



Australian
Broadcasting
Authority

annual report
2003–04

OUR VISION A regulatory environment in which accessible, diverse and responsible electronic media services thrive.

OUR MISSION Promoting and safeguarding the community's interests in electronic media by –

- > planning and allocating spectrum efficiently for an accessible and diverse range of broadcasting services
- > fostering a regulatory environment in which electronic media respect community standards and respond to audience and user needs.

Australian
Broadcasting
Authority

Annual Report

2003–04

Sydney
2004

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ISSN 1320–863

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Publisher

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Printed in Australia by Beaver Press, Sydney.

**Giles Tanner
Acting Chair**

**Australian
Broadcasting
Authority**



24 September 2004

**Senator the Hon. Helen Coonan
Minister for Communications, Information Technology and the Arts
Parliament House
Canberra ACT 2600**

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Dear Minister

In accordance with the requirements of section 9 and Schedule 1 of the *Commonwealth Authorities and Companies Act 1997*, I am pleased to present, on behalf of the Members of the Australian Broadcasting Authority, this annual report on the operations of the Authority for the year 2003–04.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Giles Tanner'.

**Giles Tanner
Acting Chair**

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MEMBERS' REPORT

Resignation of Chairman

On 7 June 2004, Professor David Flint announced his intention to step down as Chairman of the Australian Broadcasting Authority. His resignation took effect from 2 July 2004. Professor Flint's term as Chairman was due to end on 4 October 2004.

Deputy Chair Lyn Maddock became Acting Chair on Professor Flint's resignation.

The Australian Media and Communications Authority

The Government has announced its intention to merge the Australian Broadcasting Authority and the Australian Communications Authority. This important step forward will create a new converged regulator for communications and media in Australia.

The new agency – to be called the Australian Communications and Media Authority or ACMA – will be responsible for regulating broadcasting, online content, radiocommunications and telecommunications. ACMA is to be established on or before 1 July 2005, subject to the passage through Parliament of enabling legislation. The Government will announce the new Chair and Board before the establishment of the new Authority.

Board members and senior management at both the ABA and the ACA welcome the decision to create a converged regulator. The establishment of ACMA will enable a coordinated regulatory response to converging technologies and services in areas as diverse as spectrum management and content regulation.

The ABA and the ACA have worked together effectively over many years on issues of common

interest. The established working relationships that already exist between the two organisations will be of considerable assistance as they work towards creating ACMA over the forthcoming months.

Local news and information on regional television

More local news and community information programs are being shown in regional Australia as a result of an additional licence condition imposed on certain regional commercial television licensees by the ABA.

The imposition of the licence condition on licensees in Regional Queensland, Northern NSW, Southern NSW and Regional Victoria has meant that audiences in these areas have access to minimum levels of local content on their television screens.

The type and duration of local material being broadcast in each local area served is as follows.

- Prime TV is broadcasting half hour daily news bulletins and updates in Northern NSW and Regional Victoria. In Southern NSW Prime is providing local news updates throughout the day. In addition, Prime is broadcasting other specific local material including local non-commercial community information (Monday to Friday), a weekly one-hour rural focus program, and a locally produced country music program.
- Southern Cross is broadcasting individual news updates four times each weekday and a weekly community information segment to each of the 17 local areas it serves in Regional Queensland; Northern NSW; Southern NSW; and Regional Victoria. On Saturdays, the licensee also broadcasts a half

hour current affairs program that focuses on regional issues, to each licence area.

- WIN Television is providing a half hour news service in each local area it serves in Regional Queensland, Southern NSW and Regional Victoria.
- In Northern NSW, NBN is broadcasting a one hour local news bulletin each day, local news updates throughout the day, and a local magazine-style show three days a week.
- Seven Queensland is broadcasting half hour local news bulletins in every local area it serves in Regional Queensland.

Each of the licensees is providing a mix of diverse and innovative programming within each local area served. The licensees are also broadcasting local news and information programs relevant and specific to the audiences within their local and licence areas.

During the year, the ABA also looked at the provision of local news and information

programs in those areas of rural and remote Australia where there are only two commercial television services available, or where the third service has only recently been allocated.

In all of the areas examined, viewers receive some locally produced news or information programs from at least one broadcaster, the ABA found. However, the ABA believes there is scope for some of the broadcasters to do more and the ABA plans to discuss this issue with those broadcasters. The ABA will be encouraging Southern Cross Broadcasting, WIN Television and Prime Television to consider the needs of viewers in the Darwin, Mildura, Remote Central and Eastern Australia and Regional and Remote Western Australia markets and to develop additional news or information programs that are of local significance to those viewers.

The ABA concluded however, that it is not appropriate, at this stage, to mandate the provision of local news or information programs, as has been required in the regional licence areas in Eastern Australia.



Michael Gordon-Smith, ABA Member (standing, centre) listens to Andy Neale (with microphone) make a point at the ABA Conference 2004.

The markets examined were: Broken Hill; Griffith / MIA; Mount Gambier / South East South Australia; Riverland; Spencer Gulf; Mildura / Sunraysia; Tasmania; Darwin; Remote Central and Eastern Australia; and Regional and Remote Western Australia.

Community television

The ABA allocated community television licences for Sydney and Perth during the year. The ABA looks forward to an expansion of local programs to the two communities with the successful applicants making a strong commitment to the provision of local programming.

The applicants have also committed to providing access to community groups not otherwise represented on free-to-air television.

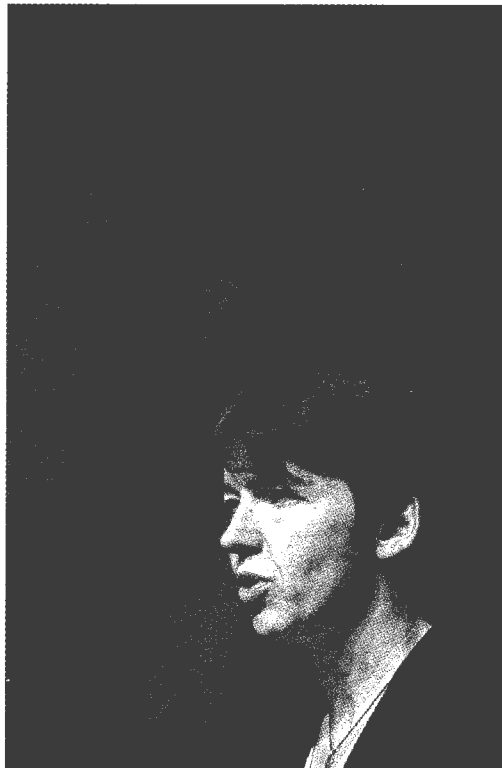
Community television services have been provided on a trial basis since 1994 under the open narrowcasting class licence. A review of the community television trial, conducted under Schedule 4 to the Broadcasting Services Act was tabled in Parliament in June 2002. As a result of the issues raised in the review, the Broadcasting Services Act was amended in 2002. The new framework for community television licences introduced requirements aimed at improving the financial and management capacity and accountability of community television licensees. It also assists the revenue raising ability of the community television sector. The new measures are intended to balance the need for ongoing financial viability of the community television sector with the need to ensure that the sector maintains its community and not-for-profit nature.

New commercial radio services

In September 2003, the ABA announced, as a general policy, that it does not propose to allocate any further analog commercial radio

licences within five years of the last allocation in the present round.

The ABA has determined licence area plans for radio throughout Australia and the price-based allocation of additional commercial radio broadcasting licences in Adelaide, Sydney, Melbourne and Brisbane will complete the allocation of new commercial radio broadcasting licences shown in those plans. By then the ABA planning process will have seen 97 new commercial radio services planned across Australia, with 36 of them allocated by auction and 61 awarded to existing solus market commercial licensees. This has resulted in a considerable expansion of the number, diversity and reach of commercial radio services in most markets, with solus markets doubling to two stations and larger regional and metropolitan markets typically adding one or two additional commercial FM stations. This growth has been accompanied by similarly rapid expansion of



Dawn Airey, Managing Director, Sky Networks, giving the ABA conference *The View from the Top*.

other types of radio services, notably open narrowcasting and community broadcasting. While completion of these allocations will not be the end of analog radio planning, such wholesale expansion of analog radio is unlikely to recur.

Although digital technology may soon open up new frontiers for expansion, further growth of analog radio on the scale of the last decade is unlikely. Analog radio spectrum is now heavily congested in the metropolitan areas and many of the more densely settled regions. While further increases in the number of services might be achieved, in congested areas where spectrum is scarce it can be expected to come at the cost of changes to existing services. For example, low powered services currently using frequencies suited to high power services might be required to shift to vacant frequencies suitable only for lower powered operation.

Research released by the ABA in October 2003 showed significantly more listeners were happy with the music offered by radio stations in their area than eight years previously.

The result showed that the introduction of new FM services has increased radio's ability to meet listener needs, the ABA found.

Music was the program format most listeners were interested in listening to, followed by news and information, then local news and information. Listeners living outside the capital cities were more interested in, and more satisfied with, local news and information than their capital city counterparts.

The ABA allocated three new commercial radio licences during the year. Companies associated with DMG Radio Australia paid \$24m for a licence in Adelaide, \$106m for a licence in Sydney and \$80m for a Brisbane licence.

Breaches of commercial radio disclosure standard

In June 2004 the ABA received advice from the Commonwealth Director of Public Prosecutions (DPP) that on the evidence available there would



David Leckie, Seven Network, and John O'Neill, Australian Soccer Association, enjoy the panel discussion: *Sports Rights: Trends, Issues and Forecasts for Sports Programming*.

be no reasonable prospect of a conviction of Radio 2UE Sydney Pty Ltd in relation to breaches of the commercial radio disclosure standard and the matter would not be approved for prosecution.

The ABA had referred material to the DPP in May 2004 for its consideration after finding that the licensee of commercial radio service 2UE Sydney had breached the *Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000* on 19 occasions. The ABA also found six breaches of the special licence condition imposed on the 2UE licensee following the ABA's Commercial Radio Inquiry in 2000.

The ABA regarded the breaches as serious. The Disclosure Standard and the special licence condition imposed on 2UE were aimed at ensuring that current affairs programs on the influential medium of commercial radio are

accurate and that information is not presented in a misleading manner by withholding relevant facts.

When a radio presenter is personally sponsored by third parties, and the presenter comments on matters directly related to those third parties, listeners are entitled to know that a commercial relationship exists between the presenter and those parties. The ABA found the licensee of 2UE had repeatedly failed to maintain the standards of disclosure relating to commercial radio presenters, and the ABA decided to refer the matters to the DPP for its consideration.

The burden of proof in criminal cases is much higher than in civil cases and for a successful prosecution in this case it would have to be proven that Radio 2UE engaged in the conduct with the requisite criminal intention.

This outcome highlights how difficult it is for the ABA to impose appropriate sanctions when it finds breaches of licence conditions and program standards.

The only civil law-based remedies available to the ABA are imposition of further licence conditions (which must not be punitive), or suspension or cancellation of the broadcaster's licence. The ABA did impose a stringent monitoring condition on Radio 2UE (see below) but would always be extremely reluctant to deprive the public of a popular service by suspending or cancelling the broadcaster's licence.

The case demonstrates the forensic difficulty of mounting a criminal prosecution under the existing law. However the ABA has not ruled out the option of seeking criminal prosecutions in the future.

The ABA is working on a proposal to the Government to expand the range of civil law sanctions that may be appropriate for dealing with these kinds of breaches.

In addition to the referral of the matter to the DPP, the ABA imposed a further licence condition on 2UE. This additional licence



Stephen Carter, Chief Executive of Ofcom, with his keynote address, *The Ofcom Experience*, shared the UK experience in merging five regulators into one, at the ABA Conference 2004.

condition required 2UE, at its expense, to engage an approved independent third party to monitor the John Laws program, for limited periods nominated by the ABA, and provide a report, including a transcript, direct to the ABA. This will provide an ongoing incentive to ensure compliance with the disclosure requirements by enabling the ABA to undertake spot checks on the program. 2UE appointed an independent monitor in June 2004.

Telstra sponsorship of the Alan Jones program on 2GB Sydney

The ABA completed its investigation into Telstra's sponsorship of the *Alan Jones Program* broadcast on commercial radio service 2GB Sydney in April 2004. The investigation concerned the sponsorship of the program under an agreement between Telstra Corporation and the parent company of the licensee, Macquarie Radio Network Pty Ltd (MRN).

The ABA found no breach of the *Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000* – a rule specifically designed to make visible possible commercial influences on current affairs presenters. In this case there were no hidden sponsorship arrangements – the agreement was between Telstra and MRN, and Mr Jones was not required to make on-air disclosures of the sponsorship agreement when he mentioned Telstra. Live read advertisements reviewed by the ABA were distinguishable from the rest of the program matter and complied with the *Broadcasting Services (Commercial Radio Advertising) Standard 2000*.

The ABA also reviewed editorial comment concerning Telstra broadcast by Mr Jones during 2002. The ABA found that some of these broadcasts were 'political matter' for the purposes of clause 4 of Schedule 2 to the *Broadcasting Services Act 1992*. However, the ABA was not persuaded that Telstra requested



The panel for *the Fair, Accurate and Biased* session at the ABA conference: (l-r): Bob Miller, General Manager, 2UE Sydney; Nick Greiner, Chairman, ASTRA; Malcolm Long, ABA Member (convenor); Catharine Lumby, Associate Professor Media Studies, University of Sydney; Paul Bongiorno, Canberra Bureau Chief, Network Ten.

and authorised the broadcasting of that political matter within the meaning of that clause. Therefore, there was no breach of this licence condition. The ABA looked at whether broadcasts by Mr Jones complied with the Commercial Radio Codes of Practice relating to the presentation of current affairs. On the available evidence, the ABA found no breach of the codes.

The ABA considers however that the existing regulatory measures aimed at promoting fairness in news and current affairs coverage merit review. In particular, extra safeguards may be required in the codes to cover a situation where a controversial issue of public importance is being dealt with and where a major advertiser or sponsor of the licensee has a particular interest in that issue. The ABA also intends to review the current rules aimed at achieving a clear distinction between editorial comment and advertising material to ensure that they are effective.

The investigation into the *Alan Jones Program* was the third major investigation completed by the ABA following a complaint by the Communications Law Centre in October 2002, concerning Sydney commercial radio services 2GB and 2UE. The ABA reports, *Investigation into matters relating to the control of the 2GB and 2CH licences* and *Investigation into Radio 2UE Sydney Pty Ltd – Sponsorship of Mr John Laws by Telstra Corporation Ltd and NRMA Insurance Ltd*, were released in May 2003 and December 2003 respectively.

Commercial arrangements held by Leon Byner of 5AA Adelaide

On 23 January 2004, *The Advertiser* newspaper in Adelaide published allegations about Leon Byner, a presenter on commercial radio station 5AA Adelaide, and his proposal to enter into third party arrangements with the Adelaide Lord Mayor and the Adelaide City Council. The ABA made preliminary inquiries of Five AA, seeking

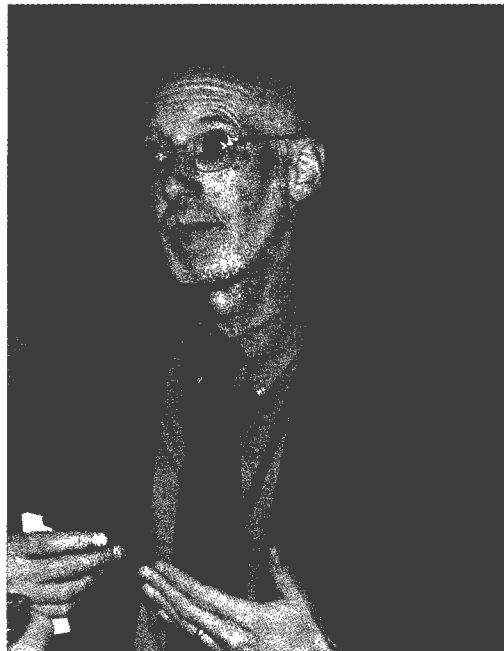
more information. Five AA suspended Mr Byner from duty and initiated its own investigation. Following this investigation, Five AA provided a significant amount of material to the ABA.

The material raised questions as to whether the arrangements fall within the regulatory regime of the Disclosure Standard. The ABA decided to commence a formal investigation into whether certain commercial arrangements between Mr Byner and a number of third parties should have been disclosed under the *Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000*.

The investigation was continuing at the date of this report.

Digital radio

As detailed in last year's annual report (p.40) the Minister for Communications, Information Technology and the Arts formed a Digital Radio Study Group to report on the status of major



Robert Pepper, Chief of Policy Development at the Federal Communications Commission (US), led the session *The Consequences of Technological Change*.

digital radio technologies currently available internationally. The group comprises representatives of the ABA, the Australian Communications Authority and the Department of Communications, Information Technology and the Arts.

The group released two reports, one on technologies and the other on international implementation strategies and held a consultative forum in September 2003 to hear stakeholders' views on the issues affecting any future implementation of digital radio in Australia. It reported to the Minister in November 2003.

In October 2003, the ABA endorsed the conduct of digital radio trials in Melbourne and Sydney by Broadcast Australia and Commercial Radio Australia respectively. The Broadcast Australia trials commenced on VHF channel 9A in Melbourne in November 2003, whilst the Commercial Radio Australia trial in Sydney commenced in December, for a period of up to eighteen months. The ABA's policy on digital

radio trials confirms the 'open' nature of trials (i.e. they are not restricted to incumbents) and emphasises the temporary and non-pre-emptive nature of trials.

Community education about Internet safety

Community education remains a key focus of the ABA's activities under the co-regulatory scheme for Internet content.

In addition to the ABA's Cybersmart Kids web site, which provides Internet safety advice for children, parents and teachers, the ABA launched Net Detectives during the year.

Net Detectives

Net Detectives uses the Internet itself to teach young people key Internet safety messages – especially those related to use of Internet chat rooms – and was originally developed by the



Bob Horton, Acting Chair, Australian Communications Authority (centre, left) confers with Robert Le Tet, ABA Member, as the ABA conference participants network.

United Kingdom-based Internet safety body Childnet International in partnership with a number of other community bodies. The ABA, by agreement with Childnet, has adapted the activity for use in Australian schools. Three Net Detectives events were held during the year, involving schools from almost every state.

With more and more families going online all the time, and chat rooms being particularly popular among young people, it's important to understand how to manage the potential risks associated with this activity. The ABA is particularly concerned that children may experience contact from people who are not who they say they are.

The key messages of Net Detectives are:

- parents should monitor their children's use of the Internet, particularly chat rooms
- children should never give out personal information when they're chatting online
- if children want to meet face-to-face someone that they have chatted with, they should always take a parent with them.

Net Detectives has proved very successful in Europe and has won two prestigious awards.

Commercial television code of practice

The ABA worked with Free TV Australia in the development of a revised Commercial Television Industry Code of Practice. The ABA undertook research into privacy, community attitudes towards the portrayal of violence on television, and complaints handling, in order to inform the review.

The ABA was satisfied the revised code met the required criteria in the Broadcasting Services Act and registered the code on 1 July 2004.

CHAPTER 1: THE AUSTRALIAN BROADCASTING AUTHORITY

Establishment

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

The ABA is an independent statutory authority responsible, through the Minister for Communications, Information Technology and the Arts, to Parliament. It is required to prepare and furnish annually to the Minister a report on its operations during the preceding year for tabling in Parliament.

The Broadcasting Services Act provides for the appointment of a Chairperson, a Deputy Chairperson and at least one, but not more than five, other Members who may be full-time or part-time. The Members of the ABA are appointed by the Governor-General for periods of up to five years and are eligible for reappointment on one occasion only. The Minister may appoint persons to be Associate Members of the ABA, either generally or for particular investigations or hearings.

Functions

The primary functions of the ABA are:

- (a) to provide advice to the Australian Communications Authority in relation to:
 - i. the spectrum plan and frequency band plans under the *Radiocommunications Act 1992* and the designation of bands for broadcasting purposes
 - ii. the designation under section 131 of that Act of parts of the radiofrequency spectrum as being primarily for broadcasting purposes
- (b) to plan the availability of segments of the broadcasting services bands on an area basis
- (c) to allocate, renew, suspend and cancel licences and to take other enforcement action under the Act
- (d) to conduct investigations or hearings relating to the allocating of licences for community radio and community television services
- (da) to conduct investigations as directed by the Minister under section 171 of the Act
- (e) to design and administer price-based systems for the allocation of commercial television broadcasting licences and commercial radio broadcasting licences
- (f) to collect any fees payable in respect of licences
- (g) to conduct or commission research into community attitudes on issues relating to programs
- (h) to assist broadcasting service providers to develop codes of practice that, as far as possible, are in accordance with community standards
- (i) to monitor compliance with those codes of practice
- (j) to develop program standards relating to broadcasting in Australia
- (k) to monitor compliance with those standards
- (l) to monitor and investigate complaints concerning broadcasting services (including national broadcasting services) and datacasting services
- (m) to inform itself and advise the Minister on technological advances and service trends in the broadcasting industry and

(n) to monitor, and to report to the Minister on, the operation of the Act.

The ABA has additional functions under the Broadcasting Services Act and other legislation. These include giving opinions concerning the category to which broadcasting services belong, and determining additional, or clarifying existing, criteria for those categories; giving opinions on whether a person is in a position to exercise control of a licence, company or newspaper; and administering aspects of the ownership and control rules applying to certain categories of licences. The ABA also issues evidentiary certificates stating that a specified service is, or was, a telephone sex service, pursuant to Section 158F of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

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

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

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

- the objects of the Act and the regulatory policy set out in the Act

- any general policies of the Government notified to the ABA by the Minister
- any directions given to the ABA by the Minister; and
- Australia's obligations under the Protocol on Trade in Services to the Australia New Zealand Closer Economic Relations – Trade Agreement.

For more information about the ABA's role and functions, see appendix 1, Freedom of Information and appendix 2, Legislation.

Minister

At the date of this report, the responsible Minister was the Hon. Daryl Williams, Minister for Communications, Information Technology and the Arts.

From 14 July 2004, the Minister for Communications, Information Technology and the Arts was Senator Helen Coonan.

Australian Communications and Media Authority

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

The Australian Communications and Media Authority (ACMA) will be responsible for regulating telecommunications, broadcasting, radiocommunications and online content. Its creation recognises the changing nature of the communications environment.

ACMA will be established by 1 July 2005, subject to the passage of enabling legislation through the Federal Parliament. Transitional arrangements will be put in place to enable the existing authorities to plan for the transition to a single communications regulator.

Committees

The ABA works through a number of committees which are designed to allow its deliberative work to be considered in more detail and to identify relevant and principal issues that need to be brought to the attention of the full ABA.

All ABA Members are members of the Planning and Licensing Committee and the Policy and Content Regulation Committee. The Corporate Finance and Administration Committee membership includes four ABA Members as does the the Audit and Risk Management Committee.

The General Manager and General Counsel attend all meetings.

Members obtain internal advice, and external professional advice as appropriate.

The ABA maintains appropriate registers of private interests and Members are expected to declare any interest whenever relevant.

Corporate governance

The Audit and Risk Management Committee assists the ABA Board in discharging its responsibilities relating to financial reporting practices, business ethics, accounting policies and management and internal controls. It also ensures the integrity of the internal audit function and ensures that management practices and systems support the effective operation of the ABA's risk management strategies and fraud

control plan. The Committee also provides a valuable forum for communication between the Board, senior management and both the internal auditor (Deloitte Touche Tohmatsu) and external auditor (Australian National Audit Office).

In 2003–04, the Audit and Risk Management Committee comprised four ABA Members, two as non-executive members, including the chairman of the Committee. The Committee's terms of reference provides for four meetings each year with additional meetings to be held at the discretion of the Committee's Chair. The ABA's internal and external auditors regularly attend committee meetings.

In 2003–04 the Committee continued to direct effective risk-based internal and external audit programs and reviewed a range of procedures and practices. It received regular reports from management and the internal and external auditors, and implemented recommendations for further efficiency improvements, including reviews of software asset management, use of Australian Government credit cards and employee and financial management.

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

	ABA	AUDIT	PCR	CFAC	PLC
David Flint	27	–	8	4	7
Lyn Maddock	30	2	12	4	9
Michael Gordon-Smith	28	1	11	2	8
Robert Le Tet	25	2	11	–	7
Malcolm Long	24	2	10	–	7
Jane Marquard	30	–	12	–	8
Ian Robertson	28	–	10	4	7
Bob Horton	5	–	–	–	–

AUDIT – Audit and Risk Management CFAC – Corporate, Finance and Administration
 PCR – Policy and Content Regulation PLC – Planning and Licensing

Members of the ABA

The Members of the Australian Broadcasting Authority are:



Chairman: Professor David Flint AM LL.M, BSc (Ecs) (London), DSU (Paris)
Appointed 5 October 1997 for three years, reappointed to 4 October 2004.
Professor Flint, Professor of Law, was Chairman of the Australian Press Council and Dean of Law at the University of Technology, Sydney from 1987 to 1997. He is President of the Australian Federation of the English Speaking Union, Vice President of the International Law Association and Vice President of the World Jurist Association. Professor Flint has published widely, in books and articles, on the media, international, constitutional and media law as well as current affairs. He was made a Member of the Order of Australia in 1995. He is an Associate Member of the Australian Competition and Consumer Commission. Professor Flint resigned from the ABA on 1 July 2004.



Deputy Chair: Lyn Maddock BEc (Acting Chair from 2 July 2004)
Appointed 13 December 2000 for three years.
Ms Maddock has extensive management and public policy experience across a range of areas, having held senior positions with the Productivity Commission, the National Occupational Health and Safety Commission, the Department of Prime Minister and Cabinet and Westpac Banking Corporation.



Member: Michael Gordon-Smith BA (Hons)
Appointed 15 September 1997 for three years, reappointed to 14 September 2004.
Mr Gordon-Smith was formerly the Executive Director of the Screen Producers Association of Australia, a trustee of the industry superannuation fund, JUST Super and a director of the Audio Visual Copyright Society. He began his career by abandoning an engineering scholarship to pursue an honours degree in philosophy. Mr Gordon-Smith is an associate member of the Australian Communications Authority.



Part-time member: Robert Le Tet BEc

Appointed 10 August 2000 for three years. (After the date of this report Mr Le Tet was reappointed to 9 August 2007.)

Mr Le Tet has extensive experience in the film, television, advertising and radio industries both domestically and internationally. He has formed and raised capital for various industry entities and has contributed to government working parties both in Australia and New Zealand. Former industry appointments include director, Crawford Productions, finance director AAV, deputy chairman EON-FM, director Cinema Papers, chairman 3CV, chairman 3UZ, member State Film Centre and chairman and CEO of the FilmHouse group of companies. Currently Mr Le Tet owns and operates the media company Entertainment Media and a venture capital company.



Part-time member: Malcolm Long LLB

Appointed 10 August 2000 for three years, reappointed to 9 August 2007.

Mr Long is Director of the Australian Film Television and Radio School. As Managing Director of SBS from 1993 to 1997, Mr Long was responsible for the services provided by SBS radio and television throughout Australia. Before joining SBS, Mr Long held various production and management positions with the ABC rising to the position of Deputy Managing Director. He is a Director of Pan TV Ltd which operates the World Movies pay TV channel and of the Macquarie Communications Infrastructure Group. Mr Long was President of the Australian Museum (1995–2000) and is a former Chairman of the London-based international Institute of Communications.



Part-time member: Ian Robertson LLB, BCom

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

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



Part-time member: Jane Marquard BA LLB

Appointed 8 March 2001 for three years, reappointed to March 2008.

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

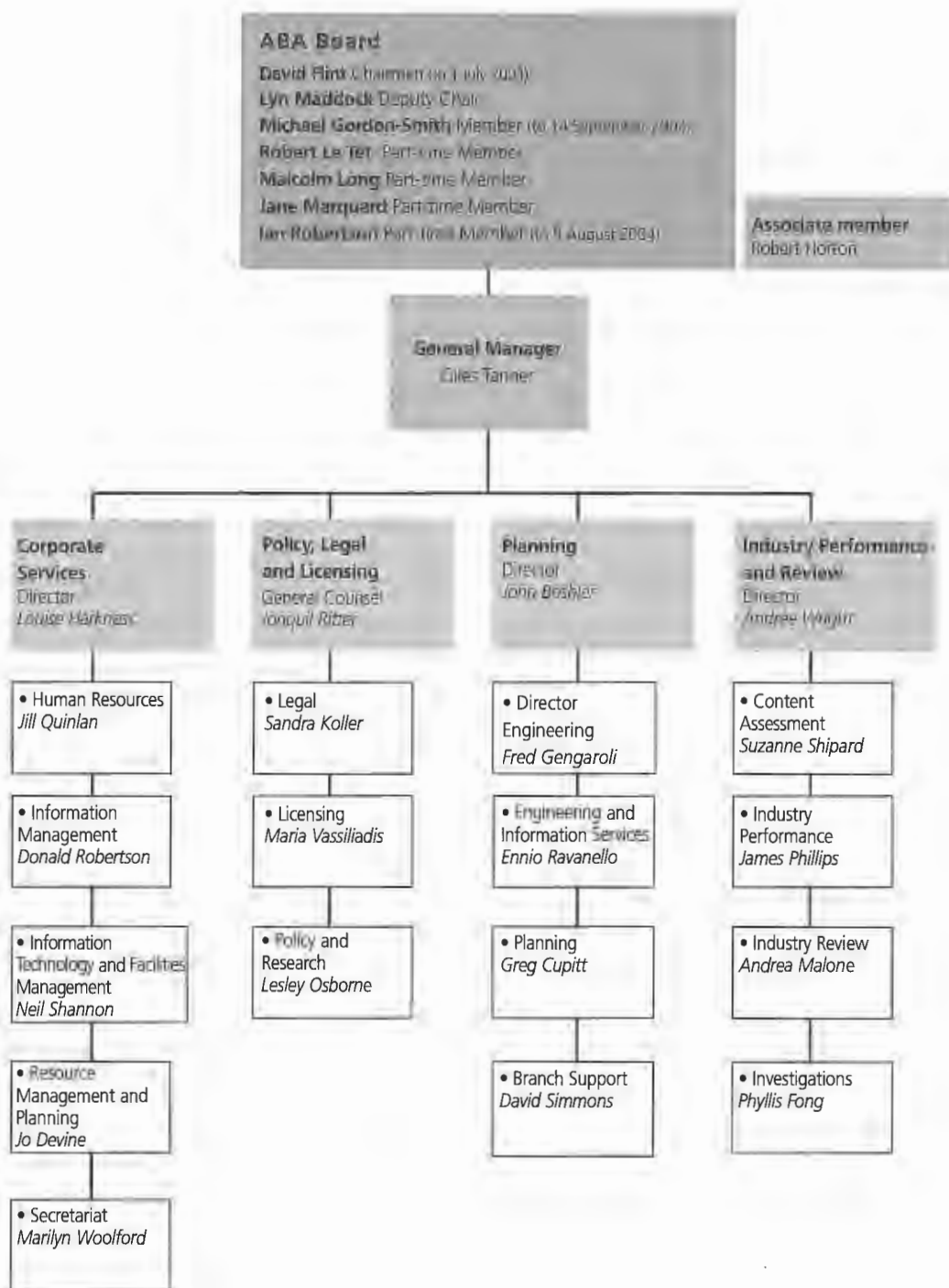
Associate member: Robert Horton

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

Associate member: Ross Jones

Mr Jones was appointed for general purposes of the ABA from 2 November 1999 to 13 June 2004 when Commissioner, Australian Competition and Consumer Commission. Mr Jones resigned from the ABA on 23 July 2003.

Corporate structure



As at 30 June 2004

OUTPUT

Planned and licensed electronic media

CHAPTER 2: LICENCE AREA PLANNING AND ALLOCATION

Goal Increase access to analog radio and television broadcasting services in all areas of Australia	
Strategies	
Complete licence area plans and determine licence area plan variations for long term use of spectrum	<ul style="list-style-type: none"> • Television licence area plans for all three-station regional television markets completed, licence area plans for the Riverland and Spencer Gulf markets varied, and draft licence area plan variation released for public discussion for the Remote Central and Eastern Australia market. • Two new radio licence area plans and 23 variations completed, and four draft variations to licence area plans released.
Provide customised solutions to blackspots, interference and other problems that reduce or adversely affect coverage of analog broadcasting services	<ul style="list-style-type: none"> • Technical and frequency planning support to the television and radio blackspot programs provided. Spectrum allocated, and unanticipated technical and site problems associated with the implementation of analog television services dealt with. • Technical specifications verified for 69 radio black spot areas, technical specifications amended or replanned for nine black spot areas and planning completed for 27 areas. • All reception complaints about analog broadcasting responded to. • Fewer than anticipated complaints arising from the commencement of digital television services: the majority were handled by the broadcasters under the Interference Management Scheme.
Allocate planned licences in a timely, fair and transparent manner	<ul style="list-style-type: none"> • Three commercial radio broadcasting licences in the reporting period allocated for services in Adelaide, Sydney and Brisbane. • 183 new community radio broadcasting services had been made available in licence area plans by December 2001. During the year the ABA allocated nine licences, bringing the total allocated to 143. Allocation of a further ten licences is proceeding. • Six new community television broadcasting services made available in licence area plans in October 2003: licences for Perth and Sydney allocated, decisions close for Melbourne and Brisbane, advertisements inviting applications for the Adelaide and Lismore licences planned. • Sixty-six open narrowcasting radio services made available in licence area plans are still to be allocated. It is anticipated that the licences will be readvertised for allocation towards the end of 2004. • Eight new community radio broadcasting services made available through licence area plan variations, four licence allocation processes are proceeding.

Verify and document the current approach and processes used to respond to interference complaints or reports	<ul style="list-style-type: none"> Records of all complaints and enquiries regarding reception and interference maintained. Enquiries and complaints are handled within the timeframes specified in the ABA's service charter.
Review spectrum management methodologies and guidelines to test efficiency of spectrum use	<ul style="list-style-type: none"> Program initiated to review current planning practices, including technical assumptions and parameter values, used in the planning of analog and digital broadcasting services.
Advise the Minister and department on potential improvements to access for analog broadcasting services	<ul style="list-style-type: none"> The Minister regularly briefed on planning and licensing analog radio, and analog and digital television services throughout Australia, including information on the progress of the Black Spots Programs.

Licence area plans and variations

The ABA completed planning for radio services in all areas of Australia in December 2001. In 2003–04, the ABA has continued, upon request, to plan new services or replan existing services. The ABA has also completed television planning across Australia, and has revisited plans on a needs basis.

Final licence area plans – analog radio Coober Pedy, SA – February 2004

In the licence area plan for Coober Pedy the ABA made channel capacity available for a new community radio service.

Roxby Downs, SA – February 2004

In the licence area plan for Roxby Downs the ABA made channel capacity available for a new community radio service.

Final licence area plans – analog television

Northern NSW – September 2003

In the television licence area plan for Northern NSW the ABA made channel capacity available for the two existing national television services, the three existing commercial television services and one new community television service for Lismore.

Southern New South Wales – November 2003

In the television licence area plan for Southern New South Wales the ABA made channel capacity available for the two national television services and three existing commercial television services.

Regional Victoria – November 2003

In the television licence area plan for Regional Victoria the ABA made channel capacity available

for the two national television services and three existing commercial television services.

Regional Queensland – September 2003

In the television licence area plan for Regional Queensland the ABA made channel capacity available for the two national television services and three existing commercial television services.

Draft licence area plans – analog radio

Coober Pedy, SA – November 2003

In a draft licence area plan for Coober Pedy the ABA proposed to make channel capacity available for a new community radio service.

Roxby Downs, SA – November 2003

In a draft licence area plan for Roxby Downs the ABA proposed to make channel capacity available for a new community radio service.

Draft licence area plans – analog television

Southern New South Wales – August 2003

In a draft television licence area plan for Southern New South Wales the ABA proposed to make channel capacity available for the two national television services and three existing commercial television services.

Regional Victoria – August 2003

In a draft television licence area plan for Regional Victoria the ABA proposed to make channel capacity available for the two national television services and three existing commercial television services.

Final variations to licence area plans – analog radio

Canberra, ACT – November 2003

In a variation to the licence area plan for Canberra the ABA made two FM channels used by the former community radio service 2SSS

available for Canberra national radio service 2PB to convert to the FM band, in order to rectify reception deficiencies.

The ABA also extended the licence area of the existing community radio service, 2QBN Queanbeyan to the communities of Sutton and Bungendore. 2QBN was given the option of changing its current technical operating conditions in order to serve these communities. Furthermore, the ABA made channel capacity available for an additional FM transmitter for the existing community radio service 1WAY to serve the area of Tuggeranong, ACT.

Additionally, the ABA made channel capacity available for an additional FM transmitter for the existing Canberra community radio service 1RPH to serve the city of Wagga Wagga, NSW.

Cooma, NSW – November 2003

In a variation to the licence area plan for Cooma the ABA made channel capacity available for an additional transmitter for the community radio service 2MNO Cooma to serve the town of Bombala. The ABA also changed the frequency of the existing Bombala open narrowcasting service in order to avoid potential interference from a proposed Illawarra high power national service.

Gosford, NSW – November 2003

In a variation to the licence area plan for Gosford the ABA changed the technical operating conditions of the new commercial radio service in Gosford.

Goulburn, NSW – February 2004

In a variation to the licence area plan for Goulburn the ABA reserved channel capacity for an additional national radio service to serve the city of Goulburn, and made channel capacity available for an additional community radio service to serve the town of Braidwood, NSW.

Lismore, NSW – May 2004

In a variation to the licence area plan for Lismore the ABA made FM channel capacity available in Kyogle for the commercial radio service, 2LM Lismore. In addition, the ABA reserved FM channel capacity for an additional national radio service to serve Lismore.

Taree, NSW – November 2003

In a variation to the licence area plan for Taree the ABA changed the operating frequency of the community radio service 2BOB Taree.

Wollongong, NSW – November 2003

In a variation to the licence area plan for Wollongong the ABA reserved channel capacity for one additional national radio service to serve the Illawarra area. Use of the channel depends on the WIN commercial television service currently operating on VHF channel 3 moving to a UHF channel. The ABA also decided to allow the existing SBS radio service, 2EA, to move to an alternative frequency in order to be able to transmit at a higher power. The current 2EA frequency will continue to be reserved for a national radio service for the foreseeable future.

Young, NSW – February 2004

In a variation to the licence area plan for Young the ABA changed the technical specifications of the translator services of commercial radio service 2LFF Young at Cootamundra and Cowra in order to improve reception.

Hamilton, Vic – August 2003

In a variation to the licence area plan for Hamilton the ABA made additional channel capacity available at Portland for the commercial radio service 3HFM Hamilton.

Melbourne, Vic – April 2004

In a variation to the licence area plan for Melbourne the ABA removed the special conditions that required three Melbourne radio

services to operate with restricted radiation patterns towards Tasmania.

Warrnambool, Vic – May 2004

In a variation to the licence area plan for Warrnambool the ABA changed the transmitter site and technical specifications of commercial radio service 3YB Warrnambool.

The ABA also extended the licence area of the existing community radio service 3WAY Warrnambool to include the towns of Camperdown, Cobden, Mortlake, Port Campbell, Peterborough, Terang and Timboon.

Atherton, Qld – June 2004

In a variation to the licence area plan for Atherton the ABA made FM channel capacity available in Ravenshoe for the commercial radio service 4AMM Atherton.

Charleville, Qld – February 2004

In a variation to the licence area plan for Charleville the ABA made FM channel capacity available for commercial radio service 4VL Charleville in the areas of Augathella, Morven, Mungallala, Quilpie, Tambo and Wyandra. It also changed 4VL's technical operating conditions to allow it to operate at a slightly higher power during daylight hours to enhance reception.

In addition, the ABA made FM channel capacity available in Charleville for a new community radio service and changed the frequency of the open narrowcasting service in Charleville.

Emerald, Qld – June 2004

In a variation to the licence area plan for Emerald the ABA made channel capacity available in Blackwater and Middlemount for the commercial radio service 4HIT Emerald.

In addition, the ABA reserved channel capacity for three additional national radio services in Emerald, and changed the operating conditions of the Moranbah and Woorabinda community radio services. The ABA also extended the Moranbah community radio licence area to

include the towns of Burton Mine, Coppabella, Goonyella, Moorvale, Peak Downs and Saraji. The Woorabinda licence area was extended to include Zamia Creek.

Innisfail, Qld – July 2003

In the variation to the licence area plan for Innisfail the ABA made channel capacity available for an open narrowcasting service in Tully. The ABA also made channel capacity available for the existing commercial radio service 4KZ Innisfail to operate in Cardwell (with an increase in operating power to 300 W), Hinchinbrook, Murray Falls and Tully. In addition, the ABA made channel capacity available for the existing FM commercial radio service 4ZKZ Innisfail to operate in East Palmerston, Hinchinbrook and Murray Falls.

Kingaroy, Qld – April 2004

In a variation to the licence area plan for Kingaroy the ABA made channel capacity available for a community radio service in Yarraman, Queensland.

Mackay, Qld – June 2004

In a variation to the licence area plan for Mackay the ABA reserved channel capacity for an additional national radio service in Mackay. In addition, the ABA made channel capacity available for the Mackay commercial radio services 4MKY in Glenden and 4MMK in Nebo and Clairview/St Lawrence.

Mt Gambier, SA – November 2003

In a variation to the licence area plan for Mt Gambier the ABA granted the community radio service 5GTR an extension of time within which to change its operating frequency.

Spencer Gulf, SA – July 2003

In a variation to the licence area plan for Spencer Gulf the ABA provided an extension of time for commercial radio service 5CS to change frequency for its Spencer Gulf North transmitter.

Remote Western Australia – March 2004

In a variation to the licence area plan for Remote Western Australia the ABA made additional channel capacity available at Home Island, Cocos Islands, for a community radio service.

Burnie, Tas – April 2004

In a variation to the licence area plan for Burnie the ABA decided to allow an increase in power for the commercial radio service 7SEA Burnie and to make additional channel capacity available in Smithton / Stanley for 7BU Burnie.

Scottsdale, Tas – June 2004

In a variation to the licence area plan for Scottsdale the ABA made FM channel capacity available in Welborough for the commercial radio service 7RGS Scottsdale. In addition, the ABA extended the Break O'Day community radio licence area to the towns of Bicheno and Coles Bay.

Remote North East Zone – December 2003

In a variation to the licence area plan for Remote North East Zone (RNEZ), the ABA made additional channel capacity available for the commercial radio service 4RBL to operate at Inglewood and Texas and alternative technical specifications available for the service to operate at Childers / Gin Gin, Beaudesert, Stanthorpe, Canungra and Kilcoy.

The ABA also made additional channel capacity available for the commercial radio service 4BRZ to operate at Childers/Gin Gin, Inglewood, Texas and Kilcoy and alternative technical specifications available at Beaudesert and Canungra.

Additionally, the ABA made channel capacity available for new community radio services in Dunedoo, the Warrumbungles area of New South Wales (Coonamble, Coonabarabran and Gilgandra) and Weipa, Queensland, and channel capacity for an open narrowcast service in Inglewood, Queensland.

Final variations to licence area plans – television

Riverland, SA – May 2004

In a variation to the licence area plan for the Riverland the ABA removed the technical specifications for channels 33 and 36. These channels had been planned as replacement channels for ABC TV service ABR3 and commercial television service RTS5A, in the event that these television services were cleared from their current channels. By the end of the digital television simulcast period, services that have been operating in analog mode in VHF Band II (channels 3, 4 and 5) or on channel 5A will cease and as such, the ABA believes there no longer remains a pressing need to clear VHF Band II / 5A channels.

In addition, the ABA decided to vary the technical specifications of the analog television services in the areas to reflect the current operating conditions.

Spencer Gulf, SA – May 2004

In a variation to the licence area plan for Spencer Gulf the ABA removed the technical specification for channel 34. This channel had been planned as a replacement channel for GTS in the event that transmissions on channel 4 became unreliable and unmaintainable.

By the end of the digital television simulcast period, services that have been operating in analog mode in VHF Band II (channels 3, 4 and 5) or on channel 5A will cease and as such, the ABA believes there no longer remains a pressing need to clear VHF Band II / 5A channels.

In addition, the ABA decided to vary the technical specifications of the analog television service in the areas to reflect the current operating conditions.

Draft variations to licence area plans – analog radio

Canberra, ACT – September 2003

The ABA proposed to vary the licence area plan for Canberra to:

- remove technical capacity for the former community radio service 2SSS and to reserve this capacity for national radio service 2PB Canberra
- give community radio service 2QBN Queanbeyan the option to change its current technical operating conditions, in order to serve and extend its licence area to the communities of Sutton and Bungendore
- make channel capacity available for an additional FM transmitter for the community radio service 1WAY Canberra to serve the area of Tuggeranong, ACT and
- make channel capacity available for an additional FM transmitter for the existing Canberra community radio service 1RPH to serve the city of Wagga Wagga, NSW.

Bega, NSW – September 2003

The ABA proposed to vary the licence area plan for Bega to reserve channel capacity for two additional national radio services to serve the Batemans Bay/Moruya area, and to change the technical specification of the commercial radio service 2EC Bega.

The ABA also proposed to allow the community radio service 2BAR Bega to change transmitter site and proposed to make channel capacity available for an additional community radio service in Eden.

Bourke, NSW – June 2004

The ABA proposed to vary the licence area plan for Bourke to make FM channel capacity available for the community radio service 2CUZ Bourke at Goodooga, Lightning Ridge, Walgett and Weilmoringle and to remove channel capacity for an unallocated open narrowcasting service at Walgett.

The explanatory paper to the draft variation also sought submissions on a request from the licensee of community radio service 2WEB Bourke to extend its licence area to include the townships of Cunnamulla, Queensland and Cobar, New South Wales.

Cooma, NSW – September 2003

The ABA proposed to vary the licence area plan for Cooma to allow commercial radio services 2XL and 2SKI to operate alternative technical specifications in Bombala. The ABA also proposed to make channel capacity available for an additional transmitter for the community radio service 2MNO Cooma to serve the town of Bombala and to change the frequency of the existing Bombala open narrowcasting radio service.

Gosford, NSW – October 2003

The ABA proposed to vary the licence area plan for Gosford to change the technical operating conditions of the new commercial radio service in Gosford.

Goulburn, NSW – September and November 2003

In September 2003, the ABA released a draft variation to the licence area plan for Goulburn proposing to reserve channel capacity for an additional national radio service to serve the city of Goulburn, vary the Braidwood transmitter site of the commercial radio services 2GN and 2SMO Goulburn and make channel capacity available for an additional community radio service to serve Braidwood.

In November 2003, the ABA released a revised proposal to make channel capacity available for an additional community radio service in Braidwood. The ABA also revised its proposal to change the operating conditions of the existing commercial radio services in Braidwood.

Lismore, NSW – March 2004

The ABA proposed to vary the licence area plan for Lismore to make FM channel capacity available for the commercial radio service, 2LM Lismore in Kyogle. In addition, the ABA proposed to reserve FM channel capacity for an additional national radio service to serve Lismore.

Nowra, NSW – September 2003

The ABA proposed to vary the licence area plan for Nowra to allow a change to the technical specifications of commercial radio service 2ST Nowra and to make available an additional FM transmitter for 2ST to serve the south east section of its licence area.

The ABA also proposed to make channel capacity available for an additional community radio service to serve the town of Sanctuary Point, NSW.

Sydney, NSW – December 2003

The ABA proposed to vary the licence area plan for Sydney to change to the transmission site and radiation pattern for a Penrith open narrowcasting radio service planned to operate on 1476 kHz in the AM band.

Taree, NSW – October 2003

The ABA proposed to vary the licence area plan for Taree to change the operating frequency of the community radio service 2BOB Taree and to make channel capacity available for a new community radio service in Taree.

Wollongong, NSW – September 2003

The ABA proposed to vary the licence area plan for Wollongong to reserve channel capacity for one additional national radio service to serve the Illawarra area and to allow the SBS service 2EA to move to an alternative channel.

Young, NSW – December 2003

The ABA proposed to vary the licence area plan for Young to change the technical specifications

of the translator services of commercial radio service 2LFF Young at Cootamundra and Cowra in order to improve reception.

Hamilton, Vic – July 2003

The ABA proposed to vary the licence area plan for Hamilton to make additional channel capacity available at Portland for the commercial radio service 3HFM Hamilton.

Melbourne, Vic – March 2004

The ABA proposed to vary the licence area plan for Melbourne to remove the special conditions that required three Melbourne radio services to operate with restricted radiation patterns towards Tasmania

Warrnambool, Vic – October 2003

The ABA proposed to vary the licence area plan for Warrnambool to change the transmitter site and technical specifications of commercial radio service 3YB Warrnambool.

The ABA also proposed to extend the licence area of the existing community radio service 3WAY Warrnambool.

Atherton, Qld – April 2004

The ABA proposed to vary the licence area plan for Atherton to make FM channel capacity available in Ravenshoe for the commercial radio service 4AMM Atherton.

Charleville, Qld – December 2003

The ABA proposed to vary the licence area plan for Charleville to make FM channel capacity available for commercial radio service 4VL Charleville in the areas of Augathella, Morven, Mungallala, Quilpie, Tambo and Wyandra. It also changed 4VL's technical operating conditions to allow it to operate at a slightly higher power during daylight hours to enhance reception.

In addition, the ABA made FM channel capacity available in Charleville for a new community radio service and changed the frequency of the open narrowcasting service in Charleville.

Emerald, Qld – April 2004

The ABA proposed to vary the licence area plan for Emerald to make channel capacity available for the commercial radio service 4HIT Emerald in Blackwater and Middlemount.

In addition, the ABA proposed to reserve channel capacity for three additional national radio services in Emerald, and to change the operating conditions of the Moranbah and Woorabinda community radio services to extend their licence areas.

Kingaroy, Qld – February 2004

The ABA proposed to vary the licence area plan for Kingaroy to make channel capacity available for a community radio service in Yarraman, Queensland.

Mackay, Qld – April 2004

The ABA proposed to vary the licence area plan for Mackay to reserve channel capacity for an additional national radio service in Mackay. In addition, the ABA proposed to make channel capacity available for the Mackay commercial radio services 4MKY in Glenden and 4MMK in Nebo and Clairview/St Lawrence.

Mt Gambier, SA – October 2003

The ABA proposed to vary the licence area plan for Mt Gambier to grant the community radio service 5GTR Mt Gambier an extension of time within which to change its operating frequency.

Remote Western Australia – October 2003

The ABA proposed to vary the licence area plan for Remote Western Australia to make additional channel capacity available at Home Island, Cocos Islands, for a community radio service.

Burnie, Tas – February 2004

The ABA proposed to vary the licence area plan for Burnie to allow an increase in power for the commercial radio service 7SEA Burnie and to

make additional channel capacity available in Smithton/St Stanley for 7BU Burnie.

Scottsdale, Tas – April 2004

The ABA proposed to vary the licence area plan for Scottsdale to make FM channel capacity available in Welborough for the commercial radio service 7RGS Scottsdale.

Remote North East Zone – August and October 2003

In August 2003, the ABA released a draft variation to the licence area plan for Remote North East Zone (RNEZ). The ABA proposed to make additional channel capacity available for the 4RBL commercial radio service to operate at Inglewood and Texas and alternative technical specifications available for the service to operate at Childers/Gin Gin, Beaudesert, Canungra and Kilcoy.

The ABA also proposed to make additional channel capacity available for the 4BRZ commercial radio service to operate at Childers/Gin Gin, Stanthorpe, Inglewood, Texas and Kilcoy and alternative technical specifications available at Beaudesert and Canungra.

In October 2003, the ABA released revised proposals following consideration of further requests from the licensee of the 4RBL and 4BRZ.

The revised draft variation to the licence area plan also proposed making channel capacity available for new community radio services in the Warrumbungles area of New South Wales (Coonamble, Coonabarabran and Gilgandra) Dunedoo NSW and Weipa, Queensland and channel capacity for an open narrowcasting service in Inglewood, Queensland.

Draft variations to licence area plans – television

Riverland, SA – March 2004

The ABA proposed to vary the licence area plan for the Riverland to remove the technical

specifications for alternative channels that were made available in the event that the VHF Band II national television service and the channel 5A commercial television service were cleared.

Spencer Gulf, SA – March 2004

The ABA proposed to vary the licence area plan for Spencer Gulf to remove the technical specification for the alternative channel that was made available in the event that the VHF Band II commercial television service in the area was cleared.

Remote Central and Eastern Australia - June 2004

The ABA proposed to vary the licence area plan for Remote Central and Eastern Australia to remove the technical specification for the alternative channel that was made available in the event that the national channel 5A service at Wandoan was cleared.

Television Black Spots Program

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

The program is in two parts: the first provides new services; the second replaces obsolete equipment at existing self-help retransmission sites.

The program is also divided into two rounds. Round 1 is for areas where the number of affected households in a black spot area exceeds 100, round 2 for areas where the number of affected households exceeds 50.

In 2003–04 the ABA continued to allocate spectrum, and deal with unanticipated technical and site problems associated with the

implementation of analog television services. Planning was completed for eligible expressions of interest in rounds 1 and 2 in 2002–03.

During the reporting period, the ABA issued 125 (70 round 1 and 55 round 2) transmitter licences to coordinating bodies. The ABA also revisited 108 areas to accommodate changes required as a consequence of implementation issues.

During 2003–04, 77 sites and 275 analog television services commenced under the program. One hundred and ninety-eight sites have commenced since the program began.

Alternative Technical Solutions Program

In the budget for 2002–03, the Government announced a further \$13.3 million for the Television Black Spots – Alternative Technical Solutions Program. This program is intended to further improve television reception in regional areas by developing alternative solutions for those eligible applicants who could not be assisted under the Television Black Spots Program. These solutions include digital television retransmissions, direct-to-home satellite reception equipment or cabling (in the event other solutions are not viable).

Throughout the reporting period the ABA has worked with the Department of Communications, Information Technology and the Arts which administers the program, in determining solutions for the 18 areas considered eligible for this category.

The ABA has provided policy, administrative and technical input in a number of areas including Booral and Stroud (New South Wales), Geelong (Newtown), Kalorama North and Rosebud (Victoria). In the main these have involved digital solutions or solutions under the out-of-area provisions of the Broadcasting Services Act.

Commercial Radio Black Spots Program

In 2003–04 the ABA continued to work closely with the Department of Communications, Information Technology and the Arts and broadcasters in delivering solutions for the Federal Government's Commercial Radio Black Spots Program. The program was developed to deliver new or improved commercial radio services to regional and remote communities where it has not been viable for commercial licensees to provide coverage. The program is administered by the Department; the ABA's role is to undertake the frequency planning for new radio services that will cover the black spot areas.

In a submission to the Government, Commercial Radio Australia identified 142 potential black spot areas to be considered for the Commercial Radio Black Spots Program.

The program is a two stage process and during the reporting period the ABA verified technical specifications for 69 black spot areas, amended or replanned existing technical specifications for nine areas and completed planning for 27 areas. The ABA engaged a consultant engineering company to assist with the latter task.

Day/night switching for AM radio services

During the reporting period, the ABA received one application for day/night transmitter power switching to address reception deficiencies in the Charleville commercial radio broadcasting licence area. The applicant is 4VL Charleville, a commercial radio broadcasting service.

The ABA assessed the application and incorporated a technical specification in the Charleville licence area plan to increase the power of 4VL to 2.5 kW during the day and revert back to 2 kW at night. Practical tests will now need to be conducted.

Analog changes

Digital television start-up is planned with minimal disruption to services in mind, so analog television services may require some planning changes before the new digital services can start. Regions where these changes have proved necessary and have been implemented are Bowen Town (Queensland), Cooktown (Queensland), Hay (New South Wales), Maydena (Tasmania), Mossman (Queensland), Orbost (Victoria), Port Douglas (Queensland), Ravenshoe (Queensland), Taroom (Tasmania), Tully (Queensland) and Upper Murray (Victoria). Details of these changes are in appendix 3.

Licence allocation

Under the Broadcasting Services Act the ABA allocates a number of different types of licences that authorise the provision of broadcasting services. The ABA also issues licences under the *Radiocommunications Act 1992*; in this capacity the ABA acts as a delegate of the Australian Communications Authority and authorises the operation of radiocommunications transmitters for certain broadcasting services.

The ABA allocates the following types of licences for services listed in licence area plans:

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

The ABA allocates the following licences for other broadcasting services that use the broadcasting services bands:

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

Other licences allocated by the ABA for broadcasting services include:

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

The allocation of section 40 licences and subscription television broadcasting licences is dealt with in chapter 4.

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

Commercial television broadcasting licences

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

Under section 38A of the Broadcasting Services Act, the ABA may allocate additional commercial television licences to licensees in markets where there is only one commercial television licence in force. The applicant for the additional licence must be the same company as the licensee of the existing service and pay the \$12,000 allocation fee.

No additional commercial television broadcasting licences were allocated under section 38A in the reporting year.

The ABA may also allocate additional commercial television broadcasting licences under section 38B of the Broadcasting Services Act in markets where there are only two commercial television broadcasting licences in force. The additional commercial television service may be offered in digital mode only.

No additional commercial television broadcasting licences were allocated under section 38B of the Broadcasting Services Act in the reporting year.

Renewals

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

Commercial radio broadcasting licences

In general, the ABA must allocate new commercial radio broadcasting licences for services that use the broadcasting services bands in accordance with a price-based system determined by the ABA under section 36 of the Broadcasting Services Act and set out in the *Commercial Broadcasting Licences Allocation Determination No. 1 of 1998*.

In 2003–04, three commercial radio broadcasting licences were allocated in accordance with the price-based system. The ABA conducted auction-style licence allocation exercises for one commercial radio broadcasting licence to serve Adelaide (31 October 2003), one to serve Sydney (15 April 2004) and one to serve Brisbane (22 April 2004). The ABA allocated the licence for Adelaide on 18 December 2003 and for both Sydney and Brisbane on 17 June 2004 (See table 3, over page.)

Renewals

The ABA renewed 32 commercial radio licences for services using the broadcasting services bands during the reporting period.

Table 2 Total number of licences on issue*

	30 June 2003	30 June 2004
Commercial television licences for services using the broadcasting services bands	53	53
Community television licences for services using the broadcasting services bands	–	2
Commercial radio licences for services using the broadcasting services bands	269**	271
Community radio licences for services using the broadcasting services bands	334	341
Remote Aboriginal community television licences	76**	80
Open narrowcasting services planned in licence area plans	207	207
Datacasting licences	15	25
International broadcasting licences	10	10

Notes

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

** These figures are different from the figures stated in the annual report for 2002–03. Last year's figures were based on inaccurate data.

Community television broadcasting licences

Community television has operated on a trial basis in different parts of Australia since 1994. Following a statutory review of community television, the Broadcasting Services Act was amended in December 2002 to establish a new licensing framework for community television.

Community television broadcasting licences for services using the broadcasting services bands are allocated under Part 6 of the Broadcasting Services Act. The ABA's decision is made on the basis of the merits of the applicants and their proposed services and, if necessary, on the comparative merits of competing applicants.

During the reporting period the ABA allocated community television licences in Sydney and Perth (See table 4). The ABA advertised for applications for long-term community television broadcasting licences in Brisbane, Melbourne, Perth and Sydney on 17 February 2003, and

received three applications for the Brisbane licence, two for Melbourne, five for Perth and six for Sydney.

The ABA considered whether some of the applicants for the community television licences were suitable, under section 83(2) of the Broadcasting Services Act, to apply for the licence given the risk that they may breach a licence condition. It is a condition of a community television licence that a licensee cannot sell more than two hours access to air-time per day to an entity that is, or is part of, a profit-making enterprise. The ABA examined the arrangements of some of the applicants for the sale of access to air-time of eight hours per day to RTV Australia Pty Ltd. The ABA considered whether RTV Australia operated its business as part of a profit-making enterprise with Lifestyle Media International Pty Ltd.

Table 3 Section 36 commercial radio licences allocated

Location	Frequency	Licensee	Price paid (\$m)	Allocated
Adelaide	91.9 MHz & 99.1 MHz	Nova 91.9 Pty Ltd	\$24	18 December 2003
Sydney	95.3 MHz	Daily Mail (UK Radio 1) Pty Ltd	\$106	17 June 2004
Brisbane	106.9 MHz	Daily Mail (UK Radio 2)	\$80	17 June 2004

Table 4 Community television licences allocated

General area served	LAP release date	Decision date	Frequency	Licensee
New South Wales				
Sydney	November 2002	18 March 2004	Ch31	Television Sydney (TVS) Ltd
Western Australia				
Perth	February 1997	18 March 2004	Ch31	Channel 31 Community Educational Television Ltd
Doomadgee	October 1996	16 December 2003	Ch63	Doomadgee Media Association Inc.
Northern Territory				
Bathurst Island	October 1996	16 December 2003	Ch 66	Tiwi Islands Local Government
Milikapiti	October 1996	16 December 2003	Ch 66	Tiwi Islands Local Government
Pularumpi	October 1996	16 December 2003	Ch 63	Tiwi Islands Local Government

Licence re-allocations

The ABA re-allocated four former Broadcasting for Remote Aboriginal Community Services (BRACS) community television licences.

Radio and television broadcasting licences were allocated for remote Aboriginal community purposes under the *Broadcasting Act 1942*.

When the Broadcasting Services Act replaced the Broadcasting Act on 5 October 1992, all BRACS services were taken to be providing broadcasting services under community broadcasting licences. In 2003–04, four former BRACS services transferred their community television licences to new legal entities, which amounted to surrendering the licences. The ABA re-advertised these licences and decided to re-allocate them to the new legal entities.

The new licensing framework for community television does not apply to former BRACS community television services.

Long-term community radio broadcasting licences

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

During the reporting period, the ABA allocated nine community radio broadcasting licences for services using the broadcasting services bands (See table 5.) The ABA decided not to allocate a licence in Glen Innes (NSW). Three community radio licences were surrendered: in Alice Springs, Northern Territory; Cunnamulla, Queensland; and Geelong, Victoria.

Table 5 Community radio licences allocated

General area served	Date applications sought	Decision date	Frequency	Licensee
New South Wales				
Blacktown	December 1999	14 August 2003	99.9 MHz	Blacktown City Community Radio SWR-FM Association Inc.
Victoria				
Horsham	December 2001	19 August 2003	96.5 MHz	Horsham & District Community FM Radio Inc.
Warragul	December 2001	21 August 2003	103.1 MHz	West Gippsland Community Radio Inc.
Queensland				
Blackwater	March 1998	13 October 2003	92.7 MHz	Blackwater Community Broadcasters Association Inc.
Doomadgee	October 1996	16 December 2003	107.7 MHz	Doomadgee Media Association Inc.
Moranbah	March 1998	26 September 2003	96.9 MHz	Rock FM Association Inc.
Northern Territory				
Bathurst Island	October 1996	16 December 2003	98.9 MHz	Tiwi Islands Local Government
Milikapiti	October 1996	16 December 2003	99.3 MHz	Tiwi Islands Local Government
Pularumpi	October 1996	16 December 2003	98.5 MHz	Tiwi Islands Local Government

Since 1992, the ABA has allocated 143 community radio broadcasting licences under Part 6 of the Broadcasting Services Act for services using the broadcasting services bands.

Ten community radio broadcasting licences are in the process of being allocated. It is anticipated that 29 additional community licences will be allocated within the next 12 months. Another 27 licences are available but not yet allocated as there is no established or suitable aspirant broadcaster.

Renewals

The ABA renewed 23 long-term community broadcasting licences and at the end of the reporting period, there were 341 long-term community radio broadcasting licences on issue.

Licences for open narrowcasting radio services issued under the Radiocommunications Act

No additional licences for open narrowcasting radio services were issued during the reporting period.

The ABA issues transmitter licences to provide open narrowcasting radio services using high-powered frequencies within the broadcasting services bands under delegation from the Australian Communications Authority. The licences must be allocated in accordance with the price-based system set out in the *Radiocommunications (Issue of Broadcasting (Narrowcasting) Transmitter Licences) Determination No. 1 of 1996*.

Temporary community broadcasting licences

The ABA allocated 61 temporary community broadcasting licences in the reporting period to 45 aspirant broadcasters (see appendix 4). It should be noted that, because of the nature of the scheme, licence periods vary and some aspirants held more than one licence during the reporting period.

The ABA did not require any aspirant broadcasters to terminate a broadcast.

The temporary community broadcasting licence scheme has been in place since August 1997.

The scheme provides for the ABA to allocate non-renewable community radio licences to eligible aspirant broadcasters for periods of up to twelve months. The licences are only allocated if channels in the broadcasting services bands are available for transmission.

The scheme gives the ABA considerable flexibility in promoting the efficient and effective use of the spectrum. It also allows aspirant broadcasters the opportunity to establish and develop a service for their community interest before the merit-based allocation of long-term licences.

Community television trial

The ABA has made the vacant sixth television channel (UHF channel 31 in capital cities) available, since 1994, for fixed periods for open narrowcasting television services that must be provided for community and educational non-profit purposes.

Adelaide

On 1 April 2004, the ABA issued an apparatus licence to C31 Adelaide Ltd to broadcast in Adelaide as part of the community television trial. The ABA had invited expressions of interest to operate a community television trial in April 2003, and received five expressions of interest.

In December 2002 the ABA decided to cancel the transmitter licence of Adelaide Community and Educational Television Inc. (ACE TV), the previous incumbents, following an investigation into whether ACE TV had complied with the condition on its licence.

The ABA proposes to seek applications for a permanent community television licence for Adelaide towards the end of 2004.

Lismore

The transmitter licence for the group conducting the community television trial in Lismore has been renewed until 31 December 2004.

The ABA proposes to seek applications for a permanent community television licence for Lismore towards the end of 2004.

National broadcasting services

During the reporting period, the ABA issued three transmitter licences for national television broadcasting services.

Radio and television retransmissions

During the reporting period, the ABA issued 116 broadcasting retransmission licences.

Out-of-area reception

During the reporting period, the ABA issued one out-of-area radio broadcasting retransmission licence and 1117 direct-to-home out-of-area television licences. This figure includes 122 approvals granted under the Government's Television Black Spots – Alternative Technical Solutions Program.

Test transmissions

During the reporting period, the ABA issued 88 radio and television test transmission licences.

International broadcasting licences

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

Special events

During the reporting period, the ABA issued 96 special event broadcasting licences for radio and 12 for television.

Interference

During the reporting period a large number of new digital television services commenced. As a result, digital television has been the primary focus of interference management. The ABA's interference management scheme for digital television is discussed below.

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

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

Viewers or broadcasters experiencing interference from digital services should in the first instance contact the relevant digital service provider so that remedial action can be initiated. Complaints relating to ongoing interference should be directed to Free TV Australia or the Australian Communications Authority.

Interference management scheme

The Digital Television Interference Management Scheme outlines digital licensees' responsibilities regarding interference to analog television transmissions caused by digital transmissions.

The success of the scheme has been demonstrated by its continued use in 2003–04 in areas such as Melbourne, Rockhampton and Cairns. The ABA reviews the scheme as required, in consultation with broadcasters and industry bodies.

The scheme is designed to protect a viewer's analog television service reception and to ensure that, if interference does occur, the problem is resolved as quickly as possible. After extensive consultations with groups representing industry and consumers, the ABA determined the scheme on 21 December 2000.

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

Spectrum management

The ABA recognises the importance of ensuring its spectrum planning practices and guidelines are implemented efficiently and are consistent with current international planning practice. To this end, it has initiated a program to review current planning practices, including technical assumptions and parameter values, used in the planning of analog and digital broadcasting services.

In the reporting period, the ABA finalised a wide-ranging review of the Technical Planning Guidelines. The guidelines set down procedures and limits that must be observed by licensees

when planning new broadcasting transmission facilities or making alterations to existing transmission facilities. The review was undertaken in consultation with licensees, industry representative bodies, organisations and individuals from broadcasting related industries, and the public.

The ABA has recently initiated a review of its technical planning assumptions and methods for planning digital terrestrial television broadcasting and expects this review to be completed by end of the 2004, following industry consultation.

Advice to the Minister and Department

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

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

CHAPTER 3: DIGITAL BROADCASTING

Goal Facilitate roll out of digital television broadcasting services by national and commercial television broadcasters	
<p>Strategies</p> <p>Complete digital channel plans that identify channels available for conversion and maximise the opportunity for other services to use the unallocated spectrum during the analog/digital simulcast period</p>	<ul style="list-style-type: none"> • Digital channel plans completed for national television services in Remote and Regional Western Australia and Remote and Central Eastern Australia and draft digital channel plans released for commercial television services in these areas. • Variations to the digital channel plans completed for Inland NSW, Regional Queensland (Rockhampton and Townsville regions), Tasmania, Wollongong, Gold Coast and North Coast NSW, and a draft variation to the digital channel plan released for Regional Queensland (mid north coast region). • Issued a scientific apparatus licence to Broadcast Australia to conduct a three-year datacasting trial in Sydney.
<p>Assess implementation plans for digital television services to ensure they are achieving the objects of the legislation</p>	<ul style="list-style-type: none"> • All implementation plans for digital television services assessed within six months of receipt, the majority assessed in less than three months.
<p>Advise the Minister and the department on issues concerning uses of digital technology to improve access to and diversity of digital broadcasting services</p>	<ul style="list-style-type: none"> • The Minister for Communications, Information Technology and the Arts briefed every three months on developments in digital technology and the rollout of digital television across Australia. Fortnightly meetings held with the Department of Communications, Information Technology and the Arts. • Continued liaison with Free TV Australia and other broadcasters and industry bodies to ensure that audiences are aware of the commencement of digital television services in their region, and the implications of the start ups.
<p>Promote efficient use of the spectrum by testing the extent and impact of the coverage of digital services</p>	<ul style="list-style-type: none"> • Digital television field surveys conducted for the NSW Central Tablelands services and NSW Central Coast services (including measurements of transmissions from Bouddi, Gosford, Newcastle, Sydney and Wyong). Completion of the Canberra region services survey initiated in 2002–03.

Digital television planning

In the reporting period, digital television services commenced in many markets across Australia.

The ABA prepares digital channel plans, allotting channels for digital television conversion. These plans enable broadcasters to plan digital transmission coverage to match existing analog coverage. The ABA continues to develop digital channel plans in accordance with the broadcasters' roll out plans.

By 30 June 2004, 315 digital transmitters had commenced operation in 106 transmission sites covering a number of metropolitan areas and major regional centres across Australia. Digital Broadcasting Australia estimates that more than 409 000 digital receivers were in use at the same date.

For details of those markets and the services that commenced in 2003-04, see appendix 3.

Final digital channel plans

Remote and Central Eastern Australia – March 2004

The digital channel plans allotted channels to the national broadcasters in the areas of Alice Springs and Katherine in the Northern Territory, and Mt Isa in Queensland.

Remote and Regional Western Australia – July 2003

The digital channel plans allotted channels to the national broadcasters for the areas of Albany, Broome, Bunbury, Carnarvon, Central Agricultural, Esperance, Geraldton, Kalgoorlie, Manjimup, Narrogin, Northam, Port Hedland, Southern Agricultural and Wagin.

Draft digital channel plans

Remote and Regional Western Australia – July 2003 and December 2003

In July 2003, a second draft of the digital channel plan proposed channels for commercial television services in the areas of Albany,

Broome, Bunbury, Carnarvon, Central Agricultural, Esperance, Geraldton, Kalgoorlie, Manjimup, Narrogin, Northam, Port Hedland, Southern Agricultural and Wagin.

In December 2003, the ABA proposed channels for commercial television services in the areas of Karratha and Roebourne.

The ABA does not propose to finalise these digital channel plans until a number of outstanding issues have been resolved.

Remote and Central Eastern Australia – December 2003

The draft digital channel plan proposed channels for commercial and national television services in the areas of Alice Springs and Katherine in the Northern Territory, and Mt Isa in Queensland.

The ABA does not propose to finalise the digital channel plans for the commercial television services until a number of outstanding issues have been resolved.

Final digital channel plan variations

Wollongong NSW – August 2003

The ABA changed the allotment of channels at Brokers Nose.

Inland NSW – August 2003 and March 2004

In August 2003, the ABA allotted channels for the areas of Bathurst, Bowral / Mittagong, Goulburn, Lithgow, Lithgow East and Portland / Wallerawang.

In March 2004, the ABA allotted channels for the areas of Mudgee, Armidale and Kandos.

North Coast NSW – March 2004

The ABA allotted channels for the areas of Laurieton, Gloucester, Upper Hunter, Dungog and Vacy.

Gold Coast – September 2003 and May 2004

In September 2003 the ABA varied the technical specifications of all commercial digital television services operating at Mt Tamborine that serve the Gold Coast region.

In May 2004, the ABA changed the technical specifications of the national services operating at Mt Tamborine, Gold Coast, and Currumbin.

Regional Queensland – August 2003

The ABA allotted channels for the areas of Blackwater, Boyne Island, Capella, Emerald, Gladstone East, Gladstone West and Townsville North.

Remote and Regional Western Australia – March 2004

The ABA allotted channels in the areas of Karratha and Roebourne.

Tasmania – August 2003

The ABA allotted channels for the areas of Hobart North East Suburbs, Launceston and Taroom.

Draft variation to digital channel plans

Inland NSW – December 2003

The draft variation proposed channels for Mudgee, Armidale and Kandos.

North Coast NSW– December 2003

The draft variation proposed channels for Laurieton, Gloucester, Upper Hunter, Dungog and Vacy.

Regional Victoria – March 2004

The draft variation proposed channels for the Gippsland locations of Bairnsdale, Bruthen, Cann River, Churchill, Foster, Genoa, Lakes Entrance, Mallacoota, Nowa Nowa and Orbost.

The draft variation also proposes channels for the South West Region locations of Apollo Bay,

Casterton, Cobden, Colac, Coleraine, Halls Gap, Lorne, Portland, Warrnambool and Warrnambool City.

Regional Queensland – June 2004

The draft variation proposed channels at Airlie Beach, Ayr, Bowen, Bowen Town, Charters Towers, Collinsville, Proserpine, Shute Harbour and Stuart. In addition, the ABA proposes to vary the allotment of an unassigned channel at Townsville North.

Remote and Regional Western Australia – December 2003

The draft variation proposed channels for the areas of Karratha and Roebourne.

Datacasting licences

Datacasting licences are available from the ABA on application under clause 7 of Schedule 6 to the Broadcasting Services Act. Only Australian companies, national broadcasters, government bodies or a body corporate established under Australian law for a public purpose may apply for a datacasting licence. The application fee is \$350.

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

Datacasting licences are issued without any entitlement to a transmitter licence under the Radiocommunications Act to transmit the service. Commercial television broadcasters and the national broadcasters are permitted to use any spare transmission capacity available on their digital transmission channels for the purpose of transmitting datacasting services under, and in accordance with the conditions of, datacasting licences.

The ABA allocated nine datacasting licences during the reporting period (see table 6).

The ABA is required to maintain a register of datacasting licences, this can be viewed on the ABA's web site, www.aba.gov.au/tv/licensing/datacasting/index.htm.

Datacasting trials

In November 2003, Broadcast Australia, (Australia's largest broadcast transmission provider), commenced a three year datacasting trial in Sydney. The ABA issued a scientific apparatus licence to Broadcast Australia to conduct the trial.

Implementation plans

In the 2003–04 reporting period the ABA approved implementation plans for national television services at 63 sites and for commercial television services at 60 sites. Also, the ABA

approved variations to four approved national implementation plans and 23 approved commercial implementation plans and also issued 124 apparatus licences for digital terrestrial broadcasting. Twenty-three implementation plans and two variations to approved commercial implementation plans are pending approval.

External advice

Every three months, the ABA briefs the Minister for Communications, Information Technology and the Arts on developments in digital technology and the roll out of digital television across Australia. Meetings are held with his department each fortnight.

Digital radio trials

The ABA's policy has been to encourage trials of new technologies such as digital radio using the broadcasting bands of the radiofrequency spectrum where that does not cause interference to broadcasting services using those bands.

In October 2003, the ABA released a policy for dealing with applications for trials of digital radio using VHF Band III spectrum. Commercial Radio Australia applied to conduct digital radio trials in Sydney and Melbourne, and Broadcast Australia applied to conduct trials in Melbourne. Both

Table 6 Datacasting licences allocated

Licensee	Date allocated
Australian Broadcasting Corporation	11 September 2003
Expo Channel Pty Ltd	4 November 2003
Macquarie Equities (Australia) Ltd	18 November 2003
NSW Department of Commerce	9 December 2003
Broadcast Australia Pty Ltd	30 October 2003
Department of the Parliamentary Reporting Staff	30 October 2003
Tab Limited	30 October 2003
Swan Television & Radio Broadcasters Pty Ltd	10 March 2004

trials use the Eureka 147 technology, common in Europe.

The Broadcast Australia trial in Melbourne commenced in November 2003, and the Commercial Radio Australia trial in Sydney commenced in December. Each trial has been licensed for a period of 18 months. There have been minimal problems or interference with existing services.

The ABA has endorsed an application from Commercial Radio Australia to conduct a trial using the remaining channel 9A spectrum in Melbourne. The ABA is awaiting advice from Commercial Radio Australia on when it wishes to commence the service.

The ABA has kept the Minister for Communications Information Technology and the Arts informed of the developments in the trials.

Digital Radio Study Group

On 6 May 2003, the Minister for Communications, Information Technology and the Arts announced the formation of a Digital Radio Study Group to inquire into and report on the status of major digital radio technologies currently available internationally. The Group consists of representatives of the ABA, the Australian Communications Authority and the Department of Communications, Information Technology and the Arts.

Digital radio

As the first step in its inquiry, the Digital Radio Study Group researched developments in digital radio technologies and the various approaches taken overseas in implementing them. This work resulted in the report, *Digital Radio Technology Update*, which outlines developments in relation to digital radio technologies worldwide. A second report, *Stocktake of Implementation Strategies for Digital Radio*, provides an overview of international experiences.

The general promise of digital technology is error-free performance with superior quality and range of content that can be offered compared to its analog counterpart. Initial developments in digital radio technology were particularly driven by the promise of CD-quality sound.

Several of the digital radio technologies that have been developed are designed to reproduce the key characteristics of analog radio. These digital radio systems share the following technical characteristics of analog radio:

- the provision of audio information and entertainment (e.g. music, news, current affairs and talkback)
- reliable indoor and mobile reception
- use of terrestrial transmitters (noting that some satellite and hybrid satellite-terrestrial systems are also considered) and
- service delivery through free-to-air cheap and ubiquitous receivers on a point to multipoint basis.

In recent years other digital technologies have demonstrated the potential to deliver audio information and entertainment services. The increased content and sound quality options these digital technologies offer across a range of platforms could see them play a significant role in a future digital radio environment.

The Digital Radio Study Group has chosen to take a wide view of digital radio. It has examined all systems that are designed to replicate the characteristics of analog radio, including Eureka 147, Digital Radio Mondiale, In-Band On Channel, ISDB-TSB and (to a lesser extent) DVB-T. The Group has also examined other digital systems that are capable of delivering audio entertainment and information, including Worldspace satellite, US-based Satellite Digital Audio Radio Services and other emerging technologies such as Internet audio streaming combined with wireless technologies such as Wi-Fi and 3G.

Spectrum issues

The availability of sufficient radiofrequency spectrum is a threshold issue for the implementation of digital radio technologies. Each digital radio system has its own specific spectrum requirements for the bands in which it is designed to operate and the bandwidth required for each channel. Some digital radio systems can operate in the same channel as current analog radio services. Other systems would require new channels in the same bands as existing analog radio or television services or new channels in bands that are currently used for non-broadcasting services. The Group's report identifies general spectrum management issues for Australia and the issues raised by each digital radio system.

Digital Radio Study Group seminar

A Digital Radio Study Group seminar held in Sydney on 26 September 2003 provided the opportunity to discuss the findings of the Group's reports and was attended by more than a hundred industry representatives and other key stakeholders. Comments received have further enhanced the relevancy and accuracy of the reports.

Current status

The Department is finalising the report before delivery to the Minister. The ABA continues to work with the Department and the Australian Communications Authority towards completion of the report.

In December 2003, following a request from the Department, the ABA supplemented the material provided in its initial report. The additional information included:

- discussion on the latest technology developments
- discussion on VHF spectrum availability in metropolitan and regional areas

- a list of the number of radio services by sector in major markets and
- an example of how licence area aggregation could improve spectrum availability/efficiency through the use of television transmission sites.

Community awareness

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

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

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

- broadcasting licensees (commercial, national and community), industry representative bodies and individuals from broadcasting-related industries
- government bodies, including the Australian Communications Authority and the Department of Communications, Information Technology and the Arts
- aspirant datacasters
- members of the public.

The ABA is also an observer to Digital Broadcasting Australia and its Consumer and Retailer Education Committee. Digital Broadcasting Australia consists of representatives from major manufacturers, retailers of consumer equipment, suppliers of industry electronics equipment, and commercial and national broadcasters.

Spectrum efficiency

In 2003–04, the ABA conducted digital television field surveys of the NSW Central Tablelands services and the NSW Central Coast services (including measurements of transmissions from Bouddi, Gosford, Newcastle, Sydney and Wyong). Additional measurements of the Canberra region services were also undertaken to complete the survey initiated in 2002–03.

The ABA intends to conduct further surveys in 2004–05, and is also working with industry on measurement methodologies so that measurements made by broadcasters and the ABA will give consistent results.

The ABA, together with the Department of Communications, Information Technology and the Arts and broadcasters has, during the reporting period, worked extensively to develop a methodology for the conduct of field surveys. The methodology is designed to ensure that data captured in any surveys undertaken can be applied consistently in assessing the quality of digital television coverage when compared to analog coverage in the same locations.

It is expected this work will be completed in the first quarter of 2005–06.

CHAPTER 4 : OTHER BROADCASTING SERVICES

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

Strategy

Maintain efficient and effective systems for allocation of subscription television and section 40 licences

- Three applications for subscription television broadcasting licences received and processed.
- There were no applications for commercial radio broadcasting licences under section 40 of the Broadcasting Services Act.

Subscription television broadcasting licences

The ABA allocated 640 subscription broadcasting television licences to three companies during the reporting period (see table 7). Since 1992 the ABA has issued 2693 subscription television licences.

Subscription television broadcasting licences are available from the ABA on application under section 96 of the Broadcasting Services Act. Licences are issued on the basis of one service per licence. The service may be provided using any delivery system such as satellite, cable, MDS (microwave or multi-point distribution system) or other means. The ABA charges one fee per application (\$1600), which may be for a single licence or multiple licences.

Non-BSB commercial broadcasting licences

Under section 40 of the Broadcasting Services Act, the ABA may allocate commercial radio or television broadcasting licences for services that do not use the broadcasting services bands.

During the reporting period the ABA did not allocate any commercial radio broadcasting licences under section 40.

Section 40 licences are available on application for a fee of \$2400. Before allocating the licence, the ABA must designate a particular area in Australia as the licence area of the licence. The licence does not entitle the licensee to any particular mode of transmission or delivery.

Certain restrictions have been placed on the delivery of commercial radio services provided under section 40 licences pursuant to transmitter licences authorising the operation of a

Table 7 Subscription television broadcasting licences allocated

Licensee	Date allocated	Number of licences
Telstra Pay TV Pty Ltd	1 August 2003	340
FOXTEL Cable Television Pty Ltd	1 August 2003	200
Selectra Pty Ltd	22 January 2004	100

narrowband area service station at a frequency in the range 1606.5 kHz to 1705 kHz (MF NAS transmitter licences).

On 30 October 2002 the Minister for Communications, Information Technology and the Arts issued a direction to the Australian Communications Authority requiring it to exercise its powers under the Radiocommunications Act to impose a condition on all MF NAS transmitter licences. The condition was to provide that the licensee must not operate a narrowband area service station under the licence to provide a commercial broadcasting service unless:

- the MF NAS transmitter licence was first issued before 6 November 2002 or such licence was subsequently renewed on or after 6 November 2002
- the commercial broadcasting service is provided under a licence which was allocated under section 40 of the Broadcasting Services Act before 6 November 2002
- the commercial broadcasting service is provided by 6 November 2003
- and the location of the station is within 10 km of its location on 6 November 2002.

The condition imposed by the Australian Communications Authority is set out in the Australian *Communication (MF NAS Transmitter licences) Direction No 1 of 2002*. A new Direction, which is set out in the Australian *Communication (MF NAS Transmitter licences) Direction No 1 of 2003*, extends the grace period to commence the section 40 services to 29 August 2004.

Renewals

The ABA renewed four commercial radio broadcasting licences issued under section 40 during the reporting period.

One licence was not renewed after the ABA found that the licensee, Cybervale Pty Ltd, was not a suitable commercial radio licensee (see page 48).

At 30 June 2004, there were 13 section 40 commercial radio broadcasting licences on issue.

OUTPUT

Managed performance and review of electronic media

CHAPTER 5 : CO-REGULATORY FRAMEWORK

Goal Maintain co-regulatory frameworks that provide adequate community safeguards	
<p>Strategies</p> <p>Systematic review of existing codes and standards to ensure continuing relevance of codes and provision of adequate community safeguards</p>	<ul style="list-style-type: none"> • Commercial Radio Australia reviewed the Commercial Radio Codes of Practice taking ABA research into account. The draft codes are currently being considered for registration in the next reporting period. • Free TV Australia revised the Commercial Television Industry Code of Practice following a comprehensive review. ABA research into privacy, community attitudes to the portrayal of violence on television, and complaint handling undertaken and considered as part of the review. • The Community Broadcasting Association of Australia is developing a code of practice for the new community television sector. • The Australian Subscription Television and Radio Association finalised the review of its codes of practice, after addressing a number of issues relating to community protection raised by the ABA. The ABA registered the codes on 3 July 2003.
<p>Educate community to enhance effectiveness of co-regulatory frameworks</p>	<ul style="list-style-type: none"> • Successful Australian launch of Net Detectives, the online safety event for school children. Three pilot events were conducted involving schools from most states. Plans are underway for more events in 2004–05. • Continued distribution of Cybersmart Kids brochures through NSW education network, in association with the roll-out of Internet access to all NSW primary, secondary and TAFE students
<p>Issue expert opinions on pre-classification of children's television programs</p>	<ul style="list-style-type: none"> • Review of the Guidelines for C and P classification completed, resulting in a streamlined process for applicants and the acknowledgement of 'tweens' as a distinct segment of the child audience.

Codes of practice

Under section 123 of the Broadcasting Services Act, representative industry groups develop codes of practice in consultation with the ABA, taking account of any relevant research conducted by the ABA. The ABA monitors these codes once they are implemented and deals with unresolved complaints made under these codes, as two of its primary functions.

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

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

The following codes were registered with the ABA as at 30 June 2004:

- Commercial Television Industry Code of Practice
- Commercial Radio Codes of Practice
- Community Radio Broadcasting Code of Practice
- Subscription Television Broadcasting Codes of Practice
- Subscription Television Narrowcasting Codes of Practice
- Open Narrowcasting Television Codes of Practice
- Subscription Radio Narrowcasting Codes of Practice
- Open Narrowcasting Radio Codes of Practice
- Codes for Industry Self-regulation in the area of Internet Content.
- Code for Industry Co-regulation in the area of Internet Gambling Content.

Commercial television code of practice

Free TV Australia (formerly Commercial Television Australia) has reviewed and revised the Commercial Television Industry Code of Practice. The review covered matters including classification of content; depictions of violence on television; privacy; disclosure of commercial arrangements in factual programming; complaints handling; procedures for the broadcast of emergency information; and loudness of advertisements.

The ABA worked with Free TV Australia in the development of the revised code and undertook research in relation to privacy, community attitudes to the portrayal of violence on television, and complaints handling in order to inform the code review process. A draft code was released for public comment on 9 August 2003 and was subsequently amended to reflect comments made in submissions from the public.

The ABA was required to consider the code against the criteria in section 123(4) of the Broadcasting Services Act before registering it. The ABA was satisfied that the revised code met these criteria, and registered the code on 1 July 2004. The code took effect immediately.

Commercial radio codes of practice

Commercial Radio Australia is currently reviewing its codes of practice and the revised codes are expected to be registered early in the next reporting period.

ASTRA codes

The Australian Subscription Television and Radio Association reviewed its codes of practice. This review involved a period of public consultation and extensive consultation between the ABA and ASTRA. The ABA registered the revised codes on 3 July 2003.

Community radio codes of practice

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

Community television codes of practice

In response to the allocation of the first permanent community television licences, in the first half of 2004, the Community Broadcasting Association of Australia has commenced the development of a code of practice to cover community television licensees. At the time of this report, the Community Broadcasting Association of Australia had called for public submissions on the draft code which covers a range of matters including governance, complaints handling and programming provisions.

Internet Industry Association – content codes

The Internet Industry Association has indicated its intention to review the three codes of practice for Internet service providers and Internet content hosts to take account of a range of technical and commercial developments since the codes were registered.

The ABA registered the codes on 9 May 2002. The codes were developed by the Internet Industry Association pursuant to Schedule 5 to the Broadcasting Services Act.

The Minister for Communications, Information Technology and the Arts has asked the Internet Industry Association to address relevant matters identified in the report of the review of the co-regulatory scheme, by the Department of Communications, Information Technology and the Arts.¹

The ABA has asked the Internet Industry Association to address a number of issues relating to Internet access on mobile telephones. The ABA understands that the Internet Industry Association has commenced its review and anticipates that, following consultation with the Internet industry and the community, revised codes will be available for the ABA to consider in the second half of 2004.

Internet Industry Association – interactive gambling code

The ABA registered a code of practice for the Internet industry on 13 December 2001, under Part 4 of the *Interactive Gambling Act 2001*. The code was developed by the Internet Industry Association and contains procedures to be followed by Australian Internet service providers in respect of prohibited Internet gambling content hosted outside Australia.

1 Department of Communications, Information Technology and the Arts, *Review of the Operation of Schedule 5 to the Broadcasting Services Act 1992 – Report*. Canberra, May 2004

On 16 January 2003, the Minister for Communications, Information Technology and the Arts directed the Department of Communications, Information Technology and the Arts to undertake a review of the operation of the Interactive Gambling Act, as required by section 68 of the Act. The department released its report of the review in July 2004. For information about the review and copies of the report, go to www.dcita.gov.au.

While the report of the review did not recommend changes to the code, it is anticipated that Internet Industry Association will undertake a review of the code during 2004–05, to take account of relevant technological developments and Internet service trends.

Standards

Commercial radio standards

The three commercial radio standards (determined by the ABA in November 2000) were due to expire in April 2003, but were renewed by the ABA for an indefinite period (see *Australian Broadcasting Authority Annual Report 2002–03* p.49).

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

Australian Content Standard

Australian content standard variation

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

The first variation, to the definition of ‘independent producer’, is intended to provide a

mechanism under which licensees or networks have an incentive to commission programming from the independent production sector. The revised definition allows a production company that is a ‘related body corporate’ of a program supplier, licensee, or holder of a subscription television broadcasting licence to be considered an ‘independent producer’ in relation to a program when it is supplying that program to bodies other than the body to which it is related. The variation maintains the distinction between independent and in-house production, and clarifies that the intended scope of the provision is to apply to the purchase of programs from third party production houses.

The second variation relates to Australian first release documentary programs. The variation provides that documentary programs may only be counted towards the quota for Australian first release documentaries if they are broadcast between 6 am and midnight. This change brings the provision relating to documentaries into line with those applying to programs making up the Australian transmission quota.

The third variation allows the ABA to determine the form and the times in which compliance information must be provided by licensees to the ABA.

Documentary guidelines

The ABA is developing guidelines on the type of programming that meets the definition of ‘documentary’ for the purposes of the Australian Content Standard.

‘Documentary’ is defined in the standard as ‘a program that is a creative treatment of actuality other than a news, current affairs, sports coverage, magazine, infotainment or light entertainment program’.

The distinction between documentary and the other factual programming formats referred to in the definition is not always clear. It is the ABA’s intention that the guidelines provide greater clarity for broadcasters and program makers

about what meets the definition of documentary, and what falls within the categories of programs excluded from the definition.

The ABA expects to consult on the proposed guidelines early in the next reporting period.

Review of the guidelines for C and P classification

In July 2003 the ABA commenced a review of the guidelines for the classification of C and P programs. The ABA provides applicants with the guidelines to assist them in applying for C and P classification. They include:

Application Form for C and P Program

Classification All applications for C and P classification, whether for a new program or for a renewal or subsequent series of a program must be accompanied by a correctly completed application form, Form ABA 13 *Application for C and P Program Classification*.

Criteria for a Children’s Program sets out the ABA’s interpretation of CTS 2(a)–(e), including the factors taken into account in assessment.

Assessment Procedures for C and P

Classification describes the process followed by ABA staff in assessing programs for classification, including referral to external consultants.

Application Requirements for C and P

Classification sets out the required materials and information which must accompany the application form for each category of classification. This includes quantities of scripts and tapes, as well as production information.

Changes to the guidelines include:

- minor amendments to Form ABA 13, clarifying the intent of some of the questions
- recognition of the ‘twens’ as a distinct segment of the child audience, as well as acknowledging the overlap in the developmental stages of children between the ages of 5 – 7 years, 7 – 11 years, and 10 – 13 years

- confirmation of the ABA's 'holistic' approach to assessment, reporting and practice of referring problematic applications to external expert consultants
- discussion of the ABA's role in providing feedback on current and future projects, whether or not they are the subject of a formal application
- reducing application requirements for second series and renewals, and removing the requirement for applicants to provide multiple copies of application material in some circumstances
- permitting scripts at second draft stage (instead of final scripts) for applications for C drama classification. Scripts may now be submitted in blocks of no fewer than 13 episodes.

The review of the guidelines was flagged in the 2002 review of the Australian Content Standard, and commenced with the release of a discussion paper in July 2003, seeking comment from stakeholders on their structure, utility and general relevance. The review was confined to the guidelines, and did not include further consideration of the Children's Television Standards.

The ABA received eight submissions and two letters of support in response to the discussion paper, and took this input into consideration when redrafting the guidelines. Copies of the submissions can be found on the ABA web site at www.aba.gov.au/tv/content/childtv/assessment/review03/index.htm.

Accreditation scheme

In its discussion paper, the ABA canvassed the possibility of implementing an accreditation system for experienced children's program producers. Submitters to the review generally did not support the concept. The ABA considered the issue carefully, and decided that the introduction of an accreditation scheme would not be pursued, especially given the decision to

implement streamlined application requirements in any case.

Research into community attitudes to radio content

On 1 October 2003 the ABA released the results of its research into community attitudes to radio content. The research was commissioned to coincide with the review of the Commercial Radio Codes of Practice undertaken by Commercial Radio Australia.

The research examined audience views of radio programming, community concerns about radio content, community awareness of industry codes of practice and the complaints process, as well as community views about the importance of local news and information and the disclosure of commercial agreements. The research, conducted by Taylor Nelson Sofres, comprised qualitative (discussion groups) and quantitative (national survey) stages.

Group discussions

Commercial radio listeners who participated in discussion groups highlighted a number of positives in commercial radio content: the variety of stations available (including in regional areas), and the modern, evolving nature of radio. They also liked the immediacy of 'live and local' news as well as the educational and entertainment value of the medium.

The level of concern expressed by group participants about commercial radio content was low, especially in comparison to concerns about television content. Most of the concerns were about the impact of certain content on children, and the behaviour of some announcers.

National survey

The national survey was based on a random sample of 1254 adults aged 15 years and over. The results show that the majority of radio listeners (90 per cent) were at least fairly satisfied with the choice of radio stations available in the

area where they live. Most listeners (72 per cent) spontaneously nominated music as the feature of radio they particularly liked, followed by news and information (39 per cent) and talkback (18 per cent).

Ten per cent of survey respondents had heard something on radio that concerned or offended them in the previous week, and 23 per cent in the previous year. This level of concern has been relatively stable since 1997. The main spontaneously mentioned areas of concern were swearing and coarse language, discriminatory language, and bias – each nominated by four per cent of radio listeners.

A substantial proportion of radio listeners surveyed either listened to or had an interest in hearing local news and information on radio (62 per cent). Most of these were at least fairly satisfied with the local news and information currently provided (88 per cent). While 69 per cent of commercial radio listeners said that commercial radio provided about the right amount of local news and information, 27 per cent said there was not enough.

A majority of radio listeners (85 per cent) agreed that radio personalities' on-air opinions should not be influenced by their personal sponsorship deals. Most commercial radio listeners (70 per cent) also believed that it is at least fairly important for radio personalities to inform listeners about personal sponsors.

One-quarter of commercial radio listeners had thought about making a complaint about inappropriate content but had not gone through with it. Fifty-three per cent had never heard an announcement broadcast on radio with information about the codes of practice and how to make a complaint.

The report, *Understanding Community Attitudes to Radio Content* is available for purchase from the ABA, and is also on the ABA web site at: www.aba.gov.au/store/research.htm.

Privacy and the electronic media – privacy guidelines

As part of the second stage of its work on privacy and the electronic media, the ABA has developed draft privacy guidelines as a guide for broadcasters and the public on its approach to privacy investigations (to see the first stage see the *Australian Broadcasting Authority Annual Report 2002–03* p.50). Industry consultation on the guidelines is expected to be complete in the second half of 2004.

The new guidelines will accompany the privacy provisions in the various broadcasting codes of practice. As all codes deal with privacy and accord the ABA a role in investigating unresolved complaints, the guidelines will apply across the broadcasting sector. The ABA will publish the guidelines and will seek industry cooperation in promoting this initiative as a way of enhancing transparency in this aspect of co-regulation.

Community education

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

Cybersmart Kids

The ABA's Cybersmart Kids web site: www.cybersmartkids.com.au provides Internet safety advice for children, parents and teachers.

Feedback on the site continues to be very positive and the ABA receives a large number of requests from agencies in



Australia, the US and the UK, to link to the site. The web site's facility for young people to design posters with a Cybersmart theme is enthusiastically taken up, with posters submitted from all around the world.

The ABA's brochures continue to support and consolidate the Internet safety messages on the Cybersmart Kids site. Brochures about staying safe in chat rooms, avoiding 'spam', general safety tips, choosing a filter, and Cybersmart Kids resources were distributed throughout the year

through school networks and to community groups. By the end of the reporting period 90,000 brochures had been distributed. These brochures are also available on the ABA's web site: www.aba.gov.au/internet.

In the previous reporting period, the NSW Department of Education and Training had decided to use the Cybersmart Kids brochure in its roll out of Internet access to all students in the NSW state education system. By June 2004, approximately 150,000 copies of the 800,000 ordered by the Department had been distributed to school pupils, with further distribution planned as the roll out continues.

The brochures were also distributed to other interested schools throughout Australia. In particular, all students participating in Net Detectives events received copies of the brochure to follow up on the lessons generated by the activity.

In 2003–04 the ABA commenced development of a new brochure, relating to the issue of children and mobile internet access. It is anticipated that the brochure will be released by September 2004.

The ABA's Cybersmart Kids web site, www.cybersmartkids.com.au, was launched in 2001–02 to provide Internet safety advice for children, parents and teachers.

Online safety awards to ABA

The ABA and its Internet safety web site, www.cybersmartkids.com.au, were awarded a special Wired Kids award for their work in promoting online safety and parental awareness on the value of a safe Internet.

The award was presented to Ms Jane Marquard, on behalf of the ABA, at a brief ceremony before the running of the successful 'Net Detectives' activity on 25 February 2004.

The award was presented by Dr Parry Aftab, Executive Director of WiredSafety.org, a US online safety and educational program. Dr Aftab is a security, privacy and cyberspace lawyer, as well as an author and child advocate.

A separate award was presented to Andrée Wright, Director of the Industry Performance and Review Branch, for her work protecting Australian families online.



L–R: Jane Marquard, ABA member; Dr Parry Aftab, Executive Director of WiredSafety.org; and Andrée Wright, ABA Director Industry Performance and Review Branch, at the awards ceremony.

Net Detectives

The ABA launched Net Detectives in Australia on 25 September 2003, after reaching agreement in 2002–03 with UK agency Childnet International to trial this innovative online activity. The launch was held at the International Grammar School in Sydney, with participation from this school and five others throughout NSW. The activity was launched by the then Minister for Communications, Information Technology and the Arts, Senator Richard Alston and the Childnet International Chief Executive, Nigel Williams.

The second Net Detectives event was held on 25 November, and involved schools from the Northern Territory, Victoria and the ACT. The third event, in February 2004, involved a number of schools in Queensland.

In total, 15 schools participated in the events, each fielding between five and seven teams, comprising up to five children in each team.

The activity uses the medium to teach the dangers of it. Students assume the role of a teacher who investigates bullying activity taking place at a school. It becomes apparent that the

activity has links to the Internet – and could have been avoided if some basic Internet safety rules had been followed!

As at the date of this report negotiations are in train with Childnet International to the conduct a further series of events in 2004–05.

Other activities

To promote its Internet safety message the ABA has participated in a number of state and national conferences. ABA Member Jane Marquard conducted a workshop at the June 2004 National Rural Education Conference in Fremantle, WA which was hosted by the Society for the Provision of Education in Rural Australia (SPERA). The workshop focused on the resources available to assist in teaching children about the Internet safety matters.

Ms Marquard also advised the Minister for Education and Training in WA, The Hon. Mr Alan Carpenter, on the ABA's role in the regulation of Internet content, and discussed strategies that may facilitate the take-up of the online safety message through the education system.

Categories of broadcasting services

Under section 21 of the Broadcasting Services Act a person can ask the ABA to decide on the category of broadcasting service into which a potential or existing service falls.

In 2003–04 the ABA did not receive any applications for an opinion on category of service. One application, which was outstanding from the previous period, was completed after 1 July 2003, within the statutory timeframes.

Ownership and control matters

During this reporting period the ABA did not provide any opinions on control.

Under section 74 of the Broadcasting Services Act, an applicant can request that the ABA give an opinion whether a person was in a position to

Net Detectives launch



Experts in the control room: Mary-Jane Salier, General Counsel, OzEmail; Senior Constable Russell Ng, Child Exploitation Internet Unit, Child Protection Sex Crime Squad, New South Wales Police Service; and Nigel Williams.



Nigel Williams, (then) chief executive Childnet International, looks on as a school team plays Net Detective at the Australian launch of the activity in Sydney in September 2003.

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

C and P programs classified

In 2003–04, the ABA assessed 69 programs (or series of programs) and granted classification to 56 of them. This compares with 62 programs assessed and 53 programs granted classification in the previous year (see table 8).

Over the past five years there has been a gradual increase in the number of applications submitted for C and P classification, and an increase in programs submitted for classification which present with a range of complex issues. This has particularly been the case in 2003–04, when many programs required additional assessment by specialist consultants to determine their suitability for C or P classification (see appendix 5 for the list of children's television consultants).

	2003–04		2002–03	
	Applications granted classification	Applications* refused classification	Applications granted classification	Applications* refused classification
C	11	5	15	1
C Drama	23	5	19	1
Provisional C	14	2	12	6
Provisional P	1	0	3	0
P	7	1	4	1
Total	56	13	53	9

**These programs failed to satisfy the criteria in the CTS
See appendix 5 for a full list of C and P classified programs.*

CHAPTER 6 : COMPLIANCE WITH REGULATIONS

Goal Ensure compliance by electronic media with relevant regulations	
<p>Strategies</p> <p>Conduct investigations into complaints and possible breaches of regulations, on a priority basis that addresses matters of substantial public interest quickly</p>	<ul style="list-style-type: none"> • Of the investigations completed within the reporting period: <ul style="list-style-type: none"> - 43 per cent of priority investigations completed within six months - 68 per cent of non-priority investigations completed within three months • An assessment of suitability to hold a commercial radio broadcasting licence lead to the refusal of Cybervale Pty Ltd's application to renew its non-broadcasting services band commercial radio licence in Wagin, WA.
<p>Liaison with international bodies to enhance effectiveness of investigations</p>	<ul style="list-style-type: none"> • All referrals of online material to international hotlines accepted. • Ability to undertake investigations enhanced by full membership of Internet Hotline Providers in Europe Association and chairing of INHOPE working groups on mobile telecommunications and content issues.
<p>Conduct a targeted compliance monitoring program to enhance compliance with rules concerning –</p> <p>a Australian content of free-to-air television</p> <p>b children's programming on free-to-air television</p> <p>c pay TV drama expenditure</p> <p>d ownership and control</p> <p>e anti-siphoning / anti-hoarding</p>	<ul style="list-style-type: none"> • There were no serious compliance issues arising under these requirements in the reporting period. • Investigation into commercial radio licensee ZUE found 19 breaches of the Commercial Radio Disclosure Standards, imposition of an additional licence condition requiring an independent monitor to measure compliance with the standards.
<p>Expand licensee audit program to verify accuracy of gross earnings (on which licence fees are calculated)</p>	<ul style="list-style-type: none"> • A second round of licence fee payment and financial reporting compliance audits commenced in March 2004, building on the outcomes of the first round of audits, undertaken in 2002.

Investigations

Investigations started

The ABA commenced 137 investigations in the reporting period, 29 per cent more than the 106 started in 2002–03. The number of written complaints received increased to 699, compared with 586 in 2002–03 and 575 in 2001–02.

Investigations completed

The ABA completed 106 investigations, the same as in 2002–03. (These statistics refer to the reporting period during which the investigation was completed, not the time the broadcast occurred.)

The ABA found a breach in 27 (or 25 per cent) of the investigations completed in 2003–04, compared to 50 (47 per cent) in the previous year.

Nineteen of the 27 investigations related to breaches of codes of practice. Eleven of these were related to commercial television stations,

seven fewer than in 2002–03. Four of these breaches related to the accurate presentation of factual matter in current affairs programs (one in 2002–03).

Of the 19 code breaches, four pertained to commercial radio services (two in 2002–03). Three of these investigations resulted in breaches to do with complaints handling.

The three breaches of the Community Radio Code of Practice, four fewer than in 2002–03, related to the requirement to have written policy and procedures for conflict resolution in place.

The breach of the ABC Code of Practice related to ABC television's broadcast of a news update on the Iraq war during children's programming time.

There were seven investigation findings of breaches of a licence condition: two in the commercial television sector, two in commercial radio and three in community radio. The three investigation findings against community radio services related to breaches of the licence

Investigations procedures, rules and regulations

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

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

The ABA must investigate these unresolved complaints unless it is satisfied that they are frivolous, vexatious, or not made in good faith. It may also, under section 170 of the Broadcasting Services Act, initiate investigations.

The ABA has a range of sanctions available to it in the event of a breach by a broadcaster. If there is a breach of the Act or licence condition, the ABA may issue a notice requiring the broadcaster to

take action to remedy the breach, refer the matter to the Director of Public Prosecutions for possible prosecution, or suspend or cancel the licence.

If a code of practice is breached, the ABA may make compliance with a code a condition of a broadcaster's licence. In its investigations, the ABA focuses on ensuring that broadcasters take action so that problems are rectified and not repeated. If a national broadcasting service (ABC or SBS) breaches a code, the ABA may, if it is satisfied that the complaint was justified, by notice in writing recommend that it take action to comply with the relevant code of practice. This action may include the broadcast or other publication of an apology or retraction. If the national broadcaster does not take appropriate action within 30 days of the recommendation, the ABA may give the Minister a written report on the matter.

The Minister must table copy of the report before each House of Parliament within seven days of receiving the report.

condition proscribing the broadcast of advertisements. There were two investigations finding three breaches against commercial radio services: the first related to a special condition on one licensee; the second to the licence condition requiring compliance with the Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000; and the third to the condition that a licensee remain suitable. See appendix 6 for the list of investigations completed, and summaries of these investigations.

Time taken to complete investigations into programming matters

The ABA started and completed 76 investigations during the reporting period. Of the 29 investigations outstanding at the start of the reporting period, one was more than six months old, nine were between three and six months old, and 13 were less than three months old.

Sixty investigations were outstanding at the date of this report: five were more than six months old, 19 were between three and six months old, and 32 were less than three months old.

The average time taken to complete an investigation was approximately 12 weeks, four weeks longer than in 2002-03. The ABA

completed 43 per cent of priority investigations within six months (compared to a target of 100 per cent) and 68 per cent of non-priority investigations within three months (compared to a target of 75 per cent).

Breaches of the Broadcasting Services Act

Other than the breaches of licence conditions noted above, there was one breach of the Broadcasting Services Act: a licensee of a narrowcast service was found to be providing a commercial radio service without a licence to do so.

Breach of the Children's Television Standards

There was one breach of the Children's Television Standards in 2003-04: a licensee was found to have broadcast a non-C program in a C period. Under the CTS only children's or preschool programs may be broadcast during C or P periods.

The licensee, Telecasters Australia Limited (TND), notified the ABA of the breach when it discovered its error and scheduled extra C programming to ensure that its children's program sub-quota requirements were met in 2003. The licensee also implemented new procedures to prevent further breaches. Given

Table 9 Investigations summary

	2002 - 03	2003 - 04
Investigations started	106	137
Investigations completed	106	106

Table 10 Investigations resulting in breach findings

Breach of ...	2002 - 03	2003 - 04
Code of practice	31	19
Licence condition	16	7
Broadcasting Services Act	1	1
Code of practice and licence condition	1	0
Broadcasting Services Act and licence condition	1	0
Total	50	27

Table 11 Investigations findings of breach of a code (by type of service)

Service	2002 – 03	2003 – 04
Commercial television	17	11
Commercial radio	2	4
Open narrowcasting television (community television trial)	3	–
Community radio	7	3
SBS television	1	–
ABC television	–	1
ABC radio	1	–
Subscription broadcast television	–	–
Total	31	19

Table 12 Investigations findings of breach of a licence condition (by type of service)

Service	2002 – 03	2003 – 04
Commercial television	–	2
Commercial radio	–	2
Open narrowcasting television (community television trial)	1	–
Open narrowcasting radio	–	–
Community radio	15	3
Subscription broadcast television	–	–
Total	16	7

Table 13 Investigations findings of breach of the Broadcasting Services Act (by type of service)

Service	2002 – 03	2003 – 04
Open narrowcasting radio	1	1
Total	1	1

Table 14 Investigations findings of breach of both a code and licence condition (by type of service)

Service	2002 – 03	2003 – 04
Commercial television	1	–
Total	1	–

Table 15 Investigations findings of breach of both the Broadcasting Services Act and licence conditions (by type of service)

Service	2002 – 03	2003 – 04
Open narrowcasting radio	1	–
Total	1	–

the circumstances of the breach and the undertakings made by the licensee, the ABA took no further enforcement action.

Non-renewal of commercial radio broadcasting licence

On 22 November 2003 the ABA determined that Cybervale Pty Ltd was not suitable to hold a commercial radio broadcasting licence. The decision was made following an assessment of the Cybervale's business record and record in situations requiring trust and candour. As a result of the finding, Cybervale's application to renew its commercial radio broadcasting licence was refused.

Cybervale had been providing a commercial radio service with a non-broadcasting services band licence. The service used a frequency just outside the AM band (1611 kHz).

It is a condition of all commercial radio licences that the licensee remains suitable (clause 8(2)(b) of Schedule 2 to the Broadcasting Services Act). If the ABA decides that a licensee is not suitable, the ABA must refuse an application to renew the licence (section 47 of the Act). This was the first time the ABA has found a licensee not suitable to hold a commercial radio licence.

Investigations into licensees of commercial radio services 2UE and 2GB Sydney

On 29 October 2002, the ABA received a complaint from the Communications Law Centre alleging breaches by the licensees of 2GB and 2UE of, variously, the *Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000*, the *Broadcasting Services (Commercial Radio Advertising) Standard 2000*, clause 4(2) of Schedule 2 to the Broadcasting Services Act (dealing with the broadcast of political matter) and related matters. The ABA released terms of reference for investigations into these complaints on 7 November 2002. These

investigations were completed during the reporting period.

2UE

The ABA found that the licensee of 2UE breached the *Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000* on 19 occasions. The ABA also found six breaches of the special licence condition imposed on the 2UE licensee following the ABA's Commercial Radio Inquiry in 2000. The ABA imposed a new 'monitoring condition' on the licensee (see above, and page 58) and referred the breaches of the Disclosure Standard to the Commonwealth Director of Public Prosecutions. The Director of Public Prosecutions advised in June 2004 that, on the evidence available, there would be no reasonable prospect of a conviction in relation to breaches of the commercial radio disclosure standard and the matter would not be approved for prosecution.

2GB

On 2 April 2004 the ABA released the report of its investigation into the *Alan Jones Program*, broadcast on commercial radio service 2GB Sydney. The investigation was into the sponsorship of the program under an agreement between Telstra Corporation and the parent company of the licensee, Macquarie Radio Network Pty Ltd.

The ABA found no breach of the *Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000* which was specifically designed to make visible possible commercial influences on current affairs presenters. In this case there were no hidden sponsorship arrangements: the agreement was between Telstra and MRN, and Mr Jones was not required to make on-air disclosures of the sponsorship agreement when he mentioned Telstra. The agreement required live read advertisements by Mr Jones but imposed no editorial restrictions or obligations on him. Live read advertisements reviewed by the ABA were

distinguishable from the rest of the program matter and complied with the *Broadcasting Services (Commercial Radio Advertising) Standard 2000*.

The ABA also reviewed editorial comment concerning Telstra broadcast by Mr Jones during 2002. Before entering into the commercial agreement Mr Jones made a number of on-air statements critical of Telstra. From 17 July 2002 onwards, however, Mr Jones' editorial was predominantly positive, supporting Telstra's service standards, public image and credibility. The ABA found that some of these broadcasts were 'political matter' for the purposes of clause 4 of Schedule 2 to the Broadcasting Services Act. However, the ABA was not persuaded that Telstra requested and authorised the broadcasting of that political matter within the meaning of that clause. Therefore, there was no breach of this licence condition.

Because of the circumstances of this investigation, the ABA considers that existing regulatory measures aimed at promoting fairness in news and current affairs coverage merit review. In particular, it considers that extra safeguards may be required in the Commercial Radio Codes of Practice when a controversial issue of public importance is being dealt with and a major advertiser or sponsor of the licensee has a particular interest in that issue. The ABA intends to review the rules aimed at achieving a clear distinction between editorial comment and advertising material to ensure that they are effective.

Investigation into Youth Media Society of Western Australia

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

In July 2003, the ABA received a complaint from DMG Radio Australia, licensee of commercial radio service Nova FM Perth, asking the ABA to investigate whether YMS was breaching the Broadcasting Services Act and the Community Radio Broadcasting Code of Practice.

Key issues in the investigation into YMS, which started on 30 July 2003, include whether:

- YMS remains a suitable community broadcasting licensee
- YMS continues to represent the community that it was licensed to serve
- the youth community of Perth is able to participate in the operations of the licensee in providing the service and the selection and provision of programs under the licence and
- YMS's service is operated for profit or as part of a profit making enterprise.

A draft report on the investigation was provided to the licensee for comment in April 2004. As at 30 June 2004, the ABA was considering the licensee's comments on the draft report.

The investigation was completed in August 2004, after the date of this report.

Investigation into FiveAA

On 19 February 2004, the ABA commenced an investigation into the licensee of FiveAA, a commercial radio station in Adelaide, in relation to the commercial arrangements of presenter Leon Byner and compliance with the *Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000* and the *Broadcasting Services (Commercial Radio Compliance Program) Standard 2000*. The investigation is continuing.

Imposition of an additional condition on licence held by Star Broadcasting Network Pty Ltd

In determining the licence area plans for radio services in the Brisbane and Ipswich areas in

December 2000, the ABA decided not to amalgamate the Brisbane and Ipswich licence areas. The ABA determined that the commercial radio broadcasting service provided by Star Broadcasting Network Pty Limited (4MIX) would continue to be the sole commercial radio service available to serve the Ipswich licence area. The ABA determined a new technical specification for 4MIX including a change of frequency to provide adequate reception of the service in the licence area.

Following 4MIX's change of frequency, the ABA became aware that the service was being marketed and promoted as a service for an area extending beyond its licence area and, in particular, as a service for the Brisbane area generally. The ABA proposed the imposition of an additional condition to ensure that the licensee provides a service for the Ipswich licence area and provided the licensee with an opportunity to make representations in relation to the proposed condition. On 16 August 2002 the ABA decided to impose the following additional condition on the licence held by Star Broadcasting Network Pty Limited:

The licensee must ensure the service remains a broadcasting service for the Ipswich licence area by:

1. marketing and promoting the service as a radio service for the Ipswich licence area
2. regularly referring to Ipswich in its on-air promotions for the service
3. not marketing or promoting the service, either on-air or in publicity or sales material, as a service targeting an area, city, town, suburb or other location, unless that area, city, town or other location is wholly within the Ipswich licence area.

The condition was to take effect on 1 October 2002. On 16 September 2002 the licensee applied to the Administrative Appeals Tribunal for review of the decision to impose the additional condition. On 23 December 2003, the Tribunal handed down its finding that no condition

should be imposed in this case. The ABA appealed the decision to the Federal Court on 21 January 2004. Following a hearing on 17 May 2004, the Full Federal Court delivered its judgement on 30 June 2004, unanimously dismissing the ABA's appeal.

Interactive gambling

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

Complaint handling

In 2003–04, the ABA received 29 complaints relating to gambling services, completed investigations into 22 of those complaints and terminated seven investigations due to lack of information. Of the 22 investigations completed, 11 complaints resulted in the location of prohibited Internet gambling content. All were located outside Australia and have been notified to the makers of filter software, in accordance with the Internet service providers' code of practice registered under the Interactive Gambling Act. The remaining 11 investigations resulted in location of content that was not prohibited.

The ABA referred one of the matters involving prohibited content to the Australian Federal Police for further investigation. It involves a possible breach of the offence provisions contained in the Act: the provision of an interactive gambling service to Australian end-users, and the publication in Australia of an interactive gambling service advertisement. The Australian Federal Police will advise the ABA of the outcome of its investigation.

Internet content

Complaint handling

During 2003–04 the ABA received 1107 complaints about Internet content, including 95 invalid complaints. It completed 810 investigations (16 of these were current at 30 June 2003), and terminated 175 as it was unable to obtain sufficient information on which to base a decision (usually because the content identified by the complaint could not be located). There were 43 investigations current at 30 June 2004.

Of the 810 investigations completed, 548 resulted in location of 708 prohibited or potentially prohibited items of Internet content: items actioned. The number of items actioned exceeds the number of investigations in which prohibited content was found because some investigations encompass multiple items (for example, when a complainant identifies a number of web sites in a complaint, or the ABA investigates a number of postings in a newsgroup).

During the reporting period, the ABA issued final take-down notices for seven items of Australian-hosted prohibited Internet content, and referred 701 overseas-hosted prohibited or potentially

prohibited items to the makers of Internet software filters.

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

Table 16 shows the breakdown, by content host location and content type, of items actioned. The United States and the Russian Federation continued to account for the majority of prohibited or potentially prohibited content that was investigated and found to be hosted outside Australia (see chart over page).

International liaison

The Broadcasting Services Act requires the ABA to liaise with regulatory and other relevant bodies overseas to develop co-operative arrangements for Internet content regulation. These are to focus particularly on the development of multilateral codes of practice and content labelling technologies (Schedule 5 clause 94(e)).

Table 16 Prohibited Internet content – Items actioned in 2003–04

Content classification	Internet content host location		
	Australia	Outside Australia	Total
R	0	n/a	0
X Actual sexual activity	6	141	147
RC Crime – promotion/instruction	0	0	0
Violence – depiction	0	7	7
Paedophilia – promotion/instruction	0	9	9
Child – depiction	0	454	454
Bestiality – depiction	0	15	15
Sexual violence – depiction	0	32	32
Sexual fetish – depiction	0	17	17
Sexual fantasy – depiction	1	26	27
Drug use – promotion/instruction	0	0	0
TOTAL	7	701	708

n/a not applicable

In performing this function, the ABA has participated in a range of policy and regulatory forums.

Internet Hotline Providers in Europe Association

The Internet Hotline Providers in Europe Association (INHOPE) is partly funded by the European Commission under the hotline component of its Safer Internet Action Plan. INHOPE member hotlines deal with complaints about illegal Internet content, mainly child pornography.

The ABA became a full member of INHOPE in May 2004, after becoming an associate member in September 2000. Members' meetings are a valuable forum for exchanging information and expertise on investigation techniques, hotline promotion, staff welfare and other hotline management issues.

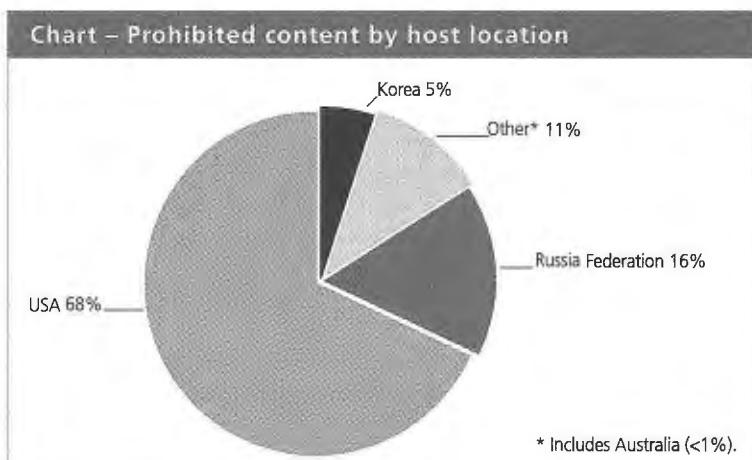
A key focus of the 2003–04 meetings was Internet safety issues raised by new mobile telecommunications technologies. A new working group, the Portable Mobile Devices Working Group, chaired by the ABA and including representatives of hotlines from the United Kingdom, Italy, Germany, Austria and Korea, was formed in September 2003 to develop a range of initiatives through which members can address these issues.

The ABA's role in this group complements its existing INHOPE contributions. The Content Working Group, also chaired by the ABA, has in the past year undertaken collaborative work in file encryption, compression technologies and Internet address masking.

Safer Internet Action Plan

In September 2003, the ABA attended the European Commission's Safer Internet Action Plan (SIAP) Open Day in Luxembourg. The Safer Internet Action Plan has similar objectives and elements to the Australian scheme, with initiatives relating to hotlines, awareness and filtering. The Open Day provided an opportunity to address emerging challenges in the area of Internet safety in both quantitative terms (amount of illegal content) and qualitative terms (new platforms, new products).

The Safety Awareness Facts and Tools (SAFT) project consortium, funded under SIAP and comprised of Internet safety bodies in Ireland and Scandinavia, invited the ABA to present information about Australian initiatives, 'Safer Internet Use – Australian Law and Co-regulation', at its conference in Stockholm on 20 October 2003.



Stop-IT conference on Internet child pornography

The ABA attended a conference in Rome convened by Save the Children, Italy in May 2004. Save the Children operates Italy's INHOPE member hotline (Stop-IT) for reporting Internet child pornography. The conference coincided with the INHOPE members' meeting held in Rome in the same week.

Representatives of child welfare, education, Internet safety, law enforcement and hotline organisations attended. Conference presentations included online 'grooming' behaviours of paedophiles, chat room safety measures, the impact of Internet child pornography on the victims depicted in images, and new measures being adopted by law enforcement agencies to track down distributors of Internet child pornography.

Other forums

The ABA presented a paper at the July 2003 conference 'Society, Safety, and the Internet' hosted by the NetSafe Internet Safety Group, the New Zealand Police and the University of Auckland. The conference examined the social impact of communication technologies and the resulting safety challenges.

In September 2003, the ABA met with Childnet staff to discuss new child safety initiatives, and in particular the Australian customisation and roll-out of the online safety game Net Detectives. Childnet International is a non-profit organisation that aims to facilitate the Internet as a safe and enjoyable place for children, and to promote and protect children's interests.

In January 2004, the ABA was represented at the 'Delivering Mobile Adult Content Responsibly' conference in London. The conference looked at finding a balance between

growth and protection of mobile Internet brands. It attracted speakers from leading mobile Internet providers, regulators such as the UK's Independent Committee for Supervision of Standards of Telephone Information Services (ICSTIS) and the European Commission, research analysts, adult content providers and marketers of technical safeguards. The conference looked at recent initiatives (such as the introduction of a code of practice for UK mobile operators) and canvassed future possibilities, including technical safeguards and cross-border regulation.

In June 2004, the ABA's Chairman addressed the Hutchison IT Education Symposium in Hong Kong, on the 'The Regulation of the Internet, Fixed and Mobile: the Australian Experience'. The address outlined the operation of Australia's co-regulatory scheme, and highlighted the need to ensure the adequate community safeguards are developed to cover new mobile telecommunications technologies. The popularity of mobile phones with young people, and the ability of these devices to access audiovisual content via the Internet and other means gives rise to concerns about the risks the technology may pose to young people.

The ABA participated in the panel discussion 'Regulating Mobile Content Services – Reshaping the Role of the Regulator' at Broadcast Asia, Singapore, in June 2004. Following an industry showcase of new technological developments, the regulatory forum discussed the challenges and opportunities associated with new mobile technologies, particularly with respect to convergent devices. The panel discussion examined issues such as how and what types of wireless mobile content should be regulated, how regulators should most effectively deal with borderless services, and how regulators should balance regulation and promotion of new wireless mobile content services.

Monitoring compliance

Compliance with the Australian content standard

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

The Australian Content Standard requires all commercial licensees to broadcast an annual minimum transmission quota of at least 55 per cent Australian programming between 6 am and midnight, including first release and repeat programs. In addition there are minimum annual sub-quotas for first release Australian drama, documentary and children's programs, as well as sub-quota requirements for repeat children's programs and Australian preschool programs.

In 2003 the annual quota requirements for first-release Australian programs were:

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

In 2003, the three commercial network licensees met the Australian content requirements (see appendix 5).

The licensees exceeded the minimum 55 per cent transmission quota requirement: Seven averaged 57.49 per cent, Nine averaged 63.56 per cent and

Ten, 56.95 per cent. The network licensees also met the (adult) drama and documentary sub-quotas, with some stations exceeding the minimum requirements.

Approximately six hours of New Zealand programs were broadcast on Seven, and two hours on Nine. Under the Australian content standard, New Zealand programs count towards the Australian content requirements. The ABA monitors the amount of New Zealand programming that is broadcast on commercial television and claimed towards the licensees' Australian content quotas.

Compliance with the Australian content in advertising standard

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

In 2003 the amount of Australian advertising broadcast by the networks averaged well above 80 per cent (see table 17).

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

Table 17 Australian advertisements broadcast

	Australian content	Foreign content
	2003	2003
	%	%
Seven licensees	92.0	8.0
Nine licensees	91.6	8.4
Ten licensees	90.6	9.4

Children's programming on commercial free-to-air television

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

The ABA uses its Australian content database and notification regime to monitor the networks' compliance with the CTS in metropolitan areas, and collects CTS compliance information from the regional commercial television licensees.

The commercial licensees met the minimum quota requirements for children's programs for 2003 (see appendix 5 for data for Seven, Nine and Ten network licensees). The Seven network licensees broadcast 263.95 hours of C classified programs, the Nine network licensees broadcast 267.5 hours and the Ten network licensees broadcast 260.5 hours.

In 2003 approximately 38.3 hours of foreign children's programs counted towards the C quota of 260 hours. Licensees may count foreign C programs towards the quota, as well as 130 hours of first release and eight hours of repeat Australian C drama. As in previous years the licensees broadcast more than the required hours of repeat Australian C drama as well more repeat Australian non-C drama programs than foreign C programs.

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

Licensees can only claim ABA classified programs towards the children's or preschool program sub-quotas and these programs must be

broadcast in specific C and P time bands. The CTS also regulate the type and amount of advertising allowed during the broadcast of children's programming.

There was one breach of the Children's Television Standards in 2003–04 (see page 46 for a summary of the breach).

Subscription television drama expenditure

New eligible Australian drama expenditure

In 2002–03, there were 17 subscription television drama services supplied by licensees, pass-through providers and channel providers.

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

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

The scheme, set out in Part 7, Division 2A of the Act, came into effect on 1 July 1999.

Compliance

Subscription television drama channel providers and licensees spent \$199.3 million on programming material for their drama services broadcast in 2002–03, and were required to spend at least \$19.9 million on new Australian drama programs. The industry spent \$19 million on new Australian drama programs in meeting these obligations with \$8.2 million of this used to

make-up expenditure shortfalls from 2001–02. The remainder was used to meet the 10 per cent requirement for 2002–03. The industry must make-up a shortfall of \$9.1 million in 2003–04.

The sum of the expenditure nominated to meet the 10 per cent requirement for 2002–03 and to make-up the shortfall from 2001–02 is slightly greater than actual new Australian drama expenditure incurred in 2002–03. This apparent anomaly stems from the fact that, in accordance with the rules of the scheme, some drama expenditure incurred by pass-through-providers in 2002–03 was nominated by more than one licensee carrying those services in order to meet their expenditure requirements for 2002–03 or make-up expenditure requirements for 2001–02. Expenditure on new eligible drama programs in 2002–03 included direct investment in and payment of licence fees for a range of programs including feature films such as *Crackerjack* and *Japanese Story* and the drama series *McLeod's Daughters* and *The Secret Life of Us*.

Ownership and control

Following an assessment of its suitability to hold a commercial radio broadcasting licence, Cybervale Pty Ltd's application to renew its non-broadcasting services band licence was refused in November 2003. Cybervale had been broadcasting a commercial service in Wagin, Western Australia.

See page 47 for an account of the ABA's investigation.

Applications for prior approval

The ABA approved five applications for prior approval of a temporary breach, under section 67 of the Broadcasting Services Act, in 2003–04.

Sections 67 and 68 require that the ABA must either approve or refuse the breach, or grant an extension, within 45 days of receiving the application. Following the transaction for which

prior approval has been given, details of approvals under section 67 and extensions under section 68 are available to the public through the ABA's Notifications Register.

Notices

In 2002–03 the ABA issued notices, under section 57(3) of the Broadcasting Services Act, to the licensees of the commercial television broadcasting licences controlled by the Seven Network Limited and Ten Network Holdings Limited about breaches of the foreign ownership limits.

Under section 70, if the ABA is satisfied that a person is in breach of the ownership and control rules, it may, by notice in writing, direct the person or the licensee to take action so that they are no longer in breach of that provision. Details of these notices are entered into the ABA's Notifications Register.

Notification requirements

The ABA received 103 notifications of changes in control for commercial radio broadcasting licences and four notifications for commercial television broadcasting licences in 2003–04.

Compliance with notification requirements

During the reporting period the ABA wrote to 11 commercial broadcasting licensees, reminding them of the need to comply with the notification requirements under the Broadcasting Services Act.

Notifications of changes in control

Each commercial licensee must notify the ABA when a person has come to be, or ceased to be, in a position to exercise control of the licence (section 63 of the Broadcasting Services Act). The licensee must do this within seven days of becoming aware of the event. A *person* who has come into the position of control of a commercial licence must also notify the ABA within seven days of doing so (section 64).

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

Annual notifications

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

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

At the end of each financial year, each person who is in a position to exercise control of a commercial television or commercial radio broadcasting licence must provide the ABA with details of any company interests held in a newspaper that is associated with the licence area of the licence (section 65).

Subscription television broadcasting licensees must notify the ABA, within three months of the end of each financial year, of foreign persons with company interests of more than 20 per cent in a subscription television broadcasting licence (section 112(6)).

Anti-siphoning/anti-hoarding

Anti-siphoning

The aim of the anti-siphoning provisions is to prevent subscription television services obtaining exclusive broadcast rights to events, particularly sports events that viewers have been used to seeing on free-to-air television.

Section 115 of the Broadcasting Services Act empowers the Minister for Communications, Information Technology and the Arts to list events that should be available to viewers of free-to-air national or commercial television broadcasting services.

The Minister amended the anti-siphoning list on 11 May 2004 to incorporate the changed names of some events, and to remove those events that will not be played before the expiry of the current list on 31 December 2005. The Minister also determined a new anti-siphoning list with effect from 1 January 2006 through to 31 December 2010.

The ABA is required to report to the Minister on the operation of the anti-siphoning regulations, the availability and acquisition of rights to listed events by free-to-air and subscription television networks, and on the addition or removal of events from the anti-siphoning list. The Minister may 'delist' an event if no free-to-air broadcaster is interested in acquiring the broadcast rights, thus allowing subscription television broadcasters to acquire the rights.

Following a report from the ABA, the Minister delisted the October-November 2003 Triangular One Day International Cricket Series in India.

There were no events were retained on the anti-siphoning list under section 115(1AA) in 2003-04. The anti-siphoning provisions allow the automatic delisting of specified events 1008 hours (six weeks) before they start. The Minister may publish a declaration in the *Gazette* to prevent automatic delisting, and to retain the event on the anti-siphoning list if he considers, 'that at least one commercial television broadcasting licensee or national broadcaster has not had a reasonable opportunity to acquire the right to televise the event concerned'.

Anti-hoarding

There is one event on the anti-hoarding list, the 2006 FIFA World Cup Soccer tournament, including the opening ceremony and closing presentations.

The intention of the anti-hoarding provisions is to ensure that free-to-air broadcasters do not hoard rights to the live coverage of certain events, as designated by the Minister. If a free-to-air commercial broadcaster acquires the live

rights to a designated event, but does not intend broadcasting the whole or part of an event live, the licensee 'must offer' the broadcast rights to one of the national broadcasters for a nominal charge. The offer must be open from 30 days before the start of the event and must remain open for a minimum seven days.

The ABA monitors compliance with the anti-hoarding provisions and provides reports to the Minister as required.

High definition broadcasting requirements

Commercial and national broadcasters are required to broadcast at least 1040 hours of high definition television (HDTV) programs per year (Schedule 4 to the Broadcasting Services Act). For all commercial and national television broadcasting services broadcasting in metropolitan Sydney, Melbourne, Brisbane, Adelaide and Perth, the obligation commenced on 1 July 2003. The obligation to meet the 1040 hour per year quota applies to all other broadcasters two years after the date on which they are first required to commence broadcasting in standard definition digital mode in an area.

Compliance with the HDTV quota

In the first six months of the application of the HDTV quota, from July to December 2003, all the nominated metropolitan commercial and national television broadcasters met or exceeded their quota requirements, calculated on a pro rata basis (see appendix 7).

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

What can be counted towards the quota?

If only part of a program meets the definition of a high definition television program (defined in clause 37L of Schedule 4 to the Act), only that part may be counted towards the quota.

However, insubstantial amounts of non-HDTV archival material broadcast during an HDTV program may be counted towards the quota. 'Archival material' is defined as being any material originally produced before 1 July 2003, unless the Minister determines another date.

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

Reporting and record keeping requirements

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

2UE licence conditions

On 6 May 2004, the ABA formally revoked the additional licence conditions that it had imposed on the licensee of 2UE following the Commercial Radio Inquiry in 2000. The conditions had been due to expire on 2 April 2004.

The ABA imposed a new condition on the licensee of 2UE on 6 May 2004 requiring 2UE, at its expense, to engage an approved independent third party to monitor the John Laws program for limited periods nominated by the ABA, and

provide a report, including a transcript, direct to the ABA. This is to provide an ongoing incentive to ensure compliance with the disclosure requirements by enabling the ABA to undertake spot checks on the program. (See also page 48.)

Compliance with the commercial radio disclosure standard

Licensees generally complied with the notification requirements of the *Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000* in 2003. In 2003–04, five licensees notified the ABA, on the approved form, of the existence of or changes to, relevant commercial agreements between on-air presenters and third parties.

Local content on regional television

On 1 February 2004, the additional licence condition on regional commercial television licensees to broadcast minimum amounts of material of local significance (local content) came into effect. The licence condition requires the broadcast of minimum amounts of 'material of local significance' or local content comprising a minimum 720 points per six-week period and a minimum 90 points per week. Points accrue on the basis of two points per minute for local news and one point per minute for other material, excluding paid advertising.

This licence condition was imposed as a result of the ABA's 2001 investigation into the adequacy of local news and information programs provided on commercial television services in regional and rural Australia (see *Australian Broadcasting Authority Annual Report 2001–2002*, p.41). The investigation concluded that in the four regional licence areas of Regional Queensland, Northern NSW, Southern NSW and

Regional Victoria there was a lack of diversity, competition and responsiveness to audience needs in the broadcast of matters of local significance.

The additional licence condition was imposed on the five licensees broadcasting in these markets: Seven Queensland, Southern Cross and WIN TV in Regional Queensland; NBN Ltd, Prime Television and Southern Cross in Northern NSW; Prime Television, Southern Cross and WIN TV in Southern NSW; and Prime Television, Southern Cross and WIN TV in Regional Victoria.

To allow licensees time to acquire the necessary staff, equipment and other resources to implement the condition and mandatory reporting requirements, the licence condition obligations did not come into effect until 1 February 2004. Licensees have until 30 days after 30 June 2004 to report to the ABA on the first six month's operation of the licence condition.

Telephone sex services

The ABA received no requests from the Australian Communications Authority regarding the issue of evidentiary certificates in 2003–04.

The ABA's role, under section 158F Part 9A of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*, is to issue certificates ('evidentiary' certificates) stating that a specified service is, or was, a telephone sex service. The Australian Communications Authority enforces compliance with the legislation which was developed to address concerns that telephone sex services are too easily accessed by children.

Licensee audit program

In March 2004, the ABA commenced a second round of commercial radio and television licensee audits covering the 2001–02 financial

reporting period. The audit entails a review of six commercial television and four commercial radio broadcasting licensees' compliance with financial reporting and licence fee payment requirements. The audits are expected to be completed in the second half of 2004.

CHAPTER 7 : POLICY ADVICE

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

Strategy

Review impact of legislation as required to test effectiveness of, in particular –

a) Subscription television drama expenditure rules

b) Online content scheme (Schedule 5 to the Broadcasting Services Act 1992)

c) Anti-siphoning/anti hoarding rules

- The majority of submissions to the review of the online content scheme expressed clear support for the continued operation of the co-regulatory scheme.
- Provided evidence on the ABA's Internet content role to the Parliamentary Joint Commission inquiry into cybercrime.
- Commenced establishment of an information system to support decision-making associated with an expanded role in renewal of community broadcasting licences.
- There was no review of the subscription television drama expenditure rules in the period
- There was no review of the anti-siphoning/anti hoarding rules in the period

Subscription television drama expenditure rules

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

In May 2003 the ABA reported to the Minister for Communications, Information Technology and the Arts on its investigation into the extent to which the scheme for new eligible drama expenditure is achieving its purpose and the potential for improving its operation. The investigation was conducted as part of the review of Australian and New Zealand content on subscription television broadcasting services.

Online scheme

Review of co-regulatory scheme

The Minister for Communications, Information Technology and the Arts tabled the report of the review of Schedule 5 to the Broadcasting Services Act on 13 May 2004.

The review found that the majority of submissions expressed clear support for the continued operation of the co-regulatory scheme. Key findings include:

- while it is not yet feasible to filter R-rated overseas-hosted content or to mandate ISP-level filtering, the Internet industry should investigate the possibility of offering filter services on an 'opt-out' basis and should more actively promote and research filter technologies

- there is a need for appropriate protections for end-users (especially children) of convergent devices such as Internet-enabled 3G mobile telephones, particularly with respect to access management controls, and a need for the ABA and law enforcement agencies to ensure effective coordination mechanisms are in place to deal with complaints about illegal content on such devices
- the ABA should continue to apply the Schedule 5 take-down notice procedure to Usenet newsgroups, and Internet service providers should be required not to host newsgroups known by the ABA regularly to contain paedophile material
- Internet service providers should be encouraged to cooperate with law enforcement agencies and Internet safety initiatives in relation to predatory paedophile behaviour in Internet chat rooms
- the ABA should continue its participation in INHOPE and similar forums to assist it in responding to illegal Internet content hosted outside Australia, and in administering its complaints mechanism in accordance with international best practice
- there is clear support for community education as a key element of the co-regulatory scheme and the ABA should cooperatively develop with NetAlert an understanding of the appropriate constituencies for their community education roles and functions
- the ABA should conduct reviews of the Internet Industry Association's Internet content codes at least every three years, conduct regular reviews of the filters listed in the schedule to the codes, and enforce filter compliance with the codes' designated notification scheme.

On 13 May 2004, the Minister also wrote to the ABA asking that it take the review's findings into account in the course of the Internet Industry

Association's review of the Internet content codes. The Minister also asked the ABA to consider related matters, including that the ABA:

- cooperate with NetAlert in the development of an Internet content filtering trial
- publicise more extensively the application of the co-regulatory scheme to offensive Internet content referenced or linked in spam emails
- continue its research into technological developments and service trends in the Internet industry
- contact Australian Internet service providers to advise them of the relevant findings of the review and the issues to be considered in the Internet Industry Association's review of the Internet content codes.

The report of the review is on the Department of Communications, Information Technology and the Arts' web site, www.dcita.gov.au.

Cybercrime inquiry

On 13 July 2003, the ABA gave evidence on the its role in relation to Internet content to the Parliamentary Joint Committee on the Australian Crime Commission's inquiry into a number of aspects of cybercrime.

The committee's report was published in March 2004 and is available on the Australian Parliament House web site, www.aph.gov.au.

Anti-siphoning and anti-hoarding rules

The ABA did not review the anti-siphoning or anti-hoarding rules during this reporting period.

Community radio industry data collection

When reviewing a community broadcasting licence, the ABA may take into account the same matters it had regard to when deciding to allocate the licence (the needs and interests of the community, the nature of other broadcasting services in the area, and the capacity of a licensee to provide a service). The ABA may refuse to renew a community licence if the applicant no longer meets the criteria in section 84(2) of the Broadcasting Services Act, and may also consider a request by a licensee to change the community interest the licensee is required to represent.

The ABA has started to develop an information system to support the decision-making associated with this expanded renewals role. A key component of this will be the 2004 results of the CBOonline data collection survey being conducted by the Community Broadcasting Association of Australia, and an initiative of the Community Broadcasting Foundation. Data is being collected about the community broadcasting industry including staff, volunteer and subscriber numbers, financial details, information about program formats, and technical information. Aggregated industry data will be analysed by the Communications Research Unit (an independent unit of the Department of Communications, Information Technology and the Arts) for the ABA.

The CBOonline data is expected to increase the ABA's knowledge of the community broadcasting sector and provide industry benchmarks against which the performance of individual licensees can be fairly and properly assessed. The ABA has provided financial assistance to the CBAA in order to improve the CBOonline survey response rate and sample size.

The ABA expects to receive the CBOonline results in September 2004.

CHAPTER 8 : CURRENT AND EMERGING ISSUES

Goal Advise and inform government, industry and the community about major current and emerging issues affecting electronic media.	
<p>Strategies</p> <p>Publish aggregated financial data concerning commercial television and radio broadcasting licensees</p>	<ul style="list-style-type: none"> • <i>Broadcasting Financial Results 2002–03</i> published in May 2004. This statistical compilation continues to be a valuable information resource for financial advisers, market researchers, Government and the broadcasting industry.
<p>Enhance ABA expertise by conducting contemporary research and investigations as a basis for informing future policy development to promote accessible, diverse and responsible electronic media</p>	<ul style="list-style-type: none"> • Provided commercial-in-confidence report to the Minister on the investigation into the provision of commercial radio services to the Remote Commercial Radio Service licence areas. • Reported on the provision of local news and information programs by commercial television services in the solus operator and two operator television markets. • Released The Allen Consulting Group report on the applicability of a tradable obligations scheme for broadcasting content as part of the ongoing consideration of future models of content regulation • As part of the review for implementing the provisions of the Australia–US Free Trade Agreement affecting audiovisual industries, submitted to the Joint Standing Committee on Treaties and the Senate Select committee on the Free Trade Agreement. • Contributed to the Government's consideration of the creation of a single communications regulator, with a submission to the discussion paper <i>Proposals for New Institutional Arrangements for the ACA and ABA</i>.
<p>Maintain international relationships with regulatory bodies and other organisations</p>	<ul style="list-style-type: none"> • Participated in a number of international Internet safety forums, including INHOPE, Safer Internet Action Plan / Safety Awareness Facts and Tools, and Broadcast Asia 2004. • Information obtained through international associations contributed to continuous review and updating of work practices in online area. • Participated in the 8th Asia Pacific Regulatory Round Table.

Financial data

Broadcasting financial results

In May 2004, the ABA released *Broadcasting Financial Results 2002–03*, reporting aggregated financial results for 251 (of the 265) commercial radio and 48 commercial television broadcasting licensees.

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

Broadcasting Financial Results is a valuable information resource for financial advisers, market researchers, Government and the industry itself. It is available for purchase from the ABA: 30 copies were sold in 2003–04.

Licence fees

The ABA collected commercial broadcasting licence fees of \$216.1 million in 2003–04, an increase of 5.7 per cent on the \$204.4 million collected in 2002–03. The fees are based on revenue earned by commercial television and radio licensees during the 2002–03 financial year.

Annual licence fees are calculated as a percentage of licensees' gross earnings for the relevant financial period. To preserve confidentiality, licence fees paid by individual operators are not published.

Regional equalisation plan

Regional television licensees claimed rebates of \$22.5 million for 2003–04 under the Regional

Equalisation Plan which recognises that regional television licensees face higher per capita costs in converting to digital broadcasting than their metropolitan counterparts. The ABA administers the plan, a disallowable instrument under the Broadcasting Services Act (clause 64(b), Part 11 to Schedule 4).

Contemporary research, investigations for policy development

Investigation into the provision of local news and information programs in regional and rural Australia

The ABA released a second report on the adequacy of local news and information programs provided on commercial television broadcasting services in regional and rural Australia on 22 June 2004. The first report, released in August 2002, dealt with the markets of Regional Queensland, Northern New South Wales, Southern New South Wales and Regional Victoria (Approved Markets, A, B, C and D, respectively). The second report examines the remaining regional and rural licence areas in Australia: solus operator and two operator markets.

The ABA decided to commence the investigation on 22 November 2001, in response to community concerns about the closure of news bureaux by Southern Cross Broadcasting (Australia) Limited in November 2001, and by Prime Television Limited in June 2001.

Table 18 Licence fees collected

	Number of licences		Total licence fees collected (\$m)	
	2001 – 02	2002 – 03	2001 – 02	2002 – 03
Commercial radio	256	265	15.5	16.3
Commercial television	48	48	188.9	199.8

In early 2002 the ABA called for submissions from the general public and interested parties, conducted a survey of all non-metropolitan commercial television broadcasting licensees, made a number of visits to commercial television stations and held public meetings in a number of locations in regional and rural Australia.

Submissions from regional broadcasters who had closed their local news bureaux emphasised the high costs and low ratings of the programs.

Following the public inquiry the ABA decided to impose a licence condition requiring each commercial television broadcasting licensee to broadcast a minimum amount of programs about matters of local significance to defined 'sub-markets' within each of their licence areas.

The solus operator markets (Broken Hill, Griffith / MIA in New South Wales, Mount Gambier / South East, Riverland and Spencer Gulf in South Australia) have two commercial television broadcasting services operated by the same licensee. The two operator markets have either two or three commercial television broadcasting services, but only two licensees. If three commercial television broadcasting services are available, the third service is operated by the two licensees in a joint venture and is only available in digital mode. The non-remote two operator markets are Mildura / Sunraysia Victoria; Darwin Northern Territory; and Tasmania. The remote two operator markets are the Remote Central and Eastern market and the Regional and Remote Western Australia market.

The second report provides a detailed analysis of the features of the solus operator and two operator markets and the current provision of local news and information programs by commercial television services in these markets.

The ABA found that the solus operator and two operator markets are not similar to Approved Markets A, B, C and D, and it is therefore not appropriate to apply the same approach taken for these markets.

In each of the solus operator and two operator markets, the ABA found that at least one commercial television broadcasting service was providing local news and information programs for that market. It also found that the features of the solus operator and two operator markets were such that it was not appropriate, at the time of the report, to require licensees in those markets to provide additional material of local significance. However, the ABA encouraged Southern Cross Broadcasting, WIN Television and Prime Television to consider the needs of viewers in the Darwin, Remote Central and Eastern Australia, Regional and Remote Western Australia and Mildura / Sunraysia markets and develop additional news or information programs that are of local significance to those viewers.

The ABA undertook to review, in 2006, the condition it imposed on the aggregated markets. As part of the review, the ABA will consider whether it would be appropriate to extend the licence condition to licensees in the solus operator and two operator markets.

Commercial radio industry study

In November 2003 the ABA published the report on its study, *The Commercial Radio Industry 1978–79 to 2001–02*. The purpose of the study was to understand the general economic and financial trends that have influenced the radio industry from 1978–79 to 2001–02. The report updates the earlier analysis presented in *The Commercial Radio Industry: 1978–79 to 1997–98* released in November 2000.

The study examines the profitability of the commercial radio industry and the respective performance of FM and AM services, compares the performance of commercial radio services in metropolitan markets with those in regional areas, and considers the relationship between the commercial radio and commercial television industries.

Some of the major findings include:

- Since 1978–79, commercial radio service revenue has risen by an average of 8.05 per cent per annum, compared with an average of 9.48 per cent per annum for television. In the metropolitan markets, the revenue trends for both were similar to the total market; in regional markets, television revenue growth clearly exceeded that of regional radio.
- Over the past decade the radio industry's share of main media advertising has been a constant eight per cent. During this period total radio advertising grew in real terms by 25 per cent, or an average of 2.98 per cent per annum.
- The radio industry's share of the total broadcasting revenue (radio and television combined) has remained stable at around eighteen per cent in the ten years to 2002.

Survey of commercial radio program formats 2003

In June 2004 the ABA released the report of its 2003 survey into program formats broadcast by commercial radio licensees, *Survey of Commercial Radio Program Formats 2003*.

These are the main trends to emerge from the 2003 survey.

- Regional radio services broadcast more syndicated and networked programs than capital city services. In 2003, 94 per cent of commercial radio content broadcast by capital city services was produced in-house, compared with 67 per cent for regional services.
- The proportion of syndicated and networked programs broadcast by regional radio services varied depending on the size of their region. For broadcasters in large, medium and small regions, syndicated and networked programming constituted 30, 43 and 24 per cent respectively of their program content.
- Music remains the dominant program format across all regions. On average, music programs accounted for more than half of the programming content broadcast on commercial radio. In capital cities, music programs accounted for approximately 47 per cent of total radio broadcast content. The proportion of music programs was higher in regional areas: 61 per cent in large regional markets; 56 per cent in medium markets; and 65 per cent in the small markets. The lower proportion of music programs in capital cities was offset by the higher levels of sports and hybrid programs available in capital cities.
- The most popular music category used to describe a station's programming style was 'soft adult contemporary' (35 per cent), followed by 'hot or mainstream adult contemporary' (27 per cent), 'mainstream rock, contemporary rock, top 40' (21 per cent), and 'easy listening, oldies' (16 per cent). Less than one per cent of the survey sample used the 'nostalgia, jazz' category to describe the music programming broadcast by their station.

The ABA distributed survey forms to all commercial radio licensees to complete on a voluntary basis. A copy of the survey form used for this research is on the ABA's web site, www.aba.gov.au/forms. The survey covered programming over a sample week from 25 August to 31 August 2003. The response rate was 75.7 per cent, or 209 (of the 276) licensees. To ensure comparability with previous surveys, the 2003 sample was divided according to region type: capital city (Adelaide, Brisbane, Melbourne, Perth, Sydney, Hobart), large, medium and small region. Large, medium and small regional areas were defined according to Australian Bureau of Statistics criteria.

The first radio program format survey was conducted in February 2001. The ABA is committed to collecting this data over five years, after which the survey will be reviewed.

Mobile telecommunications content

The ABA, in co-operation with the Australian Communications Authority and the Department of Communications, Information Technology and the Arts, has commissioned Network Strategies Limited to provide it with information and advice about content delivered over the mobile telecommunications network. Network Strategies Limited has undertaken to provide the ABA with a report on the following matters.

- The broad types of audiovisual services to be delivered over mobile platforms, and the relationships between these services and existing broadcasting, Internet and telecommunications services.
- The nature of the content that is to be delivered by those devices (i.e. 'genres' of content).
- A description of the technology used to deliver content to mobile telephones.
- An overview of the range of devices that can be used to access such services.
- Business models for the delivery of content via these technologies, including relationships between mobile telecommunications carriers, content providers and payment facilitators and the role of the services in the commercial strategies of the network providers.
- The likely target markets for different services including the demographic profiles of likely users.
- The technical and commercial feasibility of carriers and consumers controlling access to certain services and applications by way of labelling and filtering and restricted access systems (including age verification methodologies).
- An audit of existing and proposed regulatory measures in comparable overseas markets (to be agreed with the project management group).

Network Strategies Limited is scheduled to provide its report in September 2004.

Internet usage in Australian homes

On 22 June 2004 the ABA and NetAlert Limited jointly invited proposals to conduct research into Internet usage in Australian homes. The research will obtain information about the online behaviours and attitudes of children and parents for the purpose of informing the development of community education programs to promote awareness of Internet safety amongst Australian families. It is anticipated that a report containing the findings of the research would be available in 2004–05.

Religion

In February 2004 the ABA decided, pursuant to section 168 of the Act, to inform itself about the current status of religious programming on commercial television, by releasing a discussion paper for public comment. The discussion paper will include the results of a series of questions relating to this issue, which are to be included in a forthcoming Omnibus survey. This survey is expected to be conducted in 2004–05.

The ABA will use the submissions to the discussion paper to assist it in its consideration of whether or not to make a determination under clause 7(2)(c) of Schedule 2 to the Act, which states:

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

...

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

Before the introduction of the Broadcasting Services Act in 1992, religious programming on commercial television was governed by a

Direction, issued under section 103 of the *Broadcasting Act 1942*.

Following the introduction of the Broadcasting Services Act, the ABA, the commercial television industry and religious media groups consulted informally on the matter. In view of the commercial television industry's continuing support for religious programming, the ABA considered that the creation of a formal determination was not necessary at that time.

Trading the regulatory obligations of broadcasters

The ABA released a research report on the applicability of a tradable obligations scheme to broadcasting content, in October 2003. The report, *Trading the Regulatory Obligations of Broadcasters*, was prepared by The Allen Consulting Group and was commissioned as part of the ABA's ongoing research into policy options for achieving public benefits in a changing broadcasting environment.

Under a tradable obligations scheme a broadcaster would be able to enter into commercial arrangements with another broadcaster to take over its mandatory content requirements. Performance targets would be set for the industry as a whole, so viewers would still have access to the same overall minimum amount of a particular type of programming. However this would be concentrated on one or two networks rather than spread across all, as is currently the case. Drawing on experience in environmental management, a number of commentators had previously suggested that tradability be introduced into quota schemes for broadcasting. This study is the first to systematically examine the applicability of the model to Australian broadcasting.

The Allen Consulting Group examined tradability for children's programming, Australian content and the regional local news/information requirements. It considered the importance of diversity across and within different program

genres, the need to address the risk of anti-competitive behaviour, and the extent of above minimum programming, particularly in adult drama. The conclusion was that a limited trading scheme involving commercial television broadcasters, and applying to the quotas for children's programming and Australian documentaries may be feasible, depending on the preparedness of broadcasters to trade. The report recommended against applying a tradable scheme to areas where above minimum amounts of programming are broadcast, or between the national and commercial broadcasters.

A number of organisations responded to the ABA's invitation to comment on the report. Responses were mixed, with the commercial television industry supporting the concept of tradability, but disagreeing with the limitations proposed in the Allen's model. Other industry organisations and agencies, such as the Australian Film Commission and Film Australia, opposed the model on a number of grounds. The report and responses provide a resource for the ABA and interested parties in the ongoing consideration of future models of content regulation.

Trading the Regulatory Obligations of Broadcasters is on the ABA web site: www.aba.gov.au/tv/research/projects/trading_oblig.htm.

Review of remote commercial radio services

On 25 September 2003, the ABA finalised a review of the Remote Commercial Radio Services Scheme. The review examined the nature and characteristics of the scheme, factors affecting the provision of the services (including the commercial viability of the services), the impact on the operation of the remote commercial radio services of the legal and policy frameworks under which the services have operated since they were granted, and options for ensuring the future provision of commercial radio

broadcasting services in the licence areas served by the scheme.

The ABA provided its report on the investigation to the Minister for Communications, Information Technology and the Arts on 3 October 2003, but the report was not released publicly as much of it relates to confidential financial information about the remote commercial radio services licensees.

At 30 June 2004, the ABA was working with the Department of Communications, Information Technology and the Arts, exploring strategies for implementing a number of the options set out in the report.

The ABA commenced the review in September 2002, following a request from the Minister that the ABA investigate whether the provision of commercially viable services was feasible under the existing arrangements, and if not, what changes might be appropriate to achieve that objective.

The ABA decided to conduct the review because of the apparent failure of the scheme to meet its objectives: only the western zone provides a level of service which approaches the coverage originally intended by the scheme.

The Remote Commercial Radio Services Scheme licence areas and current licence holders are listed in table 19.

Investigation into 'adult services' broadcast into Australia from overseas locations

On 24 February 2004 the Department of Communications, Information Technology and the Art advised the ABA that it had received a number of queries, including questions on notice from Senator Harradine¹, concerning the apparent availability of 'adult services' being broadcast by satellite in Australia from overseas locations. These services were believed to be subscription satellite services broadcasting XXX material originating from Europe.

On 18 March 2004 the ABA decided, under section 170 of the Act, to commence an investigation into adult services broadcast by satellite into Australia from overseas locations. The ABA is investigating the following 'adult services': Sexz. TV, Free XTV, Backroom and BlueKiss which operate on the New Skies NV (Netherlands) satellite, NSS-6. BlueKiss is also available on the Asia Satellite Telecommunications Company Limited (Hong Kong) 3S satellite, AsiaSat.

The ABA released terms of reference for the investigation on 15 April 2004. On 6 May 2004, the ABA issued notices, under section 173 of the Broadcasting Services Act, to parties it believed could assist with its investigation. At the date of this report, the ABA is assessing the material it has received and expects to complete the investigation in the second half of 2004.

Table 19 Remote licence areas and licensees

Licence area	Area served	Licensee
Western zone (mono service)	Remote WA	North West Radio Pty Ltd
Western zone (stereo service)	Remote WA	North West Radio Pty Ltd
Central zone	Remote NT & SA; parts of Victoria & NSW	W&L Phillips Pty Ltd
North-east zone	Remote Qld & northern NSW	Rebel FM Pty Ltd
North-east zone	Remote Qld & northern NSW	Rebel FM Pty Ltd

¹ Senator Brian Harradine asked a number of questions on notice during Additional Senate Estimates Hearings of 16 and 17 February 2004.

New institutional arrangements for the ACA and ABA

The discussion paper, *Proposals for New Institutional Arrangements for the ACA and ABA*, released by the Department of Communications, Information Technology and the Arts in August 2003, canvassed some of the key issues that would need to be addressed were the Australian Communications Authority and ABA to become a single communications regulator, and sought comment on the options raised, to assist the Government in assessing the merits of a combined regulator.

The ABA submitted, in September 2003, that the creation of a single agency with responsibility for radiocommunications, telecommunications and electronic media content issues would enable a more strategic view of wider convergence issues. At the same time, the ABA supported the minimal change approach proposed in the discussion paper as an appropriate starting point for a merger of the two organisations. In line with its previous submission, in September 2002, the ABA favoured options on policy and governance issues that would best ensure the social objectives of broadcasting policy as set out in the Broadcasting Services Act while promoting the efficient regulation of Australia's media and communications industries.

The ABA viewed a number of corporate governance and administrative issues as more appropriately considered by the new organisation itself, but saw benefits for a merged regulator in retaining its current proximity to key industries, for example, a Sydney presence for the broadcasting industry.

Australia – US Free Trade Agreement

A Free Trade Agreement was concluded between Australia and the United States on 8 February 2004.

As part of the implementation of the agreement, it has been reviewed by the Joint Standing

Committee on Treaties and considered by the Senate Select Committee on the Free Trade Agreement. The ABA's submissions to each of these committees, in April 2004, noted the treatment of the audiovisual industries in the proposed Free Trade Agreement, particularly its potential impact on the community's access to Australian content on broadcasting and related audiovisual services.

Local content regulations, together with other measures affecting the audiovisual sector, are mainly dealt with by specific reservations under Annex I and II to the agreement. These reservations retain current local content rules for regulated services using known technologies, while reducing the range of measures available to adjust regulation or determine new rules should changed circumstances warrant.

The ABA stressed the importance of the reservation dealing with free-to-air commercial television, given that this medium is likely to remain the most influential sector of broadcasting for some time. In particular, the ABA strongly supports the apparent flexibility that has been maintained in the Free Trade Agreement, for the ABA to regulate for specific categories of Australian programming by means of sub quotas in the standard, such as the current requirements for relatively high cost adult and children's drama, and for documentary programs.

Annex II sets out specific reservations for digital multi-channelling, subscription television broadcasting, radio and interactive audio and/or video services. While the capacity of the Government to regulate in respect of new services is not open-ended in the agreement, the ABA strongly supports Australia's right to take measures to ensure that Australian consumers have access to local content on future digital services, including subscription services.

In relation to undefined digital services, the Free Trade Agreement does not appear to constrain the menu of options to regulate for local content on interactive audiovisual services. Annex II

retains the capacity for Australia to regulate 'interactive audio and/or video services' – these being understood generally as services that are driven by consumer choice, and are provided by businesses either incorporated in Australia or aimed/marketted directly towards Australians. Similar to the reservation for subscription television broadcasting, such regulation would be initiated by a finding 'by the Australian Government that Australian material is not readily available to Australian audiences'. The ABA submitted that conclusions about possible regulation of such services should be based on sound information and have the benefit of input from all relevant stakeholders. This will require policy makers and industry stakeholders to be alert to trends in the delivery of new services, and to actively monitor the availability of Australian content in the digital environment.

International relationships with regulatory bodies and other organisations

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

The ABA has, this year, been accepted as a member of INHOPE.

The ABA also holds an annual conference, which provides an opportunity for international speakers to present information and to be a party to discussions about emerging issues and policy in the Australian broadcasting industry.

See also appendix 9.

Asia Pacific Broadcasting Regulatory Round Table

The (8th) Asia Pacific Broadcasting Regulatory Round Table was hosted in Taipei by the Government Information Office, Republic of China, in November 2003.

The meeting was attended by representatives of regional communications and broadcasting regulators from Australia, Japan, Malaysia, New Zealand, Singapore, South Korea, Taiwan and Thailand. The ABA was represented by the General Manager, Giles Tanner.

The Regulatory Roundtable Meetings of broadcast regulators from countries in Asia and the Pacific region are held annually, and are hosted each year by one of the participating countries. The meetings provide Asia-Pacific regulators with an informal opportunity to discuss current and emerging issues, transitional and new technologies, and matters relating to content and public interest. It allows for an exchange of information, experiences and ideas.

Major issues for discussion at the Taipei meeting included:

- implications of convergence for regulatory structures
- choice of digital technical standard
- Internet regulation
- regulations for minority programming (non-English speaking background; religious)
- privacy regulation in broadcasting

The ninth Roundtable Meeting will be hosted in Seoul in November 2004 by the Korean Broadcasting Commission.

CHAPTER 9 : INTERNAL RESOURCES

Goal Improve the internal capability of the ABA to deliver its outputs	
<p>Strategies</p> <p>Invest in a more strategic, skilled and satisfying workplace</p>	<ul style="list-style-type: none"> • Strategic Human Resources Plan developed through a consultative process. The plan incorporates a Statement of ABA Preferred Behaviours; action to address the key performance indicators has commenced. • The KIOSK (Employee Self Service) module of the Complete Human Resource & Payroll Information System enhanced to provide more information and functionality. • Several Human Resources policies updated and a new policy, Conflict of Interest – Policy and Guidelines for Employees, introduced. • Performance agreements linked to the business plans and incorporating learning and development needs prepared by all officers and their managers. Performance is monitored and rated against the performance agreement at the six month mark, and at the expiration of the year. • Negotiation of a new Certified Agreement to replace the ABA Agreement 2002 commenced in February 2004, and was certified in July 2004.
<p>Review and maintain efficient and effective core and other business processes</p>	<ul style="list-style-type: none"> • Improved accommodation arrangements completed in both Sydney and Canberra offices, producing considerable savings in space and a more open-plan and modern style for both locations.
<p>Maintain access to expert internal and external legal services</p>	<ul style="list-style-type: none"> • Internal legal advice was provided, or external legal service providers instructed to provide legal services, on the range of activities of the ABA. The ABA's obligations under the <i>Freedom of Information Act 1982</i> and <i>Privacy Act 1988</i> were complied with, and legal projects implemented, including arranging for the ABA to meet its obligations under the <i>Legislative Instruments Act 2003</i>. Active support maintained for legal education for the ABA's lawyers and access to the legal library and online services.
<p>Optimise the use of information technology to facilitate business process improvement, to enhance information management and deliver all appropriate services electronically</p>	<ul style="list-style-type: none"> • New web server commissioned with greatly upgraded security and reliability. • New upgraded and expanded wide area network links installed between Canberra and Sydney • New external secure links for HR service provision installed • Continued rationalisation of application servers removed the last Unix server in March 2004.

Develop the external orientation of the ABA through the active management of stakeholder relationships, the communication of key messages and the meeting of external reporting requirements

- Fourth annual ABA conference successfully staged in June 2004.
- Meetings held with associations representing the various sectors of the broadcasting and Internet industries, particularly in relation to development of codes of practice, and other relevant entities.
- The strategic shift to online communications continued with virtually all ABA content published online in 2003–04.
- More than twelve hundred people subscribed to email distribution of news releases, a significant move away from fax distribution.
- One hundred and twenty three news releases were issued and nearly nine hundred media queries were dealt with.
- All statutory reporting requirements met.

A strategic, skilled workplace

Certified agreement

The ABA's third certified agreement under section 170IJ of the *Workplace Relations Act 1996* was nominally due to expire on 30 June 2004. The agreement covers the employment arrangements and conditions of work for employees who have not entered into Australian Workplace Agreements. Approximately 117 employees are covered by the agreement, the key features of which are:

- salary increases
- changed sick and personal leave accrual arrangements
- introduction of Christmas shutdown and
- inclusion in the agreement of the Australian Public Service code of conduct.

The final pay increase of two per cent was paid from 1 July 2003.

Negotiations for the fourth certified agreement commenced in February 2004, and the three year agreement was certified in July 2004.

Australian Workplace Agreements are in place for all five Senior Executive Staff and two Executive Level 2 employees. Six of the Australian Workplace Agreements have a nominal expiry date of 30 June 2004, and the other extends to 9 May 2005.

Strategic Human Resource Plan

In seeking to build a more strategic, skilled and satisfying workplace, one of the two key strategies over the life of the 2002 agreement was the development of a Strategic Human Resource Plan to address future workforce needs and to define ABA values and expectations of employee and management behaviour.

The ABA engaged consultants in September 2003 to facilitate the development of the Strategic Human Resource Plan and a statement of ABA values through a process involving consultation, workshops and focus groups. The end result, titled the People Management Plan 2003–06 which incorporates the ABA values, was adopted in October 2003 and action commenced to implement the strategies identified in relation to the four key results areas:

- workforce management
- people development
- culture and morale, and
- change management.

Work level standards

The second key strategy in the third certified agreement is a review of ABA work level standards and the development of new standards. That review has been undertaken and was in the final stages when the Minister announced the proposed merger of the ABA with

the ACA, from 1 July 2005. Finalisation of the new standards has been postponed indefinitely.

Consultation

Under the certified agreement, the major consultative body in the ABA is the Consultative Forum. The forum deals mainly with the key strategic and change issues that affect the ABA. The forum comprises management, union and staff representatives, and is chaired by the ABA's Chairperson (or delegate).

The Consultative Forum met on four occasions during 2003–04. Discussions focused on issues such as accommodation changes in the Sydney office, progress with new systems (Financial Management Information System, Employee Self Service facility in the Human Resources system, and the ABA Information Management System), new certified agreement, reviews being conducted as part of the Workforce Plan, and the proposed merger with the Australian Communications Authority.

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

Change management

The need to develop a strategic framework for change management and an internal communications strategy identified in the staff attitude survey in December 2001 have been addressed by the change management project. Under the guidance of a consultant, the framework was developed and all employees attended workshops in September 2003.

Performance and development framework

The certified agreement assures the continuation of the Performance and Development Framework. The framework provides the ABA

with a key mechanism for work planning, performance review, and identifying important development activities that need to occur during the period.

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

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

Development and training

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

The Human Resources Development Plan sets guiding principles for corporate and individual skill-needs both now and in the future. In particular it helps guide decisions about the allocation of resources to learning and development activities.

Of the 124 employees of the ABA, 78 attended training during the year. The ABA's expenditure for employee training was \$88,024. Development and training activities included training in management and leadership skills, information technology skills, job-specific skills, and attendance at seminars and conferences. ABA 'tune-ups' are also used to pass on leading-edge research and knowledge to others in the agency.

During the year, 11 employees benefited from studies assistance under the provisions of the ABA Studies Assistance Policy and Guidelines. The cost of this assistance was \$10,794. The

employees undertook a variety of courses including tertiary qualifications in specialised fields such as communications, business administration, economics and law.

Workplace Diversity Program

The ABA Workplace Diversity Program 2002–05 incorporates APS values and the *APS Guidelines on Workplace Diversity* (released 2001). The program has been put in place to assist the ABA in its plans to:

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

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

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

- including the acknowledgement and acceptance/encouragement of diversity in organisational and individual performance plans
- ensuring that selection criteria for management positions include the ability to

integrate workplace diversity principles into everyday management practice

- making information available to new employees in induction material.

The ABA seeks to achieve high-quality equity and diversity outcomes by:

- supporting equal access to training and development for all individuals and groups
- ensuring that senior management support the Workplace Diversity coordinator
- helping employees balance work, study, family life and other caring responsibilities through access to home-based work, part-time work, flexitime and flexbank, studies assistance, and personal and purchased leave.

The ABA regularly reviews its employee profile. Profile movements in recent years are in table 20. (See appendix 8 for detailed staffing data).

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

Occupational health and safety

It is the policy of the ABA to promote and maintain a high standard of health, safety and wellbeing for all staff. This is to be achieved by:

- preventing accidents and ill-health caused by adverse working conditions
- protecting staff, contractors and the public from health hazards which may arise from their work or the conditions in which they work

Table 20 Employee profile

	30 June 2002		30 June 2003		30 June 2004	
	Number	%	Number	%	Number	%
women	74	56.48	68	52.71	71	57.25
non-English speaking background	24	18.32	23	17.82	25	20.16
with a disability	6	4.58	5	3.87	5	4.03
Total employees	124		129		131	

- locating staff in an occupational environment that maximises health, safety and wellbeing.

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

The ABA has two OH&S work groups, one in the Sydney and the other in the Canberra office.

Each group has one OH&S representative and one deputy. Each representative undertakes a five-day training course accredited by the Commission for the Safety, Rehabilitation and Compensation of Commonwealth Employees.

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

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

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

Efficient business processes

Electronic record keeping

The ABA has begun implementing electronic record keeping to achieve efficiencies in document searching and sharing. Electronic record keeping has been successfully introduced in two functional areas of the ABA – Internet Complaints and Secretariat. It was envisaged that electronic record keeping would be rolled out in parallel with the implementation of the ABA information management system (AIMS, see page

79). However, following the May 2004 announcement of the planned merger with the Australian Communications Authority, further implementation has been postponed. The two agencies use different software for electronic record keeping and this may create transitional issues for electronic record keeping in the merged agency. Data migration issues will be examined in the lead up to the merger.

Strategic planning

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

To assist staff understanding of planning and reporting in the ABA, information on the various cycles (including planning, budgeting and reporting) is available on the ABA's intranet. This information provides staff with an easy guide to strategic planning in the ABA including:

- insight into when and how the ABA's corporate plan is reviewed
- how the outcomes and outputs framework underpins strategic planning and
- when and in what format the ABA undertakes business and work planning.

Resources allocation

The ABA continued to refine the processes of resource allocation and budgeting. These processes aim to provide:

- stronger links between corporate planning, budgeting and performance reporting
- an agency-wide approach to resource allocation and regular opportunities for the ABA to review its resource allocation priorities
- improved transparency, flexibility and priority setting

- more streamlined budget processes and
- a framework that facilitates internal allocation and reporting of resources on an accrual basis.

The ABA's internal distribution of resources for 2003–04 took place using these enhanced processes.

Internal audit

During the year, the ABA's internal auditor, Deloitte Touche Tohmatsu, assisted the ABA to conduct a high level review of its Finance area. The review focused on the structure and operations of the Finance section with a view to assisting staff in the area to meet the recent changes to external reporting requirements. The review report made a number of recommendations: implementing a flatter structure with clearer individual roles and responsibilities; improving skills levels (in particular in relation to systems); improving team communication; and implementing a robust policy and procedural framework. A number of the review's recommendations have been implemented. The remaining recommendations are under consideration and it is likely they will be implemented by the end of the calendar year.

In addition, work has commenced on developing a new business risk assessment and three-year internal audit plan. A number of workshops were held with staff from all key areas from the business as well as discussions with ABA senior management.

The risk assessment and three year audit plan will be considered by the ABA's Audit and Risk Management Committee in August.

Accommodation

Sydney office

New accommodation arrangements for the Sydney office were completed during the year. Changes include a 15 per cent reduction in floor

space, a partial refit, and a move to a more open plan and flexible work environment. The changes resulted from a decision by the ABA to stay at its Darling Park location by negotiation of a new ten-year lease with the owners of the building following comprehensive testing of the office property market.

Expert legal services

The General Counsel and the Legal section of the ABA provides or facilitates the provision of legal advice on the range of activities of the ABA, and undertakes and manages litigation where appropriate. The Legal section also coordinates compliance with the ABA's obligations under the *Freedom of Information Act 1982* and *Privacy Act 1988*, provides in-house training on legal issues and implements legal projects. The section started a major legal project commencing in 2004; arranging for the ABA to meet its obligations under the *Legislative Instruments Act 2003*.

General Counsel and other legal staff attend at regular meetings of the ABA and its various committees, to assist in identifying legal issues that may arise in the course of discussions.

Staff have been encouraged in their legal studies at both undergraduate and postgraduate levels, by provision of financial assistance and study leave. The ABA has arranged for its legal staff to attend relevant seminars and conferences to enhance and update their professional knowledge, on topics such as administrative law, communications and media law, and intellectual property. Lawyers working at the ABA have complied with their professional obligations by undertaking the required amounts of Mandatory Continuing Legal Education to qualify for annual practising certificates. Memberships of appropriate professional associations have been maintained. Resources available to legal staff include access to online services and a library with network links for inter-library loans.

External legal services

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

Information management and technology

IT Business Continuity Plan

The ABA has been developing a comprehensive Business Continuity Plan. Work on the first stages of this project (mainly the business impact analysis) was completed in late 2003 and it was anticipated that the project would be completed by early 2005. This plan follows on from the 1999 business continuity plan, which focused on information technology and was developed mainly in the context of planning for rollover to the year 2000.

The recent announcement by the Government of its intention to form the Australian Communications and Media Authority (ACMA) from merging the ABA with the Australian Communications Authority has resulted in discussions between both agencies on Business Continuity Plan processes and a decision to coordinate work is already underway. The ACA has engaged a consultant to assist both agencies develop a Business Continuity Plan framework early in 2004–05. The broader timeframe provides for a comprehensive Business Continuity Plan (including business continuity during a major security emergency) to be in place within 12 months. It is anticipated that the final Business Continuity Plan will be relevant to ACMA.

Infrastructure and security upgrade

The ABA implemented all recommendations from the IT Threat and Risk Assessment undertaken in 2003. This has resulted in upgraded IT infrastructure and security of the ABA's web site and external links. This includes the establishment of a dedicated firewall, active monitoring of external links involving multiple demilitarised zones, a new upgraded web server and amplification of the Canberra–Sydney link. Following a comprehensive selection process the ABA signed a contract with Optus for Internet service provision, data and voice carriage and security monitoring services.

ABA information management system

Work continued on implementation of the ABA Information Management System (AIMS). AIMS was identified in the ABA's IT Strategic Plan (2002) as a key high-priority project because it positions the ABA to 'adopt a whole-of-organisation approach to information management ... [and] to provide new and enhanced client services'.

AIMS is replacing multiple systems and providing a consistent cross-organisation application and technology infrastructure for the ABA. It is being implemented using a staged approach with modules being rolled out as they are developed. The ABA's IT contractor, Eden Technology delivered the developed modules in January 2004. Implementation of all modules includes migration of previously held data, staff training and establishment of reporting capability. By 30 June 2004, the modules for Media & PR, Licensing, Content Assessment and the common modules for delegations and contacts had been implemented.

Work is programmed in the first half of 2004–05 to streamline data entry with electronic submission of forms, delivering productivity savings and greater accuracy. A comprehensive data auditing tool has been developed and will be implemented by October 2004.

Information tools and systems

A review of the ABA's library services was undertaken in the context of a People Management Plan (see page 74). The review made recommendations on library staffing, library services, position of the library in the organisation's structure and the library's collection. Over the past few years there has been a gradual shift in the access and delivery of information to clients, facilitated by the greater availability of information in an electronic format. The review identified that the role of librarians in the ABA has changed from that of a builder and maintainer of a physical collection to that of a researcher/resource discoverer and trainer.

As a result of the review, staff numbers in the library have decreased and moved sections so they can provide more support to the core functions of the ABA.

The library has formulated a new Collection Development Policy, which recognises the greater reliance on online electronic resources instead of print. The policy takes into account the trend towards smaller in-house collections and obtaining materials on demand rather than the 'just in case' model.

As the focus of the work is on research there has been an attempt to minimise the amount of time spent on technical functions by outsourcing the accessioning of serials and document delivery.

The ABA encourages and supports the uptake and use of electronic services. Last year legal staff were provided with a greater variety of online research tools and some loose-leaf print services were cancelled in favour of the online product.

The electronic *Macquarie Dictionary* was installed for all staff in Sydney and Canberra.

In the electronic environment and with shrinking hard copy print collections, there is a greater emphasis on information sharing. Networks play an important part in service provision. The

library is an active member of the following professional networks:

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

There is close liaison between the libraries of the ABA, the Australian Communications Authority, and the Department of Communications, Information Technology and the Arts. The anticipated merger between the Australian Communications Authority and the ABA, has prompted discussions on possible strategies for the future merging of the two libraries.

The library continues to provide research and information services across the ABA. There is emphasis on self-service and services available via the desktop. The library's home page on the ABA Intranet links users to internal information, such as the library catalogue, and to external information, such as full-text journals, legislation, extrinsic legal materials and online legal publications, and general reference tools. Staff can request library items directly from the catalogue.

The library continues to hold print materials, especially historically valuable documents, but there is now greater reliance on external collections for non-core library materials. Staff can obtain these materials using inter-library loans and document delivery services.

By using a proactive information service model the library provides staff with comprehensive weekly electronic alert services of collection and resource updates and the latest international developments in broadcasting. These services strive to alert ABA staff about current key

resources and broadcasting developments. A selection of these alerts is reproduced in the monthly newsletter, *ABA Update*.

Web site and intranet for corporate communication

In July 2003 the ABA developed an Online Technology Plan 2003–05. The plan sets out estimated costs and a timeline for improving the online delivery of information as outlined in the ABA's IT Strategy Plan. These improvements will give clients greater interactivity with the ABA. Most of the improvements will be made after AIMS has been successfully rolled out.

The key deliverables in the plan include:

- increased functionality and services to our clients via the web site
- strategies for the ABA to meet its own, its clients and the Government's online requirements and obligations
- streamlined processes for web publishing from content creation to posting on the web site, and defined responsibilities for content generation, editing and delivery
- AIMS and other web site data collection/delivery resources are integrated (e.g. forms, RADCOM)
- Internet publishing is integrated with workflow procedures via the intranet and a content management system
- increased functionality of the ABA intranet, as a portal to all tools and services available internally to staff.

Implementation of the first stage of the plan (2003–04) included making changes to the design of the ABA web site within the existing architecture, developing a 'search for broadcasters by postcode' feature, and implementing Dreamweaver Contribute to allow others to update content on the web site.

The ABA engaged a consultant to develop the 'search for broadcasters by postcode' feature. The software went live on the site in July 2004.

As part of the preparation for stage 2 (make major changes to the web architecture and design and add new web services/functions) the ABA sought tenders on conducting a usability study of its current site. It also sought tenders on conducting a usability study of one of its satellite web sites, *cybersmartkids.com.au* (see page 40 for more information about the Cybersmart Kids web site).

While it was assessing the tenders, the Government announced the proposed merger of the ABA and the ACA. Given the likelihood of a merger, and a new web site for the Australian Communications and Media Authority, stage 2 is unlikely to proceed. The ABA asked the companies that had tendered to revise their tenders in light of the proposed merger. The new focus of the usability study will be the currency of the ABA site and the removal of out-of-date and redundant material.

Financial management information system

The ABA successfully implemented Finance One, a new financial management information system in August 2003. Finance One has provided the enabling tool for the ABA to realign its chart of accounts, improve management reporting and ensure that it is able to meet all external reporting requirements. It has also led to more efficiently processing of all accounts payable and receivable. The ABA will continue in 2004–05 to develop Finance One for operational and management reporting.

External orientation

The ABA held regular meetings with the associations representing the various sectors of the broadcasting and Internet industries and also consults with other relevant bodies. The full list is included in appendix 9.

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

External events

The ABA held auctions for new commercial radio licences for Adelaide in October 2003 and for Sydney and Brisbane in April 2004. The Adelaide auction was held in Adelaide on 31 October 2003; the Sydney auction was held in Sydney on 15 April and the Brisbane auction was held in Brisbane on 22 April.

On the evening before the Brisbane auction the ABA held an industry reception. Guests included representatives from the commercial television and commercial radio industries, community radio and community television aspirants and print media.

The ABA held its fourth annual conference in Canberra on 23 and 24 June 2004.

A number of ABA staff attended the Community Broadcasting Association of Australia annual conference and awards ceremony. They were pleased to see that a number of awards went to some of the newly licensed community radio stations, in particular, the youth stations Tasmanian Youth Broadcasters Inc. in Hobart, Student Youth Network Inc. in Melbourne, and Free Broadcast Inc. in Sydney.

L–R: From the ABA: Eilene Haley (Investigations); Gina Herro (Assistant Manager Licensing); Margaret Harradine (Legal); Lesley Osborne (Manager, Policy and Research); Maria Vassiliadis (Manager Licensing)



Publishing

The ABA continued its extensive publishing programs during the year, making all its publications freely available on the web site, and the more important reports in print. The ABA will provide, or make available, a printed copy of any of its publications, on request.

Work is progressing on making many of those publications that were previously only available in hard copy, available on its web site.

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

See appendix 10 for the list of ABA publications released during the year.

Communications

The ABA pursues a proactive strategy of releasing information to the media to ensure that information in the public arena is timely and accurate. In 2003–04, the ABA issued 126 news releases and dealt with more than 893 queries from journalists. ABA members and staff gave interviews to the electronic and print media on a range of issues.

Statutory reporting requirements

All statutory reporting requirements were met.

The ABA's *2002–03 Annual Report*, including its audited financial statement, was tabled in Parliament on 29 October 2003.

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

Service charter

For an account of the ABA's performance against its service charter, see appendix 11.

Appendixes

Appendix 1

FREEDOM OF INFORMATION

Section 8 statement

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

The earlier sections of this report explain the ABA's role and functions. This appendix supplements that information for the purposes of section 8 of the FoI Act and is correct as at 30 June 2004.

ABA functions and powers

The ABA was established in 1992. It is organised into four branches: Industry Performance and Review, Planning, Policy, Legal and Licensing and Corporate Services.

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

Industry Performance and Review Branch

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

Content Assessment Section

The responsibilities of the Content Assessment Section are to:

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

- assess requests for the issue of a certificate that a specified telephone service is, or was, a telephone sex service.

Industry Performance Section

The responsibilities of the Industry Performance Section are to:

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

- monitor compliance with the subscription television new eligible drama expenditure scheme.

Industry Review Section

The responsibilities of the Industry Review Section are to:

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

Investigations Section

The responsibilities of the Investigations Section are to:

- prepare opinions on the category of service into which a broadcasting service falls
- maintain registers of codes of practice
- monitor compliance with those codes
- investigate complaints alleging breaches of the codes of practice for sections of the broadcasting industry including the ABC and SBS other than complaints relating to language, violence and sexual content in television programs
- investigate complaints alleging offences against the Act or breaches of licence

conditions by licensees of broadcasting services

- advise on enforcement action in relation to breaches of licensing provisions for broadcasting services including:
 - issuing notices to providers of broadcasting services operating without a licence
 - imposing, varying or revoking conditions on commercial, community and subscription broadcasting licences and class licences
 - issuing notices to stop breaches of conditions of licences, class licences or certain codes of practice
 - suspending or cancelling commercial, community or subscription broadcasting licences.

Planning Branch

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

Planning, Engineering and Information Sections

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

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

- broadcaster or datacaster access to the tower, associated facility or site
- monitor new technology and service trends.

Branch Support Section

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

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

Policy, Legal and Licensing Branch

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

Policy and Research Section

The responsibilities of the Policy and Research Section are to:

- assist in identifying and exploring regulatory policy issues to be addressed by the ABA
- provide policy advice on issues relating to the ABA's powers and functions
- conduct and commission research into community attitudes on issues relating to programs and other matters relating to the ABA's functions and powers

- develop additional criteria and clarify existing criteria for the purpose of distinguishing between categories of broadcasting services
- inform the ABA and advise the Minister on technological advances and service trends in the broadcasting industry.

Legal Section

The responsibilities of the Legal Section are to:

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

Licensing Section

The responsibilities of the Licensing Section are to:

- design and administer price-based systems for the allocation of commercial radio and television licences
- administer price-based systems for the allocation of high-power open narrowcasting apparatus licences
- assess applications for community broadcasting licences, temporary community broadcasting licences, subscription television broadcasting licences, and datacasting licences

- conduct investigations or hearings that relate to the allocation of community broadcasting licences
- allocate or renew commercial and community broadcasting licences
- issue, suspend and cancel apparatus licences (under delegation from the Australian Communications Authority) which authorise the operation of transmitters for commercial, community and national broadcasting services, for broadcasting services provided under class licences, and for the retransmission of programs.
- produce and market publications, and inform the public of the functions, activities and decisions of the ABA
- develop and maintain the ABA's web site
- develop and maintain a library service for ABA members and staff and for members of the public
- promote the use of information technology to enhance the efficiency and effectiveness of the ABA's operations
- prepare the Portfolio Budget Statements, coordinate the ABA's budget and prepare financial statements, estimates and related material
- maintain the ABA's accounting system, purchasing and asset control, and internal audit and review
- manage corporate contracts, including those for information technology, travel, cab charge and credit cards
- provide secretariat support to the ABA, including organising its regular meetings, preparing formal minutes and maintaining the records of its decisions
- coordinate briefs and responses to questions arising from Parliamentary processes.

Corporate Services Branch

The Corporate Services Branch comprises the Human Resources Section, the Information Management Section, the IT and Facilities Management Section, the Resource Management and Planning Section and Secretariat. The combined responsibilities of the sections of the Corporate Services Branch are to:

- administer all matters to do with human resources and financial, accommodation and office services
- liaise with Commonwealth Agencies – including the Public Service Commission, the Department of Employment and Workplace Relations, the Australian National Audit Office and the Department of Finance and Administration – on matters relating to financial and human resource management
- coordinate the ABA's corporate and business planning processes
- coordinate the implementation of APS-wide and other corporate initiatives throughout the ABA
- develop and maintain the ABA's records management system

Arrangements for outside participation

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

Public consultation

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

- determining and varying planning priorities, preparing or varying frequency allotment

plans, preparing or varying licence area plans, and preparing digital channel plans

- formulating or varying the schemes dealing with the conversion of commercial and national television services to digital transmission
- determining, varying or revoking the standards for commercial broadcasting or datacasting services
- determining or varying industry standards for Internet content or Internet gambling matters.

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

When undertaking public consultation, the ABA employs a variety of means to inform the public that a particular matter is under consideration and that written comments are sought from interested persons. These include:

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

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

Industry consultation

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

- when formulating and varying the schemes dealing with the conversion of commercial and national television services to digital

transmission, the ABA must consult with commercial and national television broadcasters and the owners and operators of broadcasting transmission towers

- when proposing to impose, vary or revoke an additional condition on a licence, the ABA must give licensees a reasonable opportunity to make representations.

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

Categories of documents

The ABA maintains documents and other records of information in various forms including paper and electronic files, audiovisual material and microfiche. The ABA is required to make certain documents and information available for inspection by the public. Those documents include advice received and assumptions made by the ABA in performing its planning functions under the Act as well as other information that it must maintain in registers.

Registers

The ABA is required to maintain the following registers:

- Associated Newspaper Register*
- register of licences granted under sections 38A or 38B of the Act*
- register of notifications relating to controllers of commercial broadcasting licences and datacasting transmitter licences, directors of commercial broadcasting licensees and datacasting transmitter licensees, changes of control and interests of controllers of

* Available on the Internet at www.aba.gov.au
To inspect any of the other registers, please contact the ABA's Sydney office.

commercial broadcasting licences in associated newspapers

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

service provider to comply with an industry code*

- register of implementation plans approved by the ABA under the *Commercial Television Conversion Scheme 1999* or the *National Television Conversion Scheme 1999*.*

Other categories of documents

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

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

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

Industry Performance and Review Branch

This branch maintains the following specific categories of documents:

- industry codes of practice and documents relating to the development and registration of the codes

- program standards and documents relating to the development and making of the standards
- complaints and documents relating to the investigation of complaints, including reports of those investigations
- documents relating to enforcement action taken by the ABA against service providers
- documents relating to community education programs about Internet content and Internet carriage services
- documents relating to the classification of programs for children
- documents relating to requests for the issue of a certificate that a telephone service is, or was, a telephone sex service
- documents containing financial information from commercial broadcasting licensees, and other documents relating to the collection of licence fees and penalties for unpaid licence fees
- applications for opinions on category of service, for opinions on control and for prior approval of a temporary breach of the control provisions of the Act, and related documents including the opinions given by the ABA
- forms and other documents containing information about the control provisions of the Act, and documents about compliance with the control provisions of the Act
- information from licensees and other documents concerning compliance with program standards and the provisions of the Act that relate to the Australian content of programs and programs for children
- documents relating to the anti-siphoning and anti-hoarding provisions of the Act and to their operation.
- information on radio and television broadcasting stations
- planning priorities, frequency allotments plans, licence area plans and documents about the development of these priorities and plans including submissions on draft licence area plans
- applications for the transmission of broadcasting services into another licence area, and documents relating to the assessment and approval of such applications
- documents about making broadcasting services band spectrum available for alternative uses
- technical planning guidelines and documents relating to the development of and compliance with these guidelines
- documents about the conversion of commercial and national television services to digital transmission, including the schemes, digital channel plans and implementation plans
- determinations of licence area populations and documents relating to the making of these determinations
- documents about new technology and service trends.

Policy, Legal and Licensing Branch

This branch maintains the following specific categories of documents:

- documents about proposed legislation and legislative changes
- requests for access to documents under the FoI Act and related documents
- requests for legal advice and records of legal advice given
- subpoenas directed to the ABA
- documents about litigation involving the ABA
- documents on policy advice and policy issues

Planning Branch

This branch maintains the following specific categories of documents:

- documents relating to research conducted or commissioned by the ABA
- price-based systems for allocating licences, and documents relating to the allocation of commercial television and radio licences and open narrowcasting licences
- applications for community broadcasting licences, subscription television broadcasting licences and datacasting licences, and documents relating to the allocation of these licences
- applications for renewing commercial broadcasting and community broadcasting licences, and documents relating to these applications
- applications for apparatus licences under the *Radiocommunications Act 1992* and other documents relating to apparatus licences for services operating in the broadcasting services bands including compliance with conditions.

Corporate Services Branch

This branch maintains documents and information relating to:

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

FoI procedures and initial contact point

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

Requests under the FoI Act for access to documents in the possession of the ABA, as well as any enquiries relating to FoI requests, should be directed to:

The FoI Coordinator
 Australian Broadcasting Authority
 PO Box Q500
 QUEEN VICTORIA BUILDING NSW 1230
 Tel: (02) 9334 7700
 Freecall: 1800 226 667
 Fax: (02) 9334 7799
 TTY: (02) 9334 7777
 Email: info@aba.gov.au

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

Under the ABA's procedures for handling requests under the FoI Act, the FoI Coordinator may consult with the applicant in the following circumstances:

- to help the applicant identify documents they have requested, if necessary
- to give the applicant a reasonable opportunity for consultation before the ABA refuses a request on grounds of insufficient information (section 15(2) of the FoI Act) or if the request requires a substantial and unreasonable diversion of resources (section 24(1) of the FoI Act)
- to notify the applicant of the charges and the deposit, or to discuss a request by the

applicant that the charges be reduced or not imposed.

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

Facilities for access

The ABA maintains library facilities in the Sydney office where it is possible to examine documents available outside of the FoI Act processes as well as documents to which access is granted under the FoI Act. Documents may also be examined in the Canberra office by prior arrangement.

The ABA's office in Sydney is at:

Level 15 Darling Park
201 Sussex Street
SYDNEY NSW 2000
Tel: 02 9334 7700
Fax: 02 9334 7799

The ABA's office in Canberra is at:

Magenta Building Benjamin Offices
Chan Street
BELCONNEN ACT 2617
Tel: 02 6256 2800
Fax: 02 6253 3277

Freedom of information statistics

Information on the operation of the FoI Act in the ABA during 2003–04 follows.

Requests	2003–04
Requests carried over from previous year	3
Requests received	12
Granted in full	2
Granted in part	3
Refused	0
Transferred	0
Withdrawn or lapsed	4
Requests outstanding at the end of the year	6

Review of decisions

In 2003–04, the ABA received one request for internal review. This request was not finalised at the conclusion of the reporting period.

Time taken

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

Time taken to respond (days)	2003–04
0–30	0
31–60	3
61–90	2
over 91	0
Total	5

Fees and charges

The following table sets out for 2003–04 the total amount of application fees received by the ABA and the amount of charges paid by applicants to the ABA.

2003–04	\$
Application fees	330.00
Charges received	705.75
Total	1035.75

Costs of freedom of information

There were no external costs or disbursements incurred by the ABA for Freedom of Information activities in 2003–04.

Appendix 2

LEGISLATION

The ABA performs its principal functions under the following legislation.

Acts and amending Acts 2003–04	Act number	Date of assent	Date of commencement
<i>Broadcasting Services Act 1992</i> as amended in 2003–04 by:	110, 1992	14 July 1992	
<i>Therapeutic Goods Amendment Act (No. 1) 2003</i>	39, 2003	27 May 2003	Schedule 2 27 November 2003
<i>Communications Legislation Amendment Act (No. 3) 2003</i>	108, 2003	24 October 2003	24 October 2003 12 December 2003 (Schedule 1: items 1–7) 21 November 2003 (Schedule 1: items 25–48)
<i>Classification (Publications, Films and Computer Games) Amendment Act 2004</i>	61, 2004	26 May 2004	26 May 2005 (Schedules 1 and 2, unless proclaimed earlier)
<i>Datacasting Charge (Imposition) Act 1998</i>	98, 1998	27 July 1998	
<i>Interactive Gambling Act 2001</i>	84, 2001	11 July 2001	
<i>Radiocommunications Act 1992</i> as amended in 2003–04 by:	174, 1992	11 December 1992	
<i>Communications Legislation Amendment Act (No. 3) 2003</i>	108, 2003	24 October 2003	24 October 2003 12 December 2003 (Schedule 1: items 1–7) 21 November 2003 (Schedule 1: items 25–48)
<i>Communications Legislation Amendment Act (No. 1) 2003</i>	114, 2003	27 November 2003	28 November 2003 27 March 2003 (Schedule 2)
<i>Designs (Consequential Amendments) Act 2003</i>	148, 2003	17 December 2003	17 December 2003 17 June 2004 (Schedules 1 and 2)
<i>Greater Sunrise Unitisation Agreement Implementation Act 2004</i>	47, 2004	21 April 2004	Schedule 2: items 19, 20: on a single day to be fixed by proclamation.
<i>Radio Licence Fees Act 1964</i>	119, 1964	24 November 1964	

Acts and amending Acts 2003–04	Act number	Date of assent	Date of commencement
<i>Telecommunications Act 1997</i> as amended in 2003–04 by:	47, 1997	22 April 1997	
<i>Australian Heritage Council (Consequential and Transitional Provisions) Act 2003</i>	86, 2003	23 September 2003	23 September 2003 1 January 2004 (Schedules 1 and 2)
<i>Communications Legislation Amendment Act (No. 3) 2003</i>	108, 2003	24 October 2003	24 October 2003 12 December 2003 (Schedule 1: items 1–7) 21 November 2003 (Schedule 1: items 25–48)
<i>Communications Legislation Amendment Act (No. 1) 2003</i>	114, 2003	27 November 2003	28 November 2003 27 March 2003 (Schedule 2)
<i>Spam (Consequential Amendments) Act 2003</i>	130, 2003	12 December 2003	12 December 2003 10 April 2004 (Schedule 1: items 42–87)
<i>Designs (Consequential Amendments) Act 2003</i>	148, 2003	17 December 2003	17 December 2003 17 June 2004 (Schedules 1 and 2)
<i>Communications Legislation Amendment Act (No. 1) 2004</i>	35, 2004	20 April 2004	21 April 2004
<i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	50, 1999	5 July 1999	
<i>Communications Legislation Amendment Act (No. 1) 2003</i>	114, 2003	27 November 2003	28 November 2003 27 March 2003 (Schedule 2)
<i>Television Licence Fees Act 1964</i>	118, 1964	24 November 1964	

LITIGATION SUMMARY

Federal Court proceedings

Australian Broadcasting Authority v Star Broadcasting Network Pty Ltd

On 21 January 2004, the ABA filed a Notice of Appeal in respect of the Administrative Appeals Tribunal decision of 23 December 2003 that set aside the ABA's decision imposing an additional condition on a commercial radio broadcasting licence in the Ipswich licence area. The respondent filed a Notice of Contention on 16 February 2004, and the matter was heard by a Full Court on 17 May 2004. On 30 June 2004, the Federal Court dismissed the appeal.

De Cata v Australian Broadcasting Authority

Mr De Cata sought review of an ABA decision about his complaint that political matter had been broadcast in the Melbourne licence area by a commercial television licensee, in a way that did not comply with a licence condition. Mr De Cata discontinued his action on 4 March 2004.

Community Television Sydney Limited v Australian Broadcasting Authority & Anor

Community Television Sydney Limited (CTS) applied for review of the ABA's decision to allocate a permanent community television broadcasting licence in the Sydney region to Television Sydney Limited (TVS). CTS held an apparatus licence to provide a community television service on a trial basis and had applied for the permanent community television

broadcasting licence in Sydney. The allocation decision came into effect on 19 March 2004, the date of expiry of CTS' apparatus licence. The effect of the allocation decision was that CTS would be required to cease broadcasting.

Injunctive relief was initially sought in the Federal Court, with the result that the allocation decision was stayed pending a final expedited hearing.

On 16 April 2004, the Federal Court dismissed the application.

A further judgment was handed down on 14 May 2004 dealing with costs and the role of the ABA in such proceedings.

Supreme Court (NSW) proceedings

Macquarie Radio Pty Ltd v Australian Broadcasting Corporation & Anor

Macquarie Radio Pty Ltd sought an interlocutory injunction to prevent the ABC and the ABA from publishing a draft version of the ABA's report: *Investigation into the Commercial Agreement Between Telstra Corporation and Macquarie Radio Network Pty Ltd Re: Sponsorship of the Alan Jones Program on Radio 2GB*. This draft report had been obtained by the ABC program *Media Watch* without the authorisation of the ABA. The basis for seeking the injunction was that the draft contained confidential information relating to the plaintiff. In judgment given on 19 April, Justice Windeyer declined to grant an injunction against the ABA as it was not threatening to make use of

the confidential information. Justice Windeyer declined to grant an injunction against the ABC on other grounds.

Administrative Appeals Tribunal proceedings

Re Star Broadcasting Network Pty Ltd and the Australian Broadcasting Authority

On 16 September 2002, Star Broadcasting Network Pty Ltd applied for review of the ABA's decision to impose an additional condition on its commercial radio broadcasting licence for the Ipswich licence area. The ABA's decision was stayed by consent, pending the determination of the application. The President of the Tribunal heard the matter in October 2003, and gave his decision, setting aside the ABA's imposition of a condition, on 23 December 2003. The ABA appealed to the Federal Court of Australia.

Appendix 3

PLANNING FOR LICENCES AND LICENCE ALLOCATIONS

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

Licence area plan	Date published	National	Commercial	Community	Open narrowcast
Australia Capital Territory / New South Wales					
Canberra	November 2003	–	–	2	–
Cooma	November 2003	–	–	1	–
Goulburn	November 2003	1	–	1	–
Lismore	May 2004	1	1	–	–
Wollongong	November 2003	1	–	–	–
Queensland					
Atherton	June 2004	–	1	–	–
Charleville	February 2004	–	6	1	–
Emerald	June 2004	3	2	–	–
Innisfail	July 2003	–	6	–	1
Kingaroy	April 2004	–	–	1	–
Mackay	June 2004	1	3	–	–
Remote North East Zone	December 2003	–	6	5	1
South Australia					
Coober Pedy	February 2004	–	–	1	–
Roxby Downs	February 2004	–	–	1	–
Tasmania					
Burnie	April 2004	–	1	–	–
Scottsdale	June 2004	–	1	–	–
Western Australia					
Remote	March 2004	–	–	1	–

**Table 2 Retransmissions
Radio**

Area served	Service(s) transmitted
Victoria	
Warrnambool	3JJJ
Queensland	
Aurkun	6ABCRR
Blackwater	ABC
Coppebella	HOT
Hughenden	JJJ
Hungerford	ABC
Mt Murchison	SEAFM, 4CC
Newlands Mine	4RBL
Peak Downs Mine	4HI
Pompuraaw	4ABCN
Thallon	4ABCN, 4ABCRR
Thargomindah	ABCN, ABCN, JJJ
South Australia	
Coonalpyn	8SAT
Minlaton	8SAT
Western Australia	
Brockman Village	6FMS, 6JJJ
Cervantes	6JJJ
Channar Mine	6JJJ
Djarindjin	ABCRR
Ellendale Mine Site	6FMS
Granny Smith Mine Wallaby	6SAT
Kalumburu	6ABCN
Marandoo	6FMS, 6JJJ
Margaret River	6BUN
Marvel Loch	6SAT, 6JJJ
Mt Jackson	6ABCRR, 6FMS, 6JJJ
Northcliffe	6FMS, 6ABCN, 6ABCRR
Paraburdoo	6FMS, 6JJJ
Southern Cross	6FMS, 6JJJ
Telfer	6ABCRR
Thunderbox Mine Site	6FMS, 6JJJ
Ti Tree	6ABCRR, 6ABCRR, 6FMS
Tom Price Mine	6ABCN, 6FMS
Varley	6JJJ
Walpole	6FMS, 6ABCN, 6ABCRR
Weelumurra	6BUN, 6JJJ, 6FMS
Windarling	6FMS, 6JJJ
Wodgina Mine	6JJJ, 6ABCRR
Yandi	6JJJ
Tasmania	
Maydena	ABCRR
Northern Territory	
Goulburn Island	8ABCRR
Minjilang	8ABCRR
Peppimemarti	8ABCRR
Wadeye	8ABCRR

Television

Area served	Service(s) transmitted
Queensland	
Linville	TNQ, STQ
Western Australia	
Argyle	WAW
Augusta	WOW
Badgingarra	WAW
Beacon	WAW
Bencubbin	WAW
Carnamah	WOW
Cervantes	WAW
Condingup	WAW
Coorow	WAW
Fitzroy Crossing	WOW
Geraldton	WOW
Gnowangerup	SSW
Goodwyn Gas Platform	WAW
Green Head	WAW
Hall Creek	WOW
Kalbarri	WOW
Katanning	WOW
Koolyanobbing	WOW
Kulin	WAW
Laverton	WAW
Leeman	WAW
Manjinup	WOW
Margaret River	WOW
Mt Magnet	WAW, WOW
North Rankin Gas Platform	WAW
Onslow	WAW
Paraburdoo	WOW
Parnngurr	SBS, WOW
Perenjori	WOW
Pingrup	WAW
Port Hedland	WOW
Roebourne	WOW
Salmon Gums	WAW
Telfer	ABW, SBS, WAW,
WOW	
Wickham	WOW
Yulga Jinna	ABW, SBS, WAW,
WOW	
Northern Territory	
Wudykapiya	ABC, SBS, QQQ

Table 3a Special events (radio)

in order of area served

Area served	Organisation	Period
Australian Capital Territory		
Canberra	Canberra Islamic Centre	18.10 – 14.11.2003
Canberra	Canberra Islamic Centre	15.11 – 7.12.2003
Exhibition Park, Canberra	Street Machine Services Pty Ltd	7.1 – 11.1.2004
New South Wales		
Burraneer Park	Sutherland Shire Community Radio	14.12.2003
Darling Harbour	Nick Eltis	20.1 – 26.1.2004
Dolans Bay	Sutherland Shire Community Radio	14.12.2003
Eastern Creek	W F Sound Services	11–13.07.2003
Eastern Creek	W F Sound Services	3.10 – 5.10.2003
Eastern Creek	W F Sound Services	28.11 – 30.11.2003
Eastern Creek	Bel-Pacific Pty Ltd	5.2 – 9.2.2004
Gannons Bay	Sutherland Shire Community Radio	14.12.2003
Gosford	Mrs K Thompson	12.3 – 21.3.2004
GyMEA Bay	Sutherland Shire Community Radio	14.12.2003
Homebush	Australian Rugby Union Pty Ltd	8.9 – 23.11.2003
Homebush (2 licences)	Watchtower Bible and Tract Society	11.12 – 14.12.2003
Homebush	Royal Agricultural Society	29.3 – 16.4.2004
Mt Panorama, Bathurst	W F Sound Services	9.10 – 12.10.2003
Mt Panorama, Bathurst	W F Sound Services	21.11 – 23.11.2003
Nambucca Heads	Drag-ens Hot Rod Club	28.9 – 5.10.2003
Newcastle	The Octapod Assoc	1.10 – 7.10.2003
Penrith	Ken Jones	28.11 – 31.12.2003
Sydney	China Radio 2CR	19.1 – 15.2.2004
Sydney Olympic Park	Sydney Olympic Park Authority	5.5 – 23.5.2004
Tamworth	Country Music Assoc	16.1 – 27.1.2004
Tonkin Park Cronulla	Sutherland Shire Community Radio	14.12.2003
Wagga Wagga	Wagga Wagga Community Media	12.9 – 14. 9.2003
Wagga Wagga	Wagga Wagga Community Media	2.10 – 3.10.2003
Yowie Bay	Sutherland Shire Community Radio	14.12.2003
Victoria		
Briarolong	Bicycle Victoria	1.12 – 2.12.2003
Bruthen	Bicycle Victoria	30.11 – 1.12.2003
Chute	Christopher Armstrong	22.1 – 27.1.2004
Crib Point	Bicycle Victoria	6.12 – 7.12.2003
Croydon	Swinburne University,	8.3 – 4.4.2004
Ferry Creek	Australian Muslim Media	2.02 – 9.2.2004
Geelong	Geelong Racing Club	22.10.2003
Glengarry	Bicycle Victoria	2.12 – 3.12.2003
Hadfield	Australian Muslim Media	23.10 – 28.11.2003
Hawthorn	Swinburne University	8.3 – 4.4.2004
Inverloch	Bicycle Victoria	5.12 – 6.12.2003
Lilydale	Swinburne University	8.3 – 4.4.2004
Melbourne Park (2 licences)	M D Media Services	17.1 – 2.2.2004
Melbourne Park	M D Media Services	18.9 – 21.9.2003
Melbourne	Australian Grand Prix Corporation	1.3 – 8.3.2004
Mildura	Mildura Country Music Festival	21.9.2003
Mildura	Mildura Show Society	12.10.2003

Area served	Organisation	Period
Mildura	River City Jazz Club	26.10.2003
Ormeo	Bicycle Victoria	28.11 – 30.11.2003
Phillip Island	Australian Grand Prix Corporation	13.10 – 22.10.2003
Prahran	Swinburne University	8.3 – 4.4.2004
Wantima	Swinburne University	8.3 – 4.4.2004
Warragul	Votrait No 691 Pty Ltd	22.3 – 24.3.2004
Warragul	Youth Vision Victoria	11.6 – 14.6.2004
Wesburn	St Johns Ambulance	8.4 – 12.4.2004
Yarram	Bicycle Victoria	3.12 – 5.12.2003
Queensland		
Coolangatta	Wintersun Festival Assoc Inc	28.5 – 14.6.2004
Gold Coast	Gold Coast Events	22.10 – 26.10.2003
Ingham	Coastal Broadcasters	4.5 – 10.5.2004
Ipswich (11 licences)	Ivory's Rock Conference Centre	12.4 – 25.4.2004
South Australia		
Adelaide	Australian Major Events	5.11 – 9.11.2003
Piccadilly	Scouts Australia, SA Branch	3.1 – 16.1.2004
West Beach	Uniting Church	12.3 – 14.3.2004
Victoria Park, Adelaide	SA Motor Sport Board	18.3 – 21.3.2004
Western Australia		
Barbagello	WA Sporting Car Club	1.6 – 14.6.2004
Boddington	WA Tourism Commission, Rally Australia	22.8 – 12.9.2003
Busselton	Rossound Hire Services	27.2 – 29.2.2004
Canning	Rossound Hire Services	10.10 – 11.10.2003
Curtin Uni Perth	Rossound Hire Services	16–17.8.2003
Dwellingup	WA Tourism Commission, Rally Australia	22.8 – 12.9.2003
Fremantle	Rossound Hire Services	7.12.2003
Jarrahdale	WA Tourism Commission, Rally Australia	22.8 – 12.9.2003
Kalgoorlie	Remote Control Technologies	21.10 – 23.10.2003
Maida Vale	Uniting Church in Australia (WA)	17.3 – 21.3.2004
Mundaring	WA Tourism Commission, Rally Australia	22.8 – 12.9.2003
Newdegate	Rossound Hire Services	2.9 – 4.9.2003
Perth (2 licences)	Jandakot Airport Chamber of Commerce	13.12.2003
Perth	Rossound Hire Services	31.1 – 1.2.2004
Perth	WA Tourism Commission, Rally Australia	22.8 – 12.9.2003
Sheraton Perth	WA Tourism Commission, Rally Australia	22.8 – 12.9.2003
Stirling West	WA Tourism Commission, Rally Australia	22.8 – 12.9.2003
Tasmania		
Deloraine	Rotary Club of Deloraine	27.10 – 5.11.2003
Hobart	Cadence FM	19.3 – 4.4.2004
Northern Territory		
Hidden Valley (2 licences)	Northern Territory Major Events	20.5 – 24.5.2004

Table 3b Special events (television)

in order of area served

Area served	Organisation	Period
New South Wales		
Eastern Creek	WF Sound Services	3.10 – 5.10.2003
Mt Panorama, Bathurst	WF Sound Services	9.10 – 12.10.2003
Wakefield Pk, Goulburn (2 licences)	Bel-Pacific Pty Ltd	4.11 – 10.11.2003
Wakefield Pk, Goulburn (2 licences)	Bel-Pacific Pty Ltd	18.2 – 22.2.2003
Northern Territory		
Hidden Valley (2 licences)	Northern Territory Major Events	20.5 – 24.5.2004
Victoria		
Geelong	Geelong Race Club	22.10.2003
Phillip Island	Australian Grand Prix Corporation	13.10 – 22.10.2003
Western Australia		
Barbagello	WA Sporting Car Club	1.6 – 14.6.2004
Kalgoorlie	Remote Control Technologies	21.10 – 23.10.2003

Table 4 National radio services commenced

Area	Callsign	Frequency/channel	Date of effect
New South Wales			
Cobar, NSW	SBS12	224.24 MHz/Ch12	22.9.2003
Western Australia			
Northam, WA	ABW	723.25 MHz/Ch56	12.8.2003
Tasmania			
NE Tasmania, Mt Barrow, TAS	ABC – 7PB	92.5 MHz	4.8.2003

Table 5 Test transmissions: radio and television

Area	Organisation – Callsign	Frequency	Period
Australian Capital Territory			
Tuggeranong	SBS	732.5 MHz/Ch57	1.12.2003 – 30.11.2004
Weston Creek	SBS	732.5 MHz/Ch57	1.12.2003 – 30.11.2004
New South Wales			
Armidale	ABC – ABUN	557.5 MHz/Ch54	1.12.2003 – 30.11.2004
Batemans Bay	Prime Television – CBN	795.5 MHz/Ch66	31.3.2004 – 29.6.2004
Bega	East Coast Radio Pty Ltd – 2EC	765 kHz	18.9.2003 – 17.12.2003
Bega	East Coast Radio Pty Ltd – 2EC	765 kHz	31.3.2004 – 29.6.2004
Bega	Bega Access Radio Inc. – 2BAR	93.7 MHz	11.10.2003 – 10.10.2003
Bega	Bega Access Radio Inc. – 2BAR	93.7 MHz	11.10.2003 – 10.4.2004
Bega	Bega Access Radio Inc. – 2BAR	93.7 MHz	11.4.2004 – 10.7.2004
Bewong	South Coast & Tablelands Broadcasting Pty Ltd – 2ST	91.7 MHz	8.12.2003 – 31.1.2004
Bewong	South Coast & Tablelands Broadcasting Pty Ltd – 2ST	91.7 MHz	1.2.2004 – 21.2.2004
Broken Hill	SBS	226.5 MHz/Ch12	31.12.2003 – 30.12.2004
Chatswood	Northside Broadcasting Cooperative Ltd – 2NSB	91.7 MHz	21.12.2003 – 19.3.2004
Grafton	Northern Rivers Television Pty Ltd – NRN	599.5 MHz/Ch38	23.12.2003 – 22.12.2004
Jindabyne	Snowy Mountain Television Pty Ltd – HPON	667.224 MHz/Ch48	04.12.2003 – 31.12.2003
Katoomba	Media Corporation Aust Ltd – 2ICE	99.5 MHz	21.7.2003 – 20.11.2003
Katoomba	Media Corporation Aust Ltd – 2ICE	99.5 MHz	21.11.2003 – 20.2.2004
Lithgow	Media Corporation Aust Ltd – 2ICE	107.9 MHz	21.7.2003 – 20.11.2003
Lithgow	Media Corporation Aust Ltd – 2ICE	107.9 MHz & 95.3 MHz	21.11.2003 – 28.12.2003
Merriwa	ABC – HVR	91.5 MHz	25.2.2003 – 24.2.2004
Murrumbidgee Irrigation area, Griffith	SBS	564.5 MHz/Ch33	28.11.2003 – 27.5.2004
Sydney	Australian Rugby Union Ltd	91.7 MHz, 90.9 MHz & 100.5 MHz	22.8.2003 – 7.9.2003
Tamworth	ABC – ABUN	711.5 MHz/Ch32	1.12.2003 – 30.11.2004
Wagga Wagga	SBS	711.5 MHz/Ch54	30.11.2003 – 27.5.2004
Victoria			
Corryong	Radio Albury Wodonga Pty Ltd – 2AAY	95.7 MHz	19.5.2004 – 16.8.2004
Corryong	RG Capital Radio Pty Ltd – 2BDR	96.5 MHz	19.5.2004 – 16.8.2004
Falls Creek	Goulburn & Border Broadcasters Pty Ltd	94.1 MHz	28.11.2002 – 28.11.2003
Ferntree Gully	Network Ten (Melbourne) – ATV	711.5 MHz/Ch54	1.9.2003 – 30.9.2003
Marysville	Network Ten (Melbourne) – ATV	711.5 MHz/Ch54	1.9.2003 – 30.9.2003
Mildura/Sunraysia	SBS	529.5 MHz/Ch28	28.11.2003 – 27.5.2004
Portland	ACE Radio Broadcasters Pty Ltd – 3HFM	93.7 MHz	9.5.2003 – 8.11.2003
Rosebud	Network Ten (Melbourne) – ATV	711.5 MHz/Ch54	1.9.2003 – 30.9.2003
Safety Beach	Network Ten (Melbourne) – ATV	711.5 MHz/Ch54	1.9.2003 – 30.9.2003
Selby	Network Ten (Melbourne) – ATV	711.5 MHz/Ch54	1.9.2003 – 30.9.2003
South Yarra	Network Ten (Melbourne) – ATV	711.5 MHz/Ch54	1.9.2003 – 30.9.2003
Upwey	Network Ten (Melbourne) – ATV	711.5 MHz/Ch54	1.9.2003 – 30.9.2003
Warburton	Network Ten (Melbourne) – ATV	711.5 MHz/Ch54	1.9.2003 – 30.9.2003
Warrnambool	Community Radio Endeavour Inc. – 3WAY	103.7 MHz	7.6.2003 – 6.12.2003
Queensland			
Brisbane	Radio 4BC Brisbane Pty Ltd – 4BC	1116 kHz	2.7.2003 – 30.6.2004
Canungra	Rebel FM Stereo Network – 4RBL	93.7 MHz	11.7.2003 – 10.12.2003
Cooktown	ABC – ABQ	800.25 MHz/Ch 67	8.9.2003 – 7.10.2003
Dirrnanbandi	Rebel Radio Network Pty Ltd – 4RBL	98.1 MHz	21.4.2004 – 25.5.2004

Area	Organisation – Callsign	Frequency	Period
Emerald	United Christian Broadcasters Ltd – ONC	98.9 MHz	30.9.2003 – 29.6.2004
Gold Coast	Radio Metro Ltd – 4MET	105.7 MHz	11.6.2004 – 10.9.2004
Moranbah	Channel Seven Queensland Pty Ltd – STQ	219.5 MHz/ch11	6.5.2003 – 5.8.2003
Mossman	ABC – ABNQ	618.224 MHz/Ch 41	8.9.2003 – 7.10.2003
Ravenshoe	ABC – ABNQ	618.25 MHz/Ch 41	8.9.2003 – 7.10.2003
Mt Nadi, Richmond	Broadcast Australia	613.5 MHz/Ch40	22.9.2003 – 3.10.2003
Tiaro	Tiaro Shire Council	103.1 MHz	1.5.2003 – 31.7.2003
Tiaro	Tiaro Community & Neighbourhood Centre	103.1 MHz	18.7.2004 – 17.9.2004
Tully	ABC – ABNQ	716.25 MHz/Ch 55	8.9.2003 – 7.10.2003
South Australia			
Bordertown	W & L Phillips Pty Ltd – 8SAT	92.7 MHz	19.7.2002 – 18.7.2003
Coonalpyn	W & L Phillips Pty Ltd – 8SAT	97.7 MHz	19.7.2002 – 18.7.2003
Coonalpyn	W & L Phillips Pty Ltd – 8SAT	97.7 MHz	2.9.2003 – 1.2.2004
Kapunda	W & L Phillips Pty Ltd – 8SAT	99.5 MHz	9.5.2003 – 18.7.2003
Karoonda	W & L Phillips Pty Ltd – 8SAT	95.3 MHz	19.7.2002 – 18.7.2003
Kingston	W & L Phillips Pty Ltd – 8SAT	17.3 MHz	19.7.2002 – 18.7.2003
Renmark/Loxton	WIN Television SA Pty Ltd – RTS	578.5 MHz/Ch35	30.11.2003 – 29.2.2004
Renmark/Loxton	WIN Television SA Pty Ltd – RTS	576.5 MHz/Ch35	2.3.2004 – 31.3.2004
Maitland	W & L Phillips Pty Ltd – 8SAT	97.3 MHz	19.7.2002 – 18.7.2003
Maitland	W & L Phillips Pty Ltd – 8SAT	97.3 MHz	31.10.2003 – 27.12.2003
Maitland	W & L Phillips Pty Ltd – 8SAT	90.9 MHz	17.1.2004 – 29.1.2004
Maitland	W & L Phillips Pty Ltd – 8SAT	90.9MHz	30.1.2004 – 30.4.2004
Minlaton	W & L Phillips Pty Ltd – 8SAT	98.9 MHz	2.9.2003 – 1.2.2004
Pinnaroo	W & L Phillips Pty Ltd – 8SAT	96.5 MHz	19.7.2002 – 18.7.2003
Port Pirie	Pirie Community Radio – 5TRX	105.1 MHz	29.5.2004 – 27.8.2004
Yorke town	W & L Phillips Pty Ltd – 8SAT	98.9 MHz	19.7.2002 – 18.7.2003
Western Australia			
Applecross, Perth	Foundation for Information Radio – 6RPH	990 kHz	28.7.2003 – 27.1.2004
Ascott Waters, Belmont, Perth	Foundation for Information Radio – 6RPH	990 kHz	18.5.2004 – 15.8.2004
Bunbury	SBS	571.625 MHz/Ch54	15.4.2004 – 30.6.2004
Gay St, Perth	Western Australian Aboriginal Media Association – 6AR	100.9 MHz	6.12.2002 – 15.10.2003
Gay St, Perth	Curtin University of Technology – 6NR	100.1 MHz	16.10.2002 – 15.10.2003
Geraldton	SBS	627.5 MHz/Ch42	28.5.2004 – 30.6.2004
Lambrook Rd, Perth	Western Australian Aboriginal Media Association – 6AR	100.9 MHz	16.7.2003 – 15.1.2004
Tasmania			
Burnie	Burnie Broadcasting Service Pty Ltd – 7SEA	11.7 MHz	19.12.2003 – 15.3.2004
Lileah	Coastal FM Inc. – 7DBS	88.9 MHz	8.7.2003 – 7.7.2004
Greeveston	Radio Greeveston Youth Inc. – 7RGY	95.3 MHz	1.4.2003 – 31.3.2004
NE Tasmania	ABC – 7JJJ	90.9 MHz	4.8.2003 – 3.2.2004
NE Tasmania	SBS	642.5 MHz/Ch44	20.4.2004 – 19.7.2004
Queenstown / Zeehan	ABC – ABCRR	90.5 MHz	8.11.2002 – 7.11.2003
Ralphs Bay, Hobart	ABC – 7PB	747 kHz	22.9.2003 – 30.10.2003
Northern Territory			
Alice Springs	Wiseguy Pty Ltd – HPON	98.9 MHz	9.3.2004 – 23.1.2004
Alice Springs	Wiseguy Pty Ltd – HPON	98.7 MHz	23.4.2004 – 21.7.2004
Darwin	Aboriginal Resource and Development Service Inc.	1530 kHz	27.4.2004 – 26.7.2004
Nhulunbuy	Aboriginal Resource and Development Service Inc.	1530 kHz	4.5.2004 – 3.8.2004

Table 6 Digital television transmitter licences issued

Area	Service	Channel	Date
Australian Capital Territory			
Tuggeranong	CBN	Ch68	19.12.2003
New South Wales			
Batemans Bay/Moruya	ABC	Ch9A	24.7.2003
Bathurst	ABC	Ch7	24.3.2004
Bathurst	WIN	Ch12	29.6.2004
Bowral	CTC	Ch43	26.11.2003
Broken Hill	SBS	Ch12	28.11.2003
Broken Hill	BKN	Ch9	18.12.2003
Central Tablelands	CBN	Ch37	28.7.2003
Central Tablelands	ABC	Ch36	9.9.2003
Central Tablelands	CTC	Ch 43	28.7.2003
Central Tablelands	SBS	Ch42	13.10.2003
Coffs Harbour	ABC	Ch61	19.8.2003
Coffs Harbour	NRN	Ch64	22.12.2003
Dubbo	ABC	Ch58	9.9.2003
Goulburn	CTC	Ch68	26.11.2003
Goulburn	ABC	Ch56	18.6.2004
Grafton/Kempsey	ABC	Ch36	19.8.2003
Grafton/Kempsey	SBS	Ch39	29.10.2003
Grafton/Kempsey	NRN	Ch38	22.12.2003
Griffith/MIA	SBS	Ch33	26.11.2003
Lithgow	ABC	Ch31	8.4.2004
Lithgow East	ABC	Ch56	8.4.2004
Manning River	ABC	Ch7	19.8.2003
Manning River	SBS	Ch9A	29.10.2003
Narooma	ABC	Ch56	13.5.2004
Portland/Wallerawang	ABC	Ch56	8.4.2004
Richmond/Tweed	SBS	Ch40	13.10.2003
SW Slopes/East Riverina	ABC	Ch46	24.7.2003
Ulladulla	ABC	Ch28	24.7.2003
Upper Namoi	SBS	Ch36	29.10.2003
Upper Namoi	ABC	Ch8	15.1.2004
Wagga Wagga	ABC	Ch55	24.7.2003
Wagga Wagga	CBN	Ch58	16.12.2003
Wollongong	CTC	Ch43	26.11.2003
Wollongong	ABC	Ch52	16.1.2004
Victoria			
Ballarat	BCV	Ch40	23.12.2003
Ferntree Gully	GTV	Ch44	29.8.2003
Ferntree Gully	HSV	Ch41	29.8.2003
Ferntree Gully	SBS	Ch50	29.7.2003
Goulburn Valley/Mt Major	SBS	Ch36	18.7.2003
Latrobe Valley	GLV	Ch39	23.12.2003
Marysville	SBS	Ch 57	29.7.2003
Marysville	GTV	Ch51	29.8.2003
Marysville	HSV	Ch63	29.8.2003
Mildura/Sunraysia	SBS	Ch28	26.11.2003
Murray Valley	SBS	Ch59	23.7.2003

Area	Service	Channel	Date
Rosebud	GTV	Ch51	29.8.2003
Rosebud	HSV	Ch63	29.8.2003
Rosebud	SBS	Ch57	29.7.2003
Safety Beach	GTV	Ch51	29.8.2003
Safety Beach	HSV	Ch63	29.8.2003
Safety Beach	SBS	Ch57	29.7.2003
Selby	GTV	Ch44	29.8.2003
Selby	HSV	Ch41	29.8.2003
Selby	SBS	Ch 50	29.7.2003
South Yarra	GTV	Ch51	29.8.2003
South Yarra	HSV	Ch63	29.8.2003
South Yarra	SBS	Ch57	29.7.2003
Upper Murray/Mt Baranduda	SBS	Ch7	18.7.2003
Upwey	HSV	Ch41	29.8.2003
Upwey	SBS	Ch50	29.7.2003
Warburton	HSV	Ch63	29.8.2003
Warburton	SBS	Ch57	29.7.2003
Queensland			
Babinda	ABC	Ch42	7.1.2004
Boyne Island	ABC	Ch56	20.5.2004
Cairns	SBS	Ch29	9.7.2003
Cairns	STQ	Ch11	3.10.2003
Cairns	ABC	Ch8	16.10.2003
Cairns	RTQ	Ch12	27.11.2003
Cairns East	SBS	Ch52	9.7.2003
Cairns East	STQ	Ch43	3.10.2003
Cairns East	RTQ	Ch49	26.9.2003
Cairns East	ABC	Ch42	8.4.2004
Cairns East	ABC	Ch42	8.4.2004
Cairns North	SBS	Ch52	9.7.2003
Cairns North	STQ	Ch43	3.10.2003
Cairns North	RTQ	Ch49	26.9.2003
Cairns North	ABC	Ch42	25.6.2004
Currumbin	TVQ	Ch56	21.6.2004
Currumbin	QTQ	Ch59	21.6.2004
Currumbin	NBN	Ch68	22.6.2004
Currumbin	BTQ	Ch53	21.6.2004
Darling Downs	SBS	Ch49	20.4.2004
Emerald	ABC	Ch9	20.5.2004
Gladstone East	ABC	Ch33	24.5.2004
Gladstone West	ABC	Ch47	24.5.2004
Gold Coast	TVQ	Ch56	21.6.2004
Gold Coast	QTQ	Ch59	21.6.2004
Gold Coast	NBN	Ch68	22.6.2004
Gold Coast	BTQ	Ch53	21.6.2004
Gordonvale	ABC	Ch42	7.1.2004
Gympie	RTQ	Ch68	21.6.2004
Gympie Town	RTQ	Ch68	21.6.2004
Nambour	RTQ	Ch68	21.6.2004
Noosa/Tewantin	RTQ	Ch68	21.6.2004
Rockhampton	TNQ	Ch36	16.10.2003

Area	Service	Channel	Date
Sunshine Coast	RTQ	Ch68	22.8.2003
Townsville	ABC	Ch31	7.7.2003
Townsville	STQ	Ch38	3.10.2003
Townsville	RTQ	Ch41	26.9.2003
Townsville	TNQ	Ch36	9.3.2004
Townsville North	RTQ	Ch63	1.5.2004
Townsville North	ABC	Ch54	16.1.2004
Wide Bay	SBS	Ch28	9.7.2003
South Australia			
Adelaide Foothills	NWS	Ch66	26.9.2003
Adelaide Foothills	SAS	Ch57	23.10.2003
Adelaide Foothills	SBS	Ch61	29.10.2003
Elizabeth South	SBS	Ch53	14.10.2003
Mt Gambier	SES	Ch 32	28.11.2003
Renmark/Loxton	ABC	Ch39	2.4.2003
Renmark/Loxton	SBS	Ch40	13.10.2003
Renmark/Loxton	RTS	Ch35	23.3.2004
SE/South Australia	SBS	Ch40	13.10.2003
Spencer Gulf North	SBS	Ch41	29.10.2003
Spencer Gulf North	GTS	Ch44	18.12.2003
Victor Harbor	NWS	Ch62	26.9.2003
Victor Harbor	SAS	Ch59	23.10.2003
Victor Harbor	SBS	Ch53	14.10.2003
Western Australia			
Albany	ABC	Ch8	23.3.2004
Bunbury	ABC	Ch36	18.2.2004
Bunbury	SBS	Ch34	23.6.2004
Carnarvon	ABC	Ch6	18.6.2004
Geraldton	ABC	CH41	18.2.2004
Geraldton	SBS	Ch42	23.6.2004
Kalgoorlie	ABC	Ch9A	21.4.2004
Kalgoorlie	SBS	Ch7	23.6.2004
Manjimup	ABC	Ch58	18.2.2004
Roleystone	SBS	Ch53	13.10.2003
Roleystone	STW	Ch62	27.11.2003
Roleystone	TVW	Ch59	12.12.2003
Southern Agricultural	ABC	Ch11	26.3.2004
Southern Agricultural	SBS	Ch29	15.4.2004
Toodyay	SBS	Ch53	13.10.2003
Toodyay	STW	Ch62	27.11.2003
Toodyay	TVW	Ch59	12.12.2003
Tasmania			
Hobart	TDT	Ch11	28.11.2003
Hobart NE	ABC	Ch56	18.2.2004
Hobart NE	TNT	Ch62	20.3.2004
Hobart NE	ABT	Ch56	18.2.2004
Launceston	ABC	Ch65	2.3.2004
North East Tasmania	SBS	Ch44	24.6.2004
Taroona	ABC	Ch45	18.2.2004
Northern Territory			
Berrimah, Darwin	NTD	Ch31	20.3.2004

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

Area	Broadcaster	Channel change	Date of effect	Reason
New South Wales				
Hay	ABC – ABGN66	VHF11 to UHF66	1.7.2003	To avoid co-channel interference from channel 11 digital service at MIA, Griffith
Hay	WIN Television Griffith – MTN	VHF 6 to UHF 57	31.3.2004	To avoid co-channel interference from channel 6 digital service at MIA, Griffith
Victoria				
Orbost	WIN Television VIC – VTV31	VHF39 to UHF31	23.12.2003	To avoid co-channel interference from channel 39 digital service at La Trobe Valley
Orbost	Prime TV – AMV28	UHF33 to UHF28	9.6.2004	To avoid co-channel interference from channel 33 digital service at Latrobe Valley.
Upper Murray	Prime TV – AMV11	Channel 11 increased by 1 MHz	9.6.2004	To avoid channel interference from channel 9A and 10 digital services at Upper Murray
Queensland				
Bowen Town	SBS – SBS57	UHF29 to UHF57	15.3.2004	To avoid co-channel interference from channel 29 digital service at Mackay and Cairns
Cooktown	ABC – ABQ67	VHF8 to UHF67	8.10.2003	To avoid co-channel interference from channel 8 digital service at Cairns
Mossman	ABC – ABN41	VHF8 to UHF41	8.10.2003	To avoid co-channel interference from channel 8 digital service at Cairns
Mossman	SBS – SBS53	UHF29 to UHF53	15.3.2004	To avoid co-channel interference from channel 53 digital service at Cairns
Port Douglas	SBS – SBS67	UHF52 to UHF67	15.3.2004	To avoid co-channel interference from channel 52 digital repeater services in Cairns region
Ravenshoe	ABC – ABNQ41	VHF8 to UHF41	8.10.2003	To avoid co-channel interference from channel 8 digital service at Cairns
Tully	ABC – ABNQ55	VHF8 to UHF55	8.10.2003	To avoid co-channel interference from channel 8 digital service at Cairns
Tully	Regional Television – TNQ67	VHF11 to UHF67	5.4.2004	To avoid co-channel interference from channel 11 digital service at Cairns
Tasmania				
Maydena	WIN Television TAS – TVT40	VHF 8 to UHF 40	1.10.2003	To avoid co-channel interference from channel 8 digital service at Hobart
Taroona	WIN Television TAS – TVT40	VHF 8 to UHF 40	27.7.2003	To avoid co-channel interference from channel 7 and 8 digital services at Hobart

Table 8 Television black spots program

Round one

Area served	No. of services made available
New South Wales	
Berry	5
Booral	5
Burra Creek	5
Drake	4
Kangaroo Valley	5
Victoria	
Berrim River	2
Blackwood	4
Buchan	4
Gellibrand	5
Monbulk	5
Queensland	
Alligator Creek	5
Conondale	5
Flagstone Creek	5
Nelly Bay	5
Toogoolawah	2
Tully Heads	4

Round two

Area served	No. of services made available
New South Wales	
Glen Davis	4
Mudgee Town	5
Stroud	5
Victoria	
Ensay	4
Yendon/Lal Lal	5
Queensland	
Bancroft	5
Bollon	2
Emmaville	2
Deepwater	4
Langley/Kapaldo	5
Moonford	5
Stanage Bay	4
South Australia	
Cudlee Creek	5

Table 9 Commercial radio blackspots program

Round one

Areas where existing technical specifications have been verified and approved

Area served	Callsign	Licence area plan	Applicant broadcaster
New South Wales			
Bombala	2SKI	Cooma	Capital Radio Network
Bourke/Brewarrina	4RBL	Remote North East	Rebel FM
Braidwood	2GN	Goulburn	Capital Radio Network
Cabramurra	2SKI	Cooma	Capital Radio Network
Cootamundra	2LFF	Young	DMG Radio Australia
Cowra	2LFF	Young	DMG Radio Australia
Crookwell	2GN	Goulburn	Capital Radio Network
Khancoban	2SKI	Cooma	Capital Radio Network
Nyngan	4RBL	Remote North East	Rebel FM
Talbingo	2SKI	Cooma	Capital Radio Network
Warrumbungle	4RBL	Remote North East	Rebel FM
Wilcannia	4RBL	Remote North East	Rebel FM
Victoria			
Corryong	2AAY	Albury	DMG Radio Australia
Corryong	2BDR	Albury	RG Capital
Falls Creek	2AAY	Albury	DMG Radio Australia
Kaniva/Nhill	3WWM	Horsham	Ace Radio Broadcasters
Omeo	2BDR	Albury	RG Capital
Queensland			
Alpha	4RBL	Remote North East	Rebel FM
Banana	4RBL	Remote North East	Rebel FM
Barcaldine	4LRE	Longreach	West FM
Blackall	4LRE	Longreach	West FM
Canungra/Mt Tamborine	4RBL	Remote North East	Rebel FM
Childers	4RBL	Remote North East	Rebel FM
Clermont	4HIT	Emerald	DMG Radio Australia
Collinsville	4RBL	Remote North East	Rebel FM
Cooktown	4RBL	Remote North East	Rebel FM
Coolah	4RBL	Remote North East	Rebel FM
Coonamble	4RBL	Remote North East	Rebel FM
Cunnamulla	4VL	Charleville	Radio 4VL
Dirranbandi	4RBL	Remote North East	Rebel FM
Inglewood	4RBL	Remote North East	Rebel FM
Julia Creek	4RBL	Remote North East	Rebel FM
Karumba	4RBL	Remote North East	Rebel FM
Kilcoy	4RBL	Remote North East	Rebel FM
Kooralbyn	4RBL	Remote North East	Rebel FM
Meandarra	4RBL	Remote North East	Rebel FM
Monto	4RBL	Remote North East	Rebel FM
Moranbah	4HIT	Emerald	DMG Radio Australia
Mossman	4HOT	Cairns	DMG Radio Australia
Mossman	4RGC	Cairns	RG Capital

Area served	Callsign	Licence area plan	Applicant broadcaster
Normanton	4RBL	Remote North East	Rebel FM
Richmond	4RBL	Remote North East	Rebel FM
St George	4ROM	Roma	DMG Radio Australia
Stanthorpe	4GR	Warwick	RG Capital
Tambo	4LRE	Longreach	West FM
Tara	4RBL	Remote North East	Rebel FM
Taroom	4RBL	Remote North East	Rebel FM
Texas	4RBL	Remote North East	Rebel FM
Thursday Island	4RBL	Remote North East	Rebel FM
Wandoan	4RBL	Remote North East	Rebel FM
Weipa	4RBL	Remote North East	Rebel FM
Winton	4LRE	Longreach	West FM
Yelarbon	4RBL	Remote North East	Rebel FM
Western Australia			
Argyle	6SAT	Remote WA	North West Radio
Broome	6SAT	Remote WA	North West Radio
Cue	6SAT	Remote WA	North West Radio
Dalwallinu	6SAT	Remote WA	North West Radio
Eneabba	6SAT	Remote WA	North West Radio
Jurien Bay	6SAT	Remote WA	North West Radio
Kalbarri	6SAT	Remote WA	North West Radio
Lancelin	6SAT	Remote WA	North West Radio
Leeman	6SAT	Remote WA	North West Radio
Leinster	6SAT	Remote WA	North West Radio
Leonora	6SAT	Remote WA	North West Radio
Meekatharra	6SAT	Remote WA	North West Radio
Mount Magnet	6SAT	Remote WA	North West Radio
Pannawonica	6SAT	Remote WA	North West Radio
Perenjori	6SAT	Remote WA	North West Radio
Warburton	6SAT	Remote WA	North West Radio

Areas where technical specifications in licence area plans were approved, but required replanning because of requested changes

Area served	Callsign	Reason
New South Wales		
Cowra	2LFF	Change of site
Crookwell	2GN	Change of site
Victoria		
Corryong	2AAY/2BDR	Change of site
Falls Creek	2AAY	Change of site and power increase
Omeo	2BDR	Change of site
Queensland		
Dirranbandi	4RBL	Change of frequency
Mossman	4HOT	Change of site
St George	4ROM	Change of site and power increase
Western Australia		
Dalwallinu	4RBL	Change of site

Areas where new planning was successfully completed

Area served	Callsign	Licence area plan	Applicant broadcaster
New South Wales			
Dorrigo	2CSF	Coffs Harbour	DMG Radio Australia
Gilgandra	2DBO	Dubbo	DMG Radio Australia
Gundagai	2WZD	Wagga Wagga	DMG Radio Australia
Kyogle	2LM	Lismore	Richmond River Broadcasters
Narromine	2DBO	Dubbo	DMG Radio Australia
North Haven	2PQQ	Kempsey	DMG Radio Australia
Tumut	2WZD	Wagga Wagga	DMG Radio Australia
Urunga	2PQQ	Kempsey	DMG Radio Australia
Victoria			
Mansfield	3SRR	Shepparton	RG Capital
Queensland			
Agnes Waters	4CC	Rockhampton	DMG Radio Australia
Augathella	4VL	Charleville	Radio 4VL
Blackwater	4HIT	Emerald	DMG Radio Australia
Glenden	4MMK	Mackay	DMG Radio Australia
Little Mulgrave	4HOT	Cairns	DMG Radio Australia
Middlemount	4HIT	Emerald	DMG Radio Australia
Mitchell	4ZR	Roma	DMG Radio Australia
Morven	4VL	Charleville	Radio 4VL
Mungallala	4VL	Charleville	Radio 4VL
Nebo	4MKY	Mackay	DMG Radio Australia
Quilpie	4VL	Charleville	Radio 4VL
Ravenshoe	4AMM	Atherton	DMG Radio Australia
Redlynch Valley	4RGC	Cairns	DMG Radio Australia
St Lawrence/Clairview	4MKY	Mackay	DMG Radio Australia
Tambo	4VL	Charleville	Radio 4VL
Wyandra	4VL	Charleville	Radio 4VL
Tasmania			
Smithon/Stanley	7BU	Burnie	RG Capital
St Helens	7SD	Scottsdale	RG Capital

Areas where apparatus licences have been issued

Area served	Callsign	Licensed broadcaster
New South Wales		
Crookwell	2GN	Radio Goulburn Pty Ltd
North Haven	2PQQ	Mid Coast Broadcasters Pty Ltd
Urunga	2PQQ	Mid Coast Broadcasters Pty Ltd
Victoria		
Corryong	2BDR	RG Capital Radio Pty Ltd
Corryong,	2AAY	Radio Albury Wodonga Pty Ltd
Falls Creek	2AAY	Radio Albury Wodonga Pty Ltd
Nhill	3WWM	Ace Radio Broadcasters Pty Ltd
Omeo	2BDR	RG Capital Radio Pty Ltd
Queensland		
Alpha	4RBL	Rebel Radio Network Pty Ltd
Banana	4RBL	Rebel Radio Network Pty Ltd
Blackall	4LRE	Radio Outback Pty Ltd
Collinsville	4RBL	Rebel Radio Network Pty Ltd
Cooktown	4RBL	Rebel Radio Network Pty Ltd
Dirranbandi	4RBL	Rebel Radio Network Pty Ltd
Julia Creek	4RBL	Rebel Radio Network Pty Ltd
Karumba	4RBL	Rebel Radio Network Pty Ltd
Monto	4RBL	Rebel Radio Network Pty Ltd
Mossman	4HOT	Greater Cairns Radio Pty Ltd
Mossman	4RGC	FNQ Broadcasters Pty Ltd
Normanton	4RBL	Rebel Radio Network Pty Ltd
Richmond	4RBL	Rebel Radio Network Pty Ltd
St George	4ROM	Regional Broadcasters Australia Ltd
Tambo	4LRE	Radio Outback Pty Ltd
Weipa	4RBL	Rebel Radio Network Pty Ltd
Winton	4LRE	Radio Outback Pty Ltd
Western Australia		
Cue	6SAT	Redwave Media Ltd
Dalwallinu	6SAT	Redwave Media Ltd
Eneabba	6SAT	Redwave Media Ltd
Jurien Bay	6SAT	Redwave Media Ltd
Kalbarri	6SAT	Redwave Media Ltd
Lancelin	6SAT	Redwave Media Ltd
Leeman	6SAT	Redwave Media Ltd
Leinster	6SAT	Redwave Media Ltd
Leonora	6SAT	Redwave Media Ltd
Meekatharra	6SAT	Redwave Media Ltd
Mount Magnet	6SAT	Redwave Media Ltd
Perenjori	6SAT	Redwave Media Ltd
Warburton	6SAT	Redwave Media Ltd

Round two

Areas where existing technical specifications have been verified and approved

Area served	Callsign	Licence area plan	Applicant broadcaster
New South Wales			
Bourke	8SAT	Remote Central Zone	Freshstream FM
Merriwa	2VLY	Muswellbrook	Grant Broadcasters
Queensland			
Cloncurry	4MIC	Mt Isa	DMG Radio Australia
East Palmerston	4ZKZ	Innisfail	Coastal Broadcasters
Hinchinbrook Island	4KZ	Innisfail	Coastal Broadcasters
Murray Falls	4KZ	Innisfail	Coastal Broadcasters
South Australia			
Cooper Pedy	8SAT	Remote Central Zone	Freshstream FM
Kingston SE/Robe	8SAT	Remote Central Zone	Freshstream FM
Roxby Downs	8SAT	Remote Central Zone	Freshstream FM
Western Australia			
Beacon	6MER	Merredin	DMG Radio Australia
Ravensthorpe	6SEA	Esperance	DMG Radio Australia
Southern Cross	6MER	Merredin	DMG Radio Australia
Northern Territory			
Nhulunbuy	8SAT	Remote Central Zone	Freshstream FM
Tennant Creek	8SAT	Remote Central Zone	Freshstream FM

Areas where existing technical specifications in licence area plans were approved, but require replanning because of requested changes

Area served	Callsign	Reason
New South Wales		
Merriwa	2VLY	Change of site
Victoria		
Marysville	8SAT	Change of site
South Australia		
Bordertown	8SAT	Change of site, power increase
Ceduna	8SAT	Change of site
Kingscote	8SAT	Change of site, power increase
Pinnaroo	8SAT	Change of site, power increase

Areas where new planning was successfully completed

Area served	Callsign	Licence area plan	Applicant broadcaster
Northern Territory			
Adelaide River	8HOT	Darwin	Grant Broadcasters

Appendix 4

TEMPORARY COMMUNITY BROADCASTING LICENCES ALLOCATED

Licence area	Licensee	Frequency (MHz)
New South Wales		
Braidwood RA1	Braidwood FM Inc.	92.3
Coffs Harbour RA3	Coffs Harbour Christian Broadcasters Inc.	94.1
Dunedoo RA1	Talbragar Broadcasters Inc.	101.5
Eden RA1	Eden Community Radio Inc.	104.7
Glen Innes RA1	Deepwater & Districts Community FM Radio Inc.	105.9
Gosford RA1	Gosford Christian Broadcasters Limited	94.9
Gosford RA1	Wyong-Gosford Progressive Community Radio Inc.	94.9
Gosford RA1	Radio Yesteryear Inc.	94.9
Lismore RA2	North Coast Radio Inc.	92.9
Lithgow RA2	Lithgow Community Broadcasters Inc.	90.5
Lord Howe RA1	Lord Howe Island Radio Station Association Inc.	100.1
Moss Vale RA1	MVH FM Inc.	92.5
Murwillumbah RA2	Heartland Opry Group Inc.	101.3
Murwillumbah RA2	North Coast Broadcasters	101.3
Narrandera RA1	Narrandera District and Community Radio Inc.	92.3
Sanctuary Point RA1	Bay and Basin Community Resources Inc.	92.7
Taree RA3	Manning Great Lakes Christian Broadcasters Inc.	106.5
Tumut RA1	Montreal Community Theatre Inc.	96.3
Warrumbungles		
Community RA1	Warrumbungles Community Broadcasting Association Inc.	98.9, 99.9 & 91.9
Wollongong RA2	Hellenic Australian Radio Inc.	93.3
Young RA2	Lambing Flat Community Broadcasting Inc.	92.3
Victoria		
Bendigo RA4	Central Victorian Gospel Radio Inc.	101.5
Corryong RA1	High Country Community Media Association Inc.	94.9
Horsham RA2	Horsham & District Community FM Radio Inc.	96.5
Kilmore RA1	Mitchell Community Radio Inc.	97.1
Latrobe Valley RA2	Gippsland Christian Broadcasters Inc.	103.9
Mt Beauty RA1	Kiewa Valley Community Radio Association Inc.	92.5
Swan Hill RA2	Swan Hill and District Community FM Inc.	99.1
Walwa Jingellic RA1	Upper Murray Community Radio Inc.	88.7 & 107.7
Queensland		
Bundaberg RA2	Bundaberg Breeze Community Broadcasting Association Inc.	96.3
Cairns RA2	Smithfield Community Radio Association Inc.	101.9

Licence area	Licensee	Frequency (MHz)
Charleville RA1	Bidjara Media & Broadcasting Company Ltd	105.7
Esk RA1	Brisbane River Valley Radio Inc.	95.9
Kingaroy RA1	Yarraman & Districts Historical Society	99.7
Mackay RA2	Townsville Aboriginal and Islander Media Association Ltd	105.9
Mossman RA2	4CCC Coral Coast Country Community Radio Inc.	100.1
South Australia		
Coober Pedy RA1	Dusty Radio Inc.	104.5
Roxby Downs RA1	5 ROX 98 FM Community Radio Inc.	105.5
Western Australia		
Bunbury RA1	Harvey Mainstreet (Inc.)	96.5
Cocos Islands RA1	VKW 'Voice of the Cocos (Keeling) Islands' Inc.	102.7 & 96.0
Perth RA2	Western Sports Media Inc.	90.5
Perth RA2	Capital Community Radio Inc.	90.5
Tasmania		
George Town RA1	Tamar FM (Inc.)	95.3
Oatlands RA1	Southern Midlands Community Radio Station Inc.	97.1
Northern Territory		
Alice Springs RA2	Charles Darwin University	102.1

Appendix 5

C PROGRAMS, CONSULTANTS AND AUSTRALIAN CONTENT

Programs granted C or P classification in 2003–04

Program title	Style	Type	Origin	Class	Applicant
Children's – C					
THE BIG ARVO (series 11)	live action	magazine	Australia	C	Seven Network Ltd
THE BIG ARVO (series 12)	live action	magazine	Australia	C	Seven Network Ltd
GIRL TV	live action	magazine	Australia	C	Southern Star Entertainment Pty Ltd
HOT SOURCE (series 1, block 2, episodes 1/66 – 1/130)	live action	magazine	Australia	C	Channel 9 Network
HOT SOURCE (series 1, block 3, episodes 1/131–1/200)	live action	magazine	Australia	C	Channel 9 Network
THE NEW ADVENTURES OF MADELINE	animated	drama	USA	C	Seven Network (Operations) Ltd
OZZY & DRIX (series 1, episodes 1–13)	animated	drama	USA	C	Warner Bros. International TV Distribution
OZZY & DRIX (series 2, episodes 14–26)	animated	drama	USA	C	Warner Bros. International TV Distribution
PICK YOUR FACE (series 3)	live action	game show	Australia	C	Banksia Productions Pty Ltd
STANLEY (series 1)	animated	drama	USA	C	Seven Network (Operations) Ltd
TOTALLY WILD (series 13)	live action	magazine	Australia	C	Network Ten Pty Ltd
Children's drama – CD					
FERGUS MCPHAIL (series 1, episodes 14–26)	live action	drama	Australia	CD	Burberry Production Pty Ltd
HIGH FLYERS (series 1, renewal)	live action	drama	Australia	CD	Southern Star Entertainment Pty Ltd
HOLLY'S HEROES (series 1, episodes 1–8)	live action	drama	Australia	CD	Tosi Westside Pty Ltd
HOLLY'S HEROES (series 1, episodes 9–16)	live action	drama	Australia	CD	Tosi Westside Pty Ltd
KETCHUP (series 2, renewal)	animated	drama	Australia	CD	Southern Star Entertainment Pty Ltd
KETCHUP (series 3, renewal)	animated	drama	Australia	CD	Southern Star Entertainment Pty Ltd
KETCHUP (series 4, renewal)	animated	drama	Australia	CD	Southern Star Entertainment Pty Ltd
PARALLAX (series 1, episodes 1–13)	live action	drama	Australia	CD	Great Western Entertainment Pty Ltd
PARALLAX (series 1, episodes 14–26)	live action	drama	Australia	CD	Great Western Entertainment Pty Ltd

Program title	Style	Type	Origin	Class	Applicant
PIG'S BREAKFAST (series 1, renewal)	live action/puppetry	drama	Australia	CD	Southern Star Entertainment Pty Ltd
SCOOTER: SECRET AGENT (series 1, episodes 1–13)	live action	drama	Australia	CD	Jonathan M Shiff Productions
SCOOTER: SECRET AGENT (series 1, episodes 14–26)	live action	drama	Australia	CD	Jonathan M Shiff Productions
SEASIDE HOTEL (series 1)	animated	drama	Australia	CD	Yoram Gross – EM TV
SILVER SUN (series 1, episodes 1–10)	live action	drama	Australia	CD	Beyond Simpson Le Mesurier
SILVER SUN (series 1, episodes 11–22)	live action	drama	Australia	CD	Beyond Simpson Le Mesurier
SLEEPOVER CLUB (series 2)	live action	drama	Australia	CD	Burberry Productions Sleepover Club Pty Ltd
SNOBS (series 1)	live action	drama	Australia	CD	Southern Star Entertainment Pty Ltd
TABALUGA (series 3)	animated	drama	Australia	CD	Yoram Gross – EM TV
TABALUGA CHRISTMAS SPECIAL (80 minute version)	animated	drama	Australia	CD	Yoram Gross – EM TV
THE EGGS (series 1, episodes 1–13)	animated	drama	Australia	CD	B & T Entertainment
THE EGGS (series 2, episodes 1–13)	animated	drama	Australia	CD	B & T Entertainment
THE TOOTHBRUSH FAMILY (series 2, renewal)	animated	drama	Australia	CD	Southern Star Entertainment Pty Ltd
THE TOOTHBRUSH FAMILY (series 3, renewal)	animated	drama	Australia	CD	Southern Star Entertainment Pty Ltd
Provisional – PRC and PRP					
BLINKY BILL'S EXTRAORDINARY BALLOON					
ADVENTURE (SERIES 3)	animated	drama	Australia	PRC	Yoram Gross – EM.TV
BLUE WATER HIGH (series 1)	live action	drama	Australia	PRC	Southern Star Entertainment Pty Ltd
DAN DANN P.I.	animated	drama	Australia	PRC	Circa Entertainment
DANGEROUS COURIERS	animated	drama	Australia	PRC	Halo Pictures
DOUBLE TROUBLE	live action	drama	Australia	PRC	CAAMA Productions
THE EGGS (series 1)	animated	drama	Australia	PRC	B & T Entertainment
THE EGGS (series 2)	animated	drama	Australia	PRC	B & T Entertainment
FAIREEZ (series 1)	animated	drama	Australia	PRC	Moody Street Kids Pty Ltd
FOREIGN EXCHANGE (series 1)	live action	drama	Australia	PRC	Southern Star Entertainment Pty Ltd
GIRL TV	live action	magazine	Australia	PRC	Southern Star Entertainment Pty Ltd
ODD SOX (series 1)	puppetry	drama	Australia	PRC	Stewart & Wall Entertainment Pty Ltd
OUT OF TIME	live action	drama	Australia	PRC	Cloud 9 Screen Entertainment Group
PARALLAX	live action	drama	Australia	PRC	AIP Entertainment Pty Ltd
THE TRIBE (series 6)	live action	drama	Australia	PRC	Cloud 9 Screen Entertainment Group
ZOOM	live action	drama	Australia	PRP	Galaxy Pop Pty Ltd

Program title	Style	Type	Origin	Class	Applicant
Preschool – P					
ART ALIVE (series 1)	live action/animated	drama	Australia	P	Yoram Gross – EM TV
ART ALIVE (series 2)	live action/animated	drama	Australia	P	Yoram Gross – EM TV
ART ALIVE (series 3)	live action/animated	drama	Australia	P	Yoram Gross – EM TV
BAMBALOO (series 2)	live action	variety	Australia	P	Yoram Gross EM TV
HI-5 (series 6)	live action	variety	Australia	P	Kids Like Us Pty Ltd
NEW MACDONALD'S FARM (series 1)	live action/puppetry	magazine	Australia	P	Pacific And Beyond Pty Ltd
PLAYHOUSE DISNEY (series 3)	live action	variety	Australia	P	The Disney Channel Australia

Children's television consultants 2003–04

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

Notes for Australian content and children's television standards compliance 2003 (page 122)

The formula for calculating first release Australian drama programs is:

Drama score = Format factor x duration of program (in hours).

- The format factor for drama is:
- 4 for a feature film acquired for a licence fee of at least \$150,000
 - 4 for a telemovie, mini-series, or self-contained drama of less than 90 minutes' duration
 - 3.2 for a feature film acquired before 11 July 2002
 - 3 for a series/serial produced at the rate of one hour or less per week and acquired from an independent producer for a fee of at least \$300,000 per hour
 - 2.5 for a feature film that does not meet the format factor 4 and format factor 3.2 requirements
 - 2.5 for a serial or series produced at the rate of one hour or less per week, but does not meet format factor 3 requirement
 - 1 for a series/serial produced at the rate of more than one hour per week

Australian content and children's television standards compliance 2003

Quota	Australian programs	Australian drama		Australian documentary		Australian children's C drama		Australian children's C programs	Children's C programs	Australian preschool P programs
	all	first release	first release	first release	repeat	first release	all	all		
measure	% 6am-12mn	total annual score	total hours	total hours	total hours	total hours	total hours - incl. C drama	total hours all C programs	total hours	
minimum annual requirement	55%	250 hours	250 score	20 hrs	25 hrs	8 hrs	130 hrs	260 hrs	130 hrs	

Seven licensees

ATN Sydney	56.41	225.00	394.40	20.00	33.95	70.00	133.95	263.95	130.50
HSV Melbourne	57.40	224.00	391.90	23.00	33.95	70.00	133.95	263.95	130.50
BTQ Brisbane	57.07	225.00	394.40	22.00	33.95	70.00	133.95	263.95	130.50
SAS Adelaide	58.61	223.00	390.90	26.00	33.95	70.00	133.95	263.95	130.50
TVW Perth	57.97	225.00	394.40	22.00	33.95	70.00	133.95	263.95	130.50

Nine licensees

TCN Sydney	63.05	104.50	298.80	20.50	32.00	71.50	133.50	266.83	130.50
GTV Melbourne	62.40	104.50	298.80	20.50	32.00	71.50	133.50	267.33	130.50
QTQ Brisbane	65.22	104.50	298.80	20.50	32.00	71.50	133.00	268.33	130.50

Ten licensees

TEN Sydney	56.49	204.92	400.68	20.00	31.00	53.50	129.50*	260.50	130.50
ATV Melbourne	57.15	204.92	400.68	20.00	31.00	53.50	129.50	260.50	130.50
TVQ Brisbane	56.70	204.92	400.68	20.00	31.00	53.50	129.50	260.50	130.50
ADS Adelaide	57.08	204.92	400.68	20.00	31.00	53.50	129.50	260.50	130.50
NEW Perth	57.35	204.92	400.68	20.00	31.00	53.50	129.50	260.50	130.50

*Note: The Ten Network is relying on the provisions in clauses 12 and 12A of the Australian Content Standard

Also see notes on page 121

Appendix 6

INVESTIGATIONS COMPLETED IN 2003–04

Call sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition or section of the Broadcasting Services Act breached
Breach findings in ABA decisions			
COMMERCIAL TELEVISION			
Australian Capital Territory			
CBN Prime Canberra/ Southern NSW	<i>Stir of Echoes</i> promotion	Promotion for an M movie was too violent to be screened during <i>The Mole</i> in G time.	Promotion in G – material with more than a very low sense of threat or menace.
New South Wales			
TCN 9 Sydney	<i>Sunday</i>	Inaccuracies in two program segments about people smuggling from Indonesia and alleged involvement of the Australian Federal Police.	Accurate presentation of factual material in current affairs.
TCN 9 Sydney	<i>A Current Affair</i> – 'Child Support Agency'	The segment unfairly represented the role of separated fathers in child support cases.	Fair representation of viewpoints in current affairs.
NBN Newcastle	<i>A Current Affair</i>	The program contained material that was inaccurate and the material broadcast invaded the privacy of the complainant and her husband.	Accurate presentation of factual material in current affairs; privacy in current affairs.
Victoria			
ATV 10 Melbourne	<i>In the Box</i>	A presenter on the program used a knife in an unsafe manner.	P and C children's programs – not to encourage children to engage in activities dangerous to them.

Call sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition or section of the Broadcasting Services Act breached
GTV 9 Melbourne	<i>National Nine News</i> and <i>Nightline</i>	News item re Telstra and phone calls to Bali did not present factual material accurately or viewpoints fairly.	Fair and impartial presentation of news.
HSV 7 Melbourne	<i>Today Tonight</i> – '4WD Crash Testing'	The segment was inflammatory, was intended to raise unnecessary concerns in the viewing public, and was misleading and deceptive in the use of the US report it was based on. Complaints handling.	Complaints handling.
Queensland			
QTQ 9 Brisbane	<i>60 Minutes</i> – 'Russian Roulette'	Use of web site material; offensive and inaccurate information in story on Russian brides. Complaints handling.	Unfair identification of a business; complaints handling.
South Australia			
ADS 10 Adelaide	<i>Kiss the Girls</i> promotion	The promotion contained excessive violence.	Promotion in G – material with more than a very low sense of threat or menace.
ADS 10 Adelaide	<i>Matrix Reloaded</i> promotion	The promotion contained a depiction of violence, use of guns to menace people, and use of threat or menace with more than a very low impact.	Promotion in G – depictions of violence and use of weapons.
ADS 10 Adelaide	<i>Hollow Man</i>	Level of violence in the film.	M – violence.
Tasmania			
TVT WIN Hobart	<i>A Current Affair</i>	A segment on the complainant's plans to redevelop the suburb of Electrona was misleading.	Present factual matter accurately.
Northern Territory			
TND Darwin	C programming	Broadcast of non-C program in C period.	CTS – broadcast of non-C program in C period.

Call sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition or section of the Broadcasting Services Act breached
COMMERCIAL RADIO			
New South Wales			
2UE Sydney	<i>John Laws</i>	Breaches of the Disclosure Standard, the Advertising Standard, clause 4(2) of Schedule 2 to the Act (broadcast of political matter) and related matters.	<i>Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000</i> ; special licence condition.
2MMM Sydney	<i>The Local</i>	Sexist and homophobic comments and inappropriate discussion about alcohol consumption. Complaints handling.	Complaints handling.
Victoria			
3MEL (Nova) Melbourne	<i>Double Dilemma</i>	Objected to question posed to listeners: distasteful, offensive, distressing.	Standards of decency of the likely audience.
Western Australia			
6GS Wagin		Not suitable to hold a commercial radio broadcasting licence.	Clause 8(2)(b) Schedule 2 to the Act
Tasmania			
7XXX Hobart	<i>The John Laws Morning Show</i>	A song used words that were gratuitous and offensive about Senator Brown's mother and also included words which incited violence against the Senator. Complaints handling.	Complaints handling.
7XXX Hobart	<i>Tasmania Today</i>	The presenter inaccurately quoted Senator Greig on viewing Internet porn and misrepresented his viewpoint. Complaints handling.	Misrepresentation of viewpoints; complaints handling.

Call sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition or section of the Broadcasting Services Act breached
COMMUNITY RADIO (includes services licensed as temporary community radio services)			
New South Wales			
2GLF Liverpool – Green Valley	Management	No conflict resolution policy and procedures in place.	Written policy and procedure in place with mechanisms to facilitate conflict resolution within the organisation.
2LVR Lachlan Valley	Management	The licensee's conflict resolution procedures.	Written policy and procedure in place with mechanisms to facilitate conflict resolution within the organisation.
Hellenic Radio Kiama (TCBL)	Sponsorship	Broadcast advertisements through Symban Radio Network; president/station manager also licensee of a low powered open narrowcast service.	Broadcasting advertisements.
Victoria			
3BBB (Voice FM) Ballarat	Sponsorship	Broadcasting advertisements and exceeding sponsorship time limits.	Broadcasting advertisements.
Queensland			
4CBL Logan City	Sponsorship	Broadcasting more than five minutes per hour of sponsorships and broadcasting advertisements.	Broadcasting advertisements and broadcasting sponsorship announcements in excess of five minutes per hour.
4CBL Logan City	Management	No conflict resolution policy and procedures in place in dealing with suspension of the complainant's membership.	Written policy and procedure in place with mechanisms to facilitate conflict resolution within the organisation.

Call sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition or section of the Broadcasting Services Act breached
OPEN NARROWCAST RADIO			
Queensland			
WOW FM Mackay	General program content narrowcast service.	Broadcast of format of broad appeal by licensee of	Providing a commercial service without a licence.
ABC TELEVISION			
ABC TV	ABC Kids	Iraq war news updates broadcast during daily children's program periods were inappropriate.	Appropriate material in news updates during children's programming.

Call sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition considered
No breach finding in investigations completed in 2003–04			
COMMERCIAL TELEVISION			
Australian Capital Territory			
CBN Prime Canberra & Sthn NSW	Advertisement – Lynx deodorant	The advertisement contained inappropriate sexual content.	M – sex and nudity, appropriate classification of commercials.
CBN Prime Canberra & Sthn NSW	<i>Mile High</i> promotion	The promotion was pornographic and should not have been broadcast in G. Complaints handling.	Promotions in G, complaints handling.
CTC 10 Canberra	V8 Supercar promotion	Promotion for the V8 supercars contained a reference to language that was in appropriate in a G program.	Promotions in G for sports programs.
New South Wales			
ATN 7 Sydney	<i>Morning News</i>	News items broadcast during the program <i>Sunrise</i> were inaccurate in calling Palestinians terrorists, because they are freedom fighters. Complaints handling.	Accurate presentation of factual material in news , discrimination, complaints handling.
ATN 7 Sydney	<i>Today Tonight</i> – ‘Longevity’	The segment about the natural product Longevity concentrated on the views of its detractors and inaccurately and unfairly represented the doctor who discovered it. Complaints handling.	Accurate presentation of factual material, complaints handling.
ATN 7 Sydney	<i>Sunrise</i>	The licensee faked a news report by using footage of the NSW Royal Commission when featuring a story on the WA Royal Commission Into Police Corruption. Complaints handling.	Accurate presentation of factual material and fair representation of viewpoints in current affairs, complaints handling.
ATN 7 Sydney	<i>Today Tonight</i> – ‘Greatest Mistakes’	The segment was inaccurate in claiming to represent the greatest mistakes in Australian quiz show history.	Accurate presentation of factual material and complaints handling.
TCN 9 Sydney	Sport – cricket	Broadcast of cricket match included boundary tobacco advertising.	Broadcasting a tobacco advertisement.

Call sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition considered
TCN 9 Sydney	<i>Freesport</i>	Tobacco advertising throughout a race shown in this program. Mild Seven may have been a sponsor of the event.	Broadcasting a tobacco advertisement.
TCN 9 Sydney	<i>Sunday</i>	The program failed to present viewpoints regarding an incident involving Macquarie Bank with fairness and accuracy.	Accurate presentation of factual material and fair representation of viewpoints in current affairs.
TCN 9 Sydney	<i>Comedy Inc.</i>	A sketch in the program contained violence inappropriate for its M classification.	M – violence.
TEN Sydney	<i>Spring Racing Carnival</i>	An advertisement for the Spring Racing Carnival at Randwick included a woman with a cigar in her mouth.	Broadcasting a tobacco advertisement.
TEN Sydney	<i>Everybody Loves Raymond</i>	A promotion for the program included a still photograph of a cigar.	Broadcasting a tobacco advertisement.
TEN Sydney	<i>Oprah Winfrey Show</i>	Too many advertisements in the program. Complaints handling.	Hourly limits on advertising, complaints handling.
WIN Sthn NSW	<i>Today</i>	Coverage of the Waterfall train disaster contained factual inaccuracies regarding the number of fatalities. Complaints handling.	Accurate presentation of factual material and complaints handling.
WIN Sthn NSW	<i>A Current Affair</i>	The excerpts shown for the film <i>Blue Murder</i> were too violent for the PG timeslot.	PG – exercise care in broadcasting current affairs programs, prior warning for distressing material.
Victoria			
ATV 10 Melbourne	<i>Cheez TV</i>	Inappropriate language in a G classified program.	G – language.
ATV 10 Melbourne	<i>The Panel</i>	Panel member, Rob Sitch, used offensive language.	M – language.
GTV 9 Melbourne	<i>News</i>	Lack of warning given before broadcast of the dead bodies of Uday and Qusay Hussein.	Appropriate regard to the feelings of viewers, provide warnings for material that may seriously distress or seriously offend a substantial number of viewers.
GTV 9 Melbourne	<i>National Nine News</i>	Graphic footage of a gunman used in the opening news titles without a warning.	Warnings, distressing material, public interest.
GTV 9 Melbourne	<i>Comedy Inc.</i>	A skit depicted a child being cooked in an oven.	M – adult themes.
GTV 9 Melbourne	<i>Comedy Inc.</i>	Sexual overtones in skit featuring Cougar alcoholic beverage.	M – sex and nudity.

Call sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition considered
HSV 7 Melbourne	<i>Today Tonight</i> – 'Holidays From Hell'	The segment was inaccurate and did not fairly represent viewpoints of the Treasure Island Resort and its guests.	Accurate presentation of factual material and fair representation of viewpoints in current affairs.
HSV 7 Melbourne	<i>Seven News</i>	The news report was a blatant distortion and misrepresentation of the large number of students who supported the university staff in their strike. Complaints handling.	Accurate presentation of factual material, fair and impartial news, complaints handling.
VTV 9 Regional Vic	<i>A Current Affair</i> – 'Miracle Healing'	The program made inaccurate claims and was clearly biased in favour of those making claims of being healed.	Accurate presentation of factual material, fair representation of viewpoints.
Queensland			
BTQ 7 Brisbane	<i>Seven News</i>	News item about the complainant was inaccurate and unfair.	Accurate presentation of factual material, fair and impartial presentation of news.
BTQ 7 Brisbane	<i>Mile High</i> promotion	Promotion for movie contained explicit nudity and sex scenes. Complaints handling.	Promotion in G – sex and nudity, complaints handling.
STQ 7 Regional Qld	<i>News</i>	Footage of the complainant which was shown during a news bulletin was an invasion of privacy.	Privacy in news.
South Australia			
ADS 10 Adelaide	<i>The Simpsons</i>	Concern at father's advice to son how to fight someone.	G – violence.
ADS 10 Adelaide	<i>The Mummy</i> promotion	The promotion for the M classified film was inappropriate for viewing by young audiences because of its menacing content and vision of decayed bodies.	Promotion in G – close up vision of dead/wounded bodies, more than low sense of threat/menace, care taken to minimise distress to children if material contains atmosphere of tension or fear.
ADS 10 Adelaide	<i>Kiss the Girls</i>	The film contained violence that exceeded its M classification.	M – violence.
NWS 9 Adelaide	<i>News</i>	News coverage of bushfires unnecessarily focused on grieving victims; complaint handling.	Care in broadcasting images of grief or trauma in news and current affairs, complaints handling.
SAS 7 Adelaide	<i>Doctor Dolittle</i>	The program contained themes (suicide, psychiatric treatment of patients, child alienation from a parent) not suitable for G classification.	G – suicide, social or domestic conflict.

Call sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition considered
Western Australia			
TVW 7 Perth	<i>Mile High</i>	The level of nudity exceeded the M classification.	M – sex and nudity.
SSW 7 SW Western Australia	<i>News</i>	Footage of the complainant was broadcast without his consent and that his privacy was invaded. Complaints handling.	Privacy, complaints handling.
Tasmania			
TNT Tasmania	<i>Southern Cross Nightly News</i>	The news item about Syria exporting guns to Iraq was inaccurate and licensee failed to correct the error at the earliest convenience.	Accurate presentation of factual material, fair representation of viewpoints, impartiality in news.
TVT – WIN Tasmania	<i>Sunday</i>	The program was not accurate or fair.	Accurate presentation of factual material, fair representation of viewpoints.
COMMERCIAL RADIO			
New South Wales			
2DAY FM Sydney	<i>Hot 30.com</i>	Program segment was considered distasteful, offensive and distressing.	Standards of decency of likely audience.
2GB Sydney	<i>Alan Jones</i>	A number of matters including consideration of an agreement between Telstra and the Macquarie Radio Network.	Political matter, <i>Broadcasting Services (Commercial Radio Advertising) Standard 2000</i> .
2UE Sydney	<i>John Laws</i>	John Laws made unacceptable jokes about suicide bombers.	Vilification, standards of decency of likely audience.
2UE Sydney	<i>John Laws</i>	Forum on Australia's Islamic relations offended by statement 'most terrorists are Muslim'. Complaints handling.	Hatred, vilification, complaints handling, retention of records.
2UE Sydney	<i>John Laws</i>	Advertisements were indistinguishable from program matter.	<i>Broadcasting Services (Commercial Radio Advertising) Standard 2000</i> .
2SYD (Nova) Sydney	<i>Merrick and Rosso</i>	The presenters made deliberate reference to a tobacco product, and gave publicity to smoking, the use of a tobacco product and the brand name of a tobacco product.	Broadcasting a tobacco advertisement.

Call sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition considered
2WFM / 2MIX Sydney	<i>Samy and Jason in the Morning</i>	Potentially tobacco advertising, Winfield Blues brand of cigarettes, when presenter mentioned 'Winnie Blues'.	Broadcasting a tobacco advertisement.
2CS Coffs Harbour	<i>John Laws</i>	John Laws used terminology that was racist and encouraged hatred towards ethnic people and indigenous Australians. Complaints handling.	Vilification, standards of decency of likely audience, complaints handling.
Victoria			
3AW Melbourne	<i>Derryn Hinch</i>	Comments regarding Melbourne's Calabrian community were offensive, inaccurate and vilifying.	Hatred, vilification, distinguish factual material from commentary.
3AW Melbourne	<i>Glossing Over With ...</i>	An interview with an actor to publicise the performer's live show, presented the misuse of drugs as desirable. Complaints handling.	Promote the use of alcohol or drugs, complaints handling.
Western Australia			
6PPM Perth	<i>Hot 30.com</i>	Offensive and indecent of presenter to ask a young girl if was she a virgin.	Standards of decency of likely audience.
Tasmania			
7TTT Hobart	Regina Bird bumper sticker promotion	Concern at station promotion of Regina Bird, <i>Big Brother</i> contestant, for use as radio bumper sticker.	Vilification, standards of decency of likely audience, complaints handling.
COMMUNITY RADIO (includes services licensed as temporary community radio services)			
New South Wales			
2MCR Campbelltown	Participation – management	Licensee has placed a moratorium on new members preventing the Macquarie community from participating.	Encourage members of community to participate.

Call sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition considered
Tasmania			
7EDG Hobart	Various	A violent act towards an elderly woman was prejudicial, incited violence, stereotyping or inciting hatred towards people, particularly those with physical disabilities.	Inciting violence, stereotyping, vilification, harmful material, privacy, policies regarding prejudice and stereotypes.
7EDG Hobart	Various	Claims made about a number of programs regarding several code breaches.	Participation policy, inciting violence, encourage the use of drugs alcohol, distress to likely audience, vilification, protect children, sponsors' influence, broadcast of advertisements.
7EDG Hobart	Various	Promotion of violence, discrimination against elderly, promotion of suicide, explicit lyrics, sponsorship announcements not tagged.	Participation policy, inciting violence, simulate news to alarm listeners, vilification, protect children, sponsors' influence, vilification, protect children, broadcast of advertisements.
OPEN NARROWCAST RADIO			
New South Wales			
2KY Deniliquin	<i>Big Sports Breakfast Show</i>	A significant proportion of the program provided by 2KY narrowcast racing radio service at Deniliquin comprised content that is not relevant to racing or of interest to people in racing.	Providing a commercial service without an appropriate licence. Provision of a narrowcast service by virtue of provision of programs of limited appeal.
South Australia			
90.5 Mt Lofty	General program content	Narrowcast service conducted test broadcasts indistinguishable from the content of local commercial station 8SAT; did not satisfy any of the section 18 criteria.	Providing a commercial service without an appropriate licence.
ABC TELEVISION			
ABC TV	<i>Australian Story</i>	Obscene language in a program broadcast at 8:00 pm.	PG – language.

Call sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition considered
ABC TV	<i>Changi</i>	The program ridiculed and offended Ethiopia and Ethiopians.	Discrimination.
ABC TV	<i>Foreign Correspondent</i>	The segment about Italian President Berlusconi was seriously biased.	Balance and impartiality in news and current affairs.
ABC TV	<i>Foreign Correspondent – 'Ethiopia'</i>	The segment lacked balance.	Balance and impartiality in news and current affairs.
ABC TV	<i>Fortress Australia</i>	The documentary about the Jervis Bay nuclear reactor was inaccurate and misrepresented the viewpoint of an interviewee.	Factual accuracy and representation of viewpoints.
ABC TV	<i>Four Corners</i>	The broadcast invaded the complainant's privacy by including footage of him filmed through the fence at Villawood Detention Centre.	Privacy.
ABC TV	<i>Four Corners</i>	A story on Woomera detainees was inaccurate, unfair, biased and omitted crucial material.	Discrimination, accuracy, impartiality, balance over time in current affairs.
ABC TV	<i>Lateline</i>	The report regarding a motion proposed in the Federal Parliament on Israel's occupation of the West Bank and Gaza Strip demonstrated a pro-Israeli bias.	Impartiality, balance over time in current affairs.
ABC TV	<i>Lateline</i>	A segment on the Middle East conflict was inaccurate, biased and partial as it favoured the Palestinian view.	Impartiality, balance over time in current affairs.
ABC TV	<i>News</i>	Discrimination and stereotyping of homosexuals in a segment about seizure of CDs, DVDs and computer equipment in Darwin.	Discrimination, avoidance of stereotypes, accuracy.
ABC TV and ABC RADIO			
	<i>TV News and AM</i>	Programs inaccurate in calling Palestinians terrorists because they are freedom fighters, not terrorists.	Accuracy in news and current affairs, discrimination.

Call sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition considered
SBS TELEVISION			
SBS TV	<i>Reggae: The Story of Jamaican Music</i>	The documentary contained sexually suggestive scenes inappropriate for a PG timeslot.	PG – sex and nudity, consumer advice, appropriate classification category.
SBS TV	<i>The Cutting Edge</i>	Program on the Great Barrier Reef was inaccurate and unbalanced. Complaints handling.	Discrimination, accuracy, balance over time, complaints handling.
SBS TV	<i>Jenin Jenin</i>	Documentary program was inaccurate, partial and amounted to anti-Israeli propaganda.	Balance over time, discrimination. (Accuracy not considered as it applies only to news and current affairs programs, not documentaries.)
SBS TV	<i>SBS World News</i>	Inaccurate and unbalanced reporting in respect to the Israel and Palestinian conflict; the content also encouraged anti-Semitism.	Accuracy, balance, fairness, objectivity and professionalism in news reporting, prejudice, discrimination.
ABC RADIO			
ABC Metro 2BL Sydney	<i>Sally Loane</i>	Impartial and unbalanced presentation of information in segment 'Community Attitudes To Violence on Free-to-air Television'.	Accuracy, impartiality and balance over time.
ABC Radio National	<i>The Health Report</i>	The presenter used language discriminating against those with Asperger's disorder.	Discrimination.
ABC Radio National	<i>National Interest</i>	Disparagement and discrimination on account of race and religious and cultural belief regarding Judaism and Zionism in interviewee's remarks.	Discrimination.
ABC Radio National	<i>AM</i>	Lack of balance and impartiality in report on discussion by Israeli Government official of hypothetical kidnap of the president of Palestinian Authority and exiling him.	Impartiality, balance over time.
ABC Radio National	<i>The World Today</i>	The story was one-sided in favour of Israel and ignored the point of view of Syria, Lebanon and Iran.	Impartiality, balance over time.

Call sign	Program/ advertisement/issue	Substance of complaint	Code/program standard/licence condition considered
ABC Radio National	<i>AM</i>	Three separate broadcasts on <i>AM</i> were biased against Iran and in favour of Israel. Complaints handling.	Impartiality, balance over time, complaints handling.
ABC Regional	<i>Morning Talkback</i>	A talkback caller inaccurately stated that Gunns Pty Ltd would be spraying Agent Orange.	Accuracy, impartiality, balance over time.

Summaries of breaches

Commercial television

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

ACT

CBN 7 Canberra

Program: *Stir of Echoes* program promotion
Breach: Promotion in G – violence and more than a very low sense of threat or menace

In October 2003, the ABA received a written complaint concerning the content of a program promotion for the M classified movie *Stir of Echoes*, broadcast by CBN on 10 August 2003 during the G timezone. The complainant considered that the promotion contained violent images that exceeded the G classification criteria, as there were screams and gunshots, and images of blood splatter.

The ABA determined that the licensee breached clause 3.8 of the code for broadcasting material during a G viewing period that contained more than a very low sense of threat or menace.

The licensee accepted the ABA's findings on this matter and has taken action to prevent future similar breaches of the code, including the appointment of a new promotions scheduler, providing training to producers on Prime's internal classification system and updating its system of checking internal classifications provided by Commercial Television Australia¹ and those of its network partner.

The ABA notes that this classification breach is not part of a pattern of breaches by the licensee and does not propose to take any further action in relation to the breach finding.

¹ Now Free TV Australia (since 10 June 2004)

New South Wales

TCN 9 Sydney

Program: *Sunday*

Breach: Accurate presentation of factual material in current affairs

The ABA received two written complaints from a complainant regarding two segments broadcast on the *Sunday* program, on 17 February 2002 and 1 September 2002. The segments reported on an individual who allegedly was involved in people smuggling from Indonesia into Australia while being paid as an Australian Federal Police informant.

The complainant alleged that the licensee, on 17 February 2002, failed to present factual material accurately and represent viewpoints fairly (4.3.1 of the code) in its assertion that an individual had landed illegal immigrants on the Australian mainland, and failed to make reasonable efforts to correct significant errors of fact (4.3.11 of the code).

The complainant also alleged that the licensee, on 1 September 2002, breached clause 4.3.1 of the code by making inaccurate statements that the complainant had contravened Australian and Indonesian laws, and for failing to represent the complainant's viewpoint on the nature of the complainant's connection to the individual accused of people smuggling.

The ABA determined that, in relation to the first complaint, the licensee breached clause 4.3.1 of the code by presenting unreliable material as factual without making adequate attempts to obtain verification.

The ABA did not uphold a breach of clause 4.3.11 of the code, regarding the first complaint, nor the breach of the code in relation to the second complaint.

The ABA proposes to take no further action in relation to this matter other than to monitor the licensee's compliance.

TCN 9 Sydney

Program: *A Current Affair* 'Child Support Agency'

Breach: Fair representation of viewpoints in current affairs

On 23 July 2003 the ABA received a written complaint alleging that, in a broadcast of a segment in the program *A Current Affair* on 21 May 2003, the licensee of TCN 9, TCN Channel Nine Pty Ltd, had failed to present factual material accurately and to represent viewpoints fairly because:

- the segment failed to use any female examples of non-payers of child support
- the licensee ignored additional information (including that alluded to by the Minister in his interview) and
- the producer and staff did not adequately research the story and, as a result, it lacked accuracy.

The complainant also alleged that the broadcast of the segment unfairly identified individuals in order to sensationalise and make generalisations about males and that it portrayed males in a negative light by concentrating on the concept that fathers do not support children.

The ABA determined that during a broadcast of *A Current Affair* on 21 May 2003, the licensee:

- breached code clause 4.3.1 by failing to fairly represent the viewpoint of one of the people named in the report
- did not breach code clause 4.3.1 in its presentation of factual material
- did not breach code clause 4.3.7 in its identification of two other people named in the report and
- did not breach code clause 4.3.10 in its portrayal of males.

The licensee advised that its actions would include forwarding and discussing the report with the previous executive producer of *A Current Affair* and the producer and reporter at the time of the broadcast of the program. The licensee advised that it had already provided a copy of the report to the current executive producer of *A Current Affair*, the producer and reporter in the story.

NBN Newcastle

Program: *A Current Affair*

Breach: Accurate presentation of factual material and privacy in current affairs

On 3 February 2003 the ABA received a written complaint regarding a segment of the program *A Current Affair* broadcast by NBN Newcastle on 25 October 2001. The complainant alleged that the segment contained certain material that was inaccurate and that invaded her family's privacy.

The ABA sought comments on the complaint and a tape of the relevant program segment from NBN. The Nine Network responded on behalf of NBN.

The ABA determined that the licensee of NBN had breached clause 4.3.1 of the code by not broadcasting factual material accurately. The relevant factual material related to the identity of the person who had initiated the court action that was the subject of the segment in question.

The ABA further determined that the licensee of NBN had not breached that clause of the code relating to privacy.

As a result of the ABA's finding, the Nine Network stated that it would forward and discuss the ABA report with the current executive producer, producers and journalists in the employ of *A Current Affair*. Nine stated that it would also conduct further training with *A Current Affair* journalists in relation to the provisions of the code with particular emphasis being given to the requirements of clause 4.3.1 of the code.

Given this proposed action, and the lapse of time between the broadcast in question and the complaint to the ABA regarding the broadcast, the ABA decided not to take the matter further.

Victoria

ATV 10 Melbourne

Program: *In the Box*

Breach: P and C children's programs – not encourage children to engage in activities dangerous to them

On 13 August 2003 the ABA received a written complaint concerning the alleged unsafe depiction of the use of a knife in an episode of the preschool program *In The Box*, broadcast by ATV 10 on 12 August 2003. The complainant considered that a segment of the program, in which the presenter demonstrates how to cut fruit, was unsafe and would encourage children to engage in similar behaviour.

The ABA determined that Network Ten Melbourne Pty Ltd breached its licence condition at clause 7(1)(b) of Schedule 2 to the Broadcasting Services Act by broadcasting material that did not comply with Children's Television Standard 10(c), a program standard applicable to the licence under Part 9 of the Act. This requires that no program, advertisement or other material broadcast during a C period or P period may:

present images or events which depict unsafe uses of a product or unsafe situations which may encourage children to engage in activities dangerous to them.

As a result of the ABA's preliminary findings, Network Ten advised that the episode has been withdrawn from the series and will not be broadcast again. The finding was also brought to the attention of key production personnel in Ten's children's television unit for their reference for future P productions.

The ABA views very seriously any breach of the Children's Television Standards. The ABA is

satisfied with the action taken by the licensee to prevent future similar breaches and does not propose to take any further action in relation to this matter.

GTV 9 Melbourne

Program: *Nine News and Nightline*

Breach: Fair and impartial presentation of news

The ABA received a complaint concerning the broadcast by GTV 9 Melbourne of a news item which reported on a billing dispute between a telecommunications company and a customer. The customer was one of the bereaved Australian family members who travelled to Bali following bombings in October 2002.

The complainant (the telecommunications company), alleged that the licensee did not present material accurately and failed to present viewpoints fairly. In particular, the complainant was concerned about the omission of information it had provided.

The ABA determined that the news items broadcast on 14 January 2003 did not present news fairly and impartially and accordingly breached clause 4.4.1 of the Commercial Television Industry Code of Practice.

In its finding, the ABA said that the format of a news program, as distinct from a current affairs program, provides for the presentation by the newsreader and/or reporter of the latest facts to hand; and that, the code imposes a relatively greater obligation on licensees to provide fair and impartial reporting in relation to news.

HSV 7 Melbourne

Program: *Today Tonight '4WD Crash Testing'*

Breach: Complaints handling

On 8 January 2004 the ABA received a written complaint alleging that in the *Today Tonight* segment broadcast on 28 July 2003 concerning the safety of 4WD vehicles, the licensee of commercial television service HSV 7, Channel Seven Melbourne Pty Limited:

- failed to present factual material accurately

- presented material in a manner which created public panic and
- failed to provide a substantive written response within thirty days to a formal code complaint lodged by the complainant.

The ABA determined that the licensee:

- did not breach clause 4.3.1 of the code in its presentation of factual material and
- did not breach clause 4.3.2 of the code by presenting material in a manner that creates public panic.

The ABA further determined that the licensee did breach clause 7.9 of the code by failing to provide a substantive written response to a code complaint.

After considering the ABA's preliminary findings, the licensee advised the ABA that it intended to take the following action to remedy the breach:

- provide a copy of the ABA's final investigation report to relevant news and current affairs management
- work with all news and current affairs producers to ensure that each program has procedures in place to keep track of all written complaints
- conduct code of practice training with relevant staff within the next three months. This training was to focus on section 4 of the code and have a particular emphasis on the complaints handling requirements and
- report to the ABA in relation to compliance with this undertaking.

Queensland

QTQ 9 Brisbane

Program: 60 Minutes 'Russian Roulette'
Breach: Unfair identification of a business, complaints handling

The ABA has determined that the licensee:

- breached clause 4.3.7 of the code by broadcasting material which unfairly identified a single business when

commenting on the behaviour of a group of businesses

- breached clause 7.9 of the code by not providing a substantive response to a letter of complaint dated 16 May 2003 and
- did not breach clauses 4.3.1, 4.3.5, 4.3.10, 4.3.11 and 7.12 of the code.

Publication of the investigation report has been delayed by legal proceedings.

South Australia

ADS 10 Adelaide

Program: *Kiss the Girls*
Breach: Promotion in G – material containing more than a very low sense of threat or menace.

In August 2003, the ABA received a written complaint concerning the content of a promotion for the M classified movie *Kiss the Girls*, broadcast by ADS 10 on 21 June 2003 during the G time zone. The complainant considered that the promotion contained images and voice-over that could be disturbing to a child viewer and were not suitable for a G timeslot.

The ABA determined that the licensee breached clause 3.8.7 of the code for broadcasting material during a G viewing period that contained more than a low sense of threat or menace.

The ABA requested the licensee to take action to prevent future similar breaches of the code. The licensee indicated this action would include notifying Network Ten's internal classifiers of the breach and the reasons for the ABA's findings.

ADS 10 Adelaide

Program: *Matrix Reloaded* program promotion
Breach: Promotions in G – depictions of violence and the use of weapons

In August 2003, the ABA received a written complaint concerning the content of a trailer for the film *Matrix Reloaded*, broadcast by ADS 10 on 10 May 2003. The complainant considered

that the trailer breached G criteria under clause 3.8 due to the use of guns to menace people, the level of violence and the use of threat or menace with more than a 'very low' impact.

The ABA determined that the licensee breached clause 3.8 of the code as the program promotion contained depictions of violence that exceeded the level permitted to be broadcast during the G viewing timezone.

The licensee indicated that the ABA's findings would be brought to the attention of Network Ten's classifiers for future reference.

Having regard to the licensee's previous breach of the same code provision in 2002, the ABA will continue to monitor the licensee's compliance with this code and may consider further action should subsequent breaches occur.

ADS 10 Adelaide

Program: *Hollow Man*

Breach: M – violence

In August 2003, the ABA received a written complaint concerning the content of an M classified movie *Hollow Man*, broadcast by ADS 10 on 4 May 2003 during the M time zone. The complainant considered that the film contained violence that was frequent, realistic and had a higher impact than is appropriate for the M classification.

The ABA determined that the licensee breached clause 2.15.1 of the code for broadcasting material during an M viewing period that contained depictions of realistically shown and frequent violence.

The licensee indicated that in order to prevent future similar breaches of the code, it would notify Network Ten's internal classifiers of the breach and the reasons for the ABA's findings. The ABA notes that this classification breach is not part of a pattern of breaches by the licensee and does not propose to take any further action in relation to the breach finding.

Northern Territory

TND Darwin

Breach: Broadcast of a non-C program in C period (Children's Television Standards)

See page 46 for a summary of this breach.

Commercial radio

Licence conditions, or Commercial Radio Codes of Practice

New South Wales

2UE Sydney

Program: *John Laws*

Breach: Breaches of the Disclosure Standard, the Advertising Standard, clause 4(2) of Schedule 2 to the Act (broadcast of political matter) and related matters, special licence condition

See page 48 for a summary of this breach.

2MMM FM Sydney

Program: *The Local*

Breach: Complaints handling

The ABA received an unresolved written complaint regarding an item broadcast by Sydney commercial radio station 2MMM, also known as Triple M. The complainant had not received a response from the station to her letter of complaint.

The complainant claimed that the program *The Local* broadcast on 11 February 2003 had included the misuse of alcoholic liquor as one of 'the standards of rock' and that it contained offensive and sexist material that vilified homosexuals.

The ABA determined that, in broadcasting the program on 11 February 2003, the licensee Triple M Sydney Pty Ltd did not breach the codes as the program content in question:

- did not present the misuse of alcoholic liquor as desirable (clause 1.3(c)(i))

- was not likely to vilify any person or group on the basis of sexual preference (clause 1.3(e)) and
- did not fall below contemporary standards of decency, having regard to the likely characteristics of the audience, and did not use language likely to offend that audience (clause 1.5).

The ABA also determined that the licensee did breach clause 5.6 of the codes by not responding substantively in writing to, or acknowledge receipt of, the complainant's complaint within 30 days of receiving it.

The licensee advised the ABA that as a result of its failure to provide a timely written response:

- it is the licensee's policy to respond to comment in relation to programming matters even if they do not constitute a complaint under the code
- in this instance, a draft response was not sent to the complainant due to an oversight, which is regretted by the licensee and
- the licensee has since tightened its systems to avoid a recurrence of a failure to respond, by ensuring that the general manager is aware of the status of such responses routinely.

Victoria

3MEL/Nova FM Melbourne

Program: *Double Dilemma*

Breach: Standards of decency of the likely audience

On 6 May 2003 the ABA received a complaint concerning the *Double Dilemma* competition segment broadcast on Nova FM on 2 April 2003. The competition consisted of a dilemma, set against the historical backdrop of Auschwitz in 1942, which required a contestant to respond to a question involving a choice between the survival of two family members.

In the complainant's view, the dilemma posed was offensive, demeaning and trivialised the Holocaust. It was argued that, as a consequence

of the broadcast, significant offence was caused to the Jewish community, particularly to those who were the subject of the very real dilemma under the Nazis. The complainant pointed out that Melbourne is home to the largest population, proportionally, of Holocaust survivors in the world.

The ABA determined that on 2 April 2003, the licensee of 3MEL, Nova 100 Pty Ltd breached clause 1.5(a) of the codes as *Double Dilemma* did not meet contemporary standards of decency having regard to the likely characteristics of the licensee's audience.

The ABA notes and commends the licensee's prompt actions following receipt of complaints regarding the broadcast. In this regard it issued an on-air apology on the day of the broadcast and then again during the breakfast show the following day. The ABA also notes that, in its response to the preliminary investigation report, the licensee reiterated its acceptance that the dilemma caused offence to a section of the community and that it regretted the Auschwitz setting. The ABA proposes no further action against the licensee.

Western Australia

6GC Wagin

Breach: Remain a suitable licensee

See page 48 for a summary of this breach.

Tasmania

7XXX Hobart

Program: *The John Laws Morning Show*

Breach: Complaints handling

The ABA received an unresolved written complaint regarding an item broadcast by 7XXX, also known as Magic 107.3 FM. The complainant had not received a response from the station to his letter of complaint.

The complaint was about a song referring to Tasmanian Senator Bob Brown, sung to the tune of the 1960s pop song 'Mrs Brown You've Got a

Lovely Daughter' by Herman's Hermits. The complainant found the lyrics offensive and claimed they incited and encouraged violence, particularly a reference in the song to the Senator being 'hung, drawn and quartered'.

The ABA determined that due to the satiric and humorous nature of the material being complained about and the likely composition of the audience the licensee of 7XXX had not breached the codes by broadcasting the song in question.

The licensee did, however, admit to breaching the complaints handling provisions of the codes by not providing the complainant with a written response to his complaint within the time frame stipulated by the codes.

The licensee advised the ABA that as a result of its failure to provide a timely written response:

- a memorandum from the station's general manager had been circulated to all staff at 7XXX reminding them of the process to be followed when written complaints are received. The ABA was provided with a copy of this memorandum
- the complaints handling procedures at the station had been altered and the general manager is now made aware by the program manager of all complaints received and
- a written response to the original letter of complaint had been sent to the complainant. The ABA was provided with a copy of this letter.

Due to the above steps taken by the licensee to ensure that similar breaches do not occur in the future, and as this was the first time that the licensee of 7XXX had been found to have breached the complaints handling provisions of the codes, the ABA did not take any further action.

7XXX Hobart

Program: Tasmania Today

Breach: Misrepresentation of viewpoints, complaints handling

On 28 January 2004, the ABA received an unresolved written complaint regarding two items broadcast on the talkback program, *Tasmania Today*, on 10 September 2003 by 7XXX (Magic 107 FM). The complainant had not received a response from the station to either of his letters of complaint.

The complainant claimed that comments made by the program host of were inaccurate as Senator Greig did not advocate that all people should look at pornography; and he did not state that it was his view that pornography had a therapeutic effect but merely quoted a piece of research that had found that pornography had a therapeutic effect.

The ABA has determined that the licensee of 7XXX, Great Southern Land Broadcasters Pty Limited:

- did not breach clause 2.2(a) of the Commercial Radio Codes of Practice 1999 by not presenting factual material accurately
- breached clause 2.2(d) of the codes by misrepresenting viewpoints and
- breached clause 5.6 of the codes by not responding within the required timeframe to a written complaint.

Regarding the failure to provide a timely written response to a written complaint, the licensee advised that:

- a memorandum from the station's general manager has been circulated to all staff at 7XXX reminding them of the process to be followed when written complaints are received. The ABA was provided with a copy of this memorandum
- the complaints handling procedures at the station have been altered and the general manager is now made aware by the program manager of all complaints received and

- a written response to the original letter of complaint was sent to the complainant. The ABA was provided with a copy of this letter.

Community radio

Licence conditions, or Community Broadcasting Code of Practice

New South Wales

2GLF FM Liverpool-Green Valley

Breach: Written policy and procedure in place with mechanisms to facilitate conflict resolution within the organisation

On 13 November 2003 and 18 November 2003, the ABA received a complaint from a member of the Liverpool-Green Valley Community Radio Coop Ltd that the licensee of the community radio service 2GLF had no conflict resolution policy.

The ABA determined that on 18 November 2003 the licensee of 2GLF, Liverpool-Green Valley Community Radio Coop Ltd, was in breach of clause 6.2 of the Community Broadcasting Code of Practice 2002 as it did not have a written policy and procedure in place with mechanisms to facilitate conflict resolution within the organisation.

The licensee provided the ABA with policy documents relating to the rights of volunteers and presenters and advised that these documents had been reviewed at the licensee's board meeting of 19 January 2004 and adopted as policy at a meeting of 9 February 2004.

2LVR Lachlan Valley

Breach: Written policy and procedure in place with mechanisms to facilitate conflict resolution within the organisation

On 5 December 2003 the ABA received a complaint from a member of the Lachlan Valley Community Radio Inc., licensee of 2LVR. The

complainant believed that the licensee was in breach of the code requirements concerning the resolution procedures 2LVR had in place to deal with complaints from members.

The ABA determined that on 5 December 2003 the licensee of 2LVR, Lachlan Valley Community Radio Inc. was in breach of clause 6.2 of the Community Broadcasting Code of Practice 2002, as it did not have a written policy and procedure in place, which outlines mechanisms to facilitate internal conflict resolution within the organisation.

The licensee expressed its willingness to fulfil its responsibilities under the code. The licensee subsequently provided:

- draft amendments to the organisation's constitution, to include new clauses on disciplining of members
- a copy of *Procedures for Internal Disputes*, which outlines station volunteers' rights
- a copy of *Conflict Resolution for Internal Disputes* and
- a copy of minutes of a general meeting of the organisation held on 25 February 2004, showing that at that meeting a set of guidelines for the resolution of internal conflicts was tabled and accepted unanimously after discussion.

This is the second time the ABA has found the licensee in breach of its obligations in relation to internal conflict resolution procedures, the first being on 17 May 2001. However, the ABA noted the licensee's action taken at its meeting of 25 February 2004. In light of this, the ABA intends to take no further action.

Hellenic Radio Kiama

Breach: Broadcasting advertisements

On 25 March 2003 and 24 April 2003 the ABA received a written complaint regarding Hellenic Australian Radio Inc. (using the call sign 'ERA'), a temporary community broadcaster. The ABA is aware that the president/station manager of Hellenic Australian Radio Inc. is also the licensee

of a number of low powered open narrowcasting services, including Symban Radio.

The complaint raised a number of issues including an allegation that the licensee was broadcasting advertisements provided through the Symban Radio Network.

The ABA randomly selected dates and times in relation to which it requested the licensee to provide audio-tapes. The ABA identified 36 promotional announcements broadcast during nine hours of randomly selected programming.

The ABA determined that on 15 April 2003, Hellenic Australian Radio Inc., breached the licence condition at section 9(1)(b) of Schedule 2, Part 5 of the Broadcasting Services Act when it broadcast the advertisements for Milloway Shop and *Krama Magazine*.

The ABA further determined that the remaining announcements were 33 valid sponsorship announcements and one announcement that constituted community information material or community promotional material.

The licensee undertook to improve procedures put in place last year. The ABA will continue to monitor the licensee's compliance with its licence conditions.

Victoria

3BBB FM Ballarat

Breach: Broadcasting advertisements

In June 2003 the ABA received a written complaint regarding Ballarat Community FM Radio Cooperative Society (Voice FM), the licensee of 3BBB.

The complaint alleged that the licensee was regularly broadcasting advertisements and that the service broadcast sponsorship announcements that exceeded the time limit of five minutes per hour.

The ABA determined that on 17 May 2003 and 22 May 2003, the licensee breached the licence condition set out at section 9(1)(b) of Schedule 2, Part 5 of the Broadcasting Services Act when it

broadcast the advertisements for The Framing Gallery and Noni Fruit Juice.

In response to the ABA's finding, the licensee undertook to take remedial action including reviewing and updating training procedures and consulting with the Community Broadcasting Association of Australia and other community groups to obtain 'best practice' examples of training material.

The ABA will continue to monitor the licensee's compliance with its licence conditions.

Queensland

4CBL Logan City

Breach: Broadcasting advertisements and broadcasting sponsorships in excess of five minutes per hour

On 17 November 2003 the ABA received a complaint that the licensee of 4CBL, Radio Logan Inc., was broadcasting advertisements and sponsorship announcements that ran for more than five minutes in the hour.

The ABA determined that the licensee, Radio Logan Incorporated, breached section 9(1)(b) of Schedule 2 to the Act by broadcasting:

- an advertisement for Jo Jo Zep and the Falcons concerts during the *Morning Magazine* program on 7 November 2003
- three advertisements for Black & White Cabs, and one advertisement for the Centre for Business and Industry, during the *Drive* program on 7 November 2003
- advertisements for Crandon Wesche Financial Planners in the financial advice segments of the *Morning Magazine* program on 25 November, 2 December and 9 December 2003
- sponsorship announcements that ran in total for more than five minutes in the hour between 11 am and noon on 7 November 2003 and
- sponsorship announcements that ran in total for more than five minutes in the hour

between 5 pm and 6 pm on 7 November 2003.

In response to the ABA's finding, the licensee advised that:

- the sales manager and the production department have been cautioned with respect to sponsorship time limits
- the station manager is also now overseeing the matter and
- the opener and closer for the 28-second Crandon Wesche announcement have been altered to comply with the requirements relating to the broadcast of advertisements.

The ABA will continue to monitor the licensee's compliance with its licence conditions.

4CBL Logan City

Breach: Written policy and procedure in place with mechanisms to facilitate conflict resolution within the organisation

On 23 December 2003 the ABA received a complaint that the licensee of community radio service 4CBL Logan City, Radio Logan Inc., had no conflict resolution policy in place.

The ABA determined that on 23 December 2003 the licensee, Radio Logan Inc. was in breach of clause 6.2 of the code, in that it did not have a written policy and procedure in place, which outlines mechanisms to facilitate internal conflict resolution within the organisation.

The ABA notes the licensee's intention to have a internal conflict resolution policy and procedure document accepted by management and adopted by its members by the end of April 2004.

In light of this, the ABA intends to take no further action about its finding of breach.

Open narrowcast radio

Broadcasting Services Act

Queensland

WOW FM Mackay

Breach: Providing a commercial broadcasting service without a licence

On 24 March 2003, the ABA received a complaint that the service being broadcast on 93.9 MHz in Mackay did not qualify as a narrowcaster and replicated broadcasting services being provided by commercial broadcasters in the same licence area.

The ABA obtained six hours of broadcast of 24 July 2003 from an independent source.

The ABA determined that on 24 July 2003, the broadcasting service WOW FM Mackay, provided by Bevan Anderson as licensee, was:

- providing programs that, when considered in the context of the service being provided, appeared to be intended to appeal to the general public
- a commercial broadcasting service as defined at section 14 of the Act and
- being provided without an appropriate licence and therefore in breach of section 133 of the Act which states that:

A person must not provide a commercial radio broadcasting service unless the person has a licence to provide that service.

In view of the change in licensee of WOW FM, the ABA provided Mr Anderson, the complainant and the current licensee with a copy of this investigation report. The ABA requested that the current licensee provide to the ABA, by 2 February 2004, details of the way in which it planned to amend the service so that it complies with its statutory obligations and after it has been amended, audio taped copies of the broadcast of the amended service.

ABC Television

ABC Code of Practice

Program: News updates during children's programs

Breach: Appropriate material in news updates during children's programming

The ABA received a written complaint on 2 April 2003 concerning the interruption of children's programming on ABC Television with news updates covering the Iraq war. The complainant was concerned about the images of violence appearing during children's programming on 26 March 2003.

The ABA assessed each of the news updates broadcast, and also whether the ABC have avoided showing any news bulletins during dedicated children's programming.

The ABA determined that news updates broadcast by ABC Television on 26 March 2003 at 3 pm, and repeated at 4 pm during children's programming, contained violent material in

breach of ABC Code of Practice clause 4.9. The ABA further determined that:

- ABC's broadcast of television news updates at times outside normal scheduling, including during children's programming, was justified by the circumstances, as Australia was actively engaged in the war in Iraq
- the ABC Television news update broadcast at 10 am did not contain material which breached clause 4.9 of the code and
- the ABC did not broadcast any violent material during its late afternoon or early evening television programming on 26 March 2003.

The ABC acknowledged that the bulletins broadcast on 26 March 2003 contained images unsuitable for broadcast when subsequent programs were directed at children. Accordingly, ABC management has emphasised, to news staff, the need to take care with images used in programs, particularly in children's viewing times.

Appendix 7

HDTV QUOTA COMPLIANCE

1 July 2003 to 31 December 2003

Quota requirement: 520 hours (pro rata of annual requirement of 1040 hours)

Callsign	Licence coverage area	Total HDTV programs	Total HDTV programs viewing hours (6pm- 10:30pm)	Total HDTV programs containing archival material	Total archival material in HDTV programs	Maximum proportion of archival material in any one program (%)
National broadcasters						
ABC Television						
ABN	Sydney	556:00	409:00			
ABV	Melbourne	556:00	409:00			Not required to report on archival material in HDTV programs
ABQ	Brisbane	556:00	409:00			
ABS	Adelaide	556:00	409:00			
ABW	Perth	556:00	409:00			
SBS Television						
SBS	Sydney	3372:16	828:00			
SBS	Melbourne	3372:16	828:00			Not required to report on archival material in HDTV programs
SBS	Brisbane	3372:16	828:00			
SBS	Adelaide	3372:16	828:00			
SBS	Perth	3372:16	828:00			
Commercial broadcasters						
Seven Network						
ATN	Sydney	639:33	203:38	62:15	6:47	25.81
HSV	Melbourne	642:42	202:19	62:15	6:47	25.81
BTQ	Brisbane	633:22	201:46	62:11	6:43	25.81
SAS	Adelaide	641:20	206:01	62:02	6:34	25.81
TVW	Perth	655:31	217:24	62:54	7:26	25.81
Nine Network/affiliates						
TCN	Sydney	591:37	198:31	174:10	6:06	10.00
GTV	Melbourne	582:38	176:58	174:10	6:06	10.00
QTQ	Brisbane	587:52	194:21	174:10	6:06	10.00
NWS	Adelaide	578:11	181:07	174:10	6:06	10.00
STW	Perth	581:20	177:40	166:00	5:54	10.00
Ten Network						
TEN	Sydney	535:04	97:17	361:51	12:49	11.33
ATV	Melbourne	535:04	97:17	361:51	12:49	11.33
TVQ	Brisbane	535:04	97:17	361:51	12:49	11.33
ADS	Adelaide	535:04	97:17	361:51	12:49	11.33
NEW	Perth	535:04	97:17	361:51	12:49	11.33

Appendix 8

STAFFING AND RESOURCES SUMMARY

	2001-02 Actual \$'000	2002-03 Actual \$'000	2003-04 Budget \$'000	2003-04 Actual \$'000
Revenue				
Appropriations	15,750	15,509	16,215	16,215
Other Revenues	2,302	885	1,020	628
Total Revenue	18,052	16,394	17,235	16,843
Expenses				
Employees	10,327	10,190	10,285	10,495
Suppliers	6,925	6,091	6,173	5,514
Depreciation and Other Expense	665	961	1,207	1,092
	17,917	17,242	17,665	17,101
Net Surplus / (Deficit)	135	(848)	(430)	(258)
Total Assets	5,694	5,606	5,593	6,784
Total Liabilities	4,625	5,402	5,818	6,831
Opening Cash Balance	2,732	1,844	367	367
Net cash from Operating Activities	783	(123)	1,145	1,504
Net cash from Investing Activities	(1,671)	(2,057)	(756)	(1,334)
Net cash from Financing Activities	–	703	6	1,370
Closing Cash Balance	1,844	367	762	1,907
Staffing				
Staff years (ASL)	141.0	124.5	125.0	124.0

Performance pay

The Senior Executive received \$24,000 in performance pay in the reporting period.

Staffing

SYDNEY

Classification	ONGOING				NON-ONGOING				Total
	Full-time	Full-time	Part-time	Part-time	Full-time	Full-time	Part-time	Part-time	
	Male	Female	Male	Female	Male	Female	Male	Female	
Members	2	1	4	1					8
SES Band 2	1								1
SES Band 1		3							3
EL2	3	5		2	1	1			12
EL2 Legal		2							2
EL2 Public Affairs	1								1
EL1	10	5		2				1	18
EL1 Legal	1	2							3
EL1 Public Affairs		1							1
EL1 Library				1					1
APS6	7	11		2	1	2			23
APS6 Legal						1			1
APS5		2		1					3
APS5 Legal		1							1
APS5 Library	1								1
APS4	1	8							9
APS3	1	6							7
APS2		1		1					2
TOTAL	28	48	4	10	2	4		1	97

CANBERRA

Classification	ONGOING				NON-ONGOING				Total
	Full-time	Full-Time	Part-time	Part-time	Full-time	Full-time	Part-time	Part-time	
	Male	Female	Male	Female	Male	Female	Male	Female	
SES Band 1	1								1
EL2	1								1
EL2 Engineering	4								4
EL1	1	2							3
EL1 Engineering	3								3
EL1 Technical	1				1				2
EL1 IT	2								2
APS6	2	2							4
APS6 Engineering	3	1							4
APS6 Technical	1								1
APS5 Engineering	1								1
APS5 Technical	2								2
APS 5									0
APS4		3							3
APS4 Engineering					1				1
APS3	1	2							3
APS2									0
TOTAL	23	10			2				35

TOTAL

SYDNEY & CANBERRA	51	58	4	10	4	4		1	132
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MALE

59

FEMALE

73

Appendix 9

EXTERNAL LIAISON

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

Meetings

The ABA held meetings with:

Advertising Federation of Australia
Australian Association of National Advertisers
Australian Broadcasting Corporation
Australian Film Commission
Australian Music Performance Committee
Australian Screen Directors Association
Australian Subscription Television and Radio Association Inc.
Australian Writers Guild
Commercial Radio Australia
Free TV Australia (formerly Commercial Television Australia)
Communications Law Centre
Community Broadcasting Association of Australia
Community Broadcasting Foundation
Film Australia
Film Finance Corporation
Internet Industry Association
Media Entertainment and Arts Alliance
Net Alert

Office of Film and Literature Classification
Radiocommunications Consultative Committee
Screen Producers Association of Australia
Special Broadcasting Service
THL Australia

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

Formal arrangements

The ABA enjoys the following formal arrangements:

Memorandum of understanding (MOU) – domestic

The ABA has entered into memoranda of understanding with Australian State and Territory police agencies, that cover referral of information about certain categories of Internet content.

Service level agreements – domestic

The ABA has service level agreements with the Australian Federal Police covering referral of information about prohibited Internet content and prohibited Internet gambling content.

Radiocommunications Act agreement

The ABA has an agreement under section 31(2) of the Radiocommunications Act with the Australian Communications Authority. The ABA and the Australian Communications Authority agreed that where the text of the *Radiocommunications (Datacasting Transmitter Licence Allocation) Determination 2000* permitted or required the

issue of a datacasting transmitter licence to an applicant the Australian Communications Authority could issue the datacasting transmitter licence to the applicant.

Australian preparatory groups

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

Australian Radiocommunications Study Groups

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

The ABA participates in the ARSG 6, which is studying principles relating to broadcasting and the preparation of recommendations for technical standards relating to radiocommunications and broadcasting services, in the following ITU forums:

- ITU-R Study Group 1: Spectrum Management
- ITU-R Study Group 3: Radiowave Propagation
- ITU-R Study Group 4: Fixed-Satellite Services
- ITU-R Study Group 6: Radiocommunication broadcasting (terrestrial and satellite), including vision, sound, multimedia and data services principally intended for delivery to the general public
- ITU-R Study Group 8: Mobile, Radiodetermination, Amateur and Related Satellite Services
- ITU-R Study Group 9: Fixed Services and
- ITU-T Study Group 9: Integrated broadband cable networks and television and sound transmission.

The ABA's Acting Director Planning, Fred Gengaroli is a Vice Chairman of Working Party 6E – Terrestrial Delivery of ITU-R Study Group 6.

Standards Australia boards and specialist committees

The ABA is represented on:

- TE/3 Electromagnetic Interference
- CT/2 Broadcasting and Related Services and
- Department of Communications, Information Technology and the Arts Digital Radio Broadcasting (DRB) Committee and the associated Policy and Technical Sub-committees.

Other external participants

The ABA also consults with other regulators such as the Australian Competition and Consumer Commission, the Australian Communications Authority and the Foreign Investment Review Board.

The ABA is a member of the Internet Hotline Providers in Europe Association.

An ABA representative participates in the New South Wales Internet Safety for Children Taskforce, Australian Federal Police Fraud Liaison Forum and the Mental Health and the Media Reference Group convened by the Department of Health and Aged Care.

The ABA continued its membership with overseas agencies including the Asia-Pacific Broadcasting Union and the Commonwealth Broadcasting Association and the International Institute of Communications

Appendix 10

PUBLICATIONS RELEASED IN 2003–04

Digital broadcasting

Digital Radio Trials, Policy for dealing with applications for trials using VHF Band III spectrum, October 2003

Regulation Impact Statements (revised) July 2003

Forms

Form ABA 5 Annual Notification of Control and Directorships as at 30 June (Section 62 of the Broadcasting Services Act 1992), (revised) July 2003

Form ABA 6 Annual Notification of Newspaper Interests (Section 65 of the Broadcasting Services Act 1992), (revised) July 2003

Form ABA 13, Application for C and P program classification ABA 13, (revised) March 2004

Form ABA 14 Application for the renewal of a community broadcasting licence by remote indigenous community services (formerly known as BRACS), March 2004

Form ABA 43, New Eligible Drama Expenditure Scheme Annual Return and Nomination Form, June 2004

Form ABA 64 Application for a Community Television Licence, February 2003

Form ABA 66, Application for the renewal of a community radio broadcasting licence, February 2004

ABA publications are published on the ABA web site, www.aba.gov.au; publications also released in print or as CD are marked. The ABA makes all publications available, on request, to those who may have difficulty obtaining them off the Internet.

Information products

Australian Broadcasting Authority Annual Report 2002–03, October 2003 (print)

Broadcasting at a Glance, June 2004 (print)

Broadcasting Financial Results 02–03, April 2004 (CD)

Investigation reports

Investigation into Radio 2UE Sydney Pty Ltd – Sponsorship of Mr John Laws by Telstra Corporation Ltd and NRMA Insurance Ltd, December 2003

Investigation into Control: Cybervale Pty Ltd, licensee of 6GS Wagin August 2003

Investigation Relating to Sponsorship of the Alan Jones Program on Radio 2GB Pursuant to an Agreement Between Telstra Corporation and Macquarie Radio Network Pty Ltd April 2004

Investigations into programming matters

ABA Investigation Report – Today Tonight program broadcast by HSV 7 on 26 July 2003, March 2004

ABA Investigation Report – The John Laws Morning Show broadcast by 7XXX on 24 October 2003, March 2004

ABA Investigation Report – Conflict Resolution Policy and Procedure at 2LVR, March 2004

ABA Investigation Report – Lack of Conflict Resolution Policy and Procedure at 4CBL, March 2004

ABA Investigation Report – 4CBL: Morning Magazine and Drive, broadcasts in November / December 2003, March 2004

- ABA Investigation Report – Matrix Reloaded trailer broadcast on 10 May 2003*, January 2004
- ABA Investigation Report – Stir of Echoes promotion broadcast by CBN on 10 August 2003*, February 2004
- ABA Investigation Report – Double Dilemma broadcast by 3MEL (Nova 100) on 2 April 2003*, February 2004
- ABA Investigation Report – Kiss the Girls promotion broadcast by ADS 10 on 21 June 2003*, February 2004
- ABA Investigation Report – Lack of Conflict Resolution Policy and Procedure at 2GLF*, February 2004
- ABA Investigation Report – Matrix Reloaded promotion broadcast by ADS10*, January 2004
- ABA Investigation Report – A Current Affair broadcast by TCN 9 (Sydney) on 21 May 2003*, January 2004
- ABA Investigation Report – In The Box broadcast by ATV on 12 August 2003*, December 2003
- ABA Investigation Report – Providing a commercial service without a licence – WOWFM*, December 2003
- ABA Investigation Report – A Current Affair broadcast by NBN 9 on 25 October 2001*, November 2003
- ABA Investigation Report – Channel Nine News and Nightline broadcast by GTV 9 (Melbourne) on 14 January 2003*, September 2003
- ABA Investigation Report – Batay's Voice and John Gilbert Morning Show broadcast by Voice FM Ballarat on 17 and 22 May 2003*, September 2003
- ABA Investigation Report – The Local broadcast by Triple M on 11 February 2003, August 2003*
- ABA Investigation Report – Various programs broadcast by Hellenic Radio 93.3 on 15, 17 and 21 April 2003*, August 2003
- ABA Investigation Report – News Update broadcast by ABC on 26 March 2003*, July 2003

Licence applications and guides

- Community Television Information Kits* February 2003
- Price-based allocation of commercial broadcasting licences*, (print only)
- Parts 1–3 (reprint)* August 2003
- Part 4 Adelaide* August 2003
- Part 4 Sydney* February 2004
- Part 4 Brisbane* February 2004
- Part 4 Melbourne* June 2004

Newsletter

- ABA Update* (print)
- issue 122, July 2003
- issue 123 / 124, September 2003
- issue 125, October 2003
- issue 126, November 2003
- issue 127, December 2003
- issue 128, February 2004
- issue 129, March 2004
- issue 130, April 2004
- issue 131, May 2004
- issue 132, June 2004

Pamphlets

- Complaints About Programs*, (revised, print) October 2003, February 2004 (reprint)
- Cybersmart* (print)
- Guide*, (reprint) July 2003
- Tips to help you chat safely* (reprint) November 2003
- Tips for kids* (reprint) November 2003
- Tips for using filters* (reprint) November 2003
- Tips for dealing with spam* (reprint) November 2003

Program content

Australian Content Standard, revised
Children's Television Standards, revised
Community radio: Sponsorship guidelines, August 2003

Ownership and control

Current Controllers of a Broadcasting Licence
Printed only on request

Planning

ABA's General Approach to Planning, September 2003
Planning 2004 (2 CD set), June 2004
Radio and Television Broadcasting Stations 2003, August 2003
Radio and Television Broadcasting Stations (Internet, July 2003, October 2003, January 2004, April 2004)
Technical Planning Guidelines, December 2003

Digital channel plans

Draft digital channel plans

Remote and Regional Western Australia
July 2003, December 2003

Final digital channel plans

Remote and Regional Western Australia July 2003

Draft variation to digital channel plans

Inland NSW December 2003
North Coast NSW December 2003
Remote and Regional Western Australia
December 2003
Regional Victoria March 2004
Regional Queensland June 2004

Final digital channel plan variations

Gold Coast September 2003, May 2004
Inland NSW August 2003, March 2004
North Coast NSW March 2004
Regional Queensland August 2003
Remote and Regional Western Australia March 2004
Tasmania August 2003
Wollongong NSW August 2003

Licence area plans

Draft licence area plans – analog radio

Coober Pedy, SA November 2003
Roxby Downs, SA November 2003

Final licence area plans – analog radio

Coober Pedy, SA February 2004
Roxby Downs, SA February 2004

Draft licence area plans – analog television

Regional Victoria – August 2003
Southern New South Wales – August 2003

Final licence area plans – analog television

Northern NSW September 2003
Regional Queensland September 2003
Regional Victoria November 2003
Southern New South Wales November 2003

Draft variation to licence area plans

Atherton, Qld April 2004
Bega, NSW September 2003
Bourke, NSW June 2004
Burnie, Tas February 2004
Canberra, ACT September 2003
Charleville, Qld December 2003
Cooma, NSW September 2003

Emerald, Qld April 2004
Gosford, NSW October 2003
Goulburn, NSW September 2003, November 2003
Hamilton, Vic July 2003
Kingaroy, Qld February 2004
Lismore, NSW March 2004
Mackay, Qld April 2004
Melbourne, Vic March 2004
Mt Gambier, SA October 2003
Nourra, NSW September 2003
Remote North East Zone August 2003, October 2003
Remote Western Australia October 2003
Scottsdale, Tas April 2004
Sydney, NSW December 2003
Taree, NSW October 2003
Warrnambool, Vic October 2003
Wollongong, NSW September 2003
Young NSW December 2003

Final variation to licence area plans

Aiberton, Qld June 2004
Burnie, Tas April 2004
Canberra, ACT November 2003
Charleville, Qld February 2004
Cooma, NSW November 2003
Emerald, Qld June 2004
Gosford, NSW November 2003
Goulburn, NSW February 2004
Hamilton, Vic August 2003
Innisfail, Qld July 2003
Kingaroy, Qld April 2004
Lismore, NSW May 2004
Mackay, Qld June 2004

Melbourne, Vic April 2004
Mt Gambier, SA November 2003
Remote North East Zone December 2003
Remote Western Australia March 2004
Scottsdale, Tas June 2004
Spencer Gulf, SA July 2003
Taree, NSW November 2003
Warrnambool, Vic May 2004
Wollongong, NSW November 2003
Young, NSW February 2004

Draft variation to licence area plans – television

Remote Central and Eastern Australia June 2004
Riverland, SA March 2004
Spencer Gulf, SA March 2004

Final variation to licence area plans – television

Riverland, SA May 2004
Spencer Gulf, SA May 2004

Research

Commercial Radio Industry 1978–2002, November 2003
Digital Radio Technology Update, September 2003 (print)
Understanding Community Attitudes to Radio Content, October 2003 (print)
Survey of Commercial Radio Program Formats 2003 June 2004
Trading the Regulatory Obligations of Broadcasters, 2003

Appendix 11

ABA SERVICE CHARTER

Consultation

Commitment	Performance measure	Measurement method	Outcome
Consult with industry and public new broadcasting services	Detail consultation process in advance (as part of business plan)	Check actual consultation	Consultation was carried out as per statutory requirements and business plan for variations to licence area plans and digital channel plans.
Consult with industry and public on the development of program standards for broadcasters	Detail consultation process in advance (as part of business plan)	Check actual consultation against plan	Carried out consultation as per business plan on variation to the Australian content standard for commercial television and changes to the guidelines for the Children's Television Standards.
Consult with industry and public on the imposition of conditions on licences	Detail consultation process in advance (as part of business plan)	Check actual consultation against plan	Carried out consultation as per statutory requirements and business plan for imposition of licence condition on radio 2UE Sydney.
Consult with industry and public in the course of major investigations	Detail consultation process in advance (as part of business plan)	Check actual consultation against plan	No major investigations requiring public consultation were carried out.
Consult with industry and public on other matters	Detail consultation process in advance (as part of business plan)	Check actual consultation against plan	Consultation was conducted as specified in the agreed business plan and according to legislative requirements for all research projects.

Accessibility

We will endeavour to make dealing with us as easy as possible. When contacting us we will:

Commitment	Performance measure	Measurement method	Outcome
Provide access to services by free call phone number (1800 226667) and online access via the web site (www.aba.gov.au)	<p>1. How many times and for how long freecall number or web site is not available.</p> <p>2. Number of calls on free call line and number of page views and downloads on web site</p>	<p>1. Telstra and ISP</p> <p>2. Telstra for free calls and stats package for web stats</p>	<p>Freecall number available throughout the year.</p> <p>Web site was available at all times throughout the year.</p> <p>For the period 1 July 2003 – 30 June 2004, there were an estimated 3,048,357 page views and 11,926,500 downloads (total hits) from 976,287 sessions.</p>
Ensure a switchboard operator is available to answer your call between 8.30 am and 5 pm each working day	<p>1. Number of times switchboard closed</p> <p>2. Number of calls to switchboard</p>	Telstra	<p>The ABA switchboard was open each working day between 8.30 am and 5 pm. On one day the switchboard was unable to cope with an excessive and constant volume of calls and malfunctioned. It was repaired by the following business day.</p>
Ensure that in most circumstances, staff members are contactable by phone, fax, in person or by email during our normal business hours	Contactability – by exception e.g. complaints	Contactability – by exception e.g. complaints	Staff details were provided in all relevant circumstances. No complaints received.
Ask individual staff to identify themselves to you over the phone and in person and include a contact name and phone number in ABA letters	<p>Number of calls answered by staff – percentage identifying themselves.</p> <p>Number of letters sent – percentage including contact name and phone number</p>	<p>Survey random sample of files for percentage of letters with contact details.</p> <p>Describe how sample selected</p>	100 per cent compliance. Random sample of up to 10 files chosen. Random sample of 3 – 5 letters per file checked.
Provide TTY service (02 9334 7777) access for people with a disability and interpreter services if required	<p>1. Number of times TTY service not available.</p> <p>2. Number of calls to TTY service</p>	1 & 2. TTY service provider	As there has been no demand for this service and improved facilities are available on the ABA web site this service has been discontinued.

Quality service

We will provide accurate advice and information in plain English and will respect your right to privacy. We will treat you fairly and courteously and will:

Commitment	Performance measure	Measurement method	Outcome
Address your inquiry as promptly and comprehensively as possible to maximise convenience and minimise time and cost when dealing with us	Number of queries answered and average time taken to respond to each (phone/fax/email/letter)	Survey of files – random sample. Describe methodology	ABA sections surveyed a number of files to test their performance against this standard. The average response time for letters ranged from 2.6 – 7.8 working days.
Demonstrate awareness of commercial sensitivity and issues of confidentiality	By exception	Number of complaints received. Examples demonstrating awareness of issue	No complaints received. Confidentiality is particularly important in relation to the Online Content Scheme. No information released that would enable location of prohibited sites to be accessed. Reports of investigations are sent to affected parties before publication, inviting representations on whether confidential matter in the report should be published. Confidential and commercially sensitive files kept in locked cupboards.
Act consistently with our Access and Equity Plan and Disability Access Plan	By exception	Number of complaints received. Examples demonstrating awareness of issue	No complaints received. The Cybersmart Kids site design requirements required that it should meet international usability standards and comply with Australian Government online policies. As a result, the site has been created as a basic HTML site. The ABA has been concerned not to use plug-in software (for example, Flash) which does not translate easily to a text-only environment.

Standards

Our goals for providing service are to:

Commitment	Performance measure	Measurement method	Outcome
(a) Respond to phone and voice mail messages as soon as we can but no later than two working days. (b) If the message relates to a complaint about broadcast matter we will provide relevant information and forward material as appropriate within two working days	(a) By exception b) Percentage of messages relating to a complaint about broadcast matter responded to by providing relevant information within two working days	(a) Number of complaints received. (b) Random sample. Describe methodology	(a) No complaints received. (b) In the period 1 July 2003 – 30 June 2004 the Investigations Section provided information and/or forwarded appropriate material in response to 1999 phone and voicemail messages relating to broadcasting complaints. This information was obtained from the Investigation Section's telephone complaints database. As the database does not capture information about the timeframes for completing this action, it is not possible to provide percentages of messages responded to or material forwarded within two working days. However, the Investigation Section's work practice ensures compliance with this charter standard: there is a daily routine for clearance of voicemail messages and the forwarding of requested material, and this timeframe is regularly reviewed at section meetings.
Acknowledge requests made by letter, email and fax within seven days of receipt. We will exercise discretion in our right to reply and will not normally respond individually to standard form letters. We will however, respond to the organisation on whose behalf the letters were written	Percentage of requests made by letter, email and fax acknowledged within seven days of receipt	Survey of files – random sample. Describe methodology	ABA sections carried out random assessment of letters from inquiry files. Compliance rates included 100 per cent, and one each of 97 per cent, 95 per cent and 90 per cent.
Acknowledge public submissions to inquiries and investigations within fourteen days of receipt	Percentage of public submissions acknowledged within 14 days of receipt	An electronic template on the LAN can be developed for acknowledgement letters. If this were to be done, it would be possible to track response times using AIMS. Until then, survey of files – random sample. Describe methodology	100 per cent compliance. Survey of files, letters and submissions.

Commitment	Performance measure	Measurement method	Outcome
Take action in relation to complaints about Internet content within	Percentage of complaints about Internet content acted on within two working days	System already in place	For complaints received by the online complaints form, an automated response system means all complainants receive immediate acknowledgement of complaint. Prioritisation protocol means action on all complaints is initiated within 24 hours of receipt.
Provide a substantive response on most matters within 28 days, but if this is not possible keep you informed of progress	Percentage of inquiries dealt with substantively within 28 days	Survey of files – random sample	Sections of the ABA surveyed general inquiry files and random sample of responses were chosen from each file to determine the average time taken to respond. Six instances of a compliance rate of 100 per cent were reported.
Provide a decision on children's program classification within 60 days of receiving the application	Percentage of children's program classifications decided within 60 days of receiving the application	AIMS	Forty two (61 per cent) of 69 programs assessed within 60 day timeframe.
Investigate complaints against broadcasters within an appropriate timetable developed by the ABA and keep you informed of progress	Percentage of applications for which a timeframe is developed	AIMS	<p>The timeframe that has been developed applies to 100 per cent of applications investigated. Investigations are determined as 'priority' or 'non-priority' with the following timeframes:</p> <ul style="list-style-type: none"> • 100 per cent of priority investigations must be completed within six months • 75 per cent of non-priority investigations must be completed within three months. <p>Of the 7 priority investigations completed in the year, 3 (43 per cent) were completed within six months. Of the 69 non-priority investigations completed in the same period, 47 (68 per cent) were completed within three months.</p> <p>According to information recorded on the Complaints Database, in the period 1 July 2003 – 30 June 2004, the Investigations Section of the ABA received 699 letters of complaint. Of these:</p> <ul style="list-style-type: none"> • 544 did not result in an investigation by the ABA and • 155 raised issues that the ABA investigated – representing 22.2 per cent of the total received. Sixteen of the 155 letters related to similar issues, resulting in 139 investigations in total.*

* This figure does not include investigations commenced by sections other than the Investigations Section or investigations initiated by the ABA.

Commitment	Performance measure	Measurement method	Outcome
Deal with applications within statutory timeframes or, when there is no such timeframe, develop an appropriate timetable for response and inform you of the timetable.	Percentage of applications dealt with within statutory timeframes. Where there is no statutory timeframe, percentage of applications for which a timeframe is developed	AIMS	<p>100 per cent of applications for licences were dealt with before the date the requested by the applicant. All commercial implementation plans are assessed before commencement of services, while national implementation plans are assessed within six weeks of receipt of complete information. All applications for variations to licence area plans and digital channel plans dealt with on a priority basis, with applicants being informed of timetables</p> <p>In the period 1 July 2003 – 30 June 2004 the ABA received no applications under section 21 of the Act relating to requests to the ABA to decide on the category of broadcasting service into which a potential or existing service falls. One application that was outstanding from the previous period was completed after 1 July 2003 within statutory timeframes. This information was obtained from the ABA's section 21 opinions database.</p>

Appendix 12

COMMONWEALTH DISABILITY STRATEGY

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

As a regulator of broadcasting services

The ABA ensures the following.

- All online information is in one of the three formats recommended by the Australian Government Information Management Office's Guide to Minimum Website Standards: PDF, RTF or HTML. This follows Federal Government standards issued by the Australian Government Information Office about the electronic publication of content. All publicly available information is available, upon request, in accessible non-electronic formats. In 2003–04, the ABA received no requests for information about regulations and quasi-regulations to be provided in accessible electronic or non-electronic formats.
- One of the 11 industry codes of practice sets out how people with disabilities may make a complaint about a broadcaster. Electronic forms for lodging complaints relating to regulations are made available to people with disabilities.
- The ABA has surveyed the complaints-handling procedures of commercial television licensees, including how they deal with complainants with a disability such as the

impairment of vision or hearing. Sixty-two per cent of licensees had specific procedures, including protocols for handling complaints from viewers with a hearing impairment, the use of a telephone-typewriter, and the National Relay Service.

As a provider of services

The ABA's service charter complies with the ABA's Access and Equity Plan and the Disability Action Plan. The ABA is committed to providing facilities for people with disabilities.

As an employer

The ABA ensures that:

- employment policies, procedures and practices meet the requirements of the *Disability Discrimination Act 1992*
- employment policies and procedures are covered by the Certified Agreement. The Workforce Diversity program, the Performance and Development Framework, and the ABA Human Resources Development Plan facilitate the integration and linkages of employment policies and procedures with diversity principles including disability access and equity
- recruitment information for potential job applicants is available in accessible electronic formats at the time of advertising and on request
- agency recruiters and managers apply the principle of 'reasonable adjustment'

- the ABA Staff Selection Guidelines advise on workplace diversity and equity, including reasonable adjustment. Comprehensive information on reasonable adjustment for the interview process is not made available to convenors or managers
- training and development programs consider the needs of staff with disabilities
- training and development is devolved to the ABA's branches. Attendance at courses is predominantly through public programs where consideration of the needs of staff with disabilities can be negotiated with the training provider. The ABA Human Resources Development Plan supports cultural and linguistic diversity and disability awareness as essential components of all training
- mechanisms for complaints and grievances, including access to external mechanisms, are in place to address issues raised by staff
- dispute resolution procedures and reviews of decisions affecting employment are outlined in the Certified Agreement in accordance with the *Public Service Act 1999*. Another internal mechanism is the Workplace Harassment Prevention Policy, which guides the management of complaints relating to harassment, intimidation and discrimination
- external mechanisms for reviewing decisions by the Australian Public Service Commissioner are also in operation. Other avenues of external address include the Human Rights and Equal Opportunity Commission, the Privacy Commissioner, and the Commonwealth Ombudsman.

Goals for 2004–05

- All reports concerning regulatory compliance are to be posted on the ABA's web site within five working days of their completion.
- All customers requesting information on regulations and quasi-regulations in accessible formats (other than electronic) will be advised of the expected delivery date of their preferred format within five days of the request.
- The electronic forms for lodging complaints in relation to regulations via ABA web site will be assessed for compliance with software used by people with disabilities.
- All requests for electronic information on regulatory compliance reporting are to be fulfilled within two weeks.
- All customers requesting information on regulatory compliance reporting in accessible formats (other than electronic) will be advised of the expected delivery date of their preferred format within five days of the request.
- All ABA survey data will, where relevant, include information about the needs of people with disabilities.
- Advertisements for in-house training programs will include information about the needs of people with disabilities.
- The ABA recruitment web site will include information on reasonable adjustment.

Appendix 13

FINANCIAL STATEMENTS



INDEPENDENT AUDIT REPORT

To the Minister for Communications, Information Technology and the Arts

Scope

The financial statements comprise:

- Statement by Members;
- Statements of Financial Performance, Financial Position and Cash Flows;
- Schedules of Commitments, Contingencies and Administered Items; and
- Notes to and forming part of the Financial Statements

of the Australian Broadcasting Authority for the year ended 30 June 2004.

The Members of the Australian Broadcasting Authority are responsible for the preparation and true and fair presentation of the financial statements in accordance with the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*. This includes responsibility for the maintenance of adequate accounting records and internal controls that are designed to prevent and detect fraud and error, and for the accounting policies and accounting estimates inherent in the financial statements.

Audit approach

I have conducted an independent audit of the financial statements in order to express an opinion on them to you. My audit has been conducted in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing and Assurance Standards, in order to provide reasonable assurance as to whether the financial statements are free of material misstatement. The nature of an audit is influenced by factors such as the use of professional judgement, selective testing, the inherent limitations of internal control, and the availability of persuasive, rather than conclusive, evidence. Therefore, an audit cannot guarantee that all material misstatements have been detected.

While the effectiveness of management's internal controls over financial reporting was considered when determining the nature and extent of audit procedures, the audit was not designed to provide assurance on internal controls.

Procedures were performed to assess whether, in all material respects, the financial statements present fairly, in accordance with the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*, Accounting Standards and other mandatory financial reporting requirements in Australia, a view which is consistent with my understanding of the Authority's financial position, and of its performance as represented by the Statements of Financial Performance and Cash Flows.

The audit opinion is formed on the basis of these procedures, which included:

- examining, on a test basis, information to provide evidence supporting the amounts and disclosures in the financial statements; and
- assessing the appropriateness of the accounting policies and disclosures used, and the reasonableness of significant accounting estimates made by the Members.

Independence

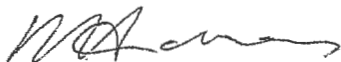
In conducting the audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate Australian professional ethical pronouncements.

Audit Opinion

In my opinion, the financial statements:

- (i) have been prepared in accordance with the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997* and applicable Accounting Standards; and
- (ii) give a true and fair view, of the matters required by applicable Accounting Standards and other mandatory professional reporting requirements in Australia, and the Finance Minister's Orders, of the financial position of the Australian Broadcasting Authority as at 30 June 2004, and its performance and cash flows for the year then ended.

Australian National Audit Office



P Hinchey
Senior Director

Delegate of the Auditor-General

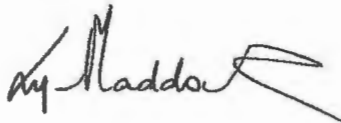
Sydney
14 September 2004

AUSTRALIAN BROADCASTING AUTHORITY
STATEMENT BY MEMBERS

In our opinion, the attached financial statements for the year ended 30 June 2004 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*.

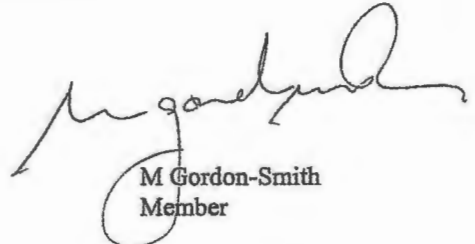
In our opinion, at the date of this statement, there are reasonable grounds to believe that the Authority will be able to pay its debts as and when they become due and payable.

This statement is made in accordance with a resolution of the Members.



L Maddock
Acting Chair

14 September 2004



M Gordon-Smith
Member

14 September 2004

AUSTRALIAN BROADCASTING AUTHORITY

STATEMENT OF FINANCIAL PERFORMANCE

for the year ended 30 June 2004

	Notes	2004 \$	2003 \$
<i>REVENUES</i>			
<i>Revenues from ordinary activities</i>			
Revenues from Government	5A	16,215,000	15,509,000
Goods and Services	5B	102,453	158,555
Interest	5C	68,901	52,956
Revenue from sale of assets	5D	–	21,982
Other Revenues	5E	457,128	651,373
<i>Revenues from ordinary activities</i>		16,843,482	16,393,866
<i>EXPENSES</i>			
<i>Expenses from ordinary activities</i>			
<i>(excluding borrowing costs expense)</i>			
Employees	6A	10,495,192	10,190,164
Suppliers	6B	5,514,383	6,091,402
Depreciation and amortisation	6C, 9D	1,054,016	815,996
Write-down of assets	6D, 9D	10,921	200
Value of assets sold	5D	–	3,330
<i>Expenses from ordinary activities</i>		17,074,512	17,101,092
<i>(excluding borrowing costs expense)</i>			
<i>Borrowing costs expense</i>	7	(27,107)	(47,312)
<i>Operating (deficit) from ordinary activities</i>		(258,137)	(754,538)
<i>Net (loss)</i>		(258,137)	(754,538)
Net credit to asset revaluation reserve	13A	–	(94,595)
<i>Total revenues, expenses and valuation adjustments recognised directly in equity</i>		–	(94,595)
<i>Total changes in equity other than those resulting from transactions with the Australian Government as owner</i>		(258,137)	(849,133)

The above statement should be read in conjunction with the accompanying notes.

AUSTRALIAN BROADCASTING AUTHORITY

STATEMENT OF FINANCIAL POSITION

as at 30 June 2004

	Notes	2004 \$	2003 \$
ASSETS			
<i>Financial assets</i>			
Cash	14B	1,906,897	366,890
Receivables	8A	167,133	1,430,787
<i>Total financial assets</i>		2,074,030	1,797,677
<i>Non-financial assets</i>			
Land and buildings	9A, 9D	1,935,688	625,102
Infrastructure, plant and equipment	9B, 9D	559,547	811,019
Intangibles	9C, 9D	2,011,464	2,106,868
Other non-financial assets	9E	203,766	266,315
<i>Total non-financial assets</i>		4,710,465	3,809,304
TOTAL ASSETS		6,784,495	5,606,981
LIABILITIES			
<i>Interest bearing liabilities</i>			
Leases	10A	312,222	574,079
Other interest bearing liabilities	10B	2,124,199	646,905
<i>Total interest bearing liabilities</i>		2,436,421	1,220,984
<i>Provisions</i>			
Employees	11A	3,452,639	3,257,686
<i>Total provisions</i>		3,452,639	3,257,686
<i>Payables</i>			
Suppliers	12A	406,239	366,146
Other payables	12B	526,283	441,936
GST payable	12C	10,087	115,266
<i>Total payables</i>		942,609	923,348
TOTAL LIABILITIES		6,831,669	5,402,018
NET ASSETS		(47,174)	204,963
EQUITY			
Contributed equity	13A	6,000	–
Reserves	13A	57,745	57,745
Accumulated surpluses/(deficits)	13A	(110,919)	147,218
TOTAL EQUITY	13A	(47,174)	204,963
Current assets		2,277,796	2,063,992
Non-current assets		4,506,699	3,542,989
Current liabilities		3,011,161	3,156,583
Non-current liabilities		3,820,508	2,245,435

The above statement should be read in conjunction with the accompanying notes.

AUSTRALIAN BROADCASTING AUTHORITY

STATEMENT OF CASH FLOWS

for the year ended 30 June 2004

	Notes	2004 \$	2003 \$
Operating Activities			
<i>Cash received</i>			
Appropriations		16,215,000	15,154,000
Goods and services		61,384	60,793
Interest		126,277	133,722
GST recovered from ATO		567,192	534,085
Other		885,308	800,898
<i>Total cash received</i>		17,855,161	16,683,498
<i>Cash used</i>			
Employees		(10,320,204)	(9,626,343)
Suppliers		(6,003,943)	(7,132,355)
Borrowing costs		(27,107)	(47,312)
<i>Total cash used</i>		(16,351,254)	(16,806,010)
<i>Net cash from operating activities</i>	14A	1,503,907	(122,512)
Investing Activities			
<i>Cash received</i>			
Proceeds from sales of property, plant and equipment		–	21,982
<i>Total cash received</i>		–	21,982
<i>Cash used</i>			
Purchase of property, plant and equipment		(915,809)	(1,623,565)
Purchase of intangibles		(418,080)	(455,108)
<i>Total cash used</i>		(1,333,889)	(2,078,673)
<i>Net cash from investing activities</i>		(1,333,889)	(2,056,691)
Financing Activities			
<i>Cash received</i>			
Appropriation – Contributed equity		6,000	–
Proceeds from lease incentive		1,912,645	717,323
<i>Total cash received</i>		1,918,645	717,323
<i>Cash used</i>			
Reduce interest bearing liabilities		(548,656)	–
Capital use charge paid		–	(14,908)
<i>Total cash used</i>		(548,656)	(14,908)
<i>Net cash from financing activities</i>		1,369,989	702,415
<i>Net increase / (decrease) in cash held</i>		1,540,007	(1,476,788)
Cash at the beginning of the reporting period		366,890	1,843,678
<i>Cash at the end of the reporting period</i>	14B	1,906,897	366,890

The above statement should be read in conjunction with the accompanying notes.

AUSTRALIAN BROADCASTING AUTHORITY

SCHEDULE OF COMMITMENTS

as at 30 June 2004

	2004	2003
	\$	\$
By Type		
<i>Capital commitments</i>		
Intangibles	-	269,302
Total capital commitments	-	269,302
<i>Other commitments</i>		
Operating leases (1)	17,373,956	3,628,527
Other commitments (2)	4,960,620	1,684,486
Total other commitments	22,334,576	5,313,013
<i>Commitments receivable</i>		
GST receivable	(2,030,416)	(496,229)
Operating leases – sub tenants	-	(8,774)
	<u>(2,030,416)</u>	<u>(505,003)</u>
<i>Net commitments</i>	<u>20,304,160</u>	<u>5,077,312</u>
By Maturity		
<i>Capital commitments</i>		
One year or less	-	269,302
Total capital commitments	-	269,302
<i>Operating lease commitments</i>		
One year or less	1,879,150	1,030,560
From one to five years	9,996,210	2,437,598
Over five years	5,498,596	160,369
Total operating lease commitments	17,373,956	3,628,527
<i>Other commitments</i>		
One year or less	1,019,890	539,283
From one to five years	3,940,730	1,145,203
Total other commitments	4,960,620	1,684,486
<i>Commitments receivable</i>	(2,030,416)	(505,003)
<i>Net commitments</i>	<u>20,304,160</u>	<u>5,077,312</u>

NB: Commitments are GST inclusive where relevant

(1) Operating leases see list below

(2) Other commitments includes IT Lease, software maintenance and consulting

Nature of lease	General description of leasing arrangement
Leases for office accommodation	Lease payments are subject to fixed annual increases in accordance with the lease agreements. The periods of office accommodation leases are fixed for the Canberra office at 7 years and the Sydney office at 10 years.
Agreement for the provision of motor vehicles – senior executives	No contingent rental exists. There are no renewal or purchase options available to the Authority.
Leases of computer equipment	The lessor provides all computer equipment and software designated as necessary in the supply contract for five years. The initial equipment for desktops and servers will be replaced in the 2004–05 financial year, while printers have an average useful life of 3 years.

The above statement should be read in conjunction with the accompanying notes.

AUSTRALIAN BROADCASTING AUTHORITY SCHEDULE OF CONTINGENCIES

as at 30 June 2004

Contingent losses

The Authority did not have any quantifiable contingent losses at 30 June 2004. A contingent liability that cannot be quantified is shown in Note 15: Contingent Losses.

Contingent gains

The Authority did not have any reportable contingent gains at 30 June 2004.

The above statement should be read in conjunction with the accompanying notes.

AUSTRALIAN BROADCASTING AUTHORITY

SCHEDULE OF ADMINISTERED ITEMS

	Notes	2004 \$'000	2003 \$'000
Revenue Administered on Behalf of the Government			
<i>for the year ended 30 June 2004</i>			
Taxation revenue			
Other taxes, fees and fines		225,000	200,000
Non-taxation revenue			
Revenue from sales of assets		<u>210,000</u>	<u>35,381</u>
<i>Total Revenues Administered on Behalf of Government</i>		<u>435,000</u>	<u>235,381</u>
Expenses Administered on Behalf of the Government			
<i>for the year ended 30 June 2004</i>			
Write-down and impairment of assets		-	<u>21,424</u>
Total Expenses Administered on Behalf of Government		<u>-</u>	<u>21,424</u>
Assets Administered on Behalf of the Government			
<i>for the year ended 30 June 2004</i>			
Financial Assets			
Receivables (Current)		2	2
Accrued revenues		<u>208,879</u>	<u>200,000</u>
<i>Total Assets Administered on Behalf of Government</i>		<u>208,881</u>	<u>200,002</u>
Administered Cash Flow			
<i>for the year ended 30 June 2004</i>			
OPERATING ACTIVITIES			
Cash received			
Other taxes, fees and fines		216,144	204,446
Goods and services		<u>210,000</u>	<u>35,379</u>
Total cash received		<u>426,144</u>	<u>239,825</u>
Cash used			
Cash to Official Public Account		(426,121)	(239,825)
Refund of overpaid licence		<u>(23)</u>	-
Total cash used		<u>(426,144)</u>	<u>(239,825)</u>
Net cash from operating activities		-	-
Cash at the beginning of the reporting period		-	-
Cash at the end of the reporting period		<u>-</u>	<u>-</u>

The Authority administers the collection of broadcasting licence and auction fees on behalf of the Australian Government. The fees are not available to be used by the Authority for its own purpose and are remitted to the Australian Government's Official Public Account. Transactions and balances relating to these fees are reported as Administered Items.

The above schedule should be read in conjunction with the accompanying notes.

AUSTRALIAN BROADCASTING AUTHORITY

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

Note 1:	Summary of Significant Accounting Policies
Note 2:	Adoption of Australian Equivalents to International Financial Reporting Standard from 2005–2006
Note 3:	Economic Dependency
Note 4:	Events Occurring after Reporting Date
Note 5:	Operating Revenues
Note 6:	Operating Expenses
Note 7:	Borrowing Cost Expense
Note 8:	Financial Assets
Note 9:	Non-Financial Assets
Note 10:	Interest Bearing Liabilities
Note 11:	Provisions
Note 12:	Payables
Note 13:	Equity
Note 14:	Cash Flow Reconciliation
Note 15:	Contingent Losses
Note 16:	Members' Remuneration
Note 17:	Related Party Disclosures
Note 18:	Remuneration of Officers
Note 19:	Remuneration of Auditors
Note 20:	Average Staffing Levels
Note 21:	Financial Instruments
Note 22:	Administered Items
Note 23:	Appropriations
Note 24:	Reporting of Outcomes

Notes To and Forming Part of the Financial Statements

Note 1: Summary of Significant Accounting Policies

1.1 Basis of Accounting

The financial statements are required by clause 1(b) of Schedule 1 to the *Commonwealth Authorities and Companies Act 1997* and are a general purpose financial report.

The statements have been prepared in accordance with:

- Finance Minister's Orders (being the *Commonwealth Authorities and Companies Orders (Financial Statements for reporting periods ending on or after 30 June 2004)*);
- Australian Accounting Standards and Accounting Interpretations issued by the Australian Accounting Standards Board; and
- Consensus Views of the Urgent Issues Group.

The Authority's Statements of Financial Performance and Financial Position have been prepared on an accrual basis and are in accordance with historical cost convention, except for certain assets, which as noted, are at valuation. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

Assets and liabilities are recognised in the Authority's Statement of Financial Position when and only when it is probable that future economic benefits will flow and the amounts of the assets or liabilities can be reliably measured. Assets and liabilities arising under agreements equally proportionately unperformed are however not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the Schedule of Commitments and the Schedule of Contingencies.

Revenues and expenses are recognised in the Authority's Statement of Financial Performance when and only when the flow or consumption or loss of economic benefits has occurred and can be reliably measured.

Administered items

The Australian Broadcasting Authority administers the collection of licence fees under section 158(f) of the *Broadcasting Services Act 1992* on behalf of the Australian Government. Section 5 of the *Radio Licence Fees Act 1964 (RLFA)* and section 5 of the *Television Licence Fees Act 1964 (TLFA)* require commercial radio and television licensees to pay a licence fee to the Australian Government. The licence fees are payable on 31 December each year and are calculated as a percentage of licensees' gross earnings for the previous financial year.

In accordance with the plan made by the Minister under section 94E of the *Broadcasting Act 1942*, published in the *Gazette* dated 26 August 1987, commercial television licensees in approved markets are eligible for an aggregation rebate.

Statutory Rules 2000 No. 277 under the *TLFA* introduced the Regional Equalisation Plan, which established a rebate scheme to assist eligible commercial television licensees in specified regional areas to convert their services from analog to digital mode.

Administered revenues, expenses, assets, liabilities and cash flows reported in the Schedule of Administered Items and related notes are accounted for on the same basis and using the same policies as for Australian Broadcasting Authority items, except where stated in Note 1.18.

Notes To and Forming Part of the Financial Statements

1.2 Changes in Accounting Policy

The accounting policies used in the preparation of these financial statements are consistent with those used in 2002–2003.

1.3 Revenue

The revenues described in this Note relate to the core operating activities of the Authority.

Revenue from the sale of goods is recognised upon the delivery of goods to customers.

Interest revenue is recognised on a proportional basis that takes into account the effective yield on the relevant asset.

Revenue from disposal of non-current assets is recognised when control of the asset has passed to the buyer.

Receivables for goods and services are recognised at the nominal amounts due less any provisions for bad and doubtful debts. Collectability of debts is reviewed at balance date. Provisions are made when collectability of the debt is judged to be less rather than more likely.

Revenues from Government – Output Appropriations

The full amount of the appropriation for departmental outputs for the year is recognised as revenue.

1.4 Transactions by the Government as Owner

Equity Injections

Amounts appropriated by the Parliament as equity injections are recognised as ‘contributed equity’ in accordance with the Finance Minister’s Orders.

1.5 Employee Benefits

Benefits

Liabilities for services rendered by employees are recognised at the reporting date to the extent that they have not been settled.

Liabilities for wages and salaries (including non-monetary benefits), annual leave and sick leave are measured at their nominal amounts. Other employee benefits expected to be settled within 12 months of their reporting date are also to be measured at their nominal amounts.

The nominal amount is calculated at the rates expected to be paid on settlement of the liability.

All other employee benefit liabilities are measured as the present value of estimated future cash outflows to be made in respect of services provided by employees up to the reporting date.

Leave

The liability for employee entitlements includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of the Authority is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees’ remuneration, including the Authority’s employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

Notes To and Forming Part of the Financial Statements

The non-current portion of the liability for long service leave is measured at the present value of the estimated future cash flows to be made in respect of all employees at 30 June 2004. In determining the present value of the liability, the Authority has taken into account attrition rates and pay increases through promotion and inflation.

Separation and redundancy

Provision is made for separation and redundancy payments where the Australian Broadcasting Authority has developed a detailed formal plan for the terminations and has informed these employees affected that it will carry out the terminations.

Superannuation

Employees of the Australian Broadcasting Authority are members of the Commonwealth Superannuation Scheme and the Public Sector Superannuation Scheme. The liability for their superannuation benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course.

The Authority makes employer contributions to the Australian Government at rates determined by the actuary to be sufficient to meet the cost to the Government of the superannuation entitlements of the Authority's employees.

The liability for superannuation recognised as at 30 June represents outstanding contributions for the final fortnight of the year.

1.6 Leases

A distinction is made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of leased non-current assets. In operating leases, the lessor effectively retains substantially all such risks and benefits.

Where a non-current asset is acquired by means of a finance lease, the asset is capitalised at the present value of minimum lease payments at the beginning of the lease term and a liability recognised at the same time and for the same amount. The discount rate used is the interest rate implicit in the lease. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are expensed on a basis, which is representative of the pattern of benefits derived from the leased assets.

The Canberra and Sydney fit out costs were capitalised and the lease incentives are recognised as a liability. This liability is reduced by allocating lease payments between rental expense and the liability.

1.7 Borrowing Costs

All borrowing costs are expensed as incurred.

1.8 Cash

Cash means notes and coins held and any deposits held at call with a bank or financial institution. Cash is recognised at its nominal amount.

1.9 Other Financial Liabilities

Trade creditors and accruals are recognised at their nominal amounts. Liabilities are recognised to the extent that the goods or services have been received (irrespective of having been invoiced).

Notes To and Forming Part of the Financial Statements

1.10 Acquisition of Assets

Assets are recorded at cost on acquisition. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken.

1.11 Property (Land, Buildings and Infrastructure), Plant and Equipment

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the Statement of Financial Position, except for purchases costing less than \$2,000, which are expensed in the year of acquisition, unless they form part of a group of similar items which are significant in total.

Revaluations

Plant and equipment are carried at valuation. Revaluations are undertaken at fair value as required by Australian Accounting Standard AASB 1041 *Revaluation of Non-Current Assets*. Valuations undertaken are as at 30 June.

Assets which are surplus to requirements are measured at their net realisable value. At 30 June 2004 the Authority held no surplus assets.

Frequency

Plant and equipment were revalued progressively in successive three-year cycles. Plant and equipment were last revalued at 30 June 2003. Leasehold improvements will be revalued at 30 June 2005.

Assets in each class acquired after the commencement of a progressive revaluation cycle are not captured by the progressive revaluation then in progress.

The Finance Minister's Orders require that all property, plant and equipment assets be measured at up-to-date fair values from 30 June 2005 onwards. Therefore the current year is the last year in which the Authority will undertake progressive revaluations.

Conduct

All valuations are done by an independent qualified valuer.

Depreciation and Amortisation

Depreciable property plant and equipment assets are written off to their estimated residual values over their estimated useful lives to the Authority using, in all cases, the straight-line method of depreciation. Leasehold improvements are depreciated on a straight-line basis over the lesser of the estimated useful life of the improvements or the unexpired period of the lease.

Depreciation rates (useful lives) and methods are reviewed at each reporting date and adjustments are recognised in the current, or current and future reporting periods, as appropriate. Residual values are re-estimated only when assets are revalued.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives:

	2004	2003
Leasehold improvements	Lease term	Lease term
Plant and equipment	4 to 10 years	4 to 10 years

The aggregate amount of depreciation allocated for each class of asset during the reporting period is disclosed in Note 6C.

Notes To and Forming Part of the Financial Statements

1.12 Impairment of Non-current Assets

Non-current assets carried at up-to-date fair value at the reporting date are not subject to impairment testing.

Non-current assets carried at cost and held to generate net cash flows have been tested for their recoverable amounts at the reporting date. No write-down to recoverable amount was required.

The non-current assets carried at cost, which are not held to generate net cash inflows, have been assessed for impairment. Where indications of impairment exist, the carrying amount of the asset is compared to its net selling price and depreciated replacement cost and written down to its higher of the two amounts, if necessary.

1.13 Intangibles

The Authority's intangibles comprise internally developed software and purchased software licences. These assets are carried at cost.

Software is amortised on a straight-line basis over their anticipated useful life. The useful lives of the Authority's software is 5 years (2002-03: 5 years).

All software assets were assessed for indications of impairment as at 30 June 2004. Impaired software was written-down at 30 June 2004 (Note 9D refers).

1.14 Taxation

The Authority is exempt from all forms of taxation except fringe benefits tax and the goods and services tax (GST).

Revenues, expenses and assets are recognised net of GST except:

- where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- for receivables and payables.

1.15 Insurance

The Authority has insured for risks through the Government's insurable risk managed fund, 'Comcover'. Workers compensation is insured through Comcare Australia

1.16 Comparative Figures

Comparative figures are adjusted to conform to changes in presentation in these financial statements where required.

1.17 Rounding

Amounts have been rounded to the nearest dollar except Note 24 Outcome and Output and the Administered items, which are rounded to the nearest \$1,000.

Notes To and Forming Part of the Financial Statements

1.18 Administered Activities

Administered revenues, expenses, assets, liabilities and cash flows are disclosed in *the Schedule of Administered Items* and related notes.

Except where otherwise stated below, administered items are accounted for on the same basis and using the same policies as for Authority items, including the application of Accounting Standards, Accounting Interpretations and IJG Consensus Views.

Administered Cash Transfers to and from Official Public Account

Revenue collected by the Authority for use by the Government rather than the Authority is Administered Revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance. These transfers to the OPA are adjustments to the administered cash held by the Authority on behalf of the Government and reported as such in the Administered Statement of Cash Flows and the Administered Reconciliation Table in Note 22D.

Revenue

All administered revenues are revenues relating to the core operating activities performed by the Authority on behalf of the Government.

Revenue and related assets arise when the Government, through the application of legislation administered by the Authority, is provided with the right to fees. Revenue includes annual licence fees and sales of broadcasting licences.

Note 2: Adoption of Australian Equivalents to International Financial Reporting Standard from 2005–2006

This report has been prepared in accordance with Australian Accounting Standards and other financial reporting requirements. The Australian Accounting Standards Board has issued replacement accounting standards to apply from the 2005–06 financial year. The new standards are the Australian Equivalents to International Reporting Standards (IFRS) which are issued by the International Accounting Standards Board. The new standards cannot be adopted early. The standards being replaced are to be withdrawn with effect from 2005–06, but continue to apply in the meantime.

The Members have established a formal process, which will be monitored by the Audit Committee, to manage the transition to IFRS reporting. A review phase of the implications is complete in most respects at 30 June 2004. This phase produced an overview of the affects of conversion to IFRS reporting on existing accounting and reporting policies and procedures, system and processes, business structure and staff. The indications are that there will be very little impact as there are no major changes in accounting policies.

The Australian Equivalents contain certain additional provisions that will apply to not-for-profit entities, including the Authority. Some of these provisions are in conflict with the IFRS so the Authority will only be able to assert compliance with the Australian Equivalents to the IFRSs. Existing AASB standards that have no IFRS equivalent will continue to apply.

Notes To and Forming Part of the Financial Statements

Note 3: Economic Dependency

The Australian Broadcasting Authority was established by subsection 154(1) of the *Broadcasting Services Act 1992* and is controlled by the Commonwealth of Australia.

The Authority is dependent on appropriations from the Parliament of the Commonwealth for its continued existence and ability to carry out its normal activities.

Note 4: Events Occurring after Reporting Date

In the 2004–05 Budget the Government announced its intention to merge, by 1 July 2005, the Australian Communications Authority and the Australian Broadcasting Authority to form a new media and communications regulator, the Australian Communications and Media Authority (ACMA). At the time of completing these financial statements the legislation to create ACMA had not been presented to Parliament.

	2004 \$	2003 \$
Note 5: Operating Revenues		
<u>Note 5A: Revenues from Government</u>		
Appropriations for outputs	16,215,000	15,509,000
Total revenues from government	<u>16,215,000</u>	<u>15,509,000</u>
<u>Note 5B: Sales of Goods and Services</u>		
Goods	23,446	30,908
Services	79,007	127,647
Total sale of goods and services	<u>102,453</u>	<u>158,555</u>
Provision of goods to:		
Related entities	1,538	3,071
External entities	21,908	27,837
Total Sale of Goods	<u>23,446</u>	<u>30,908</u>
Rendering of Services to:		
External entities	79,007	127,647
Total Rendering of Services	<u>79,007</u>	<u>127,647</u>
Costs of sales of goods	<u>23,446</u>	<u>30,908</u>
<u>Note 5C: Interest</u>		
Deposit	<u>68,901</u>	<u>52,956</u>
<u>Note 5D: Net Gain from Sale of Assets</u>		
<u>Infrastructure, plant and equipment:</u>		
Proceeds from disposal	-	21,982
Net book value of assets disposed	-	(3,330)
Net gain from disposal of infrastructure, plant and equipment	<u>-</u>	<u>18,652</u>

Notes To and Forming Part of the Financial Statements

	2004	2003
	\$	\$
<u>Note 5E: Other Revenue</u>		
Sub-leasing of premises	7,976	92,374
Funding from the Department of Communications, Information Technology and the Arts for the Black Spots Program	322,382	405,475
Registration fees for ABA Conference	114,293	105,148
Other	12,477	48,376
Total other revenue	457,128	651,373

Note 6: Operating Expenses

<u>Note 6A: Employee Expenses</u>		
Wages and Salaries	7,949,641	7,800,452
Superannuation	1,418,576	1,167,055
Leave and other entitlements	908,200	985,838
Separation and Redundancy	19,123	162,951
Other employee benefits	98,468	–
Total employee benefits expenses	10,394,008	10,116,296
Workers Compensation Premiums	101,184	73,868
Total employee expenses	10,495,192	10,190,164

<u>Note 6B: Suppliers expenses</u>		
Goods from related entities	–	16,393
Goods from external entities	225,907	379,030
Services from related entities	789,516	623,519
Services from external entities	2,659,248	3,241,799
Operating lease rentals	1,839,712	1,830,661
Total suppliers expenses	5,514,383	6,091,402

<u>Note 6C: Depreciation and Amortisation</u>		
Depreciation of property, plant and equipment	307,956	137,308
Amortisation of leased assets	746,060	678,688
Total depreciation and amortisation	1,054,016	815,996

The aggregate amounts of depreciation or amortisation expensed during the reporting period for each class of depreciable assets are as follows:

Leasehold improvements	241,066	68,484
Infrastructure, plant and equipment	310,387	404,790
Intangibles	502,563	342,722
Total depreciation and amortisation	1,054,016	815,996

<u>Note 6D: Write-down of assets</u>		
Bad and doubtful debt expense	–	200
Intangibles	10,921	–
Total write-down of assets	10,921	200

Notes To and Forming Part of the Financial Statements

	2004	2003
	\$	\$
Note 7: Borrowing Cost Expense		
Leases	27,107	47,312
Total borrowing cost expense	27,107	47,312
Note 8: Financial Assets		
Note 8A: Receivables		
Goods and services	200	50,284
Interest receivable	8,986	1,469
Other receivables	48,071	1,155,171
GST receivable	110,076	224,063
	167,333	1,430,987
Less: provision for doubtful debts	(200)	(200)
Total receivables (net)	167,133	1,430,787
Other receivables for 30 June 2003 included \$800,171 owned to the Authority by DPT and DPPT Operator Pty Limited for fit out costs incurred by the Authority.		
All receivables are current assets.		
Receivables (gross) are aged as follows:		
Not overdue	167,133	1,430,787
Overdue by:		
More than 90 days	200	200
Total receivables (gross)	167,333	1,430,987
The provision for doubtful debts is aged as follows:		
Overdue by:		
More than 90 days	200	200
Total provision for doubtful debts	200	200
Note 9: Non-Financial Assets		
Note 9A: Land and Buildings		
Leasehold improvements – at cost	2,241,666	698,366
Less accumulated depreciation	(305,978)	(73,264)
Total leasehold improvements (non-current)	1,935,688	625,102
Note 9B: Infrastructure, Plant and Equipment		
Plant and equipment		
– at valuation 30 June 2003 (fair value)	378,387	326,795
Less accumulated depreciation	(110,762)	(56,834)
	267,625	269,961
Plant and equipment		
– under finance lease	874,783	1,557,431
Less accumulated amortisation	(582,861)	(1,016,373)
	291,922	541,058
Total infrastructure, plant and equipment (non-current)	559,547	811,019

Notes To and Forming Part of the Financial Statements

	2004	2003
	\$	\$
<u>Note 9C: Intangible assets</u>		
Computer software		
– at cost	3,104,520	1,951,893
Less accumulated amortisation	<u>(1,093,056)</u>	<u>(698,423)</u>
	2,011,464	1,253,470
Software development – in progress	–	853,398
Total intangible assets (non-current)	<u>2,011,464</u>	<u>2,106,868</u>

Note 9D: Analysis of Property, Plant and Equipment and Intangibles

TABLE A – Reconciliation of the Opening and Closing balances of Property, Plant and Equipment and Intangibles.

Item	Leasehold Improvements \$	Plant & equipment \$	Intangibles \$	TOTAL \$
As at 1 July 2003				
Gross value	698,366	1,884,226	2,805,291	5,387,883
Accumulated depreciation / amortisation	<u>(73,264)</u>	<u>(1,073,207)</u>	<u>(698,423)</u>	<u>(1,844,894)</u>
Net book value	<u>625,102</u>	<u>811,019</u>	2,106,868	3,542,989
Additions				
By purchase	1,551,652	75,248	418,080	2,044,980
By finance lease	–	166,400	–	166,400
Depreciation / amortisation expense	(241,066)	(310,387)	(502,563)	(1,054,016)
Write downs	–	–	(10,921)	(10,921)
Written back to lease liability	–	(182,733)	–	(182,733)
As at 30 June 2004				
Gross book value	2,241,666	1,253,170	3,104,520	6,599,356
Accumulated depreciation / amortisation	<u>(305,978)</u>	<u>(693,623)</u>	<u>(1,093,056)</u>	<u>(2,092,657)</u>
Net book value	<u>1,935,688</u>	<u>559,547</u>	<u>2,011,464</u>	<u>4,506,699</u>

TABLE B – Assets at valuation as at 30 June 2004

Item	Plant and Equipment \$	TOTAL \$
As at 30 June 2004		
Gross value	303,139	303,139
Accumulated depreciation / amortisation	<u>(109,772)</u>	<u>(109,772)</u>
Net book value	<u>193,367</u>	<u>193,367</u>
As at 30 June 2003		
Gross value	326,793	326,793
Accumulated depreciation / amortisation	<u>(56,835)</u>	<u>(56,835)</u>
Net book value	<u>269,958</u>	<u>269,958</u>

Notes To and Forming Part of the Financial Statements

TABLE C – Assets held under finance lease as at 30 June 2004

Item	Plant and Equipment \$	TOTAL \$
As at 30 June 2004		
Gross value	874,783	874,783
Accumulated depreciation / amortisation	(582,861)	(582,861)
Net book value	291,922	291,922
As at 30 June 2003		
Gross value	1,557,431	1,557,431
Accumulated depreciation / amortisation	(1,016,372)	(1,016,372)
Net book value	541,059	541,059

TABLE D – Assets under construction as at 30 June 2003

Item	Computer Software \$	TOTAL \$
As at 30 June 2004		
Gross value at 30 June 2004	–	–
Gross value at 30 June 2003	853,398	853,398

	2004 \$	2003 \$
<u>Note 9E: Other non-financial assets</u>		
Software maintenance & support prepaid	36,622	232,916
Prepaid property rentals	144,500	–
Other prepayments	22,644	33,399
Total other non-financial assets	203,766	266,315

All prepayments are current

Note 10: Interest Bearing LiabilitiesNote 10A: Leases

Finance Lease Commitments

Payable:

Within one year	273,773	375,189
In one to five years	50,995	607,028
Minimum lease payments	324,768	982,217
<i>Deduct: future finance charges</i>	(12,546)	(408,138)
Total lease liability	312,222	574,079
Lease liability is represented by:		
Current	261,999	349,070
Non-current	50,223	225,009
Total lease liability	312,222	574,079

Finance lease exits in relation to certain major office equipment assets. The leases are non-cancellable and for fixed terms averaging three years, with a maximum of five years.

Notes To and Forming Part of the Financial Statements

	2004	2003
	\$	\$
<u>Note 10B: Other Interest Bearing Liabilities</u>		
Lease incentives	<u>2,124,199</u>	<u>646,905</u>
Other interest bearing liabilities are categorised as follows:		
Current	276,024	102,143
Non-current	<u>1,848,175</u>	<u>544,762</u>
Total other interest bearing liabilities	<u>2,124,199</u>	<u>646,905</u>

Note 11: Provisions

<u>Note 11A: Employee Provision</u>		
Salaries and wages	326,293	298,900
Leave	<u>2,727,615</u>	<u>2,667,193</u>
Superannuation	398,731	291,593
Aggregate employee entitlement liability	<u>3,452,639</u>	<u>3,257,686</u>

Employee provisions are categorised as follows:

Current	1,530,529	1,782,022
Non-current	<u>1,922,110</u>	<u>1,475,664</u>
	<u>3,452,639</u>	<u>3,257,686</u>

Note 12: Payables

<u>Note 12A: Supplier Payables</u>		
<u>Trade creditors</u>	<u>406,239</u>	<u>366,146</u>
Total supplier payables	<u>406,239</u>	<u>366,146</u>

All supplier payables are current

Settlement is usually made net 30 days.

Note 12B: Other Payables

Unearned revenue:		
Black Spots	391,283	391,936
Convergent Devices	125,000	–
Alternative Technical Solutions	<u>10,000</u>	<u>50,000</u>
Total other payables	<u>526,283</u>	<u>441,936</u>

All other payables are current.

Note 12C: GST Payable

Net GST Payable to the ATO	<u>10,087</u>	<u>115,266</u>
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GST payable is current.

Notes To and Forming Part of the Financial Statements

Note 13: Equity

Note 13A: Analysis of Equity

Item	Accumulated Results		Asset Revaluation Reserve		TOTAL EQUITY	
	2004	2003	2004	2003	2004	2003
	\$	\$	\$	\$	\$	\$
Opening balances as at 1 July	147,218	901,756	57,745	152,340	204,963	1,054,096
Net (deficit)	(258,137)	(754,538)	–	–	(258,137)	(754,538)
Net revaluation (decrement)		–	–	(94,595)	–	(94,595)
Transaction with owners						
Contributions by owner:						
Appropriations (equity injections)	–	–	–	–	6,000	–
Closing balances as at 30 June	(110,919)	147,218	57,745	57,745	(47,174)	204,963

Note 14: Cash Flow Reconciliation

Note 14A: Reconciliation of Operating (Deficit) to Net Cash from Operating Activities:

Reconciliation of operating (deficit) to net cash from operating activities:

	2004	2003
	\$	\$
Operating (deficit) before extraordinary items	(258,137)	(754,538)
Non-Cash Items		
Depreciation and amortisation	812,950	815,996
Amortisation of leasehold incentive	241,066	(70,158)
Gain/(Loss) on disposal of assets	–	(18,652)
Write down of non-current assets	10,921	–
Prior year adjustment	(29,267)	–
Changes in Assets and Liabilities		
(Increase) / decrease in receivables	344,434	(364,935)
(Increase) / decrease in prepayments	62,549	245,799
Increase / (decrease) in employee provisions	194,953	292,815
Increase / (decrease) in supplier payables	40,093	(90,488)
Increase/(decrease) in other payables	84,345	149,526
Extinguishment of lease liability	–	(327,877)
Net cash (used by)/ from operating activities	1,503,907	(122,512)

Notes To and Forming Part of the Financial Statements

	<u>2004</u>	2003
	\$	\$
<u>Note 14B: Reconciliation of Cash</u>		
Cash balance comprises:		
Cash at bank	865,270	338,999
Cash on hand	4,500	4,500
Deposits at call	<u>1,037,127</u>	<u>23,391</u>
Total cash	<u>1,906,897</u>	<u>366,890</u>
Balance of cash as at 30 June shown in the Statement of Cash Flows	<u>1,906,897</u>	<u>366,890</u>

Cash

Temporarily surplus funds, mainly from monthly draw-downs of appropriation, are placed on deposit at call with the Authority's banker. Interest is earned on the daily balance at the prevailing daily rate for money on call and is paid at month end.

Note 15: Contingent Losses*Unquantifiable Contingencies*

As at 30 June 2004, the Authority had a legal claim against it for a contractual dispute re a leasehold improvement fit-out. The Authority has denied liability and is defending the claim. It is not possible to estimate the amount of any eventual payment that may be required in relation to this claim.

	<u>2004</u>	2003
Note 16: Members' Remuneration		
The number of Members of the Authority included in these figures are shown below in the relevant remuneration bands		
\$30,000 – \$39,999	3	1
\$40,000 – \$49,999	–	3
\$50,000 – \$59,999	1	–
\$190,000 – \$199,999	–	1
\$200,000 – \$209,999	1	–
\$220,000 – \$229,999	–	1
\$240,000 – \$249,999	1	–
\$250,000 – \$259,999	–	1
\$260,000 – \$269,999	<u>1</u>	–
Total number of Members of the Authority	7	7
	\$	\$
Aggregate amount of superannuation payments in connection with the retirement of Members	88,068	78,592
Other remuneration received or due and receivable by Members of the Authority	<u>779,918</u>	<u>753,151</u>
Total remuneration received or due and receivable by Members of the Authority	<u>867,986</u>	<u>831,743</u>

Two part-time associate Members did not receive remuneration during the financial year.

Notes To and Forming Part of the Financial Statements

Note 17: Related Party Disclosures

The Members of the Authority during the financial year were:

Full Time Members

Professor David Flint (Chairman)
 Ms Lyn Maddock (Deputy Chair)
 Mr Michael Gordon-Smith

Part-Time Members

Mr Robert Le Tet
 Mr Malcolm Long
 Ms Jane Marquard
 Mr Ian Robertson

Part-Time Associate Members

Dr Robert Horton
 Mr Ross Jones (up to 23 July 2003)

The aggregate remuneration of Members is disclosed in Note 16.

The Australian Broadcasting Authority did not have any other transactions with Members or Member related entities during the financial year.

Note 18: Remuneration of Officers

The number of officers who received or were due to receive total remuneration of \$100,000 or more:

	2004	2003
\$100,001 – \$109,999	1	–
\$140,001 – \$150,000	–	1
\$150,001 – \$160,000	–	2
\$160,001 – \$170,000	2	–
\$170,001 – \$180,000	–	1
\$180,001 – \$190,000	1	1
\$200,001 – \$209,999	1	–
	<u>5</u>	<u>5</u>
	<u>\$</u>	<u>\$</u>
The aggregate amount of total remuneration of officers shown above.	<u><u>821,202</u></u>	<u><u>818,939</u></u>

The officer remuneration includes all officers concerned with or taking part in the management of the Authority during 2003–2004 with the exception of the Members refer to Note 16 – Members' Remuneration.

Note 19: Remuneration of Auditors

Remuneration to the Auditor-General for auditing the financial statements of the Authority for the reporting period.

<u><u>38,000</u></u>	<u><u>42,000</u></u>
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No other services were provided by the Auditor-General during the reporting period.

Notes To and Forming Part of the Financial Statements

	<u>2004</u>	<u>2003</u>
<u>Note 20: Average Staffing Levels</u>		
The average staffing levels for the ABA during the year were:	<u>125</u>	<u>124</u>

Note 21: Financial InstrumentsNote 21A: Terms, Conditions and Accounting Policies

Financial instrument	Notes	Accounting policies and methods (including recognition criteria and measurement basis)	Nature of underlying instrument (including significant terms & conditions affecting the amount, timing and certainty of cash flows)
Financial assets		Financial assets are recognised when control over future economic benefits is established and the amount of the benefit can be reliably measured.	
Deposits at call	14B	Deposits are recognised at their nominal amounts. Interest is credited to revenue as it accrues.	Funds, mainly from monthly draw-downs of appropriation, are placed on deposit at call with the ABA's banker. Interest is earned on the daily balance at the prevailing daily rate for money on call and is paid at month end.
Receivables (goods and services)	8A	These receivables are recognised at the nominal amounts due less any provision for bad and doubtful debts. Provisions are made when collection of the debt is judged to be less rather than more likely.	Credit terms are net 30 days (2002–03: 30 days).
Other debtors	8A	As for receivables (goods and services)	As for receivables (goods and services)
Financial liabilities		Financial liabilities are recognised when a present obligation to another party is entered into and the amount of the liability can be reliably measured.	
Finance lease liabilities	10A	Liabilities are recognised at the present value of the minimum lease payments at the beginning of the lease. The discount rates used are estimates of the interest rates implicit in the lease.	At reporting date, the ABA had a finance lease with a term of 5 years. The estimate of the interest rate implicit in the lease is 6.3%. The lease liabilities are secured by the lease assets.
Suppliers and Other Payables	12A, 12B	Creditors and accruals are recognised at their nominal amounts, being the amounts at which the liabilities will be settled. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).	Settlement is usually made net 30 days.

Notes To and Forming Part of the Financial Statements

Note 21B: - Interest Rate Risk

Financial Instrument	Notes	Floating Interest Rate		Fixed Interest Rate Maturing In				Non- Interest Bearing		Total		Weighted Average Effective Interest Rate				
		2004	2003	1 to 5 Years		> 5 Years		2004	2003	2004	2003	2004	2003			
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	%	%			
Financial Assets																
Cash at bank and on hand	14B	865,270	338,999	-	-	-	-	4,500	4,500	869,770	343,499	3.1	3.1			
Deposits at call	14B	1,037,127	23,391	-	-	-	-	-	-	1,037,127	23,391	4.5	4.5			
Receivables for goods and services (gross)	8A	-	-	-	-	-	-	200	50,284	200	50,284	n/a	n/a			
Interest receivable	8A	-	-	-	-	-	-	8,986	1,469	8,986	1,469	n/a	n/a			
Other receivables	8A	-	-	-	-	-	-	48,071	1,155,171	48,071	1,155,171	n/a	n/a			
GST receivable	8A	-	-	-	-	-	-	110,076	224,063	110,076	224,063	n/a	n/a			
Total		1,902,397	362,390	-	-	-	-	171,833	1,435,487	2,074,230	1,797,877					
Total Assets													6,784,495	5,606,981		
Financial Liabilities																
Finance lease liabilities	10A	-	-	312,222	574,079	-	-	-	-	312,222	574,079	6.3	6.3			
Lease incentive	10B	-	-	1,554,000	646,905	570,199	-	-	-	2,124,199	646,905	6.3	6.3			
Supplier payables	12A	-	-	-	-	-	-	406,239	366,146	406,239	366,146	n/a	n/a			
Other payables	12B	-	-	-	-	-	-	526,283	441,936	526,283	441,936	n/a	n/a			
GST payable	12C	-	-	-	-	-	-	10,087	115,266	10,087	115,266	n/a	n/a			
Total		-	-	1,866,222	1,220,984	570,199	-	942,609	923,348	3,379,030	2,144,332					
Total Liabilities													6,831,669	5,402,018		

Notes To and Forming Part of the Financial Statements

Note 21C: Net Fair Values of Financial Assets and Liabilities

	Notes	2004		2003	
		Total Carrying Amount \$	Aggregate Net Fair Value \$	Total Carrying Amount \$	Aggregate Net Fair Value \$
Financial Assets					
Cash at bank	14B	865,270	865,270	338,999	338,999
Cash on hand	14B	4,500	4,500	4,500	4,500
Deposits at call	14B	1,037,127	1,037,127	23,391	23,391
Receivables for goods and services	8A	–	–	50,084	50,084
Interest receivable	8A	8,986	8,986	1,469	1,469
Other receivables	8A	48,071	48,071	1,155,171	1,155,171
GST receivable	8A	110,076	110,076	224,063	224,063
		2,074,030	2,074,030	1,797,677	1,797,677
Financial Liabilities					
Finance lease liabilities	10A	312,222	312,222	574,079	574,079
Lease incentive	10B	2,124,199	1,575,154	646,905	646,905
Supplier payables	12A	406,239	406,239	366,146	366,146
Other payables	12B	526,283	526,283	441,936	441,936
GST payable	12C	10,087	10,087	115,266	115,266
		3,379,030	2,829,985	2,144,332	2,144,332

Financial assets

The net fair values of cash and deposits on call equal their carrying amounts.

Financial liabilities

The net fair values of all finance lease liabilities are based on discounted cash flows using current interest rates for liabilities with similar risk profiles.

The net fair values for trade and other creditors, all of which are short-term in nature, equal their carrying amounts.

Note 21D: Credit Risk Exposures

The Australian Broadcasting Authority's maximum exposure to credit risk at reporting date in relation to each class of recognised financial assets is the carrying amount of those assets as indicated in the Statement of Financial Position.

The Authority has no significant exposures to any concentrations of credit risk.

Notes To and Forming Part of the Financial Statements

	2004	2003
	<u>\$'000</u>	<u>\$'000</u>
Note 22: Administered Items		
Note 22A: Revenues Administered on Behalf of Government for the year ended 30 June 2004		
Other taxes, fees and fines		
Broadcasting licence fees – external entities	225,000	200,000
Non-Taxation Revenue		
Proceeds from auction sales of licences (external entities)	210,000	35,381
Total Revenues Administered on Behalf of Government	<u>435,000</u>	<u>235,381</u>

Note 22B: Expenses Administered on Behalf of Government for the year ended 30 June 2004		
Write-down and impairment of assets of assets		
(The Administered accrued revenue carried over from 2001–02 was written down to the amount received).	–	21,424
Total Expenses Administered on behalf of Government	<u>–</u>	<u>21,424</u>

Note 22C: Assets Administered on Behalf of Government as at 30 June 2004		
Financial Assets		
Receivables	2	2
Accrued Revenues (licence fees)	208,879	200,000
Total Assets Administered on Behalf of Government	<u>208,881</u>	<u>200,002</u>

Note 22D: Administered Reconciliation Table		
Opening administered assets less administered liabilities at 1 July	200,002	225,870
Plus: Administered revenues	435,000	235,381
Less: Administered expenses	–	(21,424)
Less: Transfers to Official Account	(426,121)	(239,825)
Closing administered assets less administered liabilities	<u>208,881</u>	<u>200,002</u>

Note 22E: Administered Commitments
There were no administered Commitments for 2003–04 (2003: nil)

Note 22F: Administered Contingencies
There were no administered contingencies for 2003–04 (2003: nil)

The Authority received \$216.144m in licence fees from commercial radio and commercial television licensees for the 2003–04 collection year, which consisted of \$16.371m from commercial radio and \$199.773m from commercial television licensees.

In the 2003–04 collection year, eligible commercial television licensees in regional areas accessed regional equalisation rebates of \$22.490m.

Notes To and Forming Part of the Financial Statements

Note 22G: Administered Financial Instruments			
Financial instrument	Notes	Accounting policies and methods (including recognition criteria and measurement basis)	Nature of underlying instrument (including significant terms & conditions affecting the amount, timing and certainty of cash flows)
Financial assets		Financial assets are recognised when control over future economic benefits is established and the amount of the benefit can be reliably measured.	
Receivables / Accrued revenue	22C	Accrued revenue is recognised at the nominal amounts due.	The due date for licence fees is 31 December each year.
Financial Liabilities		Financial liabilities are recognised when a present obligation to another party is entered into and the amount of the liability can be reliably measured. There were no liabilities recorded.	

Note 23: Appropriations

Particulars	Departmental Outputs		Equity		Total	
	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000
Year ended 30 June						
Balance carried forward from previous year	–	–	–	–	–	–
Appropriation Acts 1 and 3	16,215	15,154	–	–	16,215	15,154
Appropriation Acts 2 and 4	–	–	6	–	6	–
Available for payments of CRF	16,215	15,154	6	–	16,221	15,154
Payments made out of CRF	16,215	15,154	6	–	16,221	15,154
Balance carried forward to next year	–	–	–	–	–	–

This table reports on appropriations made by Parliament from the Consolidated Revenue Fund (CRF) for payments to the Authority. When received by the Authority, the payments made are legally the money of the Authority and do not represent any balance remaining in the CRF.

Note 24: Reporting of Outcomes

Note 24A: Outcomes of the ABA

The ABA is structured to meet one outcome: An accessible, diverse and responsible broadcasting industry. The two output groups identified for this outcome are:

- (1) managing regulation of broadcasting; and
- (2) licensing of broadcasting services.

Notes To and Forming Part of the Financial Statements

Note 24B: Net Cost of Outcome Delivery

	Outcome	
	2004	2003
	\$'000	\$'000
Administered expenses	–	21,424
Departmental expenses	17,102	17,148
Total expenses	17,102	38,572
<i>Cost recovered from provision of goods and services to non-government sector</i>		
Administered	435,000	235,381
Departmental	101	155
Total costs recovered	435,101	235,536
<i>Other external revenues</i>		
Departmental		
Sale of goods and services – to related entities	1	3
Interest	69	53
Revenue from Sale of assets	–	22
Other	457	652
Total Departmental	527	730
Total other external revenue	527	730
Net cost / (contribution) of outcome	(418,526)	(197,694)

Note 24C: Departmental Revenues and Expenses by Output Group

	Output 1.1		Output 1.2		Total	
	2004	2003	2004	2003	2004	2003
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Operating expenses						
Employees	5,426	5,127	5,069	5,063	10,495	10,190
Suppliers	2,851	3,064	2,663	3,027	5,514	6,091
Depreciation and amortisation	545	411	509	405	1,054	816
Write-down of assets	6	–	5	–	11	–
Value of assets disposed	–	2	–	1	–	3
Borrowing costs expense	14	24	13	23	27	47
Total operating expenses	8,842	8,628	8,259	8,519	17,101	17,147
Funded by:						
Revenues from Government	8,383	7,980	7,832	7,529	16,215	15,509
Sale of goods and services	53	79	49	80	102	159
Interest	36	27	33	26	69	53
Revenue from sale of assets	–	11	–	11	–	22
Other non-taxation revenue	236	326	221	325	457	651
Total operating revenues	8,708	8,423	8,135	7,971	16,843	16,394

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