



**The ABA's annual report for 2003–04 lists significant events for the year: an increase in the amount of local programming shown on regional television; the allocation of community television licences in Sydney and Perth; a hiatus in the roll out of new commercial radio licences; and the conclusion of long running investigations into alleged breaches of the commercial radio standards by Sydney radio stations 2UE and 2GB.**

# Investigations resulting in breaches down 22 per cent in 2003–04

The increase in the amount of local programming being shown on regional television, the allocation of community television licences in Sydney and Perth, a hiatus in the roll out of new commercial radio licences and the conclusion of long running investigations into alleged breaches of the commercial radio standards by Sydney radio stations 2UE and 2GB were among the significant events of the year for the ABA, according to its *Annual Report 2003–04*.

## Investigations

The number of investigations in which the ABA made a breach finding was down by 22 per cent on the previous year. The ABA found a breach in 27 of the total 106 investigations completed in 2003–04, compared to 50 of the 106 investigations completed in 2002–03. Nineteen of the investigations found breaches related to codes of practice, and seven to licence conditions.

Of the investigations resulting in breaches of codes of practice, 11 were in relation to commercial television stations

(seven less than 2002–03). Four of these breaches related to the accurate presentation of factual matter in current affairs, compared with one investigation resulting in such a breach finding in 2002–03.

Four investigations relating to commercial radio stations resulted in codes breaches, compared with two in the previous reporting period. Three of these investigations resulted in breaches to do with complaints handling.

Community radio accounted for three of the 19 investigations resulting in codes breaches, four fewer than the previous reporting period. Each of these three breaches related to the requirement to have written policy and procedures for conflict resolution in place.

There was one investigation resulting in a code breach in relation to ABC television in 2003–04. The investigation related to its broadcast of a news update on the Iraq war during children's programming time. There were no breaches for ABC radio in 2003–04.

In relation to the seven investigations that resulted in breach findings of licence conditions

in 2003–04, two related to commercial television, two related to commercial radio and three to community radio.

The three investigations resulting in community radio breach findings related to the licence condition proscribing the broadcast of advertisements. In the previous reporting period, 13 investigations resulted in breaches concerning this condition.

There was one investigation which resulted in a breach of the Broadcasting Services Act, relating to a licensee of an open narrowcasting service providing a commercial broadcasting service without a licence.

In total, the ABA completed 106 investigations in 2003–04, which was the same figure for the previous reporting period. The average time taken for the ABA to complete an investigation was approximately twelve weeks, four weeks more than the eight weeks' average time taken in 2002–03.

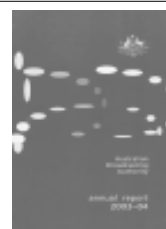
## Complaints process

The complaint process administered by broadcasters and the

ABA is laid down in the Broadcasting Services Act.

As part of its investigation procedure, the ABA seeks a report from the broadcaster on its own investigation into the unresolved complaint.

A breach of a code of practice is not a breach of a licence condition or of the Act. The code is intended to be an integral part of a co-regulatory process. The ABA's response to a breach of a code is to work with the broadcaster to ensure that the broadcaster concerned rectifies problems with its performance against the code. The ABA may make compliance with a code a condition of a broadcaster's licence if it considers this appropriate.



### Annual Report 2003–04

For copies of the report, tel: 02 9334 7700 or 1800 226 667. The report is also available on the web site: [www.aba.gov.au/abanews/annRpt/index.htm](http://www.aba.gov.au/abanews/annRpt/index.htm)