



2CH Sydney

Complaint

In June 1999 the ABA received a complaint in relation to a series of four advertisements broadcast by Sydney commercial AM radio station 2CH on behalf of a group called United People Power. The advertisements were for a product called 'The Alternative Three Constitution Kit' which, according to the advertisements, provided the purchaser with information relating to the November 1999 referendum on the republic. Information supplied to the ABA by 2CH indicates that United People Power is a non-political, non-profit association.

The complainant stated that these advertisements were not 'tagged' with the required particulars and their broadcast might be in breach of the Broadcasting Services Act.

Relevant legislation/codes

Schedule 2 to the Act sets out the standard licence conditions that are applicable to the various sections of the broadcasting industry.

Compliance with the requirements of clause 4 of Schedule 2 to the Act is a condition on each commercial radio broadcasting licence by virtue of subclause 8(1)(i) of Schedule 2 to the Act.

Subclauses 4(1) and 4(2) of Schedule 2 to the Act state that:

- (1) In this clause, broadcaster means:
 - (a) a commercial television broadcasting licensee; or
 - (b) a commercial radio broadcasting licensee; or
 - (c) a community broadcasting licensee; or
 - (d) a subscription television broadcasting licensee; or
 - (e) a person providing a broadcasting service under a class licence.
- (2) If a broadcaster broadcasts political matter at the request of another person, the broadcaster must, immediately afterwards, cause the required particulars in relation to the matter to be announced in a form approved in writing by the ABA.

The ABA has determined that the approved form of such an announcement if the broadcast is by radio is a spoken announcement.

Decision

On 23 February 2000 the ABA determined that between 24 May 1999 and 8 June 1999 the licensee of 2CH, Radio 2CH Pty Limited, did not comply with subclause 4(2) of Schedule 2 to the Act in that it broadcast political matter at the request of another person without announcing the required particulars. Three of the four announcements in question went beyond merely informing listeners of the existence of the referendum kit. One announcement suggested that those feeling 'trapped' by the GST should use their referendum vote to 'kill' the GST, while two other announcements suggested that there might be a 'trap' in the November referendum. Such announcements, in the opinion of the ABA, can properly be regarded as political matter. Therefore the licensee breached the condition of its licence set out at subclause 8(1)(i) of Schedule 2 to the Act by broadcasting these three announcements without announcing the required particulars immediately afterwards.

Action taken

In response to the ABA's request for comments the Macquarie Radio Network, on behalf of 2CH, advised the ABA that once it had been advised by the Electoral Commission on 8 June 1999 that these advertisements needed to be 'tagged' with the required particulars, this was done immediately. Tagged advertisements then ran until 13 June 1999. The ABA is following up with the licensee to ensure that appropriate procedures are in place in relation to the broadcasting of political matter.