



TCN Channel Nine Pty Ltd, licensee of the Nine network's Sydney station has failed to meet the requirements of the Australian content and children's television program standards in three ways in the past three years. The ABA reports on the performance of the three Sydney commercial television licensees against the Australian content requirements.

Australian content and children's television compliance figures

The ABA has found TCN Channel Nine Pty Ltd (TCN), licensee of the Nine network's Sydney station, failed to meet the requirements of the Australian content and children's television program standards in three ways in the past three years. Failure to comply with these program standards is a breach of a condition of its licence.

TCN failed to comply with the minimum Australian drama requirement for 1995, the minimum three year drama score for the three year period 1993-1995 and the requirement for broadcasting C classified children's programs in 1994.

TCN indicated to the ABA that the shortfalls in its Australian drama requirements were due to the station's incorrect assumption that the Paul Hogan film, *Almost An Angel*, would qualify under the standard as an Australian drama.

TCN has informed the ABA the shortfall in its children's programming was inadvertent and was due to the overrun of international sporting events. TCN has undertaken to make up the one hour shortfall in 1996.

TCN will screen the first release Australian movie *The Custodian* in December 1996 as make up for the drama short-

fall. *The Custodian* will be in addition to TCN's 1996 Australian drama requirements.

The ABA has been assured by TCN that it has introduced a number of measures to its programming systems and efforts would be made to ensure no repetition of the breaches.

The ABA is satisfied with the action and undertakings given by TCN in relation to the breaches but has placed it on notice for future, similar breaches. Actions open to the ABA in the event of future breaches include placing additional conditions on the network's licences, referring the matter to the Director of Public Prosecutions for prosecution in the courts and suspension or cancellation of licences.

Compliance figures

The following tables contain 1994 and 1995 Australian content compliance figures along with the three year compliance figures for the period 1993 to 1995.

The figures represent the performance of the three Sydney commercial television licensees for ATN 7, TCN 9 and TEN 10 against the previous Australian content standard, Television Program Standard (TPS) 14, which was in force until the end of 1995. The present standard, the Austral-

ian Content Standard, took effect from 1 January 1996.

Each of the licensees met the minimum:

- 1994 and 1995 Australian transmission quota;
- the drama/diversity score for 1994, 1995 and the three year period 1993-1995; and
- 1994 and 1995 children's drama score.

ATN 7 and TEN 10 also met the minimum drama score for the 1994 and 1995 calendar years and the minimum three year drama score for the period 1993-1995. TCN 9 met the minimum drama score for the 1994 calendar year but not for 1995 nor the three year drama requirement.

Results

Television Program Standard (TPS) 14 had two elements: a transmission quota for the overall level of Australian content and a minimum score for first run Australian drama/diversity and children's drama programs.

For 1993, 1994 and 1995, the standard set a transmission quota of 50 per cent for Australian content between 6.00 a.m. and midnight, with both first run and repeat programming counting towards the quota. The transmission quota result is determined by dividing the number of Australian

hours screened over the year by the total number of transmission hours in the year between 6.00 a.m. and midnight (total transmission hours is 18 hours x 365).

All three licensees met the 50 per cent transmission quota in each of the three years, with TCN 9 achieving the highest level in each of the three years, reaching a high of 61.19 per cent for 1994.

The formula for scoring drama/diversity programs form part of TPS 14, and can be expressed as follows: Score = Australian Factor x Quality Factor x Number of Hours.

The Australian factor had permissible values of 1.5 or 3.0, depending on the specific provisions of the test criteria. The Quality factors for drama, C drama and diversity programs were:

- 3.5 for one-offs (including mini-series; telemovie/teletext and feature film);
- 2.2 for series/serial produced at the rate of one hour or less per week; and
- 1.1 for series/serial produced at the rate of more than one hour per week.

There were minimum score requirements for first release children's drama (C drama) and for drama. The minimum annual score requirement for C drama was 170 points for each of the years. C drama



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points in excess of the minimum 170 points are added to the points score for Australian drama to give the total drama score. The minimum annual drama score requirement was 750 points for each of the years.

In 1994 TEN 10 achieved a C drama score of 173.25. The excess C drama of 3.25 points was added to the drama figure of 884.70 to give a drama score of 887.95 points. ATN 7 achieved the highest drama score for any one year, achieving 1135.15 points in 1994.

All three licensees met the minimum C drama score for each of the three years. All met the minimum drama score requirement for 1993 and

1994. ATN 7 and TEN 10 met the minimum drama score requirement for 1995, but TCN 9 achieved a score of 744.11 failing to meet the minimum requirement by 5.89 points.

In addition to the minimum annual drama score requirement of 750 points, there was also a minimum drama score requirement over the three year period 1993-1995 of 2,550 points, which represents an average of 850 points per year. However, the minimum annual score of 750 points was set to allow for some flexibility and was designed to take into account the possible failure of individual programs.

ATN 7 and TEN 10 met the minimum drama score for the

three year period 1993-1995. ATN 7 achieved a score of 3117.6 points and TEN 10 a score of 2590.28 points. TCN 9 failed to meet the minimum score, achieving 2544.56, failing by 5.44 points.

The drama/diversity score, which includes scores for drama, C drama and diversity programs, was set at 4260 points for the three year period commencing 1 January 1993 to 31 December 1995.

The program types which comprised the diversity category included: social documentary, arts, science, news and current affairs specials, variety and new concepts.

The attached tables headed *Children's Television Stand-*

ards presents the performance of the three Sydney commercial television licensees against Children's Television Standard (CTS) 3.

CTS 3 requires licensees to broadcast 260 hours of C (children's) classified programs each year, half of which (130 hours) must be first release Australian programs, and 130 hours of P (preschool children's) classified programs.

In each of the three years TEN 10 and ATN 7 met the minimum requirements. TCN 9 met the minimum requirements in 1993 and 1995 but in 1994 it failed to meet the minimum C hours, screening 259 hours of C programs, a shortfall of one hour.

Australian Content Compliance - Sydney

TPS 14 1993-1995

ATN 7					
	Transmission quota (%)	C drama score	Australian drama	Drama score*	Drama/ diversity
Min annual requirement	50	170		750	1320
1993	51.83	178.50	986.85	995.35	1829.10
1994	52.46	189.00	1116.15	1135.15	1928.10
1995	51.90	183.75	973.35	987.10	1757.10
Min 3 yr req				2550	4260
3 yr Total				3117.6	5514.30

* Drama score includes excess C drama.

ATN 7 drama scores were achieved by program hours broadcast as follows: 1994 C drama hours 18; Australian drama hours 214.5; 1995 C drama hours 17.5; Australian drama hours 190.5.

TEN 10					
	Transmission quota (%)	C drama score	Australian drama	Drama score*	Drama/ diversity
Min annual requirement	50	170		750	1320
1993	50.37	178.50	814.80	823.30	1507.35
1994	50.94	173.25	884.70	887.95	1396.95
1995	51.05	183.75	865.28	879.03	1413.08
Min 3 yr req				2550	4260
3 yr Total				2590.28	4317.38

* Drama score includes excess C drama.

TEN 10 drama scores were achieved by program hours broadcast as follows: 1994 C drama hours 21.5; Australian drama hours 185.5; 1995 C drama hours 17.5; Australian drama hours 217.75.



TCN 9					
	Transmission quota (%)	C drama score	Australian drama	Drama score*	Drama diversity
Min annual requirement	50	170		750	1320
1993	58.31	170.70	851.70	852.40	1512.75
1994	61.19	178.50	939.55	948.05	1650.85
1995	56.89	204.75	709.36	744.11	1381.21
Min 3 yr req				2550	4260
3 yr Total				2544.56	4544.81

* Drama score includes excess C drama.

1995 drama shortfall = -5.89 points 3 year drama shortfall = -5.44 points

TCN 9 drama scores were achieved by program hours broadcast as follows:

1994 C drama hours 17; Australian drama hours 141.5; 1995 C drama hours 19.5; Australian drama hours 76.41.

Children's Television Standards

CTS 3 1993 Compliance

	C Hours	C First Release Aust	P Hours	C & P Total
Min Req	260	130	130	390
ATN 7	262.1	134.4	130.8	392.9
TEN 10	266.5	131.5	130.5	397
TCN 9	265.5	140	130.5	396

CTS 3 1994 Compliance

	C Hours	C First Release Aust	P Hours	C & P Total
Min Req	260	130	130	390
ATN 7	261.2	131.43	130	391.2
TEN 10	270	131	130	400
TCN 9	259*	139.5	130	389

* The ABA found that the TCN 9 shortfall of one hour breached the condition of its commercial television licence set out in Schedule 2, Clause 7(1)(b) of the *Broadcasting Services Act 1992* in that it failed to meet the minimum requirements of CTS 3(1)(a) for the 1994 calendar year. (Reported in *Annual Report 1995-96* p.47)

CTS 3 1995 Compliance

	C Hours	C First Release Aust	P Hours	C & P Total
Min Req	260	130	130	390
ATN 7	263.77	133	130	393.77
TEN 10	266	132	130	396
TCN 9	264	130.5	130	394

**1994 First release Australian drama**

Program name	Total hours broadcast	Australian factor	Quality factor	Drama score*
ATN				
Around The World In 80 Ways	1.5	3.0	3.5	15.75
Battlers, The	4.0	3.0	3.5	42.00
Bligh	1.0	3.0	2.2	6.60
Blue Heelers	45.0	3.0	2.2	297.00
Boy Who Had Everything, The	1.5	3.0	3.5	15.75
Brass Monkeys	6.5	3.0	2.2	42.90
Cody A Family Affair	2.0	3.0	3.5	21.00
Deadend Drive In	1.5	3.0	3.5	15.75
Fast Forward Presents The Making Of Nothing	1.0	3.0	3.5	10.50
Hey Dad	14.0	3.0	2.2	92.40
Home & Away	115.0	3.0	1.1	379.50
Jenny Kissed Me	1.5	3.0	3.5	15.75
Newlyweds	4.5	3.0	2.2	29.70
Over The Hill	4.0	3.0	2.2	26.40
Spotswood	2.0	3.0	3.5	21.00
Strangers	2.0	3.0	3.5	21.00
Strictly Ballroom	2.0	3.0	3.5	21.00
Wedlocked	4.0	3.0	2.2	26.40
Winds Of Jarrah	1.5	3.0	3.5	15.75
Total:				1116.15

TCN				
Banjo Paterson's Man From Snowy River	12.5	3.0	3.5	131.25
Bob Morrison Show	13.0	3.0	2.2	85.80
Boulevard Of Broken Dreams	2.0	3.0	3.5	21.00
Cluedo	0.5	3.0	2.2	3.30
Crocodile Dundee	2.2	3.0	3.5	22.74
Crocodile Dundee II	2.3	3.0	3.5	23.63
Deadly	2.2	3.0	3.5	22.74
Fatal Bond	1.9	3.0	3.5	20.12
[Feds]: Obsession	2.0	3.0	3.5	21.00
Flying Doctors, The	2.0	3.0	2.2	13.20
Golden Braid	1.7	3.0	3.5	17.49
Halifax f.p.: Acts Of Betrayal	2.0	3.0	3.5	21.00
Heaven Tonight	2.1	3.0	3.5	21.87
Houseboat Horror	1.1	3.0	3.5	11.37
Hunting	2.0	3.0	3.5	21.00
Law Of The Land	9.0	3.0	2.2	59.40
Law Of The Land II	13.0	3.0	3.5	136.50
Long Line	1.6	3.0	3.5	16.62
Madness Of Two	1.4	3.0	3.5	14.87
My Two Wives	2.0	3.0	2.2	13.20
Paradise Beach	61.5	3.0	1.1	202.95
Raw Nerve	1.7	3.0	3.5	17.49
Singapore Sling	2.0	3.0	3.5	21.00
Total:				939.55

Program name	Total hours broadcast	Australian factor	Quality factor	Drama score*
TEN				
Country Practice, A	30.0	3.0	2.2	198.00
Heartbreak High	38.0	3.0	2.2	250.80
Heartbreak Kid	2.0	3.0	3.5	21.00
Let The Blood Run Free	1.5	3.0	2.2	9.90
Neighbours	110.0	3.0	1.1	363.00
Secrets	2.0	3.0	3.5	21.00
Seventh Floor	2.0	3.0	3.5	21.00
Total:				884.7

1995 First release Australian drama

Program name	Total hours broadcast	Australian factor	Quality factor	Drama score*
ATN				
Blue Heelers	41.0	3.0	2.2	270.60
Cody Bad Love	2.0	3.0	3.5	21.00
Cody The Tipoff	2.0	3.0	3.5	21.00
Fire	13.0	3.0	3.5	136.50
Home & Away	115.0	3.0	1.1	379.50
More Things Change, The	1.5	3.0	3.5	15.75
Over The Hill	10.0	3.0	2.2	66.00
Short Changed	1.5	3.0	3.5	15.75
Silver Brumby, The	2.0	3.0	3.5	21.00
Sky Pirates	0.5	3.0	3.5	5.25
Turtle Beach	2.0	3.0	3.5	21.00
Total:				973.35

TCN				
Alison's Birthday	1.4	3.0	3.5	14.87
Banjo Paterson's Man From Snowy River	11.0	3.0	2.2	72.60
Beyond My Reach	1.7	3.0	3.5	17.49
Black Neon	1.0	3.0	3.5	10.50
Blowing Hot & Cold	1.8	3.0	3.5	18.38
Cappuccino	1.4	3.0	3.5	14.87
Centrespread	1.5	3.0	3.5	15.75
Cluedo	3.3	3.0	2.2	21.99
Daydream Believer	1.9	3.0	3.5	20.12
[Feds series II]: Abduction	2.0	3.0	3.5	21.00
[Feds series II]: Deception	2.0	3.0	3.5	21.00
[Feds series II]: Seduction	2.0	3.0	3.5	21.00
[Feds series II]: Suspect	2.0	3.0	3.5	21.00
[Feds series II]: Terror	2.0	3.0	3.5	21.00
[Feds series II]: Vengeance	2.0	3.0	3.5	21.00
Flying Doctors, The	2.0	3.0	2.2	13.20
Gross Misconduct	2.0	3.0	3.5	21.00
Halifax f.p.: Hard Corps	2.0	3.0	3.5	21.00

continued



Program name	Total hours broadcast	Australian factor	Quality factor	Drama score*
TCN cont.				
Halifax f.p.: Lies Of The Mind	2.0	3.0	3.5	21.00
Halifax f.p.: My Lovely Girl	2.0	3.0	3.5	21.00
Halifax f.p.: The Feeding	2.0	3.0	3.5	21.00
Halifax f.p.: Words Without Music	2.0	3.0	3.5	21.00
Kiss The Night	1.4	3.0	3.5	14.87
Last Bullet	2.0	3.0	3.5	21.00
Law Of The Land	6.0	3.0	2.2	39.60
Mull	1.5	3.0	3.5	15.75
My Two Wives	1.5	3.0	2.2	9.90
Out Of The Body	1.7	3.0	3.5	17.49
Reckless Kelly	1.7	3.0	3.5	17.49
See Jack Run	1.6	3.0	3.5	16.62
Singapore Sling: Midnight Orchid	2.0	3.0	3.5	21.00
Singapore Sling: Old Flames	2.0	3.0	3.5	21.00

Program name	Total hours broadcast	Australian factor	Quality factor	Drama score*
TCN cont.				
Singapore Sling: Road To Mandalay	2.0	3.0	3.5	21.00
Solo	1.1	3.0	3.5	11.37
Wrong World	1.0	3.0	3.5	10.50
Total:				709.36
TEN				
Blackwater Trail	2.0	3.0	3.5	21.00
Echo Point	62.8	3.0	1.1	207.08
Garbo	2.0	3.0	3.5	21.00
Heartbreak High	27.0	3.0	2.2	178.20
Last Days Of Chez Nous	2.0	3.0	3.5	21.00
Neighbours	120.0	3.0	1.1	396.00
Romper Stomper	2.0	3.0	3.5	21.00
Total:				865.28

* any apparent discrepancy between the drama score and its constituent parts is due to rounding.



The ABA finds five Seven network stations in breach of the commercial television industry code of practice over the broadcast of 'Agro's Cartoon Connection'.

Agro's Cartoon Connection in breach of TV code of practice

The ABA has found five Seven network stations in breach of the commercial television industry code of practice over the broadcast of 'Agro's Cartoon Connection'.

Following an investigation into an episode of the program broadcast on 6 December 1995, the ABA found the Seven network licensees had breached the requirements of the code in regard to the

presentation of sponsored material (host selling) within the program. The ABA found promotions and competitions for Glow Zone Hot 'n' Cool Caps, the movie *Babe* and I & J Agro's Fish Fingers were not adequately distinguished as promotional material.

The ABA also found a commercial for the movie *Bushwacked* broadcast in the course of the program did not meet the requirements of the

code for commercials directed to children and a program promotion for 'MacGyver' broadcast on SAS, TVW and BTQ contained depictions of violence unsuitable for a G classification zone.

As a result of the ABA's investigation, the Seven network has implemented new policies for the presentation of sponsored segments in the program and the promotion of 0055 telephone numbers

associated with competitions in the program.

If there are further breaches of the code in relation to these issues, the ABA has a range of sanctions available to it, including making compliance with the code a condition of a broadcaster's licence and issuing notices to ensure compliance with the Broadcasting Services Act.

The ABA's report on its investigation provides guidance