



These revised terms of reference bring radio stations 5AD and 5DN Adelaide and 6PR Perth within the scope of the ABA's inquiry. The ABA has not yet decided whether it will hold a public hearing relating to the allegations concerning the Adelaide and Perth stations.

# Commercial radio inquiry:

## Revised terms of reference

### TERMS OF REFERENCE FOR INVESTIGATION BY THE AUSTRALIAN BROADCASTING AUTHORITY

#### under Division 2 of Part 13 of the *Broadcasting Services Act 1992*, 6 August 1999

WHEREAS the *Broadcasting Services Act 1992* (the Act):

- includes within its objects
  - (i) to encourage providers of commercial broadcasting services to be responsive to the need for fair and accurate coverage of matters of public interest; and
  - (ii) to encourage providers of broadcasting services to respect community standards in the provision of program material;
- charges the Australian Broadcasting Authority with the responsibility for monitoring the broadcasting industry; and
- confers on the Australian Broadcasting Authority a range of functions and powers that are to be used by the Australian Broadcasting Authority in a manner that, in its opinion, will produce regulatory arrangements that are stable and predictable and deal effectively with breaches of the rules established by the Act;

TAKE NOTICE that for the purposes of the performance of its functions:

- (a) to suspend and cancel licences and to take other enforcement action under the Act;
- (b) to collect fees payable in respect of licences;
- (c) to monitor compliance with codes of practice;
- (d) to develop program standards relating to broadcasting in Australia; and
- (e) to monitor, and report to the Minister on, the operation of the Act;

the Australian Broadcasting Authority will conduct an investigation under Division 2 of Part 13 of the Act into the following matters:

#### Radio 2UE

the terms and circumstances of any arrangements, agreements or understandings entered into by or on behalf of;

- (i) Radio 2UE Sydney Pty Limited;
- (ii) Mr John Laws; or
- (iii) any other presenter on radio 2UE;

or a corporation associated with any of the above persons, with any third party or parties concerning the content of any program, comment or discussion to be broadcast on Radio 2UE pursuant to the

commercial broadcasting licence granted to Radio 2UE Sydney Pty Limited last renewed by the ABA on 23 August 1996;

- (g) the effect of any such agreement, arrangement or understanding on the content of programs, comments or discussions broadcast on Radio 2UE from 5 October 1992 to the date of commencement of this investigation;
- (h) whether any consideration paid to or for the benefit of Radio 2UE Sydney Pty Limited pursuant to any such agreement, arrangement or understanding has been included in the gross earnings of Radio 2UE Sydney Pty Limited in:
  - (i) the financial accounts of Radio 2UE Sydney Pty Limited; and
  - (ii) the statutory declarations made by or on behalf of Radio 2UE Sydney Pty Limited;

pursuant to section 205B of the Act; and

- (i) whether Radio 2UE Sydney Pty Limited remains a suitable licensee within the meaning of section 41 of the Act.

#### Radio 5AD (5ADD) and Radio 5DN

- (j) the terms and circumstances of any arrangements, agreements or understandings entered into by or on behalf of;
  - (i) 5AD Broadcasting Company Pty Ltd;
  - (ii) Southern State Broadcasters Pty Ltd; or
  - (iii) Mr Jeremy Cordeaux;
 or a corporation associated with any of the above persons, with any third party or parties concerning the content of any program, comment or discussion to be broadcast on

- Radio 5AD (also known as 5ADD) pursuant to the commercial broadcasting licence granted to 5AD Broadcasting Company Pty Ltd last renewed by the ABA on 4 October 1997; or

- Radio 5DN pursuant to the commercial broadcasting licence granted to Southern State Broadcasters Pty Ltd last renewed by the ABA on 31 July 1997.

- (k) the effect of any such agreement, arrangement or understanding on the content of programs, comments or discussions broadcast on Radio 5DN or Radio 5AD (also known as 5ADD) from 5 October 1992 to the date of commencement of this investigation;
- (l) whether any consideration paid to or for the benefit of 5AD

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terms of reference (ctd)**

Broadcasting Company Pty Ltd pursuant to any such agreement, arrangement or understanding has been included in the gross earnings of 5AD Broadcasting Company Pty Ltd in:

- (i) the financial accounts of 5AD Broadcasting Company Pty Ltd; and
- (ii) the statutory declarations made by or on behalf of 5AD Broadcasting Company Pty Ltd;

pursuant to section 205B of the Act; and

(m) whether 5AD Broadcasting Company Pty Ltd remains a suitable licensee within the meaning of section 41 of the Act.

(n) whether any consideration paid to or for the benefit of Southern State Broadcasters Pty Ltd pursuant to any such agreement, arrangement or understanding has been included in the gross earnings of Southern State Broadcasters Pty Ltd in:

- (i) the financial accounts of Southern State Broadcasters Pty Ltd ; and
- (ii) the statutory declarations made by or on behalf of Southern State Broadcasters Pty Ltd;

pursuant to section 205B of the Act; and

(o) whether Southern State Broadcasters Pty Ltd remains a suitable licensee within the meaning of section 41 of the Act.

**Radio 6PR**

(p) the terms and circumstances of any arrangements, agreements or understandings entered into by or on behalf of;

- (i) 6PR Southern Cross Radio Pty Limited; or
- (ii) Mr Howard Sattler;


or a corporation associated with any of the above persons, with any third party or parties concerning the content of any program, comment or discussion to be broadcast on radio 6PR pursuant to the commercial broadcasting licence granted to 6PR Southern Cross Radio Pty Limited last renewed by the ABA on 6 May 1996;

(q) the effect of any such agreement, arrangement or understanding on the content of programs, comments or discussions broadcast on radio 6PR from 5 October 1992 to the date of commencement of this investigation;

(r) whether any consideration paid to or for the benefit of 6PR Southern Cross Radio Pty Limited pursuant to any such agreement, arrangement or understanding has been included in the gross earnings of 6PR Southern Cross Radio Pty Limited in:

- (i) the financial accounts of 6PR Southern Cross Radio Pty Limited; and
- (ii) the statutory declarations made by or on behalf of 6PR Southern Cross Radio Pty Limited;

pursuant to section 205B of the Act; and

(s) whether 6PR Southern Cross Radio Pty Limited remains a suitable licensee within the meaning of section 41 of the Act. 

# International to the

There is a high level of public perception that along with the many advantages of the Internet, there are also some risks for users, a three-country survey on attitudes to the Internet has found.

The study shows that Australians support the idea of content labelling and reporting hotlines as measures to combat these risks, and would block certain types of content if they were able to do so.

'Australian respondents saw industry, government and Internet users as all having a part to play in the appropriate supervision and selection of Internet content,' said Mr Gareth Grainger, ABA Deputy Chairman. 'These results seem to indicate support for a co-regulatory approach to Internet content regulation. It is this kind of regulatory scheme that has been passed by Parliament and is being introduced by the ABA in partnership with industry and the community.'

The survey was undertaken in Australia, Germany and the USA by the German-based Bertelsmann Foundation in conjunction with the ABA in June 1999. It ascertained peo-

ples' views on perceived risks associated with the Internet and practical ways of managing these risks.

The majority of those surveyed in each country were concerned about the presence of pornographic material and racist messages on the Internet. In Australia, 53 per cent of those surveyed said they would block pornographic content in all circumstances, while a further 33 per cent said they block this content in certain circumstances. The equivalent figures for racist messages are 60 per cent and 21 per cent respectively.

The implications of the research findings will be discussed at the Internet Content Summit in Munich, Germany in September. The Summit is one of the most significant events in the development of a broad set of strategies for self-regulation of Internet content by industry, academia and government policy makers. The ABA will be an active participant in this international forum and has participated in the research project as part of its commitment to its new area of responsibility for Internet content.