carine (Western Australia); and Black Hill (Australian Capital Territory).

The Authority's decision on the use of UHF channel 35 meant that some Amateur Radio Service operators, who are currently using channel 35 for experimental amateur television transmissions, will have, or have had, to cease operation so that interference to existing or planned television services can be minimised. The areas affected are: Kariong, New Lambton Heights and Cambewarra (New South Wales); O'Halloran Hill (South Australia); and Kelcey Tier (Tasmania). The amateur radio fraternity has had several years advance notice that these changes would need to be made.

The above non-broadcasting services were licensed by the Radiocommunications Division of the Department of Transport and Communications under the Radiocommunications Act.

Following consultation with the Federation of Australian Commercial Television Stations, the ABC, the National Transmission Agency and the Radiocommunications Division of the Department of Transport and Communications, the Authority has developed arrangements which will allow the operation of very low power and low power wireless microphones in the television broadcasting services bands. The microphones are used in television production and in live stage performances.

Very low power microphones (Category A) will be permitted to operate, unlicensed, in accordance with the extended provisions of Schedule 3 of the *Radiocommunications (Licensing and General) Regulations 1985*, in television broadcasting services bands.

Low power microphones (Category B) with transmitter power up to 50 milliwatts, with an emission bandwidth not exceeding 180 kHz, will be licensed on a case-by-case and site-by-site basis. They will also be permitted to operate in television broadcasting services bands and will be licensed under the Radiocommunications Act.

## **TRANSITIONAL ISSUES**

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### **EXPLANATION**

There are substantial differences between the Broadcasting Services Act and the former Broadcasting Act. The Broadcasting Services (Transitional and Consequential Amendments) Act was enacted to ensure a smooth transition to the new regime - a bridge between the old and the new. There was a need to:

- transfer current services from the old system to the new, with a minimum of disruption;
- complete matters being considered and to ensure effective interaction between the new Act and other legislation;
- ensure that the Government's commitment to providing additional services was preserved; and
- ensure that people complying with legislation were not, unwittingly, placed in breach of the new Act.

The transitional provisions preserve certain licences, ensuring that licences continue to have effect and that the Authority can exercise all of its powers in relation

to those licences. The provisions also allow for the continuity of service areas.

Among other things the provisions:

- ensure that access to the radiofrequency spectrum is preserved on the same conditions as before;
- deem open narrowcasting services (previously called limited licences) and re-transmission permits to be licensed under the Radiocommunications Act;
- deem remote Aboriginal community radio and television services to be licensed as community broadcasting services;
- allow for the completion of Stage 1 of the National Metropolitan Radio Plan (where some AM commercial radio stations to convert to FM) and the Equalisation of Regional Commercial Television Policy; and
- preserve the obligations of licensees who are in the process of implementing equalisation and allow the policy to be implemented in Tasmania, where the proposed two service form of aggregation has not yet commenced.

The consequential amendments allow the Minister to assign certain parts of the radiofrequency spectrum to the Authority for the planning of broadcasting services. The technical standards for broadcasting services have been transferred to the Radiocommunications Act. New entrants are required not only to rectify interference problems, but also to advertise their responsibility in this regard.

#### **LICENCE WARRANTS**

A licence warrant granted under the Broadcasting Act, in relation to a former licence, continues in force as a transmitter licence under s.24B of the Radiocommunications Act.

#### **AM-FM CONVERSION IN METROPOLITAN MARKETS**

Clause 14 allows for conversion to FM of any metropolitan AM commercial radio licence if the licensee had applied under the National Metropolitan Radio Plan.

One AM metropolitan commercial radio station has converted to the FM band since 5 October 1992.

<b>AREA</b>	<b>CALLSIGN - OLD</b>	<b>CALLSIGN - NEW</b>
Sydney	2WS	2UUS

#### **PENDING APPLICATIONS FOR THE GRANT OF LICENCES UNDER THE BROADCASTING ACT**

Where the Tribunal had not finalised applications for the grant of a commercial or public radio licence or a remote radio or television licence, the Authority can finalise the applications and grant a licence as if it were the Tribunal operating under the Broadcasting Act.

Services licensed under this provision must also have an accompanying transmitter licence granted, under the Radiocommunications Act, before they can commence. All licensing action has been completed for four commercial and 11 community services since 5 October 1992.

## **PLANNING**

### **Commercial**

<b>CALLSIGN</b>	<b>AREA</b>
2AAY	Albury, NSW
2TTT	Tamworth, NSW
4RUM	Bundaberg, Qld
4MIC	Mount Isa, Qld

### **Community**

<b>CALLSIGN</b>	<b>AREA</b>
2LVR	Forbes, NSW
2MIA	Griffith, NSW
2BLU	Katoomba, NSW
3NOW	Inner North West, Melbourne, Vic.
4AAA	Brisbane, Qld
4RED	Redcliff-Pine Rivers, Qld
4KIG	Townsville, Qld
5RAM	Adelaide, SA
5THE	Millicent, SA
7RPH	Hobart, Tas.
8KTR	Katherine, NT

### **NATIONAL SERVICES**

National television and radio services are defined as services provided by the ABC, SBS and the Parliamentary Broadcasting Service.

National services were exempt from licensing under the Broadcasting Act. Under the Broadcasting Services Act, national services do not require a service licence, but are required to hold a broadcasting service transmitter licence under s.24 of the Radiocommunications Act.

At the date of this report, 1133 existing national radio and television transmitters throughout Australia are to be issued a transmitter licence.

### **SELF-HELP BROADCASTING RECEPTION SCHEME**

The Self-help Broadcasting Reception Scheme (SBRS) is designed to help communities obtain adequate reception of radio and television services. It is not always practicable for broadcasters to provide re-transmission facilities for small, isolated communities and to remote areas. Under SBRS, communities may apply to operate their own re-broadcasting transmitter or cable re-transmission system to improve their reception of broadcasting services. Under the new broadcasting regime, people wishing to establish SBRS facilities apply to the Authority for a transmitter licence.

In some larger regional centres in Australia, SBRS facilities are now broadcasting SBS programs. These include Broken Hill and Orange (NSW), and Gisborne and Port Campbell (Vic.). Fourteen SBRS facilities have been authorised since 5 October 1992.

## **TELEVISION EQUALISATION IN REGIONAL AREAS**

Under television equalisation, more than four million viewers in regional areas of eastern Australia will have the same choice of commercial television services as metropolitan viewers by 1996. Section 9(1)(d) of the Broadcasting Services (Transitional Provisions and Consequential Amendments) Act preserves the obligations of those licensees as conditions of their licences.

Viewers in smaller communities in the four eastern mainland markets (Queensland, Northern New South Wales, Southern New South Wales and the Australian Capital Territory and Victoria) are gaining access to the additional services as soon as licensees' resources permit them to establish the necessary transmission facilities. Ongoing planning work associated with the completion of equalisation in the eastern mainland markets continued. People living in remote valleys, or on the fringes of the service areas, may have to take special measures to receive the additional services.

Equalisation in Tasmania provides for an additional commercial television service to be introduced throughout the State. The current provisions contemplate aggregation of the licence areas of the two services in Tasmania. The new services are expected to commence in April 1994. The Authority's planning work to enable the necessary transmission facilities to be constructed has been completed.

The Department of Transport and Communications is now responsible for the continuation of the equalisation program. The Authority will continue to provide technical advice to the Department.

## **CALL SIGNS**

Callsigns have been attached to broadcasting stations from the beginning of broadcasting in this country. At that time it was a requirement of the *Wireless Telegraphy Act 1905*. Under the Broadcasting Services Act, however, there is no legislative requirement for broadcasting services to use callsigns.

Despite the lack of legislative support for call signs, the Authority finds them to be administratively useful. They are the only unique identifier for a broadcasting service as several services may share a frequency nationally, licensees may own several services and transmission sites may be shared by a number of services.

In November 1992, the Authority wrote to the major representative broadcasting organisations seeking their views on the matter, as well as proposing new arrangements for allocating call signs. The broadcasting industry indicated its general agreement that all broadcasting band services will be allocated a call sign by staff of the Authority and the call sign will be affixed to the broadcasting service for the life of the service. The Authority ratified these arrangements on 15 February 1993.

## **ACTIVITIES PERFORMED UNDER DELEGATION**

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### **As delegates of the Minister for Transport and Communications**

Director Planning Division, Assistant Director Planning Administration and Assistant Director Engineering Planning were delegated, by the Minister for Transport and Communications, to exercise powers of the Radiocommunications Act insofar as they relate to:

## PLANNING

- granting a transmitter licences under subsection 24(1) or s.24B of the Act; or
- imposing, revoking or varying conditions of a licence; or
- granting a receiver licence under subsection 38(1) of the Act; in respect of the broadcasting services bands.

The Authority sought to extend the delegations, both in terms of powers and in terms of eligible officers, but the election period intervened. The Radiocommunications Act will be repealed and replaced by the *Radiocommunications Act 1992* on 1 July 1993. The Authority, in anticipation of this, has sought relevant delegations from the Spectrum Manager (head of the Spectrum Management Agency).

### As delegates of the Authority

The Authority, pursuant to Schedule 3 of the Broadcasting Services Act, has the power to delegate specified powers to certain officers. Director Planning Division, Assistant Director, Planning Administration and Assistant Director, Engineering Planning have been delegated to exercise the powers in s.34 of the Broadcasting Services Act insofar as they relate to:

- (a) temporary transmissions of programs by aspirant community broadcasters for a minimum of one day to a maximum of 90 days in a twelve month period;
- (b) temporary use of the broadcasting services bands for open narrowcasting services for special events not exceeding 28 days;
- (c) re-transmission of programs of national broadcasting services or of commercial or community broadcasting licensees within the licence area of those licences; and
- (d) operation of low power wireless microphones licensed under the *Radiocommunications Act 1983* and *Radiocommunications Act 1992*.

They have also been delegated to exercise the powers in s.34 of the Act for open narrowcasting low power information services, insofar as they relate to the allocation of frequencies in the FM band, where the frequencies 87.5 to 88.0 MHz are not available because of the existence of television services operating on VHF channel 3.

Director Planning has additional delegations to exercise the powers in s.34 of the Act insofar as they relate to:

- (a) temporary transmissions of programs by aspirant community broadcasters; and
- (b) the allocation of frequencies in the UHF band for community and educational non-profit television.

## MISCELLANEOUS

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### BAND II CLEARANCE

In 1984, the then Minister for Communications, The Hon. Michael Duffy, announced that television stations using VHF channels 3, 4 and 5 (Band II) would be progressively moved to new frequencies in order to make room for the expansion of FM radio. At the same time, Mr Duffy announced that VHF channel 5A would also be cleared because the channel should be used for non-broadcasting purposes.

Thirty-three television stations were cleared in Stage 1 and, of the 33 clearances announced in Stage 2, 21 have been completed. A further 26 Band II and 19 channel 5A clearances are yet to occur, but the need for those clearances will be considered during the new planning process.

Where the clearance of Band II television stations is necessary, the changes are being co-ordinated as far as possible with the establishment of new television services under equalisation. This allows economies in the construction of the necessary broadcasting infrastructure and reduces the impact of change on the general public. For example, six Stage 2 clearances in Tasmania in 1993-94 have been scheduled in this manner.





**LICENSING**



Along with the other regulatory reforms enacted by the *Broadcasting Services Act 1992*, the licensing functions of the regulator have been substantially modified compared with those required under the *Broadcasting Act 1942*.

A more flexible, discretionary approach to licensing management is now in place and is designed to achieve a greater degree of self-regulation, with better economies and efficiencies for both the industry and the Authority.

A key feature of the new licensing regime is the division of the various types of service into categories for the purpose of regulation. Different service categories are subject to different licence conditions and the degree of licensing regulation depends directly on the degree to which a service is likely to influence public opinion.

The Authority provides opinions on request from service providers on category of service. This relates particularly to services provided under the less regulated class licence categories.

Licensing regulations no longer require the automatic inquiry into the granting and renewing of broadcasting licences and into share transactions and licence transfers which affect the ownership and control of broadcasting licences. Reporting requirements related to ownership and control have also been greatly relaxed.

This less interventionist approach permits the broadcasting industry to focus its resources on providing better services. It also enables the Authority to channel its regulatory efforts and resources in a much less prescribed manner with an emphasis which reflects the seriousness of a particular issue.

## **NUMBER AND TYPE OF LICENCES ON ISSUE**

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As at 30 June 1993, there were 421 licences on issue under the Broadcasting Services Act, in the following categories:-

commercial television broadcasting	44
commercial radio broadcasting	166
community broadcasting	211

Under s.5 of the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992*, from 5 October 1992:

- former commercial television and remote television licences continued in force as commercial television broadcasting licences;
- former commercial radio, remote radio and supplementary radio licences continued in force as commercial radio broadcasting licences; and
- former public radio licences continued in force as community radio broadcasting licences.

The total of 211 community broadcasting licences includes 82 licences for remote Aboriginal community services, which were formerly provided under limited licences but, since 5 October 1992, have been services authorised by community broadcasting licences.

The services provided under limited licences prior to 5 October 1992 do not require a licence under the Broadcasting Services Act.

During the period 5 October 1992 to 30 June 1993, the Authority granted the following radio licences under provisions of the Broadcasting Act which were not repealed when the new legislation commenced on 5 October 1992:

## LICENSING

CALL SIGN/AREA SERVED	LICENSEE
<b>Public</b>	
Canberra *	Print Handicapped Radio of ACT Inc.
2CCR Parramatta	Cumberland Media Association Inc.
2LVR Forbes	Lachlan Valley Community Radio Inc.
2BLU Katoomba	Blue Mountains Public Broadcasting Society Inc.
2MIA Griffith	Griffith City Community FM Association Inc.
Broken Hill, NSW *	Broken Hill Community FM Association Inc.
3NOW Inner North-West, Melbourne	North West Community Radio Association Inc.
3REG East Gippsland	Radio East Gippsland Inc.
Omeo, Vic *	Omeo Shire Community Access Radio Inc.
4AAA Brisbane	Brisbane Indigenous Media Association Inc.
4BAY Redlands Shire	Bayside Community Radio Association Inc.
4CRM Mackay	Community Radio Association Mackay
4KIG Townsville	Townsville Aboriginal and Islander Media Association Ltd
4RED Redcliffe/Pine Rivers	Redcliffe Pine Rivers Community Radio Association Inc.
5RAM Adelaide	Christian Radio Inc.
5THE Millicent	Millicent Community Access Radio Inc.
6HCR Port Hedland	Hedland Community Radio FM Inc.
6WR Kununurra	Kununurra Waringarri Aboriginal Corporation.
Perth, WA *	Western Australian Aboriginal Media Association (Aboriginal Corporation)
7RPH Hobart	Broadcast Services for the Handicapped Inc.
8KTR Katherine	Katherine Community Radio Inc.
Nhulunbuy, NT *	East Arnhem Community Radio Association Inc.
<b>Supplementary</b>	
2AAAY Albury-Wodonga	Radio Albury-Wodonga Ltd
2HIL Broken Hill	Far West Radio Pty Ltd
2ROX Kempsey	Mid-Coast Broadcasters Pty Ltd
2TTT Tamworth	Tamworth Radio Development Co. Pty Ltd
Deniliquin NSW *	Rich Rivers Radio Pty Ltd
Lismore, NSW *	Richmond River Broadcasters Pty Ltd
Muswellbrook NSW *	Radio Hunter Valley Pty Ltd
4HOT Cairns	Greater Cairns Radio Ltd
4MIC Mt Isa	North Queensland Broadcasting Corporation Pty Ltd
4MKY Mackay	Barrier Reef Broadcasting Pty Ltd

CALL SIGN/AREA SERVED	LICENSEE
4RUM Bundaberg	Bundaberg Broadcasters Pty Ltd
<b>Remote</b>	
4SUN North-East Zone	Ausradio Pty Ltd
6SAT Western Zone	Trans-West FM Pty Ltd
8SAT Central Zone	Central Zone FM Services Pty Ltd
<i>* Call signs not yet approved</i>	

### ALLOCATION OF CALL SIGNS

The following changes to call signs were approved during the period 5 October 1992 to 30 June 1993:

CALL SIGN	LOCATION	LICENSEE/SUCCESSFUL APPLICANT
<b>Commercial Radio Broadcasting</b>		
4GLD (previously 4GGG)	Gold Coast	Gold Coast FM Pty Ltd
8SAT (formerly 8AAA)	Central Zone	Central Zone FM Services Pty Ltd

The following new call signs were approved during the period 5 October 1992 to 30 June 1993:

CALL SIGN	LOCATION	LICENSEE/ SUCCESSFUL APPLICANT
<b>Commercial Radio Broadcasting</b>		
2TTT	Tamworth	Tamworth Radio Development Co. Pty Ltd
4HOT	Cairns	Greater Cairns Radio Ltd
4MKY	Mackay	Barrier Reef Broadcasting Pty Ltd
4RUM	Bundaberg	Bundaberg Broadcasters Pty Ltd
<b>Community Broadcasting</b>		
2MIA	Griffith	City Community FM Association Inc.
3REG	East Gippsland	Radio East Gippsland Inc.
4BAY	Redlands Shire	Bayside Community Radio Association Inc.
4RED	Redcliffe/ Pine Rivers	Redcliffe Pine Rivers Community Radio Association Inc.
6WR	Kununurra	Kununurra Waringarri Aboriginal Corporation.
7RPH	Hobart	Broadcast Services for the Handicapped Inc.

## CLASS LICENCES - NARROWCASTING

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### INTRODUCTION

#### Overview

The class licensing regime provides a simple means of authorising broadcasting services which are not pervasive in their reach or significantly influential. Class licences are a standing authority for any operator to enter the market and provide a service, as long as the operator has access to delivery capacity and abides by conditions relevant to the particular category of class licence.

The Authority has determined a class licence for the provision of the following:

- subscription radio broadcasting services;
- subscription radio narrowcasting services;
- subscription television narrowcasting services;
- open narrowcasting radio services; and
- open narrowcasting television services.

The class licensing regime, with its technical 'neutrality' and minimal regulatory inhibitions, recognises that new services and service concepts are constantly evolving and is designed to ensure that such developments can be accommodated. Almost any special interest services are suitable for provision under the class licensing regime. The range includes education, business, ethnic, sporting, religious and tourist information.

As with all broadcasters, class licensees are expected to develop codes of practice, but the content of these codes will reflect the special nature and limited appeal of class licence services.

Class licensees are not subject to the ownership and control regime of the Act. They are, however, subject to normal corporate restrictions, such as those monitored and enforced by the Trade Practices Commission regarding market dominance and anti-competitive behaviour.

#### Operation

An aspirant service provider wishing to operate under the class licence regime must be satisfied that the proposed service falls within one of the class licence categories determined by the Authority. The Act has substantial penalties for providing a commercial, community or subscription broadcasting service without the appropriate licence, so if there is any doubt, it is in the aspirant's interest to seek an opinion from the Authority (see below, s.21) on the correct category of service.

#### Conditions

Part 7 of Schedule 2 of the Act describes the general licence conditions which apply to all class licence services. The restrictions represent the Parliament's minimum regulatory requirements. These conditions include:

- a prohibition on tobacco advertising and sponsorship;
- requirements that the service must:
  - comply with appropriate program standards;

- adhere to special conditions relating to broadcasting political material;
- keep records of matters broadcast; and
- comply with standards governing the advertisement of medicines;
- the service must not be used to commit an offence; and,
- if the service is a subscription service, subscription fees must be the predominant source of revenue.

Subscription broadcasting services broadcast programs of wide appeal and are provided to the general public for subscription or program based fees. Subscription narrowcasting services are provided on the basis of subscription or program based fees which are limited in appeal, audience coverage, time or location. Open narrowcasting services are similar to subscription narrowcasting services, except they are provided free to those with appropriate reception equipment.

## **SECTION 21 OPINIONS ON CATEGORIES OF BROADCASTING SERVICES**

A person providing a service or wishing to provide a service may apply to the Authority for an opinion on the category that service or proposed service falls into. The Authority is able to request further information within 30 days of receiving the application and must provide the opinion within 45 days of receiving the application or further information. If the Authority does not provide an opinion within the 45 day period, the Authority is taken to have given an opinion that accords with the applicant's opinion.

Opinions are binding for five years so long as the circumstances remain substantially the same as those advised by the service provider in the application for an opinion.

The Authority has received 62 applications for opinions on categories of services under s.21 of the Act. The majority of these applications for opinions relate to open narrowcast services.

A breakdown of the categories for which the Authority was asked for an opinion is as follows:

Open narrowcasting radio	46
Subscription radio narrowcasting	1
Subscription television narrowcasting	9
Open narrowcasting television	5
Commercial radio broadcasting	1
<b>TOTAL</b>	<b>62</b>

Eight applicants who requested opinions on category of services have advised the Authority that they have commenced operations. These services are: two subscription television narrowcasting services (a Japanese language service and an Italian service); a subscription radio narrowcasting service broadcasting dance music; and five open narrowcasting radio services (broadcasting race descriptions, entertainment information and two services providing tourism information).



## COMMUNITY TELEVISION BROADCASTING SERVICES

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In March 1993, the Authority opened the door to community and educational non-profit use of the sixth high powered television channel. This is the last high power, free-to-air television channel available in many parts of Australia; the other channels are taken up by three commercial services, the ABC and SBS.

In September 1992, the House of Representatives Senate Committee on Transport, Communications and Infrastructure (HORSCOTCI) delivered its report on possible uses of the sixth channel and recommended amongst other things, that the channel be made immediately available for community access television on a continuing trial basis.

In the period to 30 June 1993, the Authority made the sixth channel available in Sydney, Melbourne, Adelaide and Lismore, to providers of open narrowcasting services for community and educational non-profit use. The channel has been made available for one year, after which the decision will be re-examined.

The Authority is unable to allocate any permanent community licences for the sixth channel until after the completion of the Ministerial review of the television broadcasting industry, which must be conducted before 1 July 1997.

The Authority has issued transmitter licences under s.24 of the Radiocommunications Act to: Sydney Consortium, Community Television Sydney (CTS); Melbourne Consortium, Melbourne Community Television Consortium (MCTC); Adelaide Community and Educational Television (ACE TV Inc.) and the Lismore Local Informative Network Community Television (LINC TV Inc.).

To safeguard community participation in the sixth channel, the Authority has developed an access statement which details the extent to which services should be open to groups and individuals within the area to be served. The Authority will apply the terms of this statement when deciding to issue licences for the sixth channel.

The Access Statement is as follows:

### ACCESS STATEMENT

The Australian Broadcasting Authority is committed to making available radiofrequency spectrum (the so called 'sixth channel') for allocation to providers of open narrowcasting services for community and educational non-profit use.

In exercising its discretion to issue transmitter licences to applicants proposing to provide such services, the Authority will have regard to the extent to which the service will be accessible to individuals and relevant groups within the area to be served.

In considering accessibility, the Authority will give consideration to the extent to which the applicant's constituting documents safeguard:

1. the level of openness or non-exclusivity in membership and membership policy;
2. the existence and fairness of any grievance mechanisms relating to membership exclusions;
3. the equity of access for members to programming airtime and the existence of structures including a grievance mechanism, designed to allocate airtime fairly;
4. the flexibility of programming policy and format sufficient to allow new sources of programming to be incorporated, and;

## ***FINANCIAL RESULTS FOR COMMERCIAL BROADCASTING SERVICES***

5. the right of the community to take part in a range of activities involved in the operation and management of the service.

The Authority will further look to the constituting documents of the applicant (and any other material on which the applicant relies) for evidence of a consistency with the purposes for which the sixth channel has been or will be made available, that is, community and educational non-profit use.

The Authority will issue additional licences as demand arises.

### **BROADCASTING LICENCE RENEWALS**

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Under the Broadcasting Services Act, the Authority approved a greatly simplified broadcasting licence renewal process compared with that required under the Broadcasting Act. Under the Broadcasting Act, the Australian Broadcasting Tribunal undertook, as a matter of routine, detailed and sometimes lengthy public inquiry procedures.

Subject to suitability requirements and payment of a renewal fee, where applicable, in most cases broadcasting licences can now be renewed automatically, on application to the Authority. Whilst the Authority monitors the industry on an ongoing basis, investigations and hearings are held only when suitability is in doubt.

All licensees were notified of the new procedures soon after commencement of the Act. The renewal application form is sent to the licensee six weeks before lodgement date. The Act requires application forms to be lodged with the Authority at least 20 weeks before the licence is due to expire and notice of receipt of applications to be published in the *Australian Government Gazette*. The renewal fee for a commercial licence is set at \$200, while no fee applies to a community broadcast licence renewal. Licences are renewed for five years unless special circumstances apply.

The Authority has decided to delegate the power to renew licences to individual Members as well as certain senior members of staff, further simplifying the process.

Nine community radio broadcasting licences, 11 commercial radio and two commercial television licences have been renewed.

### **FINANCIAL RESULTS FOR COMMERCIAL BROADCASTING SERVICES**

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Section 22 of the Broadcasting Services (Transitional Provisions and Consequential Amendments) Act provides continuing force to s.123 of the Broadcasting Act. Section 123 requires commercial television and radio broadcasting licensees to provide the Authority with an audited balance sheet and profit and loss account, in a form approved by the Authority.

The current need for detailed financial information is considerably less than was the case under the Broadcasting Act. Accordingly, the Authority's forms require much less detail than before, thereby reducing the imposition on licensees while allowing them to fulfil their obligation under the Act.

In general, the financial information gathered by the Authority enables monitoring of the financial state of the broadcasting industry. The Authority makes this information publicly available as a service to the broadcasting industry.

**COMMERCIAL TELEVISION**

Australian commercial television broadcasting services showed strong growth in the year to 30 June 1992. Broadcasting revenue increased by 9.4 per cent to \$1858.8m compared with a decrease of 3.2 per cent to \$1699.5m in the year ended 30 June 1991. Operating expenditure fell 12.9 per cent to \$1687.3m in 1991-92, resulting in a profit of \$171.4m. This compared with the loss of \$237.5m in 1990-91. Capital City services improved from a loss of \$278.1m in 1990-91 to a profit of \$148.1m in 1991-92. Broadcast profit for Other services decreased by 42.4 per cent to \$23.4m in 1991-92, the second successive year this category has posted a decline.

The financial performance of Capital City services and Other services is summarised below:

		1990-91 (\$M)	1991-92 (\$M)	% OF TOTAL 1991-92	FINANCIAL GROWTH 1991-92(%)
<b>Capital City</b>					
No. of services	15		15		
Revenue		1329.4	1462.4	78.7	10.0
Expenditure		1607.5	1314.3	77.9	(18.2)
Profit (loss)		(278.1)	148.1	86.4	NM
<b>Other</b>					
No. of services	31		30		
Revenue		370.1	396.4	21.3	7.1
Expenditure		329.5	373.0	22.1	13.2
Profit (loss)		40.6	23.4	13.7	(42.4)
<b>Total</b>					
No. of services	46		45		
Revenue		1699.5	1858.8	100.0	9.4
Expenditure		1937.0	1687.3	100.0	(12.9)
Profit (loss)		(237.5)	171.4	100.0	NM

**COMMERCIAL RADIO**

Australian commercial radio revenue increased by 1.9 per cent to \$440.4m in 1991-92, compared with a decrease of 3.6 per cent to \$432.2m in 1990-91. Expenditure dropped in 1991-92 for the third successive year in 1991-92, by 10.7 per cent to \$399.8m. This compared with the decrease of 0.1 per cent to \$447.7m in 1990-91. The industry's broadcasting profit for 1991-92 was \$40.6m after it recorded its first ever loss of \$15.6m in 1990-91.

The performance of the five market categories is summarised in the following table:

## LICENCE FEES FOR COMMERCIAL RADIO AND TELEVISION SERVICES

		1990-91 (\$M)	1991-92 (\$M)	% OF TOTAL 1991-92	FINANCIAL GROWTH 1991-92(%)
<b>Capital City FM</b>					
No. of services	8		9		
Revenue		104.7	111.7	25.4	6.7
Expenditure		104.8	82.0	20.5	(21.8)
Profit (loss)		(0.1)	29.7	73.2	NM
<b>Capital City AM-FM Converted</b>					
No. of services	8		8		
Revenue		47.6	43.4	9.9	(8.8)
Expenditure		55.5	45.4	11.4	(18.2)
Profit (loss)		(7.8)	(2.0)	(4.9)	(74.4)
<b>Capital City AM</b>					
No. of services	21		21		
Revenue		126.7	132.0	30.0	4.2
Expenditure		135.5	125.5	31.4	(7.4)
Profit (loss)		(8.9)	6.5	16.0	NM
<b>Larger Cities</b>					
No. of services	36		37		
Revenue		66.6	66.0	15.0	(0.9)
Expenditure		70.9	66.4	16.6	(6.3)
Profit (loss)		(4.3)	(0.4)	(1.0)	(90.7)
<b>Other</b>					
No. of services	73		74		
Revenue		86.6	87.3	19.8	0.8
Expenditure		81.0	80.6	20.2	(0.5)
Profit (loss)		5.6	6.7	16.5	19.6
<b>Total</b>					
No. of services	146		149		
Revenue		432.2	440.4	100.0	1.9
Expenditure		447.7	399.8	100.0	(10.7)
Profit (loss)		(15.6)	40.6	100.0	NM

*NM denotes not meaningful*

## LICENCE FEES FOR COMMERCIAL RADIO AND TELEVISION SERVICES

Licence fees for commercial radio and television services are payable to the Commonwealth in accordance with the *Radio Licence Fees Act 1964* and the *Television Licence Fees Act 1964*. Section 158(f) of the Broadcasting Services Act provides that one of the primary functions of the Authority is to collect licensing fees.

The Government amended the Broadcasting Act and the licence fees Acts to provide for the self-assessment of licence fees by licensees from 31 December 1992.

## LICENSING

The amendments were designed to streamline the collection of licence fees and eliminate the inequity of the former arrangements which allowed some licensees up to six months longer to pay their fees than was allowed to most.

The new provisions require the payment of annual licence fees by all existing commercial radio and television licensees by 31 December each year - the same date by which all commercial licensees are required to lodge their financial returns with the Authority.

A penalty of 20 per cent per annum of unpaid licence fees applies to licensees who fail to pay their licence fees on 31 December.

As part of the new arrangements, licensees will be responsible for assessing the amount owed to the Commonwealth, based on gross earnings for the year to 30 June. Gross earnings are defined as earnings of the licensee from the broadcasting or televising of advertisements or other matter.

Licence fees are calculated in accordance with formulae contained in the licence fees Acts which give the fees as a percentage of gross earnings. The percentage payable escalates according to gross earnings, to a maximum of 3.25 per cent for radio services and 9.0 per cent for television services. The present formulae apply to licence fees collected in and after the 1987-88 financial year for television licensees and in and after the 1991-92 financial year for commercial radio licensees. The current scales of licence fees are listed in the table below:

### SCALES OF LICENCE FEES

GROSS EARNINGS \$M	RADIO %	TELEVISION %
<5	0.25-1.75	0.5-3.5
5-6	1.75-2.2	3.5-4.0
6-7	2.2 -2.65	4.0-4.4
7-10	2.65-3.1	4.4-5.3
>10	3.1-3.25	
10-20		5.3-6.4
20-45		6.4-7.9
45-75		7.9-8.8
>75		8.8-9.0

### COMMERCIAL RADIO

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#### ANNUAL LICENCE FEES

Total licence fees payable by commercial radio services during 1992-93, based on gross earnings in the previous financial year of \$356 151 000, were \$6 636 000. In the 1990-91 financial year, total licence fees payable by commercial radio services were \$7 776 000. Total fees payable during 1992-93 were from services located as follows:

**LICENCE FEES PAYABLE**

<b>STATE/TERRITORY</b>	<b>CAPITAL CITY</b>	<b>OTHER</b>	<b>TOTAL</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
New South Wales and Australian Capital Territory	2406	527	2933
Victoria	1634	126	1760
Queensland	620	246	866
South Australia	551	26	577
Western Australia	376	44	420
Tasmania and Northern Territory	46	34	80
<b>Australia</b>	<b>5633</b>	<b>1003</b>	<b>6636</b>

In addition to the annual licence fees, the Authority also collects other fees on behalf of the Minister. These are:

**INITIAL LICENCE FEE**

A fee of \$500 is payable on the grant of a licence. During the period 5 October 1992 to 30 April 1993 the Authority received \$500 in initial licence fees from the licensee of 8SUN, Alice Springs, Northern Territory.

**FM ACCESS FEE**

This fee commenced on 3 January 1992 and applies to all non-metropolitan commercial radio grants, including supplementary licence grants, and to situations where existing non-metropolitan commercial radio services convert from AM to FM transmission.

In the case of a licence grant or conversion when there is an existing service in the area, the fee is calculated by applying a formula to the gross earnings of the service or services. When there is no existing service, the FM access fee is calculated by applying the formulae to the gross earnings of any radio licensee whose service area overlaps the proposed licensee's service area, or to the gross earnings of any radio licensee whose service area is similar in size or population as the proposed licensee's service area. During 1992-93, FM access fees totalling \$891 649 were received from incumbent services in Townsville, Nambour, Broken Hill, Tamworth, Bundaberg, Albury, Cairns and Mount Isa.

**COMMERCIAL TELEVISION**

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**ANNUAL LICENCE FEES**

Total licence fees payable by commercial television services during 1992-93, based on gross earnings in the previous financial year of \$1 304 084 000, were \$101 602 000. In the 1990-91 financial year, total licence fees payable by commercial television services were \$112 673 000. Total fees in 1992-93 were from services located as follows:

## LICENSING

### LICENCE FEES PAYABLE

STATE/TERRITORY	CAPITAL CITY	OTHER	TOTAL
	\$'000	\$'000	\$'000
New South Wales and Australian Capital Territory	31 256	8665	39 921
Victoria	26 984	2979	29 963
Queensland	11 097	3367	14 464
South Australia	6847	342	7189
Western Australia	7950	393	8343
Tasmania and Northern Territory	-	1722	1722
<b>Australia</b>	<b>84 134</b>	<b>17 468</b>	<b>101 602</b>

### INITIAL LICENCE FEE

A fee of \$500 is payable on the grant of a licence. During the period 5 October 1992 to 30 April 1993 the Authority received \$500 in initial licence fees from the licensee of STQ, Regional Queensland.

### AGGREGATION REBATES

On 25 January 1990, regulations under the Television Licence Fees Act were gazetted providing for a rebate of licence fees payable by the licensees of regional commercial television services when these services move to aggregate.

The regulations provide that a licensee in an approved market is entitled to a rebate of licence fees if the Minister for Transport and Communications has directed that the service area of the licensee be extended and if the licensee has notified the Authority in writing that it wishes to claim a rebate of licence fees.

A rebate of 100 per cent applies to eligible licensees for fees due in the first year after the Minister has extended the service area. Rebates of 75 per cent, 50 per cent and 25 per cent respectively apply to licence fees due in each of the next three years.

The purpose of the rebate is to provide financial assistance to licensees at the time that they are required to make large investments of capital. The tapering of the rebates is intended to encourage affected licensees to begin their aggregation implementation as soon as possible.

Further regulations were gazetted on 30 April 1991, introducing additional measures to help regional television licensees meet the costs of extending their services to neighbouring areas under the equalisation program.

The extended licence fee rebate scheme gives eligible licensees a 100 per cent rebate of their licence fees for six years, with a maximum rebate of \$1.6m per year. Unused credits can be carried forward beyond the initial six years.

The extended licence fee rebates are in addition to the existing scheme and the two schemes will continue together. Licensees will therefore receive a rebate under one or other of the schemes, according to which gives the greater rebate.

Total rebates allowed in 1992-93 were as follows:

Approved Market	\$M
A	3.278
B	4.145
C	3.753
D	2.861
<b>Total</b>	<b>14.037</b>

## **OWNERSHIP AND CONTROL**

Under the Broadcasting Services Act, licensee companies are required to notify the ABA of all events that lead to a change in the control of a licence within seven days of becoming aware of the event. A person who has come into a position to exercise control of a commercial licence must also notify the Authority within seven days of becoming aware that they have done so. Approval by the Authority is not required for changes in control.

In the period ended 30 June 1993, the Authority received 30 notifications from licensee companies about events leading to changes in control and 70 notifications from persons coming into a position to exercise control of a licence.

The Act requires the ABA to maintain a register of notifications and have it open for public inspection. The register can be viewed at the Library in the Authority's Sydney office.

The Act allows persons to control more than one radio licence in a licence area. Existing licensees in Shepparton, the Gold Coast, Adelaide, Newcastle and Melbourne purchased an additional station in their respective markets.

### **SALE OF THE TEN NETWORK**

On 30 December 1992, Westpac announced the sale of its interests in the Ten television network to Oltec Ltd, a consortium assembled by Canadian broadcaster CanWest Global Communications.

The consortium contained substantial equity held by Australian interests with significant media experience. The Australian members of the consortium included Telecasters North Queensland (TNQ) and Mr John Singleton's Belshaw Pty Ltd.

The levels of foreign ownership met the statutory limits of no more than 15 per cent for an individual and no more than 20 per cent in total. The foreign members of the consortium are:

- CGS Shareholding (Netherlands) BV 15%  
(the vehicle for CanWest Global Communications)
- Winston Capital Inc. 3%

In addition, foreign ownership traced through TNQ meant that Oltec had the maximum level of foreign ownership permitted.

Through a subordinated debenture arrangement, CanWest financed 57.5 per cent of the equity capital invested in the purchase, notwithstanding the restriction of its voting rights to 15 per cent.

The Authority met with the key participants in the sale process including Ten,



Westpac and CanWest on a number of occasions to discuss the progress of negotiations and issues arising from the sale. At the same time, the Authority sought information from the participants on ownership and control issues.

The Authority decided that the 1992 transaction met the control requirements of the Act in terms of company interests. However, the Authority has indicated it will continue to monitor current management and personnel decisions to ensure that the provisions of the Act, which do not allow CanWest to control the network, are not breached.

Mr John Studdy, the Chairman of Goodman Fielder and Mercantile Mutual Holdings, was appointed independent Chairman of The Ten Group Ltd (formerly Oltec) on 4 May 1993. Mr Peter Viner, formerly a senior executive of CanWest Global Communications, was appointed chief executive of the Ten Group on 9 June 1993.

## **SUBSCRIPTION TELEVISION BROADCASTING SERVICES**

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### **RESPONSIBILITIES**

The Authority's major responsibilities in relation to subscription television broadcasting (pay TV) are:

- allocation, following the referral of applications, of satellite subscription broadcasting licences A and B, and after having first obtained a report from the Trade Practices Commission (TPC) that the allocation of the licence would not contravene s.50 of the *Trade Practices Act 1974* (which deals with substantial lessening of competition in the market);
- allocation, on application, of other (non-satellite) subscription television broadcasting licences, again subject to a positive TPC report;
- administration of the Act in relation to pay TV applicants and licensees, in particular the licensee suitability provisions and also the cross-media and foreign ownership provisions until they cease to apply on 30 June 1997;
- monitoring of compliance with licence conditions, in particular the conditions concerning:
  - Australian drama program expenditure;
  - the ban on advertising until July 1997;
  - broadcasting of 'R' classified programming;
  - program siphoning;
  - accessibility of domestic satellite reception equipment;
  - fair priced access to satellite subscriber management systems;
  - rental availability of domestic reception equipment;
- conducting Australia-wide research on community standards of taste and decency in relation to program classification for pay TV and, in particular, how much violence and sex should be allowed on screen;
- providing prior opinions, on application, about whether a proposed subscription service would be classified as a subscription broadcasting (pay TV) service or a narrowcasting service;
- registering codes of practice developed by the pay TV industry group. These are to be developed in consultation with the Authority and are applicable to the

## ***ALLOCATION OF NON-SATELLITE SUBSCRIPTION BROADCASTING SERVICES***

broadcasting operations of pay TV licensees. The codes must provide appropriate community safeguards - licensees' dealings with customers, privacy, billing, fault repair and credit management are issues unique to this industry sector.

### **ALLOCATION OF NON-SATELLITE SUBSCRIPTION BROADCASTING SERVICES**

Under subsection 96(1) of the Act, the Authority is empowered to allocate a subscription television broadcasting service licence which does not use a satellite for delivery. The Authority may therefore allocate pay TV service licences which rely on cable, optical fibre, multipoint distribution systems (MDS) or some other means of delivery. The Authority has approved an application form for the allocation of such licences and an application fee of \$785.

The Authority is also authorised to allocate satellite subscription television broadcasting service licences after 1 July 1997.

On 29 January 1993, the Minister for Transport and Communications notified the Authority of the Government's policy relating to pay TV services to be delivered by MDS. On that date, the Authority was also directed to act in accordance with the policy which was, in summary, that no licences for pay TV services, relying predominantly on MDS for delivery, should be issued prior to the earlier to occur of:

1. the award of licences for satellite pay TV services and the determination of the digital transmission standard for satellite subscription television broadcasting services; or
2. a subscription television broadcasting service by cable being licensed and in a position to operate nationally.

On 1 February 1993, the Authority received six applications from Capacity Pty Ltd, a subsidiary of Australis, for the allocation of subscription television broadcasting licences under s.96 of the Act. The proposed services were described in the applications as using MDS as the means of delivery.

In accordance with the Minister's 29 January 1993 directions, the Authority did not proceed to process the applications and did not refer them to the TPC for its consideration. On 11 February 1993, Capacity Pty Ltd commenced Federal Court action under the *Administrative Decisions (Judicial Review) Act 1977* against the Minister, to which the Authority was joined as co-respondent. As at 30 June, no decision had been made and the applications are still pending.

Since the Minister's notification to the Authority, the Act has been amended by the insertion of subsections (3A) and (3B) into s.96. These have the effect of prohibiting the Authority from allocating a subscription television broadcasting licence to an applicant for a service, dependent on MDS as its means or as a part of its means of transmission, before services commence under licences A, B or C, unless no such services have commenced by 31 December 1994.

On 28 May 1993, the Authority received two applications from Paynet Telecommunications Pty Ltd. The applications were for subscription television broadcasting licences for proposed services in the Townsville/Cairns area to be delivered by fibre optic and coaxial cable. The applications were referred to the TPC on 24 June 1993 and were still pending at 30 June 1993.

## ALLOCATION OF SATELLITE SUBSCRIPTION BROADCASTING LICENCES

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Satellite subscription television broadcasting service licences A and B are being allocated under s.93 of the Broadcasting Services Act and are subject to the price-based allocation system which was determined by the Minister for Transport and Communications on 19 January 1993.

Apart from differing ownership and control restrictions, licences A and B are identical. Each entitles the licensee to provide up to four subscription television broadcasting services through leased transponder capacity on an Optus satellite. The same foreign ownership limits apply to licences A and B (20 per cent individual and 35 per cent aggregate) but licence A is subject to more rigorous cross-media ownership and control restrictions. Persons in control of a large circulation newspaper, a commercial television licence or a telecommunications carrier must not have company interests exceeding two per cent or be in a position to exercise control of licence A. The Authority has the responsibility of formally allocating satellite licences A and B.

The issue by the Authority of licences A or B is subject to a report by the TPC stating the issuing of the licence would not contravene s.50 of the Trade Practices Act (TPA) and the allocation would be authorised under that Act if the applicant had applied for such an authorisation. Authorisation may be granted on public benefit grounds.

On 30 April 1993, the highest bids for licences A and B were publicly announced as being from UCOM Pty Ltd and Hi Vision Ltd, the bids being \$177 000 999 and \$211 999 715 respectively. The Authority was notified on the same day and referred copies of the tenders lodged by UCOM and Hi Vision.

On 3 May 1993, the Authority referred the tender applications to the TPC requesting a report under s.97 of the Act. The TPC furnished two reports concerning UCOM and Hi Vision to the Authority on 16 June 1993. The TPC reported that in its opinion neither the allocation of licence A (to UCOM) nor licence B (to Hi Vision) would constitute a contravention of s.50 of the TPA. It concluded that on any potentially relevant market such an allocation would not be likely to have the effect of substantially lessening competition in a substantial market. The Authority conducted investigations concerning the application of the suitability test in s.98 of the Broadcasting Services Act to both applicants. To conduct these investigations the Authority delegated its powers under ss.173 and 174 of the Act to members of staff, empowering them to conduct examinations and to summons documents or other information.

On 30 June 1993, the Authority notified Hi Vision and UCOM respectively that the relevant licence would be allocated on payment of the price bid.

On 30 June 1993, the Authority released reports relating to its investigations and released the TPC's reports to the Authority.

At 30 June 1993, the 30 day period within which UCOM and Hi Vision must pay their tender bids had not elapsed.

**PROGRAMS**

*PROGRAMS*

The Authority's programming activities are directed towards determining and maintaining television program standards for Australian content and children's programs, registering and monitoring industry codes of practice covering program content issues and assembling information relating to broadcasting (and community attitudes to broadcasting), to assist both processes.

The Research and Assessment Branch of Programs Division monitors the compliance of licensees with the standards (and codes), investigates complaints, undertakes research and provides information about programming on radio and television services in Australia.

The Standards Branch consults with industry on the development of codes of practice, assesses codes submitted to the Authority for registration, monitors program issues, including Australian content on television and children's television, and assesses programs submitted for classification under the children's television standards.

## **CODES OF PRACTICE**

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The *Broadcasting Services Act 1992* establishes a new framework for the regulation of program content issues. The primary responsibility for ensuring that programs reflect community standards and for handling complaints about program content now rests with broadcasters themselves. The former system of program standards determined by the regulatory body is to be replaced by a system of industry developed codes of practice. Compulsory standards have been retained for Australian content on television and children's television regulation only. These standards were automatically carried over under the new legislation as Authority standards.

Under the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992*, the Authority decided to carry over the program standards which were not transferred automatically to the Authority. In carrying over these standards, the Authority also decided the sectors of the industry to which they will apply. These standards remain in force until October 1994 or until the Authority registers a relevant code of practice. If no code of practice has been developed in a particular area, or if the Authority is convinced that a code has failed, the Authority may develop and determine a new program standard.

Industry groups are formulating codes of practice governing all aspects of program content (other than Australian content on television and children's television) including the portrayal of violence, sex and nudity on television, news and current affairs programs on television and radio, and matters likely to incite hatred against any person or group on the basis of race, nationality, ethnicity, gender, sexual preference, religion, age or disability. The process of code development requires consultation with the public and the Authority. Any relevant Authority research must be taken into consideration by each sector of the industry.

The Authority is required to register a code if it is satisfied that the code provides appropriate community safeguards for the matters covered, is endorsed by a majority of service providers in that sector of the industry and members of the public have had an adequate opportunity to comment on the code.

## **PROGRAMS**

### **COMMERCIAL RADIO CODES OF PRACTICE**

Five codes of practice for the commercial radio industry, developed by the Federation of Australian Radio Broadcasters (FARB), were registered by the Authority on 17 May 1993 and came into force on that date. The codes are Programs Unsuitable for Broadcast, News and Current Affairs Programs, Advertising, Australian Music and Complaints. The Authority registered a sixth code, Interviews and Talk-Back Programs, on 22 June.

In addition, FARB has developed supporting guidelines designed to assist broadcasters to understand and meet the requirements of the codes. The *Guidelines and Explanatory Notes on the Portrayal of Women on Commercial Radio* and the *Guidelines on the Portrayal of Indigenous Australians* were the result of wide consultation by FARB with women's groups and groups representing Aboriginal and Torres Strait Islander people.

### **COMMERCIAL TELEVISION CODES OF PRACTICE**

On 28 April 1993, the Federation of Australian Commercial Television Stations (FACTS) submitted its code of practice, developed for the commercial television industry, to the Authority for registration. FACTS' draft code had been exposed to two rounds of public comment before being submitted to the Authority.

Following a meeting with Authority staff on 1 June, FACTS submitted a revised version to the Authority on 11 June 1993. As at 30 June 1993, consultation was continuing between FACTS and the Authority.

### **CODES OF PRACTICES FOR NATIONAL BROADCASTERS**

Both the ABC and SBS are required to develop codes of practice and notify them to the Australian Broadcasting Authority. The ABC notified the Authority of its code on 7 December 1992 and SBS on 9 February 1993.

## **AUSTRALIAN CONTENT ON TELEVISION**

Under s.122 of the Broadcasting Services Act, the Authority is required to determine standards for Australian content on commercial television. The Authority assumed responsibility for the Australian content of television programs, as set out in Television Program Standard (TPS)14, on 5 October 1992. The standard, originally determined by the Australian Broadcasting Tribunal, became a standard of the Authority under the Broadcasting Services (Transitional Provisions and Consequential Amendments) Act.

The standard was determined as a result of a four year public inquiry by the Tribunal and came into effect from 1 January 1990. The cultural objectives of the standard are to encourage programs which are identifiably Australian, recognise the diversity of cultural backgrounds represented in the Australian community, are developed for an Australian audience and are produced under Australian creative control.

The standard has two elements - a transmission quota for the overall level of Australian content and a quota for first run drama/diversity and children's drama programs.

The standard sets a transmission quota of 50 per cent Australian content between 6 a.m. and midnight from 1993, with both first run and repeat programming counting towards the quota. This was set at 35 per cent for 1990 and increased by five percentage points each calendar year until 1993.

The requirement for first release drama/diversity programs are designed to increase program diversity. The diversity program categories (Social Documentary, Arts, Science, Current Affairs/News Specials, Variety and New Concepts) were identified by the Tribunal in 1989 as absent or under represented on commercial television.

The drama/diversity and children's drama requirements are measured by a formula based scoring system. This system is intended to provide licensees with flexibility in complying with the standard. Individual program scores are calculated by multiplying an 'Australian factor' by a 'quality factor' and by the number of hours transmitted.

### **AUSTRALIAN FACTOR**

The Australian factor is determined by the amount of Australian involvement in the creative control of the program. The objective test for an Australian drama program is a check list of creative roles to be performed by Australians and a requirement that the program has an Australian theme or perspective.

The Australian factor test seeks to achieve the objective of identifiably Australian programs developed for an Australian audience by requiring that, 'Australians must exercise direction over the creative decisions involved in the development, appointment of key creative personnel, pre-production, filming and post-production of the program' (TPS14(25)).

The quality factor is based on an average purchase price per hour for the various drama formats and on the notional costs and programming risks in the case of diversity programs.

The drama/diversity score, which includes scores for Australian drama, children's (C) drama and diversity programs, is set at 4215 points for the three years commencing 1 January 1990. There are minimum scores to be achieved annually and over each three year period. The minimum three year drama score is 2550 points, or an average of 850 points per year. However, the minimum annual score is set at 750 points to allow for additional flexibility and is designed to take into account the possible failure of individual programs. The minimum annual score for C drama was 170 points in 1992. C drama points in excess of the minimum may count towards the licensees' Australian drama score.

### **COMPLIANCE: 1992**

All stations complied with the transmission requirement of the standard in 1992. However, there was one contravention by a licensee in relation to compliance with the drama/diversity requirement of the standard. BTQ Brisbane scored 168 C drama points, falling short of the required 170 C drama points. The licensee indicated to the Authority that the two point deficit was the result of an oversight as the station re-scheduled a C program for a C drama program for broadcast in December 1992. BTQ had exceeded its three year C drama requirement and the Authority decided to take no further action regarding the two point shortfall in 1992.



### **COMPLIANCE: THE FIRST THREE YEARS (FROM 1 JANUARY 1990)**

All licensees complied with the minimum three year drama/diversity requirement of the standard in the period.

### **AUSTRALIAN DRAMA PROGRAM EXPENDITURE GUIDELINES FOR SUBSCRIPTION TELEVISION BROADCASTING SERVICES**

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All subscription television broadcasting services which include a predominantly drama format are subject to an Australian content expenditure requirement. It is a condition of such pay TV licences that at least 10 per cent of the annual program expenditure for the drama service be spent on new Australian drama programs.

In December 1992, the Authority exposed draft guidelines on drama program expenditure for public and industry comment. The Authority took this step to provide tenders and licensees with assistance as to the practical application of this licence condition. These draft guidelines were included in the Authority's *Guide to Subscription Television Broadcasting Services*.

### **CHILDREN'S TELEVISION STANDARDS**

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Section 122 of the Act states that the Authority is required to develop standards for children's programming.

When the Authority superseded the Tribunal in October 1992, the existing children's television standards were carried over under the provisions of the Broadcasting Services (Transitional Provisions and Consequential Amendments) Act.

The standards oblige commercial television licensees to broadcast minimum annual quotas of specially classified children's programs. The quota is 390 hours per year, comprising 260 hours of C classified programs and 130 hours of P classified (preschool) programs. Altogether, this is equivalent to approximately one hour per day.

C and P programs must be classified by the Authority before they are broadcast. This is the only area in which licensees are required to submit programs to the Authority for classification prior to broadcast.

C and P programs do not have to be Australian. This requirement is separate from the requirement to transmit C Australian drama.

To meet the minimum hours required, C and P programs must be transmitted according to a schedule of C and P time periods submitted to the Authority by the licensee. Licensees may vary this schedule for a major sporting event or event of national importance but must notify the Authority if they plan to do so.

### **ASSESSMENT AND CLASSIFICATION OF CHILDREN'S PROGRAMS**

The Authority continued the assessment and classification procedures which were in place before October 1992.

The system is based on initial screening of programs by Authority staff and

assessment by specialist consultants on a case by case basis. The objective of the system is to deal with applications more promptly under simplified procedures and eliminate the delays which had occurred under the previous committee system.

These procedures have now been in operation for more than a year and have proven to be a success in terms of improved client service, much reduced material requirements for applications, reduced processing time and the provision to applicants of more timely and comprehensive reports of decisions and reasons on applications.

### **APPLICATIONS PROCESSED**

In the period 5 October 1992 to 30 June 1993, the Authority considered 55 applications for programs seeking C or P classification, and decided that:

1	be classified P
8	be classified Provisional C
14	be classified C
19	be classified C Drama
13	be refused classification
<b>55</b>	<b>Total.</b>

A list of programs classified P, C or C drama in this period appears in Appendix F.

### **COMPLIANCE**

The children's television standards require licensees to transmit each year a minimum of 260 hours of C programs and 130 hours of P programs. All licensees complied with the annual minimum transmission requirement of the standard.

All licensees met the three year C drama requirement of the standard. BTQ Brisbane had a two point C drama deficit in 1992 but exceeded its three year requirement (see above).

### **COMMENTS AND COMPLAINTS**

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The Authority received comments and complaints from the public as part of its responsibility for program standards. All such representations, whether written or by phone, are considered and investigated where necessary. A response is provided when requested.

However, primary responsibility for handling complaints about program content rests with the radio or television service itself. This applies equally to the national broadcasters and is part of a wider shift in responsibility to broadcasters for ensuring that programs reflect community standards. All broadcasters are expected to develop self-regulatory codes of practice on matters relating to program content and how they handle complaints.

Under this system, complaints need to be made to the broadcaster concerned who should deal with the complaint. If the broadcaster does not respond or if its response

## **PROGRAMS**

is not satisfactory, then the Authority can be asked to investigate the matter.

The Authority received a total of 1872 complaints and comments in the period 5 October 1992 to 30 June 1993.

All the complaints were recorded on a complaints database which provides the Authority with a cross-reference from each complaint to a standard, and, where relevant, the licensee and the program. The database also contains categories to cover programming matters for which no standard or code exists, but about which the Authority receives complaints. This assists the Authority in monitoring the operation and effectiveness of standards and codes.

Monthly reports about the complaints finalised and processed during each month are available for examination by the public at the Library in the Authority's Sydney office.

The tables in Appendix E provide a summary of the nature and number of complaints and comments received during the period concerning various aspects of television and radio programs or advertising.

Provided broadcasters comply with the provisions of the standards, codes and the Act, the Authority does not normally intervene in the day to day programming of stations.

## **RESEARCH**

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Conducting or commissioning research into community attitudes is a function of the Authority. Such research is designed to assist the Authority and the broadcasting industry to be responsive to issues of community concern.

The Authority maintains an ongoing research program on a range of community attitudes on issues relating to broadcasting. The research program and the publication of research commissioned by the Tribunal and two new Authority studies have formed the major part of research activity since October 1992.

The first of these studies is on children and classification issues. The qualitative stage, in April 1993, consisted of 18 focus group discussions with 108 children, aged 5 to 12 years, in regional and metropolitan areas of New South Wales. The aim was to research what children think about television classification issues, what programming on television concerns them and what advice or warnings about program material would be most effective in providing assistance in program selection to children, their parents and/or guardians. The research was conducted by the Authority at a cost of \$12 735. The quantitative stage will be conducted in the latter half of 1993 with children from the New South Wales schools system.

The second major study is looking at how pay TV content can be related to community standards for taste and decency. Issues include classifications for pay TV, the limits of acceptability and the nature of any concerns about content. The Authority is required to conduct this research and to recommend to the Parliament whether R rated material can be broadcast on pay TV. The Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies has been charged by the Senate to report on the quality and adequacy of the research conducted by the Authority. The qualitative fieldwork for the pay TV research (10 groups of 10 participants) started in urban and rural areas of New South Wales and

South Australia in March and April 1993. Selected clips from R rated movies were shown to participants to provide a basis for discussion. The Australia-wide quantitative survey is scheduled for 1993-94. The qualitative research was conducted by Keys Young at a cost of \$25 320. An independent consultant, Dr Kevin Durkin from the University of Western Australia, was contracted to provide additional information for this study at a cost of \$5000 for this financial year.

The Authority may also contract market research companies to include questions of interest to the Authority on current community attitudes in their ongoing omnibus (or regular public opinion) surveys. For example, people were asked whether they had seen anything on television in the previous week which caused them concern and what those concerns were. This provided insights into public concerns about media coverage of the siege at Hanging Rock, New South Wales. This survey was conducted by AGB McNair on 3-6 April 1993 and involved 1504 respondents at a cost of \$3500.

A new format for presenting a review of audience measurement data for television and radio stations across Australia for 1992 was begun this year. This information had previously been published in the Australian Broadcasting Tribunal's *Broadcasting in Australia* series but will, in future, be published as part of the Authority's *Trends and Issues* series.

The Authority subscribes to audience ratings data supplied by Nielsen Media Research and AGB Australia. This information is used to assess audience trends and supply information to support the functions of the Authority. The cost of purchasing television audience ratings from Nielsen was \$52 440. This year, average figures for radio audiences in 1993 were purchased from AGB Australia at a cost of \$5000.

The Authority also published three monographs and one supplement based on previous Tribunal research covering classification issues use of television and cultural diversity on television. These are listed in Appendix J.

*PROGRAMS*

**LITIGATION AND REVIEW**



Litigation involving the former Australian Broadcasting Tribunal (the Tribunal) continued to apply to the Authority, because on the commencement of the *Broadcasting Services (Transitional Provisions and Consequential Services) Act 1992*, all rights and liabilities of the Tribunal became rights and liabilities of the Authority (s.23). Decisions of the Authority (in particular cases provided for by the Act) may be subject to appeal to the Administrative Appeals Tribunal (AAT) (s.204) on the merits. Review on the law is available under the *Administrative Decisions (Judicial Review) Act 1977* (ADJR Act).

## **1. HIGH COURT OF AUSTRALIA**

### **Australian Broadcasting Tribunal v Bond & Ors**

In June 1993, agreement was reached with some parties to these actions to pay to the Authority the legal costs associated with these actions.

## **2. FEDERAL COURT - ADJR ACT REVIEW**

### **United Telecasters Ltd (in liquidation) v Australian Broadcasting Tribunal and Ors**

The former licensee company of the TEN Sydney commercial television licence, in liquidation and with receivers appointed, sought review of the Tribunal's decision of 14 February 1992 to approve the share transfers from the licensee companies in receivership to wholly owned subsidiaries of Westpac Banking Corporation. The matter was heard before Justice Einfeld on 2 July 1992, but judgment has not been delivered. The matter was discontinued as against Television & Telecasters Ltd and Westpac Banking Corporation in February 1993. On 4 June 1993, consent orders were made that without admission, the proceedings be dismissed against the first respondent and the applicant pay the respondent's costs.

### **Capacity Pty Limited v Minister for Transport and Communications and the Australian Broadcasting Authority**

On 11 February 1993, the applicant sought an order of review and declarations and other relief in the Federal Court in respect of the Minister's decision of 29 January 1993 to issue instruments under ss.161 and 162 of the Broadcasting Services Act affecting the consideration by the Authority of s.96 subscription television broadcasting licence applications for services using multipoint distribution systems (or MDS). The application was heard by Justice Whitlam on 21 April 1993 and his Honour reserved his decision. Section 96 was amended on 14 May 1993 to clarify the Minister's power; however as at 30 June 1993, the parties had not concluded a settlement.

## **3. ADMINISTRATIVE APPEALS TRIBUNAL REVIEW**

### **Valerie Lawson**

On 28 August 1992, Ms Valerie Lawson of the *Sydney Morning Herald* commenced review proceedings concerning a Tribunal decision under the Freedom of Information Act not to release a number of documents concerning the Tourang Consortium's bid for the Fairfax Group. On 28 January 1993, Ms Lawson withdrew her application.



*LITIGATION*

**PUBLIC INFORMATION**



## PUBLICATIONS

### Broadcasting Financial Results 1991-92

*Broadcasting Financial Results 1991-1992* contains financial results for commercial television and commercial radio. Comparative figures for the three metropolitan television networks, television services in approved markets B (Northern NSW) and C (Southern NSW/ACT) and the four major radio networks are included.

The publication was released on 16 March 1993. It sells for \$60 and the data contained therein is available on diskette for \$40. In the period to 30 June 1993, sales of books and diskettes raised \$4890.

### ABA Update

The Authority publishes a monthly newsletter, *ABA Update*. The newsletter contains information about Authority activities, current issues, extracts from speeches, litigation summaries and details of new services.

A yearly subscription to *ABA Update* costs \$36. In the period ending 30 June 1993, it raised \$6593.

### Monographs

Three monographs based on research into community attitudes to broadcasting were published in the period to 30 June 1993. They were:

1. *Classification Issues, Film Video and Television* (published in conjunction with the Office of Film and Literature Classification);
2. *Living With Television*; and
3. *The People We See On TV, Cultural Diversity on Television*.

A supplement to Monograph 3, *From the Dark Side* by Lester Bostok, was also published. All monographs were priced at \$9.95, with *From the Dark Side* priced at \$5 on its own or provided free to purchasers of Monograph 3.

To 30 June 1993, Monograph 1 raised \$238, Monograph 2 raised \$527 and Monograph 3 raised \$353.

### Current State of Radio and Television Planning (6 vols)

These documents provided a picture of broadcasting planning in Australia at the time of the commencement of the Authority (5 October 1992). The policy and technical planning criteria which form the basis for development of broadcasting planning are highlighted. Planning information for individual markets, including demographic data, existing services, capacity for future services and technical constraints, is discussed.

Copies were placed in most municipal libraries in Australia as a reference for people wishing to make submissions on priorities for broadcast planning.

Copies were sold for \$20 each or \$100 for the full set of six. To 30 June 1993, sales of these publications raised \$5613.

### Radio and Television Broadcasting Stations 1993

This publication contains technical details of all broadcasting services on the broadcasting services bands. It lists AM radio, FM radio and television services in call

## **PUBLIC INFORMATION**

sign and frequency order and contains general information about radio and television transmission standards.

Copies were available for \$25, but as the book was not published until late June, no funds were raised in the period to 30 June 1993.

### **OTHER PUBLICATIONS**

The Authority produced a number of information pamphlets, fact sheets and information kits during the period. A full list of these appears at Appendix J. The Authority inherited the publication stocks of the former Australian Broadcasting Tribunal and Station Planning Branch of the Department of Transport and Communications.

### **MARKETING OF PUBLICATIONS**

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A major mail order campaign for Authority publications was conducted in November 1992. This consisted of a mail out of a four colour flyer on the fourth edition of the Tribunal's *Broadcasting in Australia*, together with an order form containing details of other publications, to the 6000 names on the Authority's main mailing list.

During the year, the Authority introduced an accounting software package which facilitated the generation of targeted mailing lists from a customer database. Two mail order campaigns, for volume six of *Current State of Radio and Television Planning* and *ABA Update*, were conducted using this data.

A publications flyer with a brief description and price of each publication, together with an order form, is updated periodically. This flyer is supplied to people who write or phone to inquire about Authority publications. The flyer is designed in-house.

### **PUBLIC RELATIONS**

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#### **Media Liaison**

A total of 2765 media calls were taken in the period ended 30 June 1993.

#### **News Releases**

A total of 115 news releases were issued in the period to 30 June 1993. A full list of these appears at Appendix C.

#### **Media Training**

In-house media training for Authority officers was offered during the period. Authority officers who were most likely to be required to make media comment were trained in radio and television interview techniques while other officers were trained in draft media release production, media literacy and strategic planning for communications. Most staff from the ASO6 level up have attended either or both courses.

## **LIBRARY**

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The policies of the Library have been directed towards developing it as a centre of excellence on broadcasting issues.

The depth and range of information contained in the Library is such that for many in the community, it is the premier source of inquiry on broadcasting matters.

The Library has established access to a number of remote information databases, both national and international, as value-added services, to deliver timely and current information on issues which affect the Authority.

Acknowledging its responsibility to disseminate information on its resources widely, the Library contributes its holdings to the national bibliographic database, ABN.

Similarly, it distributes its current awareness services, the quarterly *Library Bulletin* and the monthly *Contents Pages* to all Authority staff, as well as a wide range of institutions and individuals both in Australia and overseas.

Furthermore, the Library regularly reviews and compiles abstracts of new items received in the Library for *ABA Update*.

## **FREEDOM OF INFORMATION**

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

### **REQUESTS MADE**

In the period 5 October 1992 to 30 June 1993, seven requests were received direct and two were transferred from another agency. One request for an internal review was received. The Authority assumed responsibility for two requests received by the Australian Broadcasting Tribunal which were awaiting a hearing by the Administrative Appeals Tribunal (AAT). These matters were subsequently withdrawn, in November 1992 and January 1993, and notices under s.42A of the *Administrative Appeals Tribunal Act 1975* were issued by the AAT, thereby finalising the matters.

In relation to the requests received since 5 October 1992, access was granted in full in three cases; access was granted in part for one; another was deemed to have been withdrawn by virtue of sub-section 29(2) of the FOI Act as the applicant failed to give the Authority the required notice of intention; and four were outstanding at the end of the period. The request where access was granted in part related to some documents which contained names and addresses of applicants for transmitter licences or prior opinions under s.21 of the Broadcasting Services Act. The release of those names and addresses was considered likely to have had an adverse effect on the business affairs of the organisations concerned.

The internal review was sought under sub-section 54(1D) of the FOI Act and

## ***PUBLIC INFORMATION***

concerned the decision to release documents concerning a consulted party's business affairs. The review affirmed the original decision that the documents should be released. The consulted party later indicated that it would not seek review by the AAT and the disputed documents were provided to the original applicant.

The average time taken to notify decisions was 60 days. Many of the requests required consultation to be conducted under s.27 of the FOI Act which prolonged the response time.

### **COST OF FREEDOM OF INFORMATION**

The total cost to the Authority for Freedom of Information activities in the period was approximately \$12 921. Training activities in the form of attendance at FOI seminars organised by the Attorney-General's Department, accounted for nearly \$5000 of this amount. A broad cross-section of the staff are now aware of the Authority's responsibilities under the FOI Act.

Charges were not imposed in three cases on public interests grounds. Reduced charges were imposed in another case. A total of \$2096 was received during the period representing charges associated with the requests. A further \$220 was received in the form of application fees.

Staff costs for Freedom of Information activities were approximately \$3771 which, with 85 per cent overheads of \$3205, made a total of \$6976 for 267 days.

**ORGANISATION AND STAFF**





## **HUMAN RESOURCES**

Section 165 of the Broadcasting Services Act provides that staff of the Authority shall be employed under the *Public Service Act 1922*.

The Authority's Senior Staff, as at 30 June 1993 were:

### **Senior Executive Service**

Mr Norm Grimmond	Acting Director, Corporate Services Division
Mr Colin Knowles	Director, Planning Division
Ms Pat Manser	Director, Licensing Division (temporary transfer)
Ms Debra Richards	Acting Director, Programs Division
Ms Jennifer Stafford	Manager, Change and Communications

### **Other Senior Staff**

Ms Michele Blum	Assistant Director, Grants and Renewals Branch, Licensing (temporary transfer)
Ms Lurline Caffery	Librarian, Library Branch, Corporate Services
Ms Fiona Chisholm	Manager, Media and Public Relations Branch, Corporate Services
Ms Madeleine Davis	Acting Assistant Director, Management Services Branch, Corporate Services
Mr Bob Greeney	Assistant Director, Engineering Branch, Planning
Mr Graeme Haigh	Assistant Director, Secretariat Branch, Corporate Services
Mr Nick Herd	Assistant Director, Research and Assessment Branch, Programs
Ms Lesley Osborne	Assistant Director, Standards Inquiries Branch, Programs (Temporary Transfer)
Mr Mike Salloom	Assistant Director, Planning Administration Branch, Planning
Mr John Small	Manager, Information Systems Branch, Corporate Services
Mr John Souter	Acting Assistant Director, Ownership and Control Branch, Licensing
Mr Giles Tanner	Acting Principal Legal Officer, Legal Branch, Corporate Services
Mr Michael Zagame	Assistant Director, Information and Analysis Branch, Licensing

### **STAFFING OVERVIEW**

The Authority was established on 5 October 1992 and is required to reduce staff numbers by approximately twenty five per cent to (156), by the end of the 1993-94, financial year.

As at 30 June 1993, the Authority employed 185 staff. This figure included three

## **ORGANISATION AND STAFF**

statutory office holders (Chairman, Deputy Chairman and one Member), 174 permanent officers and 13 temporary employees. Of the total, 124 staff were located in Sydney, 44 in Canberra, nine in Melbourne, four each in Brisbane, Adelaide and Perth and one in Hobart. The Authority has three permanent part-time staff.

Of the 185 non-SES staff, 85 are women.

As at 30 June 1993, three of the five Senior Executive Service positions were staffed by women.

### **CHANGES IN MEMBERSHIP AND SENIOR STAFF**

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#### **Mr Brian Johns**

Mr Johns was appointed Chairman of the Authority on 5 October 1992 for a five year term due to expire on 4 October 1997.

#### **Mr Peter Webb**

Mr Webb was appointed as a member of the Authority on 5 October 1992 until 4 October 1997. On 1 February 1993 he was appointed as Deputy Chairman of the Authority, until 4 October 1997.

#### **Mr Tim O'Keefe**

On 5 October 1992, Mr O'Keefe was appointed as a member for the Authority for a five year term due to expire on 4 October 1997.

#### **Ms Jennifer Stafford**

Upon return to work from maternity leave, Ms Stafford was placed in the role of Change and Communications Manager. The role of this position is to oversee the downsizing and creation of a new structure for the Authority. This function will cease once the new structure has been put in place.

### **RESTRUCTURING**

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On the creation of the Authority, the structures of the former Australian Broadcasting Tribunal and the former Station Planning Branch of the Department of Transport and Communications were transferred, intact, into the new organisation. In March 1993, a joint union and management Review Group was established to create a new structure for the Authority. The Group finished its work at the end of May and the Chairman announced the new structure on 25 June 1993.

### **PERFORMANCE PAY**

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Arrangements for performance appraisal and performance pay for the Senior Executive Service (SES) and the Senior Officer Structure and equivalents (SOS) was endorsed by the Australian Industrial Relations Commission (AIRC) as part of the Government and the Public Sector Unions' Agreement Improving Productivity, Jobs and Pay in the Australian Public Service 1992-1994.

The Performance Management Program (PMP) for the SOS was established in early

1993. With the agreement of the Authority's SES officers, the previous SES scheme was combined with the SOS PMP. The Public Service Commission endorsed the Authority's PMP Guidelines on 6 May 1993. The initial three month appraisal cycle began on 1 March 1993 and concluded on 31 May 1993.

A separate appraisal scheme continues to exist for legal staff. Legal staff are entitled to receive performance pay under the PMP subject to certain conditions.

As part of the arrangement endorsed by the AIRC, SES officers are eligible to receive performance pay after 30 June 1993 in respect of annual appraisal cycles completed in the first half of 1993. It is expected that SES officers will receive performance pay in the latter half of 1993.

SOS officers were entitled to receive performance pay from the date of the agreement provided that an initial appraisal cycle of three months had been completed. The Authority's SOS officers and equivalent classifications, including legal officers, were paid performance pay on 17 June 1993.

The Authority paid a total \$127 019 to 50 staff for performance pay in the 1992-93 financial year. The break up for each classification is as follows:

<b>Classification</b>	<b>Number Of Officers</b>	<b>Amount Paid</b>
SOG A & equivalents	4	\$19 963
SOG B & equivalents	15	\$56 070
SOG C & equivalents	31	\$51 013

## **TRAINING**

The Authority is committed to a high level of staff development and training and, during the nine month period, all staff were encouraged to attend training courses, conferences and seminars.

The expenditure by the Authority, for eligible training under the Training Guarantee Scheme, for the period 5 October 1992 to 30 June 1993 was \$383 570. This comprised 5.92 per cent of the Authority's payroll of \$6 477 727. The minimum training requirement is 1.5 per cent of the national payroll. At the end of the financial year, 185 people were employed at the Authority of whom 149 spent a total of 727 days on eligible training activities. The 149 people fell into the following categories:

	<b>%</b>
Women	50
People of non-English-speaking background	18
Aboriginal and Torres Strait Islanders	0
People with disabilities	2

Several middle managers attended courses provided by the Public Service Commission (PSC) under its Middle Management Development Program and several senior officers used the development opportunities offered by the PSC. Other staff attended a variety of training seminars, workshops and lectures such as reading skills, negotiation skills, supervision, writing skills, stress management, team-building, developing job seeking skills and information technology training.

The Authority is a member of the Joint Agencies Training Committee (JATC) which comprises personnel and training managers from 19 small government agencies in Sydney. The agencies pool their resources to produce a combined training program

## **ORGANISATION AND STAFF**

offering cost effective activities catering for the needs of people in member organisations. During the nine month period 36 courses were run.

An officer from the Authority participated in the NSW Action Management program. This program was developed by the NSW Regional Directors' Training Steering Committee (RDTSC). It is a seven month action learning development program for middle managers in the Australian Public Service. Project-based, it is designed to provide a significant development opportunity, particularly in people management skills, for a mixture of new and experienced managers.

The Authority has received special funding of \$20 000 from the PSC to undertake a project to produce a Human Resource Development Strategic Plan and Performance Management Program.

Several staff members from the Sydney office gained work experience by spending a one-week period in the Canberra office and several staff members from the Canberra office worked in the Sydney office.

Two staff members completed work placements of six months each under the Staff Interchange Program in other organisations and one person completed a work placement of six months at the Authority. All were placed in Sydney.

## **EQUAL EMPLOYMENT OPPORTUNITY**

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The objectives of the Equal Employment Opportunity (EEO) Plan focus on a range of specific actions and desired outcomes. The Authority is committed to an ongoing program of identifying and eliminating discriminatory practices and introducing measures which will allow people in target groups equality of employment opportunity.

The Director, Corporate Services Division (CSD) is responsible for EEO in the Authority. Responsibilities include overseeing the development, implementation and review of the Plan and other EEO initiatives. The Director CSD is assisted by the Assistant Director CSD, the EEO Co-ordinator and the resources of the EEO Committee which consists of management and union delegates.

Under the EEO Plan, all staff have direct responsibilities for implementing EEO. In particular, supervisors and managers now have a much more proactive role in promoting equity-based policies and practices.

The major priority for the period of recruiting at least one Aboriginal or Torres Strait Islander was not accomplished due to the restructuring process and staff reductions. However, work has commenced on an Aboriginal and Torres Strait Islander Recruitment Strategy which includes the implementation of a cadetship to commence in 1994.

A survey of the percentage of officers in the target groups was undertaken and findings are as follows:

Total number of positions filled as at 30 June	185
Number of these filled by EEO target groups	93
Number of appointments made during the year	2
Number of these filled by EEO target groups	1

## **INDUSTRIAL DEMOCRACY**

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The Authority is committed to industrial democracy and, in accordance with industrial democracy principles, staff and union are represented on various Authority committees. The Director CSD is responsible for the implementation of industrial democracy principles and practices. The Director CSD is assisted by the Assistant Director CSD and the Industrial Democracy Co-ordinator.

An Industrial Democracy Committee, comprising management and union delegates, has been set up to review the existing Industrial Democracy Plan. The Committee will report to the Consultative Council which comprises the Chairman, senior management and union delegates.

Issues discussed by the Consultative Council during the nine month period included accommodation, corporate planning, the establishment of the Authority structure, Studybank, the Employee Assistance Program, childcare and SES/SOS performance appraisal.

The geographical spread of work areas poses a problem for the Authority. About 60 per cent of staff work in Sydney, about 25 per cent in Canberra and the remainder in Brisbane, Melbourne, Hobart, Perth and Adelaide.

The Authority has completed a draft Corporate Plan. All staff were involved in the planning process by means of workshops in Sydney, Melbourne and Canberra. Following these workshops, a three-day residential conference was held for the Chairman, members and senior staff. The first draft plan was circulated to all staff for comment followed by a final draft.

During the period, participative job re-design took place in all areas of the Authority in preparation for the restructuring of the organisation. Staff met to discuss tasks, work methods and relationships for groups of jobs and then assembled new work patterns.

## **OCCUPATIONAL HEALTH AND SAFETY**

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It is the policy of the Authority to promote and maintain the highest degree of health, safety and well-being of all staff by aiming to:

- prevent accidents and ill-health caused by working conditions;
- protect staff from any health hazard which may arise out of their work or the conditions in which it is carried out; and
- place and maintain staff in an occupational environment designed to satisfy their needs or health, safety and well-being at work.

The Authority's Occupational Health & Safety Committee met in December 1992, March 1993 and June 1993 to discuss health and safety matters. The Committee membership is made up of an equal number of management, health and safety representatives and union delegates.

The Authority has three designated work groups with one health and safety representative and one deputy for each group. All six people have undertaken the five-day training course which is accredited by the Commission for the Safety Rehabilitation and Compensation of Commonwealth Employees.

## **ORGANISATION AND STAFF**

Prior to each quarterly Committee meeting, the health and safety representatives carried out workplace inspections. Action was then taken to remedy any problems or prevent any potential hazards.

No serious accidents or dangerous occurrences took place during the period.

### **STATUS OF WOMEN**

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The Authority does not have a women's unit but actively encourages women to attend courses especially designed for the development of women. During the nine month period staff have attended courses such as Women in Management, Professional Development Strategies for Women, Leadership Skills for Women and Career Development.

### **INFORMATION SYSTEMS**

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Extension of the Head Office local area network (LAN) to all Head Office staff was completed early in 1993. The LAN is being used to make various data bases and facilities more accessible to Head Office staff, most of whom have now been trained in how to use electronic mail and the Authority's standard word processing package. The high level of usage of the LAN has created a significant support workload, with some 20 calls for advice or help being received by the Help Desk on an average day.

Although the Sydney and Canberra LANs remained separate, dialup access to the Sydney LAN was implemented in Canberra, enabling Sydney and Canberra staff to use electronic mail to communicate and to exchange documents and files. Other Information Systems work has included changes to various Head Office data bases to reflect the new role and structure of the Authority.

Almost all the 1992-93 information technology purchases were of PC hardware and software. Most hardware purchases were made under Commonwealth Government period contract PE50. Software purchases were made either from the cheapest available retailer, or from an authorised distributor if the product could not be purchased retail. Software upgrades were purchased from authorised local distributors.

### **SOCIAL JUSTICE**

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The Authority has held regular consultative meetings with industry, interest and consumer groups. These discussions enabled the formulation of strategies which help meet the needs of the Authority's clients under the Government's social justice initiatives.

The Authority also undertakes an ongoing and extensive attitudinal research program which informs the broadcasting regulator's decision-making processes. The research ensures that Australians' opinions about television and radio find expression.

Public consultation processes are also an important part of the Authority's broadcast planning processes.

The new planning functions of the Authority are set out in Part 3 of the Act which

emphasises the efficient and effective allocation of the broadcasting services bands to meet market and social needs. There is a three stage planning process:

- the determination of priorities,
- the preparation of frequency allotment plans (FAPs), and
- the preparation of licence area plans (LAPs).

All stages of the planning process are, and will be, the subject of wide public consultation. To this end, in December 1992, the Authority invited submissions from the public about priorities for planning radio and television services throughout Australia. In response, the Authority received 567 submissions. A further 303 submissions were received in the second round of public comment following the release of the exposure draft of *Determination of Planning Priorities* and *Draft Frequency Allotment Plans* (see below).

The public's participation in the planning process was encouraged by way of a mail out of free information kits to around four thousand people. The Authority also activated a freecall 008 telephone number to allow the community to inquire about broadcasting planning issues.

The Authority conducted national radio planning seminars for the industry and the public in November and December 1992. The purpose of the seminars was to explain broadcasting planning and to encourage ideas about how broadcasting services should be planned. The Authority outlined to the attendees ways in which they could influence planning.

Further seminars were held in May 1993, to discuss planning priorities for radio and television. Workshops on related technical matters were held following the release, on 2 May 1993, of two documents for public comment, *Determination of Planning Priorities: Exposure Draft* and *Draft Frequency Allotment Plans*.

Frequency planning has created capacity for six television services in capital cities and most regional areas. A decision on the permanent use of the sixth television channel cannot be made before the Minister undertakes a review of the commercial television industry. The review must be undertaken before 1 July 1997. However, the Minister requested that the Authority give favourable consideration to making the channel immediately available for community and educational television on a continuing trial basis. This request followed the recommendation in the House of Representatives Standing Committee on Transport, Communications and Infrastructure (HORSCOTCI) report on future uses of the sixth television channel.

The Authority has licensed consortia in Sydney, Melbourne, Adelaide and Lismore to use the sixth channel until 28 February 1996. The consortia have satisfied the Authority that the facilities will be accessible to individuals as well as community and educational groups. This will increase the range and diversity of services available to the public.

During the nine month period the Authority published *Broadcasting Financial Results 1991-92* containing financial results for commercial radio and television. Also published was *ABA Update*, a monthly newsletter with information about the Authority's activities and current issues. Other publications included three monographs containing results of the Authority's attitudinal research program, *Classification Issues, Film, Video and Television; Living With Television* and *The People We See on TV, Cultural Diversity on Television* as well as a supplement, *From the Dark Side*.



## **ORGANISATION AND STAFF**

*Current State of Radio and Television Planning* (six volumes) provides a picture of broadcasting planning at 5 October 1992, when the Authority started and *Radio and Television Broadcasting Stations 1993* contains technical details of all services on the broadcasting services bands.

The Media and Public Relations Branch issued media releases and provided information, upon request, to the general public, government organisations, the media and the broadcasting industry.

The Authority continued to subscribe to audience rating data supplied to the broadcasting industry during the period, and continued to monitor and report on the calls to the 008 complaints number in its Melbourne office.

As a contribution to its commitment to the information community, the Library undertakes in-house training of young library professionals for a number of weeks each year.

The Library functions as a public access library for research purposes, for all those with a demonstrated interest in broadcasting.

Information about the Library's holdings is disseminated to the public through its current awareness publications, Library Bulletin and Contents Pages and *ABA Update* and to the library community through the national bibliographic database, ABN.

## **CORPORATE PLAN**

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In a letter of 2 December 1992, the Minister for Transport and Communications asked the Authority to prepare a Corporate Plan. The Authority engaged a management and organisation consultant to facilitate the corporate planning process.

Input for the Corporate Plan came from extended consultation and involvement of the staff of the Authority including staff workshops in Sydney, Melbourne and Canberra and a residential workshop for senior staff and Members. Drafts of the Corporate Plan were circulated to staff for comment.

The Corporate Plan is to include a mission statement, seven or eight objectives and action strategies and performance measures for each objective. The objectives cover access to broadcasting services (planning and licensing); ownership and control of broadcasting services; encouraging service providers to be responsive to the needs and interests of the community; promoting the role of broadcasting services in developing Australian identity and culture; establishing the Authority as a principal source of expert advice on broadcasting; resource management of the Authority and the contribution of the staff to the effectiveness of the Authority.

At the date of this report, the Corporate Plan is close to completion.

## **FRAUD CONTROL**

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No instances of fraud were identified during the period 5 October 1992 to 30 June 1993.

In preparation for a review of fraud control policy, staff have attended training courses in fraud awareness and risk management

## **CLAIMS AND LOSSES**

No insurable or manageable claims or losses occurred during the period.

## **PURCHASING**

The nature of Authority activities generally required the purchase of standard items, most of which were available under period contract.

The widespread acceptance of the Australian Government corporate credit card has streamlined the purchasing process.

## **PAYMENT OF ACCOUNTS**

Unless otherwise agreed with the supplier, Authority policy is to pay accounts 30 days from acceptance of goods or services and the receipt of the appropriate invoice. Details of the Authority payment performance to June 30 1993 are as follows:

Paid prior to due date	0
Paid on due date	1601
Paid within 30 days of due date	508
Paid later than 30 days after due date	100
<b>Total number of accounts paid</b>	<b>2209</b>

Accounts paid by Australian Government corporate credit card were all paid on or prior to the due date. The number of accounts paid by Australian Government corporate credit card was 567.

Accounts for Planning Division for the period were paid through the FMIS system at the Department of Finance in Canberra. A breakdown of payment performance is not available, however accounts were submitted to the Department of Finance in time for payment by the due date. The total number of accounts paid was 553.

## **EXTERNAL SCRUTINY**

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

## **PRIVACY**

No complaints relating to privacy, in terms of the *Privacy Act 1988*, were received during the year. Concern was expressed by some staff about the apparent use of names of officers by an insurance company for promotional activity. After an internal investigation it was thought that the insurance company had gained access to the internal telephone directory and had written to each officer offering its services.

## **CLIENT COMMENTS**

There were no client comments during the period.

## **CAPITAL WORKS MANAGEMENT**

During the period, the Authority undertook no major capital works.

## **ENVIRONMENTAL MATTERS**

The Authority continued to participate in an office paper recycling scheme and encouraged staff to re-use waste paper. In addition, the Authority's monthly newsletter *ABA Update* and its public information pamphlets are printed on 100 per cent recycled paper. The following publications utilised paper comprising 70 per cent recycled/30 per cent cotton waste: *Broadcasting Financial Results 1991-92*, *Current State of Radio and Television Planning*, *Radio and Television Broadcasting Stations 1993*. The Authority logo for all letterhead, business cards, compliment slips etc. was specifically designed to be printed on 70 per cent recycled/30 per cent cotton waste material.

## **PROPERTY USAGE**

The Authority occupied approximately 3400 square metres at its head office premises in Sydney with former Australian Broadcasting Tribunal State Representative Offices variously located in Melbourne, Adelaide, Brisbane and Perth.

The Sydney premises included space for a large conference/hearing room and accommodation for six former Members of the Tribunal and a Chairman. At the end of the financial year, arrangements were in hand for the relocation of the Sydney element of the Authority and subsequent rationalisation of its accommodation needs in keeping with its role under the new legislation.

Accommodation for the Planning Division in Canberra and State Broadcasting Engineer Offices in Sydney, Melbourne, Adelaide, Brisbane and Perth continued to be shared with the Department of Transport and Communications (DTC) as part of the existing Commonwealth lease arrangements. The appropriation of funds for property operating expenses for future years for the Authority will be transferred from DTC from the beginning of the 1993-94 financial year.

## **FINANCIAL STATEMENT**

The Auditor-General's certification of the Authority's financial statements appears at Appendix M.

## **APPENDICES**

## **APPENDIX A**

### **MEETINGS ADDRESSED BY AUTHORITY MEMBERS 1992-93**

**18.10.92**

The Chairman addressed the Federation of Australian Radio Broadcasters Annual Convention in Melbourne.

**7.11.92**

The Chairman addressed a seminar held by the Melbourne University Faculty of Law on the subject 'Working with the Broadcasting Services Act'.

**9.11.92**

Mr Webb addressed the Annual General Meeting of the Australian Churches Media Association, Sydney.

**17.11.92**

Mr O'Keefe addressed a radio planning seminar, Sydney.

**19.11.92**

Mr O'Keefe addressed a radio planning seminar, Melbourne.

**24.11.92**

Mr O'Keefe addressed a radio planning seminar, Brisbane.

**26.11.92**

The Chairman addressed the Screen Production Association of Australia Annual Conference, Leura, NSW.

**2.12.92**

Mr O'Keefe addressed a radio planning seminar, Adelaide.

**3.12.92**

Mr O'Keefe addressed a radio planning seminar, Perth.

**16.2.93**

The Chairman addressed the Media and Indigenous Australians Conference, Brisbane.

**24.2.93**

Mr O'Keefe addressed a conference organised by the Communications Law Centre on the subject of radio in a multi-channel environment.

**3-4.3.93**

The Chairman addressed the Fourth International Telecommunications Law and Policy Conference in Sydney.

**29.4.93**

The Chairman addressed the Faculty of Social Science Graduation Ceremony at the University of Technology, Sydney.

## ***MEETINGS ADDRESSED BY AUTHORITY MEMBERS 1992-93***

### **6.5.93**

Mr O'Keefe addressed a seminar on planning priorities for radio and television, Canberra.

### **10.5.93**

The Chairman gave the University Day Address at the University of Wollongong.

### **10.5.93**

Mr O'Keefe addressed a seminar on planning priorities for radio and television, Sydney.

### **11.5.93**

Mr O'Keefe addressed a seminar on planning priorities for radio and television, Melbourne.

### **13.5.93**

Mr O'Keefe addressed a seminar on planning priorities for radio and television, Brisbane.

### **18.5.93**

Mr Webb addressed a seminar on planning priorities for radio and television, Adelaide.

### **19.5.93**

Mr Webb addressed a seminar on planning priorities for radio and television, Perth.

### **31.5.93**

Mr Webb addressed a conference organised by the Communications Law Centre for the Office of Multicultural Affairs, Sydney on the subject 'The Portrayal of Cultural Diversity in the Media and Self Regulation'.

## **APPENDIX B**

### **MEETINGS OF THE AUTHORITY**

The Authority held regularly scheduled meetings to deal with the normal business of the Authority in the period under review and, in addition, met to consider urgent matters as they arose.

#### **MEETINGS WITH OUTSIDE BODIES**

In the period, the Authority met with representatives of the following bodies:

Federation of Australian Radio Broadcasters (FARB)	10.3.93
FARB	5.4.93
Department of Transport and Communications	20.4.93
Media and Communications Council	30.4.93
FARB	3.5.93
FARB	24.5.93

Access to the above records of meetings is available through the provisions of the *Freedom of Information Act 1982*.

## APPENDIX C

### NEWS RELEASES ISSUED FROM 5 OCTOBER 1992 TO 30 JUNE 1993

NUMBER	DATE	SUBJECT
NR 1/1992	6.10.92	ABA ANNOUNCES LIGHTER BROADCASTING REGULATION
NR 2/1992	6.10.92	NEW OPPORTUNITIES FOR AUSTRALIAN RADIO
NR 3/1992	29.10.92	ABA PLANNING SEMINAR ON NEW BROADCASTING SERVICES
NR 4/1992	11.11.92	ABA MEETS WITH CANWEST AND CHANNEL TEN
NR 5/1992	13.11.92	ABA MEETS WITH WESTPAC
NR 6/1992	17.11.92	ABA HOLDS FIRST NATIONAL PLANNING SEMINAR
NR 7/1992	17.11.92	ABA ASKS FOR CHANNEL TEN DETAILS
NR 8/1992	19.11.92	ABA HOLDS NATIONAL PLANNING SEMINAR
NR 9/1992	20.11.92	ABA HOLDS NATIONAL PLANNING SEMINAR
NR 10/1992	26.11.92	ABA RE-EXAMINES AUSSIE CONTENT
NR 11/1992	2.12.92	ABA HOLDS NATIONAL PLANNING SEMINAR
NR 12/1992	3.12.92	ABA HOLDS NATIONAL PLANNING SEMINAR
NR 13/1992	1.12.92	NEW OPPORTUNITIES FOR INFO SERVICES
NR 13A/1992	1.12.92	NEW OPPORTUNITIES FOR INFO SERVICES
NR 14/1992	6.12.92	ABA CALLS FOR PUBLIC SUBMISSIONS
NR 15/1992	12.12.92	ABA APPLAUDS INDUSTRY SUPPORT FOR CHILDREN'S DAY
NR 16/1992	21.12.92	ABA CLEARS THE WAY FOR NEW RACING SERVICES
NR 17/1992	24.12.92	WAGGA INQUIRY RESTARTS
NR 18/1992	30.12.92	TEN NETWORK CONSORTIUM: ABA NOTIFIED
NR 19/1992	30.12.92	'COSY CANBERRA' NOT IN BREACH
NR 1/1993	4.1.93	ABA GUIDELINES ON AUSTRALIAN DRAMA FOR PAY TV
NR 2/1993	27.1.93	THREE DAY ELECTION BLACKOUT FOR WA BROADCASTERS
NR 3/1993	1.2.93	ABA GRANTS PERTH ABORIGINAL RADIO LICENCE
NR 4/1993	10.2.93	NEW ABA RESEARCH ON TV
NR 5/1993	11.2.93	ABA CALLS FOR PUBLIC COMMENT ON AD TIME
NR 6/1993	12.2.93	ABA LICENSES 80 NEW TOURIST INFO SERVICES



## APPENDIX

NR 7/1993	15.2.93	ABA DEFERS PAY TV APPLICATIONS
NR 8/1993	15.2.93	ABA AMENDS AD TIME STANDARD
NR 9/1993	16. 2.93	NEW ABA RESEARCH ABOUT TV STEREOTYPES
NR 10/1993	17.2.93	ABA RELEASES SPECTRUM FOR SIXTH CHANNEL
NR 11/1993	24.2.93	450 PLANNING SUBMISSIONS TO THE ABA
NR 12/1993	3.3.93	LOW POWER INFO SERVICES EXTENDED TO 1995
NR 13/1993	8.3.93	THREE DAY AD BLACKOUT FOR FEDERAL ELECTION
NR 14/1993	9.3.93	ABA LICENSES COMMUNITY TV IN SYDNEY AND MELBOURNE
NR 15/1993	10.3.93	NEW ABA INFORMATION GUIDES
NR 16/1993	16.3.93	TV & RADIO RETURN TO PROFIT IN 1991-92
NR 17/1993	19.3.93	ABA CONSIDERS RADIO CODES OF PRACTICE
NR 18/1993	26.3.93	ABA ROLE IN ABC & SBS COMPLAINTS
NR 19/1993	1.4.93	ABA GRANTS FIRST MACKAY FM RADIO SERVICE
NR 20/1993	5.4.93	ABA GRANTS FIRST NHULUNBUY FM RADIO SERVICE
NR 21/1993	6.4.93	COMMUNITY TV ON THE WAY
NR 22/1993	7.4.93	5AD TO CEASE SIMULCASTING
NR 23/1993	7.4.93	ABA ENDORSES RADIO CODES
NR 24/1993	15.4.93	FIRST MACKAY COMMUNITY RADIO LICENCE
NR 25/1993	15.4.93	ABORIGINAL RADIO SERVICE FOR PORT AUGUSTA
NR 26/1993	2.5.93	ABA RELEASES DRAFT PLANNING PRIORITIES
NR 27/1993	27.4.93	ABC CODE ON DISCRIMINATORY BROADCASTS
NR 28/1993	29.4.93	ABA LICENSES COMMUNITY TV IN ADELAIDE AND LISMORE
NR 29/1993	29.4.93	ABA CONSIDERS TV CODE OF PRACTICE
NR 30/1993	3.5.93	LICENSING OF SATELLITE PAY TV UNDERWAY
NR 31/1993	4.5.93	ABA MEETS WITH NEW TEN GROUP CHAIRMAN
NR 32/1993	6.5.93	ABA TO HOLD PLANNING SEMINARS AND WORKSHOPS
NR 33/1993	6.5.93	ABA TO MEET WITH MR HARRISON
NR 34/1993	7.5.93	RADIO ADVERTISING REVENUE UP
NR 35/1993	7.5.93	ABA TO HOLD PLANNING SEMINARS & WORKSHOPS
NR 36/1993	7.5.93	ABA ISSUES NOTICES TO UCOM
NR 37/1993	10.5.93	ABA TO HOLD PLANNING SEMINARS & WORKSHOPS
NR 38/1993	11.5.93	ABA TO HOLD PLANNING SEMINARS & WORKSHOPS (ADELAIDE)
NR 39/1993	11.5.93	ABA TO HOLD PLANNING SEMINARS WORKSHOPS (PERTH)
NR 40/1993	11.5.93	ABA TO HOLD PLANNING SEMINARS & WORKSHOPS (MELBOURNE)
NR 41/1993	13.5.93	ABA HOLDS BRISBANE PLANNING SEMINAR

*NEWS RELEASES ISSUED*

NR 42/1993	14.5.93	ABA VISITS WAGGA WAGGA FOR FM LICENCE IN-QUIRY
NR 43/1993	16.5.93	NEW PROCESS FOR HIGH POWER NARROWCASTING SERVICES
NR 44/1993	17.5.93	RADIO SELF -REGULATION BEGINS
NR 45/1993	18.5.93	ABA HOLDS ADELAIDE PLANNING SEMINAR
NR 46/1993	19.5.93	ABA HOLDS PERTH PLANNING SEMINAR
NR 47/1993	28.5.93	ABA TO MOVE TO DARLING PARK
NR 48/1993	1.6.93	ABA RECEIVES 350 PLANNING SUBMISSIONS IN SECOND ROUND
NR 49/1993	2.6.93	ABA OFFICES ON HOLD IN SA AND WA
NR 50		<i>(No release)</i>
NR 51/1993	10.6.93	ABA GRANTS RADIO LICENCE FOR OMEO
NR 52/1993	11.6.93	ABA GRANTS RADIO LICENCE FOR BROKEN HILL
NR 53/1993	15.6.93	ABA LAUNCHES STUDY FOR FUTURE TV SYSTEM
NR 54/1993	16.6.93	ABA APPROVES PRIME'S POTENTIAL BREACH
NR 55/1993	25.6.93	ABA TO CLOSE STATE OFFICES

## APPENDIX D

### LICENSING INQUIRIES

The following inquiries have carried over from the former Australian Broadcasting Tribunal. They have been conducted in accordance with the *Broadcasting Act 1942* pursuant to s.12 of the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992*.

#### COMMERCIAL BROADCASTING SERVICES

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##### WAGGA WAGGA, NSW

An account of the early stages of this inquiry is to be found in the Tribunal's *Annual Report 1991-92* (p.22) and *Report on Activities 1 July 1992 to 4 October 1992* (pp.17-18).

The licensee of broadcasting service 2WG Wagga, Riverina Broadcasters (Holdings) Pty Ltd ('Riverina'), successfully appealed against the Tribunal's decision of 14 November 1991 to grant a commercial FM radio licence to Wagga and Riverina FM Stereo Broadcasters Pty Ltd. On 18 September 1992, the Federal Court ordered that the Tribunal's decision be set aside and referred it for reconsideration. The court found that the Tribunal had failed to take into account a relevant consideration, namely evidence presented in relation to commercial viability, when making its decision. This constituted an error of law.

In accordance with the decision of the Federal Court, the Authority resumed the inquiry. It was conducted in accordance with the Broadcasting Act pursuant to s.12 of the Broadcasting Services (Transitional Provisions and Consequential Amendments) Act, which empowers the Authority to consider the matter. A timetable was provided to parties for the inquiry's completion, which allowed for the updating of applications and other material presented to the Tribunal following its earlier November 1991 decision. On 22 December 1992, one of the two applicants for the commercial FM licence, South West Media Pty Ltd, advised the Authority of its decision to withdraw its application for the commercial FM licence.

Further to the above developments, on 18 December 1992, the Minister for Transport and Communications referred to the Authority an application from Riverina for the grant of a supplementary FM licence. On 20 January 1993, the Authority decided to join this application to the existing inquiry into the grant of a commercial FM licence and hence consider both applications simultaneously.

A further hearing into the joined commercial/supplementary FM licence grant was held in Wagga Wagga on 19-21 May 1993. At 30 June 1993, the joined inquiry was continuing.

## **SUPPLEMENTARY RADIO LICENCE GRANT INQUIRIES**

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### **DENILQUIN, NSW**

On 23 December 1992, the Minister for Transport and Communications referred an updated application for a supplementary FM radio licence from Rich Rivers Radio Pty Ltd, licensee of 2QN Deniliquin, to the Authority. The original application was lodged with the Minister in August 1984.

On 1 June 1993, the Authority decided to grant a supplementary FM radio licence to 2QN Deniliquin.

A full account of this inquiry may be found in Report No. 93/1748.

### **LISMORE, NSW**

Accounts of the early stages of this inquiry may be found in the Tribunal's *Annual Report 1991-92* (p. 24) and *Report on Activities for the Period 1 July 1992 to 4 October 1992* (p. 19).

On 24 December 1992, the Authority decided to grant a supplementary licence to 2LM Lismore.

A full account of this inquiry may be found in Report No. IL/92/46.

### **MUSWELLBROOK, NSW**

On 22 December 1992, the Minister for Transport and Communications referred an updated application for a supplementary FM radio licence from Radio Hunter Valley Pty Ltd, licensee of 2NM Muswellbrook, to the Authority. The original application by Hunter Broadcasters Pty Ltd was lodged with the Minister in September 1984.

On 1 June 1993, the Authority decided to grant a supplementary FM radio licence to 2NM.

A full account of this inquiry may be found in Report No. 93/0647.

### **MACKAY, QLD**

On 23 December 1992, the Minister for Transport and Communications referred an application from Barrier Reef Broadcasters Pty Ltd, the licensee of commercial radio service 4MK Mackay, for the grant of a supplementary licence to serve Mackay, Qld.

The Authority decided to grant the licence to Barrier Reef Broadcasters on 31 March 1993.

A full account of this inquiry may be found in Report No. IL/93/3.

## **COMMUNITY RADIO LICENCE GRANT INQUIRIES**

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### **BROKEN HILL, NSW**

On 5 August 1992, the Minister for Transport and Communications invited

## **APPENDIX**

applications for the grant of a public FM radio licence to serve Broken Hill, NSW. One application for the licence was received, from the Broken Hill Community FM Association Incorporated.

On 9 June 1993, the Authority decided to grant a community public radio licence to the Broken Hill Community FM Association Incorporated.

A full account of this inquiry may be found in Report No. IL/92/81.

### **OME0, VICTORIA**

On 5 August 1992, the Minister for Transport and Communications invited applications for the grant of a public FM radio licence to serve Omeo, Victoria. One application for the licence was received from Omeo Shire Community Access Radio Incorporated.

On 9 June 1993, the Authority decided to grant the licence to Omeo Shire Community Access Radio Incorporated.

A full account of this inquiry may be found in Report No. IL/92/80.

### **MACKAY, QLD**

An account of the early stages of this inquiry is to be found in the Tribunal's *Annual Report 1991-2* (p. 28) and *Report on Activities for the Period 1 July 1992 to 4 October 1992* (pp. 24-25).

On 8 April 1993 the Authority decided to grant the licence to the Community Radio Association Mackay.

A full account of this inquiry may be found in Report No. IL/92/16.

### **PERTH, WA**

On 15 October 1991, the Minister for Transport and Communications invited applications for the grant of a public FM radio licence to serve Perth. The Minister specified that the licence should be for special interest (Aboriginal) purposes. One application was received, from the Western Australian Aboriginal Media Association (WAAMA).

On 29 January 1993, the Authority decided to grant the licence to WAAMA for five years from 4 October 1992.

A full account of this inquiry may be found in Report No. IL/92/7.

### **NHULUNBUY, NT**

On 5 August 1992, the Minister for Transport and Communications invited applications for the grant of a public FM radio licence to serve Nhulunbuy, Northern Territory. One application was received, from the East Arnhem Community Radio Association Incorporated.

On 31 March 1993, the Authority decided to grant the licence to the East Arnhem Community Radio Association Incorporated.

A full account of this inquiry may be found in Report No. IL/92/82.

## APPENDIX E

### NUMBER AND NATURE OF COMPLAINTS

5 OCTOBER 1992 TO 30 DECEMBER 1992

	No.	%
	OF COMPLAINTS	OF TOTAL
<b>Commercial Television</b>		
Program classification	95	13
Program promotions	40	5
Content of advertisements	161	22
News and current affairs in G time	31	4
Program scheduling	11	2
Bias in news and current affairs	14	2
Other	325	44
<b>Total Commercial Television</b>	<b>677</b>	<b>92</b>
<b>Commercial Radio</b>		
Offensive matter	11	2
Other	31	4
<b>Total Commercial Radio</b>	<b>42</b>	<b>6</b>
<b>Community Radio</b>		
General	14	2
<b>TOTAL</b>	<b>733</b>	<b>100</b>

1 JANUARY 1993 TO 30 JUNE 1993

	No.	%
	OF COMPLAINTS	OF TOTAL
<b>Commercial Television</b>		
Taste, decency and morality	211	18
Sexual behaviour	68	6
Violence	108	9
News and current affairs in G time	76	7
Program scheduling	88	8
Sexism	74	7
Other	305	27
<b>Total Commercial Television</b>	<b>930</b>	<b>82</b>
<b>Commercial Radio</b>		
Taste, decency and morality	37	3
Language	21	2
Racism	19	2
Other	89	8
<b>Total Commercial Radio</b>	<b>166</b>	<b>15</b>
<b>Community Radio</b>		
Participation and management	16	1
Taste, decency and morality	6	0.5
Discrimination (other than racism)	5	0.5
Other	10	0.5
<b>Total Community Radio</b>	<b>37</b>	<b>2.5</b>
<b>Other</b>		
Open narrowcasting radio (language)	1	
Taste, decency and morality (ABC)	2	
Discrimination - other (SBS)	1	
Miscellaneous television (SBS)	1	
Discrimination - other (SBS radio)		
<b>Total Other Broadcasters</b>	<b>6</b>	<b>0.5</b>
<b>COMPLAINTS - TOTAL</b>	<b>1139</b>	<b>100</b>

The total number of complaints in the period 5 October 1992 to 30 June 1993 was 1872.

## **APPENDIX F**

### **PROGRAMS CLASSIFIED C, C AUSTRALIAN DRAMA OR P**

**FROM 5 OCTOBER 1992 TO 30 JUNE 1993**

#### **PROGRAMS CLASSIFIED C**

<b>TITLE</b>	<b>APPLICANT</b>
BLOCKBUSTERS (Series 3)	Fremantle International Productions
BOBBY'S WORLD (Series 2)	Television and Telecasters Limited (Network Ten Australia)
BOBBY'S WORLD (Series 3)	Television and Telecasters Limited (Network Ten Australia)
CURSE OF THE VIKING GRAVE, THE	South Pacific Pictures Limited
DOOPA KNOWS	Golden West Network - Telepro
HOT SCIENCE	Banksia Productions
INTO AFRICA	Australian Television Network
LAMB CHOP'S PLAY ALONG	Warner Bros (Aust) Pty Ltd
LITTLE MERMAID, THE	Australian Television Network
NOW YOU SEE IT (Series 8)	Fremantle International Productions
OVER THE HILLS AND FAR AWAY	Great Expectations
STRAIGHT TALK	Harry Michaels Productions
TOTALLY WILD (Series 2)	Television and Telecasters Limited (Network Ten Australia)
WONDER WORLD! (Series 1)	A Couple'a Cowboys Productions and Promotions Pty Ltd



## APPENDIX

### PROGRAMS CLASSIFIED C AUSTRALIAN DRAMA

TITLE	APPLICANT
BAY CITY	Nomad Films International Pty Ltd
DEEPWATER HAVEN	Beyond Productions Pty Ltd
DUSTY ( <i>Renewal</i> )	Television and Telecasters Limited (Network Ten Australia)
GLAD RAGS	Nomad Films International Pty Ltd
INTERNATIONAL FAMILY CLASSICS II - EMPEROR'S NEW CLOTHES, THE	Burbank Animation Studios
INTERNATIONAL FAMILY CLASSICS II - GOLDILOCKS AND THE THREE BEARS	Burbank Animation Studios
INTERNATIONAL FAMILY CLASSICS II - PUSS IN BOOTS	Burbank Animation Studios
INTERNATIONAL FAMILY CLASSICS II - SINBAD	Burbank Animation Studios
INTERNATIONAL FAMILY CLASSICS II - THUMBELINA	Burbank Animation Studios
MAKING CONTACT	Australian Television Network
MIRROR, MIRROR	Millenium Pictures Pty Ltd
MISSION TOP SECRET - NIGHT OF THE FALLING STAR	Grundy Australia Productions Pty Ltd
MISSION TOP SECRET - THE EAGLES FROM THE EAST	Grundy Australia Productions Pty Ltd
MISSION TOP SECRET - THE FLIGHT OF THE GOLDEN GOOSE	Grundy Australia Productions Pty Ltd
MISSION TOP SECRET - THE MONA LISA MIX-UP	Grundy Australia Productions Pty Ltd
MISSION TOP SECRET - THE POLISH PONY PUZZLE	Grundy Australia Productions Pty Ltd
MISSION TOP SECRET - THE TREASURE OF CARLA FIGUERA	Grundy Australia Productions Pty Ltd
SAVING HIERONYMUS	Film Australia
SKY TRACKERS (Series)	Australian Children's Television Foundation

### PROGRAMS CLASSIFIED P

LAMB CHOP'S PLAY ALONG	Warner Bros (Aust.) Pty Ltd
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## APPENDIX G

### CONSULTANCY SERVICES

During the period 5 October 1992 to 30 June 1993, 51 consultants were engaged at a total cost of \$306 001. Of this, \$108 192 was spent on research surveys.

Major consultancy engagements were follows:

CONSULTANT	COST \$	PURPOSE
Paul Jones	20 685	Training of senior officers for the implementation of performance appraisal and staff development strategic plan
Mohan Ayyar	2372	Preparation of statistical and geographic information
Kuri Productions	9000	Representation of cultural diversity on television
Keys Young Pty Ltd	25 320	Pay TV research
Milson Marketing Research	35 760	Metropolitan television ratings subscriptions
AGB Research	4300	Omnibus survey and statistical consultancy
SAS Institute Australian	3900	Statistical package training
ANOP Research Services	10 000	Research for third attitudinal wave monograph
Film Victoria	3000	Research into financing and selling of Australian television and films
In-house research	3390	Children's market research (children's focus groups)
Applecorn research	3600	Recruitment for children and classification issues research
Kevin Durkin	5000	Pay TV research
Jigsaw Technology	2808	SBT software maintenance
Sacs Consulting Group	6500	Career Transition Support
Hands-On System	10 956	Assist in management and extension of local area networks

## **APPENDIX**

WM and NM Services	13 440	Specified aspects of Authority computer systems
Ian Sheen	2685	Specified aspects of Authority computer systems
Tower Software	3570	Install TRIM record management computer software and training in use of software
Record Management Archives Information Management	14 990	Creation of procedure manual for new records system and training of staff
Strategic Moves	30 000	Relocation of Authority Head Office
John Baker & Assoc.	50 101	Preparation of corporate plan and Authority structure
Morgan & Banks Pty Ltd	9840	Career option workshops
Peat Marwick	14 380	Internal audit on fringe benefits tax
Bain & Co.	3000	Financial advisers for excess staff
Various consultants	8822	Research children's programs

A complete listing, including those consultancies valued at less than \$2000, is available on request.

## APPENDIX H

# FREEDOM OF INFORMATION SECTION 8 STATEMENT

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

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

This statement is correct as at 30 June 1993.

### ESTABLISHMENT

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

The Authority is an independent statutory authority responsible, through the Minister for Communications, to the Parliament and is required to prepare and furnish annually to the Minister for Communications 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, at least one but not more than five other members, and also of associate members who may be appointed generally or for particular investigations or hearings. The members of the Authority are appointed by the Governor-General for periods of up to five years and are eligible for re-appointment on one occasion only.

### ORGANISATION

#### THE AUTHORITY

The Authority's present membership consists of a Chairman, a Deputy Chairman and one Member.

## **APPENDIX**

The Authority holds regular monthly meetings to make administrative decisions and determine policy. Additional meetings are held as required including meetings to determine opinions as to which category of broadcasting services a proposed service falls into. A quorum for such meetings is constituted by three members. Staff of the Authority are present at the meetings to record the decisions; and as required, to report to the Authority; to provide advice and to make recommendations; and to ensure that the Authority's directions are executed.

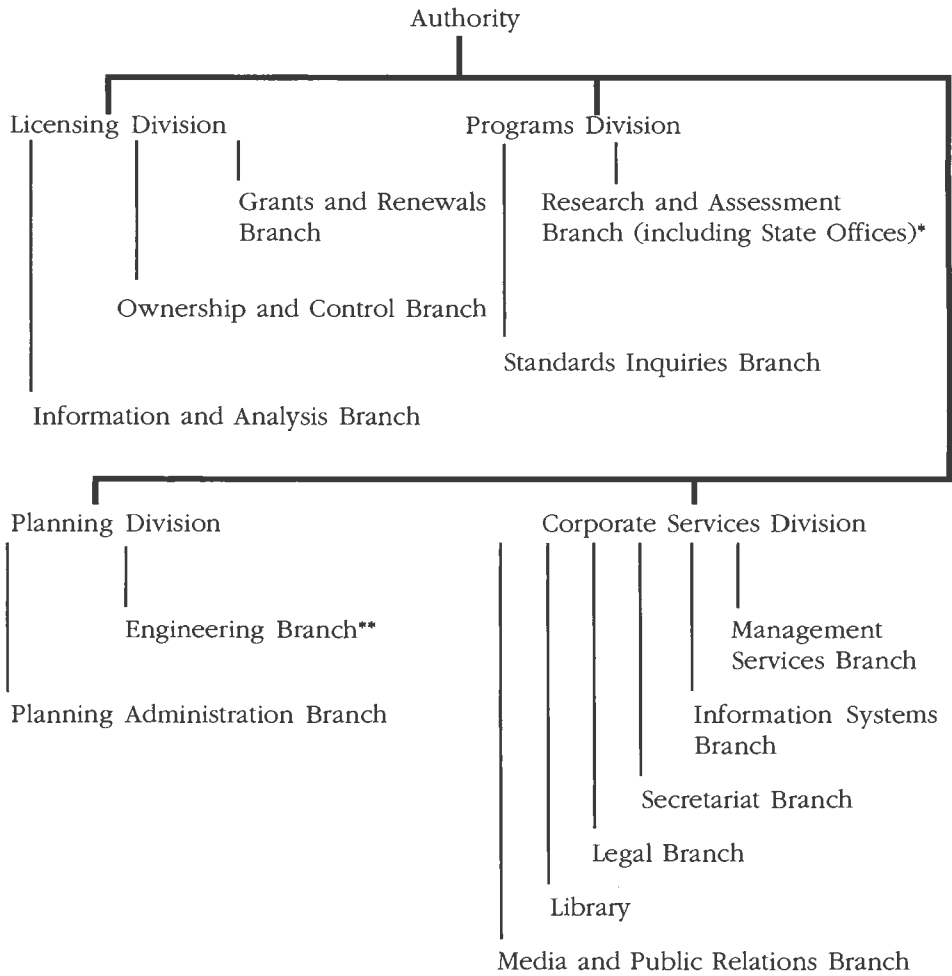
For the purpose of appointment and employment of staff in accordance with the provisions of the *Public Service Act 1922*, the Chairperson has all the powers of a Secretary under the Public Service Act as they relate to the branch of the Australian Public Service comprising the staff of the Authority.

### **STAFF OF THE AUTHORITY**

As can be seen from the organisation chart on the following page, the staff of the Authority is organised on a divisional basis. During the year, the Authority completed a review of its structure. The new structure will be implemented during the 1993-94 year.

The Authority's Head Office is primarily located in Sydney, where the members are located, with the Planning Division located in Canberra, and the Complaints Section of the Programs Division co-located in Melbourne with the Victorian State Representative Office. An office of the State Broadcasting Engineer is also located in Melbourne. The Authority also has State Representative and State Broadcasting Engineer's Offices in Brisbane, Adelaide and Perth and a State Broadcasting Engineer's Office in Hobart. Non-technical Tasmanian and all Northern Territory interests are handled by the Victorian and South Australian offices respectively. The State Representative Office located in Perth closed towards the end of June 1993. Under the restructuring of the Authority, each of these offices is scheduled to close and alternative access arrangements will be put in place through the Authority's Head Office.

**AUSTRALIAN BROADCASTING AUTHORITY**



\* part located in Melbourne

\*\* offices located in all state capitals except Darwin

**FUNCTIONS**

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**THE AUTHORITY**

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

- (a) to provide advice to the Minister in relation to the spectrum plan and frequency band plans under the *Radiocommunications Act 1983* and the designation of bands for broadcasting services use;
- (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;
- (e) to design and administer price-based systems for the allocation of commercial television broadcasting licences and commercial radio broadcasting licences;
- (f) to collect any fees payable in respect of licences;
- (g) to conduct or commission research into community attitudes on issues relating to programs;
- (h) to assist broadcasting service providers to develop codes of practice that, as far as possible, are in accordance with community standards;
- (i) to monitor compliance with those codes of practice;
- (j) to develop program standards relating to broadcasting in Australia;
- (k) to monitor compliance with those standards;
- (l) to monitor and investigate complaints concerning broadcasting services (including national broadcasting services);
- (m) to inform itself and advise the Minister on technological advances and service trends in the broadcasting industry; and
- (n) to monitor, and to report to the Minister on the operation of the Act.

In addition, the Authority has other functions under the Act and other legislation. These include giving opinions and making determinations or classifications concerning the category to which broadcasting services belong and administration of aspects of the ownership and control rules applying to certain categories of licences.

For the purpose of exercising its powers and functions under the Act, the Authority is obliged to take account of the objects of the Act and the regulatory policy set out in the Act, general policies of the Government notified to the Authority by the Minister, any directions given by the Minister and Australia's obligations under any convention to which Australia is a party or any agreement between Australia and a foreign country.

**PLANNING DIVISION**

Planning Division comprises Planning Administration Branch and Engineering Planning Branch, including the offices of State Broadcasting Engineers.

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

- developing detailed planning priorities for determination by the Authority;
- preparing detailed frequency allotment plans for determination by the Authority;
- preparing detailed licence area plans for determination by the Authority;
- specifying licence areas, frequency allocations, siting and power levels for transmitters used for broadcasting;
- licensing transmitters used for commercial, community, national and re-transmission services as well as services provided under class licences;
- developing technical guidelines for broadcasting services;
- monitoring new technology and service trends;
- determining population figures of licence areas; and
- allocating call signs for broadcasting services.

Transmitter licences authorising use of particular parts of the broadcasting services bands also issued by this Division under delegation from the Minister for Transport and Communications.

## **LICENSING DIVISION**

Licensing Division comprises the Grants and Renewals Branch, the Ownership and Control Branch and the Information and Analysis Branch.

The Division is responsible for the licensing of broadcasting services by:

- designing and administering price-based systems for the allocation of commercial radio and television broadcasting licences;
- allocating commercial licences in accordance with a price-based system;
- allocating community licences following the conduct of an investigation or hearing;
- assessing suitability of an applicant for a subscription television broadcasting licence prior to allocation of the licence;
- collecting fees payable in respect of licences;
- renewing commercial and community broadcasting service licences;
- suspending and cancelling licences as appropriate, or taking other enforcement action;
- varying, revoking or determining additional conditions on service and class licences;
- preparing opinions concerning which category of broadcasting service a service falls into;
- developing additional criteria and clarifying existing criteria for the purpose of distinguishing between categories of broadcasting services, for determination by the Authority;
- preparing opinions on whether a person is in a position to control a licence, newspaper or company;



## **APPENDIX**

- assessing applications for prior approval of temporary breaches;
- maintaining registers of notifications of directorship and changes in control, associated newspapers, large circulation newspapers, temporary (approved) breaches, extensions of time granted and notices to persons in breach;
- monitoring compliance with the control limits;
- conducting investigations/hearings into licensees' compliance with their licence conditions and the control provisions of the Act and notifying persons to remedy breaches.

### **PROGRAMS DIVISION**

The Programs Division comprises the Standards Inquiries Branch and Research and Assessment Branch, including the State Representative Offices.

The Division is responsible for developing program standards to be observed by commercial and community television broadcasting licensees and assisting in the development of codes of practice to be applicable to all commercial, community and subscription broadcasting licensees and providers of class licence services, by:

- conducting and commissioning attitudinal research and monitoring service trends;
- developing standards for commercial and community television broadcasting licensees relating to programs for children, for determination by the Authority;
- developing standards for commercial television broadcasting licensees relating to the Australian content of programs for determination by the Authority;
- monitoring compliance with program standards;
- consulting with the industry and the community on the development of codes of practice;
- maintaining a register of codes of practice, and monitoring compliance;
- investigating complaints relating to offences or breaches of licence conditions, codes of practice, and to national broadcasting services;
- liaising with industry concerning the program classification system and content obligations of subscription television broadcasting licensees.

### **CORPORATE SERVICES DIVISION**

This Division comprises six Branches - Management Services, Information Systems, Secretariat, Legal, Media and Public Relations and the Library.

The functions carried out within this Division include:

- attending to all matters related to personnel, training and staff development, accommodation and office services;
- co-ordination of the Authority's budget and preparation of financial statements, estimates and related material;
- maintaining the Authority's records management system;
- maintaining the Authority's accounting system, purchasing and asset control and internal audit and review;

- liaising with Commonwealth Departments, the Public Service Commission and the Australian National Audit Office on financial, personnel, staff development and general administrative matters including EEO, ID and OH&S;
- promoting the use of information technology to enhance the efficiency and effectiveness of the Authority's operations;
- providing secretariat support to the Authority including organising its regular meetings, preparing formal minutes and maintaining the records of decisions of the Authority;
- co-ordinating advice to the Minister, and matters related to the FOI Act and the *Privacy Act 1988*;
- providing advice on law and policy on issues arising from the Authority's powers and functions;
- production and marketing of publications and informing the public of the functions, activities and decisions of the Authority;
- maintaining a full library service for members and staff of the Authority.

## **POWERS**

The Authority has a range of powers relating to:

- (a) the allocation, renewal and the cancellation or suspension of licences, and determination of class licences;
- (b) the determination of a price-based licence allocation system for commercial broadcasting services using the broadcasting services bands;
- (c) the imposition, variation or revocation of conditions on licences;
- (d) the determination, variation or revocation of program standards including standards requiring pre-classification of children's programs;
- (e) the designation of licence areas, and determination of the population of licence areas;
- (f) the development of guidelines for the technical planning of broadcasting services using frequencies within the broadcasting services bands;
- (g) the determination and variation of priorities for the planning of broadcasting services;
- (h) the preparation or variation of frequency allotment plans;
- (i) the preparation or variation of licence area plans;
- (j) making broadcasting services bands spectrum available for alternative uses for a specified period;
- (k) the giving of opinions as to which category a broadcasting service falls into and whether a person is in a position to control a licence, newspaper or company;
- (l) the approval, or refusal to approve, temporary breaches of the Act;
- (m) the issuing of notices to comply with the ownership and control or licensing rules, or extending the time for compliance with a notice;

- (n) the reference of a matter to the Director of Public Prosecutions;
- (o) collecting information, conducting investigations or hearings for the purpose of the performance or exercise of any of its powers.

### **ARRANGEMENTS FOR OUTSIDE PARTICIPATION**

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

#### **Media and Communications Council**

The Media and Communications Council is an informal body comprising representatives of public interest groups, trade unions and consumer organisations with an interest in broadcasting issues. It seeks to promote information flow to the public and public participation in the decision making processes affecting broadcasting. Present membership of the MACC includes the Communications Law Centre; the Media, Entertainment and Arts Alliance; the Australian Caption Centre; the Australian Consumers Association; the Musicians' Union; the Ethnic Communities Council; the Consumers' Telecommunications Network; the Australian Writers' Guild and the Australian Council for Children's Films and Television. The Authority meets with MACC every three to four months.

#### **Australian Preparatory Groups**

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

#### **National Study Groups of the Radiocommunications Bureau of the International Telecommunication Union (ITU) (formerly known as CCIR)**

The Authority participates in the following national study groups concerned with studying principles and reporting on questions relating to their particular subject areas. A number of Commonwealth departments, authorities and private sector organisations are represented on these study groups. Groups currently active in Australia are:

- Group 10: Broadcasting Service (sound)
- Group 11: Broadcasting Service (television)
- Group 12: Inter-service Sharing and Compatibility
- Group CMTT: Joint Committee on Television and Telecommunications Transmission

**Standards Australia Boards and Specialist Committees**

- TE3 Electromagnetic Interference
- TE14 Radiocommunications

**Digital Terrestrial Broadcasting Specialist Group (DTTB)**

The DTTB specialist group of the ABA is examining options for a Digital Terrestrial Television Broadcasting (DTTB) system to best suit Australia's consumer and broadcasting needs into the next century. Chairman of the specialist group is Director Planning and the Authority is also represented in the associated working parties.

**Department of Transport and Communications' Digital Audio Broadcasting (DAB) Committee as well as the associated Policy and Technical Sub-committees.**

The committees are investigating options for the introduction of DAB in Australia.

**Other External Participants**

In addition, the Authority consults and meets with various interested parties, among them: Federation of Australian Radio Broadcasters, Federation of Australian Commercial Television Stations, National Transmission Agency, Community Broadcasting Association of Australia, Public Broadcasting Foundation, Federation of Australian Narrowcasting Services Inc., Progressive Radio Association, Australian Association of National Advertisers, Advertising Federation of Australia, Radiocommunications Consultative Committee and the Policy Advisory Group of the University of NSW's School of Social Science and Policy Public Participation.

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

The public is also able to contribute to other decisions made by the Authority through surveys of public opinion conducted or commissioned by the Authority, and through participation in any investigations or hearings conducted by the Authority into particular broadcasting matters.

**CATEGORIES OF DOCUMENTS**

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

**Files**

Files are maintained by the Head and State Offices on a range of topics related to the Authority's functions. Records Management Section of the Corporate Services Division maintains details of the files used by the Authority.

## APPENDIX

### Card indexes

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

### Computer databases

Computer databases are maintained for bulk record keeping.

### Microfiche

Submissions resulting from the Authority's 7 December 1992 call for comment on Planning Priorities is available on microfiche in most State and regional Libraries as well as the Authority's Library. Copies of the microfiche are available for purchase by any member of the public at \$30 per set.

### Registers

The Authority is required to maintain Registers of Codes of Practice; Notifications of Controllers, Directors, and Changes in Control; Associated Newspapers; Large Circulation Newspapers; Prior Approvals of Temporary Breaches; Extensions of Time for Temporary Breaches; Notices to Persons in Breach of the Act; Extensions of Time for Compliance with Notices and Approvals of Breaches of Television Ownership Limits in Small Markets. Persons wishing to inspect any of these Registers should contact the Sydney Head Office of the Authority.

## CLASSES OF RECORDS

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

### Planning

Technical specifications of national, commercial and community broadcasting services; frequency planning; narrowcasting services; reception of broadcasting services; satellite broadcasting; priorities, frequency allotment plans; licence area plans; Minister's reservations; Minister's directions; technical guidelines; new broadcasting technology; population figures, licence areas.

### Licensing

Service licences for all commercial and community stations; price based licence allocation system; suitability of applicants for subscription television broadcasting licences; opinions on which category of broadcasting service a service falls into; registers of notifications of directorship and changes in control, associated newspapers, temporary (approved) breaches, extensions of time granted and notices to persons in breach; registers of financial results of commercial radio and television services; reports on grant of licences under the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992*; records of notifications to, and payment by, licensees in relation to licence fees.

### Programs

Industry self-regulatory codes of practice; program and advertising standards; Australian content of programs, children's programs, complaints and comments from

the public about broadcasting programs and advertising; sponsorship announcements on community radio stations; details, including reports, of research undertaken or commissioned and evaluations of research undertaken by other organisations; records, reports and information papers on Australian and overseas broadcasting.

**Corporate Services**

Agenda papers and minutes of Authority meetings; Register of Authority forms; personnel and staffing, finance, purchasing, furniture and fittings, equipment and accommodation; appointment of members; Authority publications, including research monographs, news releases and pamphlets. Information products available to the public include:

Pamphlets (all free)

*An Introduction to the ABA*

*Complaints about Programs*

*Planning and the ABA*

Fact Sheets (all free)

*A Summary of the Control Provisions of the Broadcasting Services Act 1992*

*Notification Obligations of Commercial Licensees and Controllers*

*Requests for ABA Opinions concerning Control of Licences*

*Community Radio Broadcasters and Sponsorship Announcements*

*Class Licences*

*Callsigns*

Information Kits (all free)

*Guide for Service Providers Under Class Licences*

*Guide to Subscription Television Broadcasting Services*

Publications

*ABA Update* (12 issues per annum) \$36 per annum

*Classification Issues* - ABA Monograph 1 \$9.95

*Living With Television* - ABA Monograph 2 \$9.95

*The People We See on TV* - ABA Monograph 3 \$9.95

*From The Dark Side* - Supplement to ABA Monograph 3 \$5

*Current State of Radio and Television Planning* - vols 1 - 6 \$20 each or \$100 set

*Technical Planning Parameters and Methods for Terrestrial Broadcasting* \$30

*Radio and Television Broadcasting Stations 1993* \$25 a copy or \$60 per data disk (radio, TV)

*Broadcasting Financial Results 1991-92* \$60 book, \$40 disk

*Annual Report 1992-93* (available late 1993) Free

*Determination of Planning Priorities* - Exposure Draft, April 1993 Free

*Draft Frequency Allotment Plans for AM Radio, FM Radio and Television*, April 1993 Free

## **FACILITIES FOR ACCESS**

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The Authority maintains library facilities in the Sydney office where documents available under the Act or documents for which access is granted under the FOI Act can be examined. Documents may also be examined in the Canberra and State Offices by prior arrangement. Microfiche of submissions received in relation to the Authority's call for comments on broadcasting planning priorities are also available in most State and regional Libraries.

Requests for access under the FOI Act must be in writing and addressed to 'The FOI Co-ordinator' and be accompanied by an application fee (currently \$30). The FOI Act provides for a reduction of the charges or non-imposition of the charges in certain circumstances. In many cases however, it may not be necessary to use FOI as the information sought may be readily available. The Manager, Media and Public Relations should be approached in the first instance.

## **FOI PROCEDURES AND INITIAL CONTACT POINTS**

Until 30 July 1993, the Authority's Sydney Head Office address is:  
Australian Broadcasting Authority

Tandem House  
76 Berry Street  
NORTH SYDNEY NSW 2060  
PO Box 1308  
NORTH SYDNEY NSW 2059  
Tel: (02) 959 7811  
Fax: (02) 954 4328  
DX 10528 North Sydney

From 2 August 1993, correspondence on FOI matters should be directed to the Sydney Head Office at:

Australian Broadcasting Authority  
Level 15, Darling Park  
201 Sussex Street  
SYDNEY NSW 2000  
PO Box Q500  
QUEEN VICTORIA BUILDING NSW 2000  
Tel: (02) 334 7700  
Fax: (02) 334 7799  
DX 11531 Sydney Downtown  
or to the Authority's offices at:

### **A.C.T.**

Blue Building, Benjamin Offices  
Chan Street  
BELCONNEN ACT 2617

PO Box 34  
BELCONNEN ACT 2616  
Tel: (06) 256 2800  
Fax: (06) 253 3277

**New South Wales**

6th Floor  
Victoria Cross Building  
60 Miller Street  
NORTH SYDNEY NSW 2060  
PO Box 970  
NORTH SYDNEY NSW 2059  
Tel: (02) 922 9131  
Fax: (02) 954 4656

**Victoria**

14th Floor, Marland House  
570 Bourke Street  
MELBOURNE VIC 3000  
Tel: (03) 670 1777  
Fax: (03) 670 4821  
3rd Floor, Building 3  
6 Riverside Quay  
SOUTH MELBOURNE VIC 3205  
PO Box 6444  
St Kilda Road Central  
MELBOURNE VIC 3004  
Tel: (03) 685 3567  
Fax: (03) 685 3500

**Brisbane**

8th Floor  
444 Queen Street  
BRISBANE QLD 4000  
Tel: (07) 832 4702  
Fax: (07) 832 1623  
1st Floor  
424 Upper Roma St  
BRISBANE QLD 4003  
PO Box 555  
FORTITUDE VALLEY QLD 4006  
Tel:(07) 238 6353  
Fax:(07) 236 1273



## **APPENDIX**

### **South Australia**

13th Floor  
10-20 Pulteney Street  
ADELAIDE SA 5000  
GPO Box 2248"  
ADELAIDE SA 5001  
Tel: (08) 228 6852  
Fax: (08) 228 6879

### **Western Australia**

12th Floor  
256 Adelaide Terrace  
PERTH WA 6000  
PO Box 6189  
EAST PERTH WA 6892  
Tel: (09) 323 1747  
Fax: (09) 221 1671

### **Tasmania**

4th Floor  
3 Brooke Street  
HOBART TAS 7000  
GPO Box 854J  
HOBART TAS 7001  
Tel: (002) 20 5274  
Fax: (002) 23 7969  
or (002) 23 7686

Under the procedures operating in the Authority for the handling of FOI requests, in some instances the FOI Co-ordinator may need to consult members of the public who have lodged requests. Specific instances are as follows:

- (a) to assist the applicant to more specifically identify documents he or she has requested;
- (b) to give the applicant a reasonable opportunity for consultation before refusing a request on grounds of insufficient information (s.15(2)) or if the request requires a substantial and unreasonable diversion of resources (s.24(1)); or
- (c) for notification of charges and deposit, if necessary, including a discussion of charges remission.

As at 30 June 1993, the Directors of each of the Divisions, and the Principal Legal Officer, have been authorised to grant access under s.23 of the FOI Act to documents held by their respective areas. Generally, access is provided in the form of copies of documents.

The Deputy Chairman or a delegated member may refuse access or make deletions to documents. The Reviewing Officer is the Chairman.

# APPENDIX I

## INDEX TO GUIDELINES

### **Secretary's Statement**

- 01 p.vii
- 02 p.vii
- 03 p.vii
- 04 not applicable

### **Aids to Access**

- 05 p.iii
- 06 p.145
- 07 p.vi

### **Corporate and Portfolio Overview Objectives**

- 08 pp.15, 16, 17

### **Social Justice Overview**

- 09 p.90

### **Corporate Structure**

- 10 p.107-113
- 11 p.82

### **Portfolio Legislation and Statutory Authorities**

- 12 pp.11-22, 124
- 13 pp.11-22
- 14 not applicable
- 15 pp.11-22
- 16 not applicable
- 17 not applicable

### **Non-Statutory Bodies**

- 18 not applicable
- 19 not applicable
- 20 not applicable
- 21 not applicable

### **Government Companies**

- 22 not applicable
- 23 not applicable
- 24 not applicable

### **EEO in Appointments**

- 25 pp.84, 85

### **Major Documents**

- 26 pp.75, 123

### **PROGRAM REPORTING**

#### **Activities**

- 27 chapters 4, 5, 6, 7, 8
- 28 chapters 4, 5, 6, 7, 8

#### **Social Justice (including access and equity)**

- 29 pp.86-88
- 30 none

### **HUMAN RESOURCES**

#### **Staffing Overview**

- 31 pp.81, 82
- 32 p.81
- 33 chapter 9

#### **Performance Pay**

- 34 p.82-83
- 35 p.82-83

#### **Training**

- 36 pp.83, 84
- 37 pp.83, 84
- 38 p.83
- 39 pp.83, 84

#### **Interchange Scheme**

- 40 p.84

#### **Equal Employment Opportunity**

- 41 p.84

#### **Industrial Democracy**

- 42 p.85

#### **Occupational Health and Safety**

- 43 p.85, 86
- 44 not applicable

#### **Post-separation Employment**

- 45 not applicable

## APPENDIX

### OTHER RESOURCES

#### Financial Statements

46 pp.127-

#### Fraud Control

47 p.88

48 p.88

49 not applicable

#### Claims and Losses

50 p.89

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#### Purchasing

52 p.89

### INFORMATION TECHNOLOGY

#### PURCHASING

##### Arrangements

53 p.86

##### Payment of Accounts

54 p.89

##### Consultancy Services

55 p.105

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##### Capital Works Management

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##### Property Usage

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### EXTERNAL SCRUTINY

#### Reports by Auditor-General

64 p.89

65 p.89

66 p.89

67 pp.118-120

#### Inquiries by Parliamentary Committees

68 not applicable

69 not applicable

70 not applicable

#### Comments by Ombudsman

71 none

72 none

73 none

#### Decisions of Courts and Administrative Tribunals

74 p.71

75 p.71

76 none

#### Freedom of Information (FOI)

77 pp.107-120

#### Privacy

78 pp.89,90

79 pp.89,90

80 pp.89,90

81 pp.89,90

82 pp.89,90

83 pp.89,90

#### Client Comments

84 p.90

85 p.90

### IMPACT MONITORING

#### Business Regulations

86 not applicable

87 not applicable

#### Status of Women

88 p.86

#### Environmental Matters

89 p.90

90 not applicable

90 not applicable

90 not applicable

92 not applicable

94 p.90

# APPENDIX J

## INFORMATION PRODUCTS

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### **Pamphlets (all free)**

*An Introduction to the ABA*  
*Complaints about Programs*  
*Planning and the ABA*

### **Fact Sheets (all free)**

*A Summary of the Control Provisions of the Broadcasting Services Act 1992*  
*Notification Obligations of Commercial Licensees and Controllers*  
*Requests for ABA Opinions Concerning Control of Licences*  
*Community Radio Broadcasters and Sponsorship Announcements*  
*Class Licences*  
*Callsigns*

### **Information Kits (all free)**

*Guide for Service Providers Under Class Licences*  
*Guide to Subscription Television Broadcasting Services*

### **Publications**

*ABA Update* (monthly newsletter, annual subscription \$36)  
*Annual Report 1992-93* (free)  
*Broadcasting Financial Results 1991-92* (book \$60, disk \$40)  
*Classification Issues - ABA Monograph 1* (\$9.95)  
*Current State of Radio and Television Planning* - six vols (\$20 each or \$100 full set)  
*Living With Television - ABA Monograph 2* (\$9.95)  
*Radio and Television Broadcasting Stations* (\$25)  
*The People We See on TV - ABA Monograph 3* (\$9.95)  
*From The Dark Side - Supplement to ABA Monograph 3* (\$5.00)  
*Determination of Planning Priorities - Exposure Draft, April 1993*, (free)  
*Technical Planning Parameters and Methods for Terrestrial Broadcasting* (\$30)  
*Draft Frequency Allotment Plans for AM Radio, FM Radio and Television, April 1993*, (free)

## APPENDIX K

### ADMINISTRATION OF ENACTMENTS BY THE AUTHORITY

#### *Broadcasting Services Act 1992*

- establishes a new regulatory regime for broadcasting services and those services formerly within Video and Audio Entertainment and Information Services arrangements;
- establishes the Australian Broadcasting Authority to replace the ABT;
- the Authority:
  - is responsible for the administration of the Act subject to limited Ministerial direction;
  - must act in accordance with Government policy and Australia's international obligations;
  - performs the planning, licensing and program functions under the Act and manages the ownership and control regime.

#### *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992*

- provides mechanisms for transition from the *Broadcasting Act 1942* to the *Broadcasting Services Act 1992*;
- repealed the following Acts: <sup>†</sup>
  - *Broadcasting Act 1942*;
  - *Broadcasting (Limited Licences) Fees Act 1988*;
  - *Broadcasting (Retransmission Permits and Temporary Transmission Permits) Fees Act 1988*.

#### *Radiocommunications Act 1983*

#### *Radiocommunications (Licensing and General) Regulations 1985*

#### *Radiocommunications (Transmitter Licence Tax) Act 1983*

#### *Radiocommunications (Transmitter Licence Tax) Regulation 1985*

#### *Radio Licence Fees Act 1964*

- the Authority collects radio broadcasting licence fees as the agent of the Commonwealth.

#### *Television Licence Fees Act 1964*

#### *Television Licence Fees Regulation 1990*

- the Authority collects television broadcasting licence fees as the agent of the Commonwealth.

## APPENDIX L

### AUTHORISED BROADCASTING FACILITIES, 30 JUNE 1993

Type & Sector	Number of transmitters - 30 June 1991	Number of transmitters - 30 June 1992	Number of transmitters - 30 June 1993
ABC Television	474	535	546
ABC AM Radio	108	108	108
ABC FM Radio	288	341	420
SBS Television	37	56	59
SBS AM Radio	4	4	4
Commercial Television	563	777	815
Commercial AM Radio	140	126(1)	127
Commercial FM Radio	63	82	84
Community AM Radio	10	13	13
Community FM Radio	106	111	114
Community Television	-	-	-
BRACS FM Radio	-	69(2)	69
BRACS Television	-	70(2)	71
Narrowcasting Radio AM	-	-	2
Narrowcasting Radio FM	-	-	280(5)
Narrowcasting Television	-	-	6
<b>Total</b>	<b>1793</b>	<b>2292</b>	<b>2718</b>

- (1) Decrease is a result of AM to FM conversions.
- (2) Facilities for the Broadcasting for Remote Aboriginal Communities Scheme were licensed as Limited Licences under the *Broadcasting Act 1942*. BRACS facilities became community broadcasting services under the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992*.
- (3) The Authority is not required to keep records of 'on-air' dates. However, in this reporting year, all but the narrowcasting services are classed as 'operating', the narrowcasting services have been approved, but they are not necessarily on-air.

## **APPENDIX**

- (4) Operating as narrowcasters pending the Government's decision on the permanent use of the last high-power channel.
- (5) The majority of these services are low-powered (under 1 watt in a residential area, under 10 watts in a non-residential area) tourist information services.

*Note: These figures include licensed Self-help Broadcasting Reception Scheme transmitters.*

**APPENDIX M**

**FINANCIAL STATEMENTS**







Auditor-General

## INDEPENDENT AUDIT REPORT

To the Minister for Communications

Scope

I have audited the financial statements of the Australian Broadcasting Authority for the period ended 30 June 1993. The statements comprise:

- . Operating Statement
- . Statement of Financial Position
- . Statement of Cash Flows
- . Notes to and forming part of the Financial Statements, and
- . Statement by Members

The Members of the Authority are responsible for the preparation and presentation of the financial statements and the information contained therein. I have conducted an independent audit of the financial statements in order to express an opinion on them to the Minister for Communications.

The audit has been conducted in accordance with 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 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 whether, in all material respects, the financial statements are presented fairly in accordance with Australian accounting concepts and standards and statutory requirements so as to present a view which is consistent with my understanding of the Authority's financial position, the results of its operations and its cash flows.

The audit opinion expressed in this report has been formed on the above basis.

Audit Opinion

In accordance with Section 14 of the Broadcasting Services Act 1992, I now report that the statements are in agreement with the accounts and records of the Authority, and in my opinion:

- (i) the statements are based on proper accounts and records
- (ii) the statements show fairly in accordance with Statements of Accounting Concepts and applicable Accounting Standards the financial transactions and cash flows for the period ended 30 June 1993 and the state of affairs of the Authority as at that date
- (iii) the receipt and expenditure of moneys, and the acquisition and disposal of assets, by the Authority during the period have been in accordance with the Broadcasting Services Act 1992, and
- (iv) the statements are in accordance with the Guidelines for Financial Statements of Public Authorities and Commercial Activities.

*J. C. Taylor*

J C Taylor  
Auditor-General

Canberra

2 November 1993

**STATEMENT BY MEMBERS**

**AUSTRALIAN BROADCASTING AUTHORITY**

In our opinion the statements show fairly the Authority's,

- (a) operating result for the period ended 30 June 1993;
- (b) financial position as at 30 June 1993; and
- (c) cash flows during the period ended 30 June 1993.

The statements have been made out in accordance with the Guidelines for Financial Statements of Public Authorities and Commercial Activities issued by the Minister of Finance.

Signed in accordance with a resolution of the Members.



Chairman



Deputy Chairman

29 October 1993



**AUSTRALIAN BROADCASTING AUTHORITY  
OPERATING STATEMENT  
FOR THE PERIOD ENDED 30 JUNE 1993**

	\$	\$
<b>COST OF SERVICES</b>		
<b>Operating expenses before abnormal items</b>		
Salaries & allowances (Note 4 )	7,309,778	
Overtime	56,047	
Office rental and hire of venues (Note 5(b))	1,136,188	
Consultancy fees	399,675	
Computer services	104,432	
Travelling and subsistence	585,478	
Office requisites (Note 5(c))	488,272	
Postage, telephones and telegrams	219,319	
Legal fees and associated costs	75,938	
Minor assets (Note 1 (b))	184,421	
Repairs and maintenance	41,000	
Depreciation (Note 1 (c))	543,248	
Employee entitlements	706,551	
Incidentals (Note 5(a))	505,231	
<b>Total operating expenses before abnormal items</b>	<b>12,355,578</b>	<b>12,355,578</b>
<b>Operating revenues from independent sources before abnormal items</b>		
Sale of publications	41,179	
Interest	20,575	
Miscellaneous revenue (Note 3 )	89,553	
<b>Total operating revenues from independent sources before abnormal items</b>	<b>151,307</b>	<b>151,307</b>
<b>Net cost of services before abnormal items</b>		<b>12,204,271</b>
Abnormal items (Note 22)	672,557	
<b>Net cost of services</b>		<b>12,876,828</b>
<b>REVENUE FROM GOVERNMENT</b>		
Parliamentary appropriations received (Note 2)	11,182,000	
Liabilities assumed by government (Note 14)	1,024,062	
<b>Total Revenue from Government</b>	<b>12,206,062</b>	<b>12,206,062</b>
<b>Operating result</b>		<b>(670,767)</b>
Gain on extraordinary items (Note 23)		11,829
<b>Operating result and extraordinary items</b>		<b>(658,938)</b>
Accumulated results of operations at beginning of reporting period		
<b>Accumulated results of operations at end of reporting period</b>		<b>(658,938)</b>

*The accompanying notes form an integral part of these statements.*

**AUSTRALIAN BROADCASTING AUTHORITY**  
**STATEMENT OF FINANCIAL POSITION**  
**AS AT 30 JUNE 1993**

	\$	\$
<b>CURRENT ASSETS</b>		
Cash	613,367	
Receivables (Note 6)	8,947	
Other (Note 7)	213,758	
<b>TOTAL CURRENT ASSETS</b>	<u>836,072</u>	836,072
 <b>NON-CURRENT ASSETS</b>		
Property, plant and equipment (Note 8)	1,766,434	
<b>TOTAL NON-CURRENT ASSETS</b>	<u>1,766,434</u>	<u>1,766,434</u>
 <b>TOTAL ASSETS</b>		<u>2,602,506</u>
 <b>CURRENT LIABILITIES</b>		
Creditors (Note 9)	275,496	
Leases (Note 12)	30,109	
Provisions (Note 11)	1,449,997	
Other (Note 10)	335,730	
<b>TOTAL CURRENT LIABILITIES</b>	<u>2,091,332</u>	2,091,332
 <b>NON-CURRENT LIABILITIES</b>		
Leases (Note 12)	8,191	
Provisions (Note 13)	1,161,921	
<b>TOTAL NON-CURRENT LIABILITIES</b>	<u>1,170,112</u>	<u>1,170,112</u>
 <b>TOTAL LIABILITIES</b>		<u>3,261,444</u>
 <b>NET ASSETS</b>		<u>(658,938)</u>
 <b>EQUITY</b>		
Accumulated results of operations		<u>(658,938)</u>
 <b>TOTAL EQUITY</b>		<u>(658,938)</u>

*The accompanying notes form an integral part of these financial statements.*

**AUSTRALIAN BROADCASTING AUTHORITY  
STATEMENT OF CASH FLOWS  
FOR THE PERIOD ENDED 30 JUNE 1993**

	\$ <b>Inflows</b> <b>(Outflows)</b>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>	
Inflows:	
Receipts from user charges	129,056
Interest received	31,915
Parliamentary appropriations	<u>11,182,000</u>
	11,342,971
Outflows:	
Payments to suppliers and employees	<u>(10,681,467)</u>
<b>Net cash provided by operating activities</b> (Note 24)	<u>661,504</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>	
Outflows:	
Property, plant & equipment	<u>(364,296)</u>
<b>Net cash used in investing activities</b>	<u>(364,296)</u>
Net increase in cash held	297,208
Cash at beginning of reporting period	<u>316,159</u>
<b>Cash at End of Reporting Period</b>	<u>613,367</u>

*The accompanying notes form an integral part of these financial statements.*



**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS  
FOR THE PERIOD ENDED 30 JUNE 1993**

**1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES**

The following summary explains the significant accounting policies which have been adopted in the preparation of the accounts.

**(a) General basis of accounting**

The financial statements have been prepared on an accrual basis and take into account historical cost principles. The form of the financial statements and the Notes to and forming part of the financial statements are in accordance with the *Guidelines for Financial Statements of Public Authorities and Commercial Activities*, which were revised in March 1993. The accounting practices adopted by the ABA are in accordance with Australian Accounting Standards and Statements of Accounting Concepts.

**(b) Non-current assets**

Property, plant and equipment is shown at cost less accumulated depreciation. Items purchased for less than \$2,000 are expensed.

**(c) Depreciation**

Depreciation is provided on all non-current assets and is calculated on a straight line basis at rates which provide for the cost to be written off over the estimated useful lives of the assets.

Gains and losses on disposal of assets arising in the ordinary course of business are taken in account in determining the operating result for the period.

Leasehold improvements are capitalised and amortised over the unexpired period of the lease including the period of the lease option as it was always intended that the option be exercised.

Non-current assets purchased during the period have been depreciated from the day of purchase.

**(d) Leased assets**

Assets acquired under finance leases are included as property, plant and equipment in the statement of financial position. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of the leased property. Where assets are acquired by means of finance leases, the present value of the minimum lease payments is recognised as an asset at the beginning of the lease term and amortised on a straight line basis over the expected useful life of the leased asset. A corresponding liability is also established and each lease payment is allocated between the liability and interest expense.

Operating lease payments, where the lessor effectively retains substantially all of the risks and benefits of ownership of the leased items, are charged to expense in equal instalments over the lease term.

**(e) Provision for employee benefits**

Provision is made for the ABA's estimated liability for long service leave entitlements of its members and employees. The estimate is based on a qualifying period of ten years' eligible employee service, including previous eligible service with Commonwealth or State Governments or statutory authorities, and is accrued from the commencement of the sixth year or such eligible service.

In accordance with accepted practice, a portion of the provision relating to amounts estimated to be payable within twelve months is included as a current liability and the remainder is shown as a non-current liability. Payments of long service leave are funded by parliamentary appropriation on an as required basis.

Provision is made for the ABA's estimated liability for the recreation leave and leave bonus entitlements of its members and employees. The provision has been calculated in accordance with the conditions laid out in Public Service Board Determination 10 of 1993 for Public Service Act Staff and Remuneration Tribunal Determination 20 of 1991 for members of the ABA.

**(f) Segmental reporting**

The ABA is responsible for regulating commercial television and commercial and public radio in Australia. It is therefore considered that for reporting purposes the ABA operates within the one industry and within one geographical segment.

**(g) Trade debtors**

Bad debts are expensed as they become known.

**(h) Cash**

Cash comprises cash at bank and cash on hand.

**(i) Comparative figures**

Comparatives have not been provided for the financial statements as the ABA came into operation on 5 October 1992.

**(j) Planning division**

During the period 5 October 1992 to 30 June 1993 the Planning Division of the ABA, formerly the Station Planning Branch of the Department of Transport and Communications (DOTAC) received from DOTAC resources free of charge. The resources were of a corporate nature and comprised the financial and accounting services personnel services, general and property services, information technology support, public affairs and legal services.

The value of the services cannot be reliably determined.

**2. ITEMS OF REVENUE**

Parliamentary appropriations:	\$
Appropriation Act No. 1	10,157,000
Appropriation Act No. 5	1,025,000
Liabilities assumed by government	1,024,062
Interest	20,575

### 3. MISCELLANEOUS REVENUE

Miscellaneous revenue in the operating statement comprises the following:

Conference/seminar fees	13,115
Renewal and application fees	25,153
Refunds of moneys paid in former years by the ABT	3,200
Officer contributions towards private vehicles	3,093
Funds for middle management development	30,310
Other revenue	<u>14,682</u>
<b>Total Miscellaneous Revenue</b>	<b><u>89,553</u></b>

### 4. EMOLUMENTS OF MEMBERS AND ASSOCIATE MEMBERS

Salaries and allowances includes expenses of \$243,864, paid to members of the ABA appointed under subsection 155(2) of the Broadcasting Services Act 1992 and \$105,607, was spent on separation payments for former ABT members. The remuneration payable to members is determined by the Remuneration Tribunal and is adjusted by National Wage Case decisions.

Persons who have held office as a member of the ABA are listed in Note 21.

Remuneration Band	No. of Members
\$60,000 - \$69,999	1
\$70,000 - \$79,999	1
\$120,000 - \$129,999	1

As the ABA was established on 5 October 1992 the remuneration for each member was for 75% of a full year entitlement. Payments to superannuation funds for the ABA members were \$4,723 and liability assumed by government for these members was \$44,370.

### 5. ITEMS CHARGED AS EXPENSES

**(a) Included incidentals are the following:** \$

Advertising	38,295
Staff Development & Training	184,110
Compensation	55,244
Hospitality	15,097
Freight	17,281

**(b) Rental expense on operating leases** 929,430

**(c) Included in office requisites are:**

**Finance charges relating to finance leases** 9,086

**6. RECEIVABLES (CURRENT)**

\$

Trade debtors	8,947
---------------	-------

The ABA considers all debts to be recoverable and deems that a provision for the doubtful debts is not necessary.

**7. OTHER (CURRENT)**

Prepayments	211,172
Accrued interest	<u>2,586</u>
	<u>213,758</u>

**8. PROPERTY, PLANT & EQUIPMENT**

Computer equipment	
At cost	1,526,980
Accumulated depreciation	<u>808,874</u>
	<u>718,106</u>
Furniture and fittings	
At cost	83,605
Accumulated depreciation	<u>67,373</u>
	<u>16,232</u>
Office machines and equipment	
At cost	192,843
Accumulated depreciation	<u>52,691</u>
	140,152
Monitoring and allied equipment	
At cost	318,133
Accumulated depreciation	<u>98,498</u>
	219,635
Vehicles	
At cost	19,199
Accumulated depreciation	<u>5,598</u>
	<u>13,601</u>
Workshop equipment	
At cost	715,359
Accumulated depreciation	<u>75,849</u>
	<u>639,510</u>
Leased equipment	
At cost	73,274
Accumulated amortisation	<u>54,076</u>
	19,198
Total property, plant and equipment	
At cost	2,929,393
Provision for depreciation and amortisation	<u>1,162,959</u>
Total written down amount	1,766,434

**9. CREDITORS (CURRENT)**

	\$
Trade creditors	275,496

**10. OTHER**

Accruals	335,730
----------	---------

**11. PROVISIONS (CURRENT)**

Provision for long service leave	416,185
Provision for recreation leave	<u>1,033,812</u>
	<u>1,449,997</u>

**12. LEASES**

Current lease liability	30,109
Non-current lease liability	8,191

**13. PROVISION (NON-CURRENT)**

Provision for long service leave	1,161,921
----------------------------------	-----------

**14. SUPERANNUATION**

ABA members and employees contribute to either the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme, which provide pension, lump sum and other benefits. Under both schemes, there exists an employer component for which the liability is assumed by government. The liability assumed by government was \$1,024,062 which was based on a composite rate of 17.9%, as advised by the Department of Finance.

Members and employees of the ABA are also covered by the provisions of the Superannuation Benefit Act 1988 which provides for additional superannuation benefits known as the productivity benefit. Contributions are funded by the ABA and are paid to the Retirement Benefits Office which is liable for payment of the productivity benefit. The benefits which average 3% of salary amounted to \$156,870 for the period.

**15. LEASE COMMITMENTS**

Operating lease commitments:	\$
Not later than 1 year	1,848,629
Later than 1 year and not later than 2 years	1,380,473
Later than 2 years and not later than 5 years	3,793,803
Later than 5 years	<u>5,920,050</u>
TOTAL	<u>12,942,955</u>
Finance lease commitments:	\$
Not later than 1 year	36,362
Later than 1 year and not later than 2 years	8,650
Later than 2 years and not later than 5 years	-
Minimum lease payments	45,012
Deduct: Future finance charges	<u>6,712</u>
TOTAL	<u>38,300</u>

**16. AUDITOR'S REMUNERATION**

External audit services were provided by the Australian National Audit Office. The audit fee for the 1992-1993 financial statements is \$48,000. No other services were provided.

**17. CONTINGENT LIABILITIES**

No contingent liabilities are known to exist at balance due.

**18. LICENCE FEES**

Moneys received by the ABA in respect of broadcasting and television licence fees are not reflected in the financial statements because the ABA acts only as an agent for the Minister for Transport and Communications in so far as the billing and collection of licence fees is concerned. Payments received by the ABA's Sydney office are forwarded to the Department of Transport and Communications.

The ABA received \$94,209,134 in licence fees for the 1992-1993 collection year, comprising \$87,539,985 in television licence fees and \$6,669,149 in radio licence fees during the period 5 October 1992 to 30 June 1993.

During the period, \$796 was refunded in overpaid television licence fees and \$31,359 was refunded in overpaid radio licence fees. In addition, \$14,037,020 was allowed to licencees in the form of an aggregation rebate under the Television Licence Fees Regulations.

Details of other fees received are as follows:

## APPENDIX

- Initial licence fees receivable on the grant of a licence amounted \$1,000.
- The FM Access Fee applies to all non metropolitan commercial radio grants, including supplementary licence grants, and to existing non metropolitan commercial radio services' conversions from AM to FM transmission. During the period 5 October 1992 to 30 June 1993 FM Access Fees totalling \$891,649 were received.
- The limited licence scheme is designed to authorise restricted broadcasting services within defined categories. The amount of limited licence fees received during the period 5 October 1992 to 30 June 1993 totalled \$6,500.

### 19. MEMBERS

The following persons held the position of member or associate member of the ABA:

B. Johns	Appointed chairman	5 October 1992 for 5 years
P. Webb	Appointed member	5 October 1992 for 5 years
	Appointed deputy chairman	1 February 1993 to 4 October 1997
T. O'Keefe	Appointed member	5 October 1992 for 5 years

### 20. INSURANCE

Consistent with Commonwealth Government policy the ABA acts as its own insurer. Losses are expensed as incurred.

### 21. AFTER BALANCE DATE EVENT

(a) The ABA relocated to 'Darling Park' Sussex Street, Sydney on 2 August 1993. Operating lease commitments incurred in this move have been included in Note 15. Additional commitments are as follows:

Operating lease commitments:	\$
Not later than 1 year	1,067,550
Later than 1 year and not later than 2 years	1,164,600
Later than 2 years and not later than 5 years	3,493,800
Later than 5 years	<u>5,920,050</u>
<b>TOTAL</b>	<b>11,646,000</b>

(b) The ABA has been conducting voluntary redundancies the majority of which will be finalised during July - November 1993 at an estimated cost of \$737,993.

## 22. ABNORMAL ITEMS

The ABA has adopted a policy of capitalising assets having a cost value of \$2,000 or more. This policy has been applied to assets transferred from the Australian Broadcasting Tribunal and the Department of Transport and Communications, Station Planning Branch. The financial effect of the change in capitalisation policy is \$590,367. In addition the ABA has reassessed the estimated useful lives of its computer assets resulting in a depreciation adjustment of \$82,190. A total of \$672,557 was treated as an abnormal expense.

## 23. EXTRAORDINARY ITEMS

On 5 October 1992, the ABA had transferred to its control assets and accepted responsibility for liabilities formerly held by the Australian Broadcasting Tribunal and the Department of Transport and Communications, Station Planning Branch. These items are summarised as follows:

Australian Broadcasting Tribunal	\$
Assets	1,404,742
Deduct: Liabilities	<u>1,921,268</u>
	(516,524)
Station Planning Branch	
Assets	1,732,958
Deduct: Liabilities	<u>1,204,605</u>
	528,353
<b>Net assets accepted</b>	<b>11,829</b>

## 24. RECONCILIATION OF OPERATING RESULT WITH CASH FLOWS FROM OPERATIONS

Operating result and extraordinary items (deficit)	(658,938)
Decrease in Receivables	9,665
Increase in Other Current Assets	(19,688)
Increase in Creditors and Accruals	41,466
Decrease in lease liabilities	(18,595)
Increase in Employee Entitlements	110,337
Depreciation and amortisation	543,248
Decrease in Provision for Doubtful Debts	(6,719)
Abnormal Item	672,557
Extra-ordinary Item	<u>(11,829)</u>
Net cash generated by operating activities	<u>661,504</u>

For the purposeS of the statement of cash flows cash comprises cash at bank and cash on hand.





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