



COMPLAINTS ABOUT RADIO

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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). ☐