

ABA TUNES IN TO COMPLAINTS ABOUT RADIO

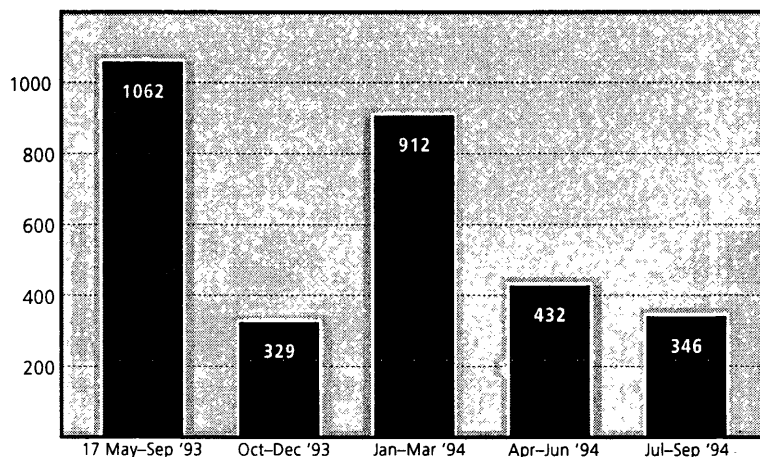
Codes of Practice for the commercial radio sector were registered in May 1993. The codes were developed by the Federation of Australian Radio Broadcasters (FARB), in consultation with the ABA and taking account of relevant ABA research. In addition to covering issues such as language, talk-back programs and news and current affairs programs, the commercial radio codes of practice include procedures for handling listeners' complaints about code matters. They also set levels for the broadcast of Australian performed music.

There are anti-discrimination provisions in the radio code, intended to prevent the broadcast of material which is likely to incite hatred or serious contempt for any person or group on the basis of race, gender and physical or mental disability. FARB also has guidelines relating to the portrayal of Aboriginal and Torres Strait Islander peoples and the portrayal of women.

MONITORING THE CODES

One of the primary functions of the ABA is to monitor compliance with industry codes of practice. FARB provides quarterly reports of complaints received by its members. The ABA also receives calls and letters direct from listeners with comments and complaints about commercial radio broadcasts. The ABA is an observer at meetings of the Australian Music Performance Committee (AMPCOM) which represents the music and radio industries and monitors compliance with the Australian Music Code.

Table 1: Complaints about programs received by commercial radio stations



Source: FARB quarterly reports to the ABA

COMPLAINTS REPORTS

Under the codes, commercial radio broadcasters are responsible for resolving written and telephone complaints from their listeners, while the ABA investigates complaints that have not been resolved by the broadcasters themselves, or where the broadcaster has not answered the complainant within 60 days.

For the first 17 months, since the code came into existence, approximately 150 commercial radio stations recorded a total of 3101 complaints. The distribution of complaints over five reporting periods is presented at Table 1. The large increase in the March 1994 quarter resulted from the introduction of the Arch Tambakis program on 8HA. Complainants expressed concern about Mr Tambakis' robust presentation style.

The program format attracting by far the largest number of complaints was talk and discussion, followed by music performance, advertising and news and current affairs. This is presented at Table 2. The station dealt with the complaints. No unresolved complaints were subsequently referred to the ABA.

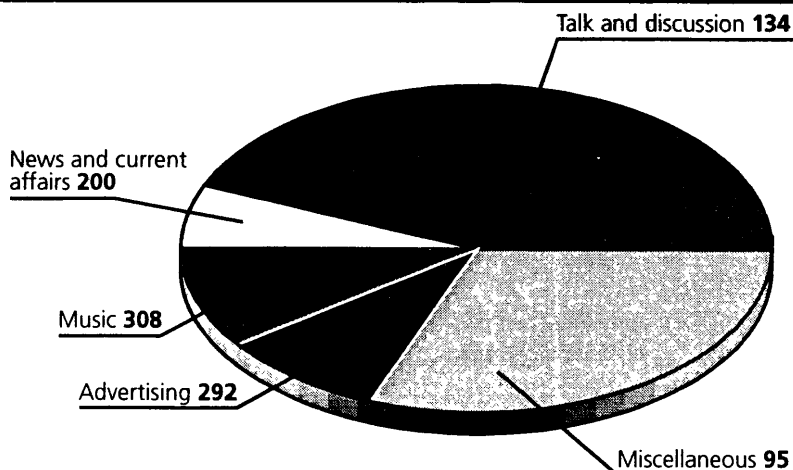
COMPLAINTS TO THE ABA

For the 12 months ending June 1994, the ABA received 277 direct complaints about commercial radio, a slight increase compared to the 258 complaints received in 1992-93.

Only four unresolved complaints were referred to the ABA for investigation. Three of these were about unsatisfactory complaint handling procedures and the fourth concerned an alleged discriminatory broadcast. On investigation by the ABA, no breach of the code was found.

The range of matters complained about by listeners to the ABA included taste, morality and decency issues (which often focussed on individual presenters), discriminatory broadcasts and language. The most complained about program was the Stan Zemanek program on 2UE, receiving 22 complaints. Complainants were advised of the complaints procedure under the code and referred to 2UE. No unresolved complaints were referred to the ABA concerning the Stan Zemanek program.

Table 2: Complaints about programs received by commercial radio stations—by category (May 1993–September 1994)



Source: FARB quarterly reports to the ABA

AUSTRALIAN MUSIC CODE

Code Four of the commercial radio industry's code of practice relates to Aus-



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tralian music. AMPCOM monitors the operation of this code.

The Australian Music Code requires that either a proportion of the total time occupied in the broadcasting of music, or a proportion of the total number of musical items broadcast, shall consist of music items performed by Australians during the 'Australian Performance Period' (APP)—126 hours occurring between 6 a.m. and 12 midnight in any one week. The proportions are scaled in terms of the station's program format. For example, a metropolitan station with an 'adult contemporary' format is required to achieve not less than 15 per cent Australian music content.

Under Code Four, FARB is required to provide regular reports to AMPCOM on the performance of member stations in relation to the code. FARB is also required to publish an annual report detailing individual licensee's performances. A report has been provided for the period 17 May 1993 to 30 June 1994.

Compliance with Australian music content has been high. Metropolitan stations have recorded an average 22.36 per cent of the music they broadcast being performed by Australians, while major regionals averaged 21.97 per cent. Only four stations did not reach the 15 per cent Australian music content requirement. One involved a change of format, two involved administrative computer errors and one involved a change of ownership. ☐

PRIME MEDIA ISSUED 45 PAY TV LICENCES

The ABA has allocated 45 licences for non-satellite pay TV broadcasting services to Prime Media Developments Pty Ltd.

Prime Media has indicated it intends to deliver its pay TV services Australia-wide via cable.

The licences have been allocated on the basis of one licence per proposed service. The ABA takes a service to be a single stream of programming material.

'The ABA examined the shareholding structure of the company and found it complied with the foreign ownership provisions of the Broadcasting Services Act', said Mr Brian Johns, ABA Chairman. 'In addition, the ABA found no reason to regard the company as being unsuitable to be allocated pay TV licences.'

LICENCE ALLOCATIONS

Section 96 of the *Broadcasting Services Act 1992* (the Act) allows the ABA to allocate subscription television broadcasting licences delivered by means other than satellite.

Unlike transmitter licences or other service delivery permits, these licences do not have geographical limitations. Therefore, a service licence is valid throughout Australia as long as the programming on that service is the same in all areas of reception. Where the service differs in a location, a separate service licence is required.

The current prohibition on licensing a pay TV broadcasting service dependent on an MDS system as its means of transmission, or as a part of its means of transmission, does not extend to services using cable as a means of delivery.

The ABA must not allocate a licence for an MDS delivered pay TV broadcasting service before the commencement of satellite broadcasting services under licence A, B or C. This prohibition ceases to have effect on 31 December 1994.

Apart from licences A, B and C, the ABA must not allocate a licence that uses satellite as a means of service delivery before 1 July 1997.

SUITABILITY

The Act contains a presumption that licence applicants are suitable persons. When examining suitability, the ABA is

required to take into account the business record of an applicant company and its controllers and their record in situations requiring trust and candour.

A pay TV licence applicant is unsuitable if the ABA decides there would be a significant risk of an offence against the Act or a breach of the conditions of the licence occurring. In other words, the suitability test relates strictly to the applicant's ability to comply with the obligations of the licence.

Relevant offences under the Act relate to ownership and control limits on pay TV licences. This means the ABA could refuse to allocate a licence if a breach of these limits would result.

Most pay TV licence conditions relate to programming, for example, anti-siphoning rules, no R-rated material until and unless Parliament approves its transmission; no advertising or sponsorship before 1997. Another condition is that a pay TV service is not to be used in the commission of an offence.

Once a licence has been allocated, there is a requirement for the licensee to remain a suitable person. This means if at any time after the licence is allocated the ABA decides there is a significant risk of an offence against the Act or a breach of the conditions of licence occurring, it may take action to remove the risk of such an offence or breach taking place.

LICENCE HOLDERS

Current holders of cable pay TV licences are: Access Cable Television Limited (110 licences); Access Cable TV (Northern Rivers) Pty Ltd (4); Cable Television Services Pty Ltd (20); Dergat Pty Ltd (4); Explorer Channel Pty Ltd (1); Home Show Cable Australia Pty Ltd (20); Multicom Australia Pty Limited (35); NRS Group Pty Ltd (13); Oberon Broadcasters Pty Ltd (10); Pacific Media Telecommunications Pty Ltd (18); Paynet Telecommunications Pty Ltd (8); Premier Cable Australia Proprietary Limited (43); Prime Media Developments Pty Ltd (45); Private Cable Network Pty Limited (34); Rowcom Holdings Pty Ltd (28); Star Vision Pty Limited (30); Visitor Publishing Group Pty Ltd (2); Wright Weller Rosenblum Pty Ltd (10). ☐