

RADIO SELF-REGULATION BEGINS

New codes of practice developed by the commercial radio industry took effect from 17 May.

The codes were developed by the Federation of Australian Radio Broadcasters (FARB) after a consultation process which included commercial radio broadcasters, the music industry, the public and the ABA. They will be the basis for self-regulation by the commercial radio industry.

The codes - covering news and current affairs, advertising, material unsuitable for broadcast, Australian music and complaints handling - replace ABA standards on the same issues (except for the new complaints process which was not previously covered by an ABA standard - see below).

'The new Act ushered in an era of greater responsibility by the broadcasting industry for program content regulation. FARB's development of codes has been commendable and the ABA now expects industry will take the running on these issues,' said Mr Brian Johns, ABA Chairman.

He said while the ABA will monitor how the codes operate, 'Their successful

implementation rests with the radio industry.'

FARB is developing explanatory guidelines on the codes for use by industry and is undertaking workshops for broadcasters on the new codes and complaints processes.

Under the new codes, if people wish to complain about programs they must first talk to the broadcaster. 'Any listener or commentator who's concerned about what they hear on radio, should now call the station direct,' said Mr Johns.

If a response to a complaint is not received within 60 days, or if the reply is unsatisfactory, the ABA can be asked to investigate.

If an individual station refuses to comply with a FARB code, the ABA may make the code a condition of a station's licence. Non-compliance with a licence condition could result in court proceedings against a licensee for breaching the Act.

If there was convincing evidence of a code failing across the industry, the ABA could determine a standard after seeking public comment.

Copies of the codes are available from FARB by calling (02) 906 5944.



ABA CONSIDERS TELEVISION CODE OF PRACTICE

The ABA is assessing a code of practice developed by the commercial television industry.

Under the *Broadcasting Act 1992*, commercial and community broadcasters are required to develop codes relating to programming matters, which will replace most ABA broadcasting standards. The exceptions are those standards relating to Australian content on television and children's television which will be retained.

The Federation of Australian Commercial Television Stations (FACTS) has presented the code (which covers a range of subjects) and a detailed submission to the ABA.

The code covers news and current affairs programs; advertising content and placement; program classification; programs unsuitable for broadcast; and a new complaints handling process. Subject to a positive assessment, FACTS anticipates the code could be implemented by the television industry in early July.

The ABA is assessing the codes against three criteria for registration and must register them if:

- they provide appropriate community safeguards;
- they are endorsed by a majority of service providers in that section of the industry; and
- members of the public have been given adequate opportunity to comment.

A copy of FACTS' submission in support of its code may be viewed at any ABA office.

FACTS CODES OF PRACTICE

FACTS first released its draft codes of practice for public comment in August 1992. Advertisements were run in both the press and on television inviting comment from the public on the draft codes. FACTS sent out 1475 copies of the draft code in this first round of comment and received 287 responses from community

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ABC CODE ON DISCRIMINATORY BROADCASTS

The Australian Broadcasting Corporation (ABC) has notified the ABA that its code of practice now includes a section covering discriminatory broadcasts.

'The issue of discriminatory broadcasts is an important one which we have taken up with broadcasters,' said Mr Brian Johns, ABA Chairman. 'The ABA is keen to see it made explicit in all codes of practice.'

The changes to the code require the ABC to avoid the portrayal of people in a way likely to encourage denigration or discrimination on the basis of race, nationality, sex, age, physical or mental disability, occupational status, sexual preference, or religious, cultural or political belief.

The amended code came into force on 17 March 1993 and also covers portrayal of violence and sex; the use of language; children's, religious and Aboriginal and Torres Strait Islander programs; the portrayal of women and gender stereotyping; news and current affairs; promotions for programs; program classification and complaints handling.

Under the *Broadcasting Services Act 1992*, primary responsibility for ensuring programs reflect community standards has been shifted to broadcasters themselves, with all sectors of the industry being required to develop codes of practice.

Copies of the code are available from the ABC.



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Once it is satisfied there are no impediments to allocating a licence, the ABA must notify the applicant that a licence will be allocated upon payment of the amount bid by the applicant.

The applicant has 30 days in which to pay the price bid otherwise the allocation process will recommence with the next highest bidder.

ROLE OF THE TPC

The issue by the ABA of licences A or B is subject to a report by the TPC stating that the issuing of the licence would not contravene section 50 of the *Trade Practices Act 1974* (TPA) and that the allocation would be authorised under that Act if the applicant had applied for such an authorisation.

Authorisation may be granted on public benefit grounds. Section 50 of the TPA prohibits mergers or other acquisitions which substantially lessen competition. The TPC must provide a report in relation to each application within 45 days of the ABA's written request.

FURTHER INFORMATION

More detailed information about the regulation of pay TV services can be found in the ABA's *Guide to Subscription Television Broadcasting Services*. This publication can be obtained free of charge by calling the ABA on (02) 959 7811.



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organisations (including religious groups), government agencies and individuals.

A second draft version released in February 1993 was also widely advertised. Copies of this draft were sent to all submitters to the first draft and an additional 850 copies were distributed.

FACTS has provided the ABA with copies of all 245 submissions received from government agencies and individuals.

NOTICES ISSUED TO UCOM

The ABA has met with Mr Graeme Harrison, who gave sworn evidence to the ABA that he was not a director or a shareholder of UCOM, the highest bidder for satellite pay TV Licence A, despite being named as the proposed chairman on the tender documents for that company.

In discussions with the ABA, Mr Harrison's legal representatives offered his full cooperation and accordingly ABA officers met with him.

NOTICES TO UCOM

Following the meeting with Mr Harrison, on 7 May, the ABA issued notices under the *Broadcasting Services Act 1992* requiring UCOM's directors to answer specific questions about their company's pay TV tender bid.

The ABA directed UCOM'S directors,

officials and shareholders to answer questions about:

- their knowledge of and dealings with UCOM and Hi Vision until and including 28 April 1993,
- their involvement in the preparation of UCOM's tender bid,
- their shareholding interests in UCOM,
- whether or not they were signatories to the UCOM tender,
- whether or not they were directors of UCOM on 28 April, 1993,
- whether they had ever agreed to become a director of UCOM.

The notices were issued under s.173 of the Act which allows the ABA to exercise its information gathering powers.

The ABA has also met with representatives of Hi Vision.



WAGGA FM LICENCE INQUIRY

The ABA held a public hearing in Wagga Wagga on 19-20 May as part of its joined inquiry into whether to grant a commercial FM radio licence or a supplementary FM radio licence for the area.

The hearing continues an Australian Broadcasting Tribunal (ABT) inquiry following the successful appeal by Riverina Broadcasters (Holdings) Pty Ltd, licensee of 2WG, against the ABT decision in November 1991 to grant a commercial FM licence to Wagga and Riverina FM Stereo Broadcasters Pty Ltd (WRIV).

The Federal Court referred the decision to the ABT for further consideration after finding the ABT had made an error of law. The ABA replaced the ABT on 5 October 1992 and the *Broadcasting Services Act 1992* replaced the *Broadcasting Act 1942*. This licence grant inquiry is preserved and is being considered by the ABA under the Broadcasting Act.

At the hearing, the ABA heard submissions from WRIV, which has applied for a commercial FM licence and 2WG, which has applied for a supplementary FM

licence. The criteria against which applications will be considered included whether the applicant: is a fit and proper person to hold the licence; has the financial, technical and management capabilities necessary to provide an adequate and comprehensive service; and is capable of complying with the conditions of the licence.

The ABA will also consider the implications for the viability of 2WG if an independent commercial FM licence is granted.

The public inquiry file, which includes all evidence previously considered during the former ABT inquiry and any updated information subsequently lodged with the ABA, is available for inspection at the Riverina Community Library, 40 Gurwood St, Wagga Wagga and at the ABA in Sydney.

The new licence area corresponds to the service area of 2WG: the districts of Coolamon, Cootamundra, Culcairn, Gundagai, Junee, Lockhart, Narrandera, Temora, Tumut and Wagga Wagga.

