Questions were abruptly cut off and Paul Vautin announced that the conference was at an end. It was when members of the press questioned his authority to shut down the conference so abruptly that Vautin responded with the pejorative, 'You big [sic] heap of shit. [The tape showed the comment was greeted with laughter.]

BTQ also stated that their audience is well aware that rugby league is a tough sport involving tough participants, and to sanitise comments would fail to properly convey what took place.

Assessment

The program was broadcast between 9 a.m. and 11 a.m. on Sunday morning, during a 'G' classification period.

The segment in question included a number of interviews with rugby league players and officials regarding the ARL and Super League. It was clearly visible in the segment, prior to the use of the expletive, that there was a certain amount of tension at the press conference. The comments from the players and officials and the reporter's comments confirmed this.

There is nothing in the segment to suggest that this was an exceptional circumstance justifying the use of an expletive in either the story line or context. This was a pre-recorded segment, and therefore the broadcast of the expletive was not accidental. It was clearly obvious prior to the use of the word 'shit' that a certain amount of tension existed. The expletive could have been deleted and was not absolutely justified by the story line or program context.

Decision

The ABA is of the view that the licensee, Brisbane TV Limited (BTQ7), failed to comply with section 2.10.3 of the code by including a mild expletive which may be considered socially offensive when not absolutely justified by the story line or program context.

Action taken

The ABA considers that no further action is necessary as it is the network's first breach in relation to this provision, and because the network has taken this matter quite seriously by circulating the decision throughout the network and, in particular, to sports producers in each State.

The United States Telecommunications Act was passed on 8 February 1996 and has opened marketplace competition and eased government regulation. Alison Cook, ABA Policy section, takes a look at the new Act and its main features.

New telecommunications legislation for the United States

The new Telecommunications Act in the US should encourage convergence and the consolidation of the telephony, cable and broadcasting industries.

It replaces the Communications Act of 1934 which was written before the advent of television and when the United States had just one telephone company.

Although the Bill went through Congress with wide support, the provisions for allocating channels for the transition to digital television had a troubled passage. At the last moment they decided that the subject of auction of digital channels warranted separate consideration.

The legislation had included provisions for the Federal Communications Commission to issue licences for digital services, initially only to existing broadcasters. Broadcasters would transmit both digital and analog programming during a transition period after which they would have been required to give up the analog channel.As congress has now put the issue on hold the method of allocation of digital channels remains open.

Some Provisions of the Act

• Restrictions on violent content

Television sets sold in the US will have an in-built V-chip which will enable viewers to block programs. The broadcast industry has one year to develop a ratings system for television programming and these ratings will be electronically coded into transmissions. In the absence of ratings, the Federal Communications Commission (FCC) will establish guidelines and recommend procedures.

It will be an offence to knowingly provide indecent material through an interactive computer service.

• **Ownership**: Television station owners will be able to expand their reach to 35 per cent of all television households.

The FCC will revise rules which limit broadcasters to one television station per market. Rules barring ownership of more than one broadcast network have been revised—a network could start a new network (but not buy an existing one).

The national limit on the number of radio stations one company can hold has been lifted and local limits will be relaxed.

The FCC will revise rules which limit cable and television companies in the same market. There will be a limit of 10 per cent cross interest between local telephone and cable companies.

• **Broadcast licences**: Broadcast licences will be granted for eight years, (previously) seven for radio and five for television. Renewal of licences will be more certain—renewal being granted if the station has served the public interest with no serious violations or pattern of rule violation. Competing applications will not be considered unless licence renewal has been declined.

• **Cable/ telephony :** Telephone companies can now provide information and video services.

Regional telephone companies will be able to provide long distance telephone services.

Local telephone companies must allow other carriers to interconnect with their facilities. They are also required to negotiate with new entrants for number portability.

Cable companies will be able to enter into telephone business and will have rate regulations lifted when local telephone companies compete.

• **Universal service**: Universal service will be defined within nine months and funding mechanisms developed.

The FCC is directed to promote access to advanced telecommunications services for schools, libraries and health care providers.