



Investigation report

2GLF FM Liverpool – Green Valley

Policy and procedures in place outlining mechanisms to facilitate internal conflict resolution

Complaint

On 13 and 18 November 2003, the ABA received a complaint from a member of the Liverpool-Green Valley Community Radio Coop Ltd that the licensee of the community radio service 2GLF did not have a conflict resolution policy.

Decision

The ABA determined that, on 18 November 2003, the licensee of 2GLF, Liverpool-Green Valley Community Radio Coop Ltd, was in breach of clause 6.2

of the Community Broadcasting Code of Practice 2002, as it did not have a written policy and procedure in place with mechanisms to facilitate conflict resolution within the organisation.

Action taken

The licensee has provided the ABA with policy documents relating to the rights of volunteers and presenters. It has also advised that these documents were reviewed at the licensee's board meeting of 19 January 2004 and adopted as policy at a meeting of 9 February 2004.

Notice to Ten to remedy foreign ownership breach

The ABA has issued notices to licensees of the commercial television broadcaster Network Ten, directing that breaches of the foreign control limits be remedied within six months.

The notices were issued after Ten advised the ABA that, following recent share trading activity, the level of foreign ownership in the Ten licensees has increased to slightly above the foreign control limits (20 per cent) prescribed under the Broadcasting Services Act (see below).

'Ten has been very cooperative in this matter, and has advised the ABA that it will work hard to prevent breaches of this type occurring in the future,' said Lyn Maddock, Acting ABA Chair.

The ABA has issued notices to the licensees of the Ten services Network Ten (Sydney) Pty Ltd, Network Ten (Melbourne) Pty Ltd, Network Ten (Brisbane) Pty Ltd, Network Ten (Adelaide) Pty Ltd and Network Ten (Perth) Pty Ltd.

The Broadcasting Services Act

The objects of the Broadcasting Services Act include ensuring that Australians have effective control of the more influential broadcasting services, and promoting the role of broadcasting services in developing and reflecting a sense of

Australian identity, character and cultural diversity.

Section 57(3) of the Act states that foreign persons must not have aggregate company interests in a commercial television broadcasting licensee exceeding 20 per cent.

Section 70(1) of the Act states that if the ABA is satisfied that a person is in breach of a provision of Division 2, 3, 4 or 5 of the Act, the ABA may issue notices to the person or the licensee, directing the person or the licensee to take action so that the person is no longer in breach of that provision.

Section 70(3) states that the notice is to specify a period during which action must be taken to ensure that the person is no longer in breach.

Section 70(4) specifies that the period must be one month, six months, one year or two years.

Under Section 70(5), if the ABA is satisfied that the breach was deliberate and flagrant, the period specified in the notice must be one month.

Under Section 70(7), if the ABA is satisfied that the person breached the relevant provision as a result of the actions of other persons none of whom is an associate of the person, a period of one year or two years must be specified, but such a period must not be specified in other circumstances.

Investigation reports : breach findings

To view the full report on these investigations, go to the ABA web site: www.aba.gov.au/tv/investigations/breach_findings/ or www.aba.gov.au/radio/investigations/breach_findings/ where the reports are arranged according to month of completion.