



# ABA commences formal investigation into Five AA


The Australian Broadcasting Authority has decided to commence a formal investigation into whether certain commercial arrangements between Mr Leon Byner, a radio presenter with Five AA in Adelaide, and a number of third parties should have been disclosed under the *Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000*.

On 23 January 2004, the *Advertiser* newspaper in Adelaide published allegations about Mr Byner and his proposal to enter into third party arrangements with the Adelaide Lord Mayor and the Adelaide City Council. The ABA made preliminary inquiries of Five AA, seeking more information. Five AA suspended Mr Byner from duty and initiated its own investigation. Following this investigation,

Five AA provided a significant amount of material to the ABA.

"While Five AA has been cooperative in providing information to the ABA in relation to Mr Byner's arrangements, the material raises unresolved questions as to whether those arrangements fall within the regulatory regime of the Disclosure Standard," said Ms Lyn Maddock, Acting Chair of the ABA. "A formal investigation

will enable the ABA to consider all relevant material and reach a concluded view on whether any of these arrangements should have been disclosed as required by the Disclosure Standard."

The ABA will develop terms of reference for the investigation and will seek further information from Five AA and Mr Byner before finalising a report. 

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- The 4 week period starting 15 December is not included (this takes into account news journalists' 4 week leave period).
- Licence area material cannot be more than 50% of accumulated points.
- Repeat material does not count - except for community service announcements (CSAs), of which 4 repeats are permitted within a six week timing period. (CSAs may only count toward 10% of total accumulated points.)
- Advertising does not count towards the quotas.
- Mandatory reports must be provided to the ABA every 6 months, after 30 June and 31 December of each year. These reports are to include the raw score achieved in each week.

- Licensees are also required to keep sufficient record of material to substantiate the quota points they claim, and to provide this information to the ABA upon request.

#### Local area material

Material may have local significance depending on its relevance to the local area served. Material must have a local emphasis to qualify as 'material of local significance'. Examples of local material include material that:

- has been collected and prepared in the local area
- deals with people, organisations, events or issues that are of particular interest to people in the area, in a way that focuses on the interests of people in the area

- is about an individual in whom people in the area are particularly interested because of an association with the area, such as the individual's having grown up, or lived, in the area
- deals with the effects in the area of an event that occurs elsewhere
- is about a sporting event that involves a team from the area or that involves a team from a nearby area, whose principal support base includes the area, or a significant part of the area
- is about market conditions that closely affect a major business activity in the area, such as prices of a commodity in an area where that commodity is produced on a significant scale.

#### Licence area material

Licence area material is material that is relevant to the wider licence area, but not sufficiently focussed or specific to be relevant to a local area.

Points for licence area material are capped at 50 per cent of total points claimed for any one local area. Information may be considered licence area material when it:

- relates to economic affairs in the licence area
- relates to government in the licence area
- relates to social issues that affect the licence area. 