



Proposed standards

Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000

The first of the proposed standards, the *Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000* requires:

the on-air disclosure during current affairs programs of commercial agreements between sponsors and presenters, that have the potential to affect the content of those programs; and

- a) licensees to keep a register of commercial agreements between sponsors and presenters of current affairs programs and make it available to the ABA and the public; and
- b) licensees to ensure that a condition of employment of presenters of current affairs programs is that they comply with relevant obligations imposed by the Act, the codes and this standard.

current affairs program means a program a substantial purpose of which is to provide interviews, analysis, commentary or discussion, including open-line discussion with listeners, about current social, economic or political issues.

commercial agreement means an agreement, arrangement or understanding, whether committed to writing or not:

- a) one of the purposes of which is that a presenter:
 - (i) promotes a third party and/or its products or services or interests, or;
 - (ii) provides consultancy services in respect of publicity, promotion or public relations;

in exchange for any benefit or valuable consideration; or

- b) which imposes obligations on a presenter to provide services and pursuant to which the presenter receives from a person other than a licensee any benefit or consideration of \$25 000 or more per annum.

On-air disclosure

On air-disclosure of commercial agreements is required at the time and as part of:

- a) a broadcast of any material in which the name, products or services of a sponsor are mentioned; or
- b) a broadcast of any material in which an agent, employee or officer of a sponsor is interviewed in relation to any matter that concerns the sponsor, its products, services or interests; or
- c) any broadcast requested by a sponsor or which is based on or similar to any material which is provided by a sponsor; or
- d) a broadcast of any material that directly promotes any issue which is directly favourable to a sponsor.

Register of agreements

Each licensee must keep a register of current commercial agreements between sponsors and presenters of current affairs programs which is to be available at station premises and on any web site operated by the licensee. Changes of commercial agreements are to be notified to the ABA.

For each commercial agreement with a presenter the register must show:

- a) the date of the commercial agreement; and
- b) the parties to the commercial agreement; and
- c) the duration of the commercial agreement; and
- d) a brief description of the obligations of the presenter under the commercial agreement; and

e) the identity of each person providing a benefit or consideration under the commercial agreement; and

f) subject to monetary categories the amount or value of the benefit or consideration to be provided under the agreement.

Part-time presenters (less than three hours a week) are subject to the on-air disclosure regime but the entries in the register need only record the parties to the agreement and a brief description of the obligations of the company under the agreement.

Presenters obliged to disclose agreements to licensees

Presenters are obliged to disclose to the licensee any commercial agreements which they are party to and a licensee must not engage or continue to engage any presenter unless it is a condition of their engagement that such disclosure be made.

Associates of presenters

The disclosure regime extends to associates of presenters who are defined as:

- a) any person (including, without limitation, a corporation or a trustee of a trust) who has, or purports to have, the right to provide the services of the presenter or;
- b) any corporation or trust in which the presenter has a greater than 50 per cent company or beneficial interest, as the case may be, or any corporation of which the presenter is a director.

Thus presenters who control companies or who are directors of companies who have commercial agreements with sponsors are required to disclose the existence of these agreements on air. However, if the company is party to a commercial agreement that does not involve the provision of the services of the presenter (in any capacity), the register need only record the same particulars as are required for part-time presenters.

Disclosure of payment of production costs of program

If an advertiser or sponsor pays for or contributes to the production costs associated with any particular current affairs program, the licensee must ensure that the fact of payment is disclosed on-air to listeners at least once per hour throughout the program.

Broadcasting Services (Commercial Radio Compliance Program) Standard 2000

The second proposed standard requires commercial radio broadcasting licensees to formulate, implement and maintain a compliance program to ensure compliance with the requirements of the Act, standards and the codes. The proposed standard prescribes minimum elements of such a program. These are:

- a) a formal written compliance policy;
- b) designation of a senior officer with primary responsibility for organisational compliance with the policy;
- c) provision of copies of the compliance policy, standards and codes to all members of staff in all operational areas of the licensee;
- d) establishment of a formal training program for all members of staff in all operational areas of the licensee, to be conducted at induction and at least once a year;
- e) a monitoring strategy for the compliance program; and
- f) an annual audit of compliance.

Broadcasting Services (Commercial Radio Advertising) Standard 2000

The third proposed standard requires licensees to ensure that advertisements are distinguishable from other programs.