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international research forum will contribute to this', said Acting ABA Chairman, Mr Peter Webb.

The aims of the forum include promoting awareness of the need for research into children, television and developing multimedia, as well as exchanging information about this research.

'Research is an important aid to policy-making about children's television', said Mr Webb.

'The ABA is keen to share the findings of its own research and to access research being conducted worldwide. We also hope to collaborate with other organisations in order to conduct joint research, particularly with overseas regulators.'

The idea of the research forum was strongly supported at the World Summit. Participation is invited from regulators and policy makers, children's television program makers and organisations, and individuals involved in promoting or conducting research into children and television.

The ABA is responsible for the initial exchange of forum contacts and consideration of implementation issues, such as use of existing international newsletters about children, the media and the Internet in order to distribute information to forum members.

## **International children's television research forum**

The objectives of the forum are to provide an international forum for:

1. Promoting awareness of the need for research into children and television, including developing multimedia.
2. Stimulating research as an aid to policy making on children and television.
3. Exchanging information on children's television research.
4. Encouraging collaboration on research into children and television.

Participation is invited from organisations involved in the regulation of children's television, organisations and individuals involved in promoting or conducting research into children and television and children's television program makers.

The ABA has provided the initial co-ordination.

## **Government ads not in breach of advertising law**

SYDNEY: Four NSW Government advertisements aired by commercial television

stations did not constitute 'political matter' under current broadcasting laws, the ABA has announced.

The advertisements were: Clean Water 2000 (Department of Conservation and Land Management; NSW Health - Emergency Department (NSW Health Department); State Forests Plantations (State Forests); and CityRail - Safer Stations (State Rail Authority). They were broadcast between November 1994 and early 1995.

The NSW Opposition complained to the ABA that the advertisements were political matter, within the meaning of that term in the Broadcasting Services Act, and should carry authorisations as required by that Act.

Under the Act, radio and television licensees can only air political matter if it identifies the political party, organisation or person who authorised the broadcast, including where they live or where their office is located, and the names of any speakers in the broadcast. All the advertisements broadcast had been cleared by the Commercials Acceptance Division of the Federation of Australian Commercial Television Stations.

'The ABA considered a number of detailed legal arguments put to it about the proper interpretation of the previously untested legislation,' said ABA Acting Chairman, Mr Peter Webb.

'The ABA formed the view that it was not open to it to find the subjects of the advertisements had a sufficient connection with a political issue at the time of broadcast,' he said.

'The ABA recognises the four advertisements dealt with topics of continuing community interest. But in the view of the ABA the advertisements did not fall within the statutory definitions of either political or election matter.'

'Nevertheless, it may be of benefit to broadcasters to have guidelines to assist their consideration of this style of advertising and the ABA will consult with the industry to see if guidelines might be appropriate for the future,' Mr Webb said.

In reaching its decision, the ABA also analysed the content of each advertisement, and the surrounding media coverage at the time of broadcast for each of the issues presented by the advertisements.

This is the first time the ABA has been required to examine this issue since the Broadcasting Services Act took effect in 1992. The ABA sought the views of affected parties, including the commercial television industry, on the meaning and scope of the term 'political' ▷



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matter' as used in the legislation.

The ABA's decision is contained in a report available from Rosalie O'Neale on (02) 334 7839.

## The complaint

On 14 February 1995, the ABA received a complaint from the Office of the Leader of the Opposition in New South Wales in relation to the broadcast on commercial television of four advertisements for various NSW Government agencies.

The Opposition alleged the advertisements are 'political matter' as defined at Schedule 2, Part 1, Clause 1 of the *Broadcasting Services Act 1992*, and therefore should have been 'tagged' with the 'required particulars' in accordance with Schedule 2, Part 2, Clause 4 (2) of the Act when they went to air.

The 'required particulars' are: the name of the political party (if the matter was authorised by a political party), and the natural person giving the effect to the authorisation; or the name of the authorising person (if the matter was authorised by a person other than a political party); the location of the political party or the person; and the name of every speaker who 'delivers an address or makes a statement' that forms part of the matter.

It is important to identify political matter in this way to enable the viewer to identify the source of the material they are watching.

The Opposition further alleged that the four advertisements are 'election matter', and thus subject to the three day electoral blackout that commences at the end of the Wednesday before the polling day for the election.

Compliance with these requirements is a condition of licence for commercial television licensees.

## Investigation process

The ABA sought comment on the complaint from the relevant Government agencies via the NSW Government Information and Activities Office. Submissions were received from each of these in relation to their respective advertisements and also from the NSW Crown Solicitor's Office. The Federation of Australian Commercial Television Stations responded on behalf of the relevant commercial television broadcasters.

The ABA obtained legal advice in relation to the interpretation of 'political matter', and considered submissions made by affected parties.

To test whether any of the four advertisements were 'political matter', the ABA first identified the issues under discussion in

each advertisement. This was done through an analysis of the content of each of the advertisements. The next step was to determine whether or not these issues were 'political' issues at the time of broadcast. This was established through a search of newspaper articles published in the *Sydney Morning Herald* over the period the advertisements were broadcast as well as an examination of the policy statements and media releases of the Premier of NSW and of the Leader of the Opposition in NSW.

## Approach to 'political matter'

In the case of the four advertisements complained about, the ABA concluded that the main issue dealt with in each advertisement did not have a sufficient connection with a political issue at the time of broadcast. Hence they were not political matter.

However, in its report the ABA makes it clear that depending on the surrounding public debate at the time of broadcast, broadcasts which might ordinarily be seen as providing information emanating from government or non-government organisations, including government business enterprises, could constitute political matter.

One obvious political issue during the period leading up to an election is the outcome of the election itself, in other words, whether the government should be returned to office. If an advertisement was to enhance or disparage the image of a government (for example), and a relationship is established between this and the issue of whether the government should be returned to office, then the advertisement broadcasts political matter. In relation to the NSW Government advertisements the ABA found, that, at the time of broadcast, there was not a strong enough link between enhancement of the Government's image in any of the four advertisements and the issue of the Government's performance at the upcoming March election.

The ABA also found that these four advertisements did not constitute election matter, nor were they election advertisements.

## Consultation with broadcasters

This decision focuses on the link between the issue dealt with in each advertisement and the nature of public debate at the time of broadcast. This means that broadcasters have to be aware of changes in the content and level of public debate on issues to be able to identify when advertisements or other broadcasts constitute political matter.



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The ABA is intending to consult with the commercial radio and television industries in the light of the impact this decision will have on a licensees' approach to assessing political matter.

## ABA allocates pay TV licences to CVC and Planet

SYDNEY: The ABA has allocated 20 licences for non-satellite pay TV broadcasting services to CVC Pay TV Pty Ltd and 20 licences to Planet Pay TV Pty Limited.

CVC Pay TV is no longer associated with satellite pay TV licence A after selling its interests in Continental Century Pty Ltd to East Coast Pay Television Pty Ltd.

CVC Pay TV has indicated it intends to deliver its services throughout Australia via MDS and/or cable where available.

Planet Pay TV has indicated it intends to deliver its pay TV services via cable and MDS. The services will contain essentially adventure sports and leisure programming for distribution to subscribers in tourist areas throughout Australia.

The ABA has now issued a total of 809 non-satellite subscription television licences. Licence holders are:

Licence holder	No. of licences
Access Cable Television Ltd	110
Access Cable TV (Northern Rivers) Pty Ltd	4
Cable Television Services Pty Ltd	20
Central Coast Cablevision Pty Ltd	10
CVC Pay TV Pty Ltd	20
Dergat Pty Ltd	4
Explorer Channel Pty Ltd	1
Home Show Cable Australia Pty Ltd	20
Interactive Telecommunications Network Ltd	150
Multicom Australia Pty Ltd	35
NRS Group Pty Ltd	13
Oberon Broadcasters Pty Ltd	10
Pacific Media Telecommunications Pty Ltd	18
Paynet Telecommunications Pty Ltd	8
Planet Pay TV Pty Ltd	20
PPV TV Pty Ltd	20
Premier Cable Australia Pty Ltd	43
Prime Media Developments Pty Ltd	45
Private Cable Network Pty Ltd	34
Rowcom Holdings Pty Ltd	28
Selectra Pty Ltd	50
Star Vision Pty Ltd	50
Vinatech Pty Ltd	50
Visitor Publishing Group Pty Ltd	2
Wright Weller Rosenblum Pty Ltd	10

## BSEG launch

SYDNEY: The final report of the Broadband Services Expert Group, *Networking Australia's Future*, was launched by the Prime Minister, Mr Paul Keating, at Film Australia on 1 March.

'The work of BSEG in the past year has helped to put Australia in the best possible position to take advantage of technological developments - particularly in their social applications,' Mr Keating said.

BSEG's fundamental recommendation of a national strategy for new communications networks based broadly on the joint development of technical and creative infrastructure was warmly endorsed by the Prime Minister.

'The technical infrastructure is already on the way. Our telecommunications networks provide the platform for new interactive services to operate and offer access to networks like Internet,' he said. 'Last year we went a long way to developing the creative infrastructure when we produced the cultural statement, *Creative Nation*. A substantial part of that statement was directed at information technology and the new media.'

Mr Keating announced the establishment of a National Information Services Council, as recommended by BSEG. The Council will comprise Ministers and leaders from relevant fields and will meet in April and October this year. Following the meetings, Cabinet will be convened to formally coordinate the Government's policy responses.

'By the end of the year we will have a blueprint for the next century,' Mr Keating said. 'The opportunity for Australia is probably unprecedented. We have the chance to dramatically improve the performance of our existing industries while creating a plethora of new ones. New industries which will integrate us with the region and the world and at the same time, strengthen our national life, culture and identity. We have the chance to deliver services more equitably and efficiently than ever before. In other words, we have the chance to make Australia significantly wealthier and more democratic; culturally richer and socially more cohesive. It's an extraordinary opportunity and it can be truly said we are superbly placed to take advantage of it.'

*An interview with BSEG Chairman Mr Brian Johns about the group's final report appears elsewhere in this issue of ABA Update. Networking Australia's Future, the final report of the BSEG, is reviewed in 'New in the Library'.*