



Channel 9 in Perth breached the Children's Television Standards by failing to broadcast children's programs on six weekdays during the September 1998 Commonwealth Games.

STW 9 Perth failed to show children's programs during 1998 Commonwealth Games

STW 9 in Perth breached the Children's Television Standards (CTS) by failing to broadcast children's programs on six weekdays during the September 1998 Commonwealth Games, the ABA has found.

STW 9 Perth breached a condition of its commercial television licence under the *Broadcasting Services Act 1992* which requires that a licensee must comply with ABA program standards.

Commercial television stations must broadcast 30 minutes of special quality C programs for children every weekday. These programs can only be displaced for commercial broadcasters to provide live coverage of major sports events or events of national importance.

The ABA found that STW had not complied with the CTS provisions because it displaced weekday children's programs to the weekend so that it could broadcast news rather than live coverage of the 1998 Commonwealth Games.

'STW's live coverage of the Commonwealth Games did not replace the C programs as

claimed by the station,' said Professor David Flint, ABA Chairman. 'Instead, coverage ended before the time normally set aside for children's programs and STW replaced its C programs with 'National Nine News' bulletins.'

The ABA's investigation was triggered by a formal complaint in October 1998 from a viewer from Balcatta, Western Australia. STW has made an apology to the complainant concerning its failure to broadcast C programs for the duration of the 1998 Commonwealth Games.

The ABA has decided to take no further action over these breaches, but has advised STW that it will closely monitor its conduct in relation to displacement of children's programs with the intention of taking enforcement action if any similar breaches occur in the future.

Failure to broadcast

STW's failure to comply with the displacement requirements of the CTS has the effect that STW has failed to broadcast C children's programs every weekday in the C

band from 14-18 September 1998 and on 21 September 1998. As the station could not rely on the exemption provided under the CTS, it also breached the CTS by broadcasting non-C programs, in this case 'National Nine News' bulletins, in lieu of C children's programs in its C period.

Legislative framework

Under section 122 of the Act, the ABA is required to determine standards that are to be observed by commercial broadcasting licensees in relation to programs for children. Clause 7(1)(b) of Part 3 of Schedule 2 of the Act makes it a condition of a commercial broadcasting licence that a licensee will comply with program standards.

Children's Television Standards (CTS)

CTS 3 sets out the obligations which broadcasters must meet in terms of the amount of C and P (preschool) programming required in a calendar year. CTS 3 also sets out a

commercial television broadcasting licensee's obligations in terms of the notification requirements it must meet in regard to C and P program schedules and displacements.

Provisions relating to the variation of notified schedules

CTS 3(1)(i) permits a licensee to displace its compulsory weekday C programs to another time in the C band. This allows live coverage of a major sports event or an event of national importance which is suitable for viewing by children, provided the ABA is notified of the event one month prior to the scheduled broadcast.

An exemption to the above requirements is contained in CTS 3(1)(k). It provides for urgent displacements and takes into account one-off situation where a licensee finds it cannot comply with its C and P schedule due to unforeseen postponements or overruns of live coverage of major sports events or events of national importance.