



Perth community television licence cancelled

ACMA has cancelled the community television licence for Perth held by ACCESS 31.

ACCESS 31 ceased broadcasting at 5.00 pm on 6 August 2008. A meeting of members of the licensee held on 1 September 2008 voted to wind-up the company voluntarily and appointed Mr Kim Holbrook as liquidator.

'The loss of Perth's community television service is a disappointing outcome,' said ACMA Chairman Chris Chapman. 'The decision to cancel the licence was not taken lightly.

'ACMA is charged with promoting the availability of a diverse range of television services throughout Australia, as well as ensuring that broadcasters meet all their statutory obligations. ACMA reached its decision after considerable

deliberations and taking into account both these objectives. ACMA will now move quickly to ensure the Perth community can once again have access to a community television service,' he said.

Community broadcasting licences are subject to the condition that the licensee provides a service or services for community purposes.

On 18 September 2008, ACMA found that Channel 31 Educational Community Television Ltd, licensee of ACCESS 31, breached this licence condition as it was no longer providing a service for the Perth community.

Under the *Broadcasting Services Act 1992*, ACMA may suspend the licence, for a period of

up to three months, or cancel it if the licensee breaches a licence condition. ACMA cancelled ACCESS 31's licence with effect from 18 September 2008.

It was ACMA's view that cancellation of the licence was more likely to promote diversity of services to audiences in the Perth area and to efficiently use the radiofrequency spectrum in Perth planned for the community television service.

A number of interested parties have contacted ACMA and/or the liquidator with a view to providing a community television service for Perth. ACMA will shortly invite applications to conduct a two-year trial of the service.

Code breached in ARIA awards broadcast

The Ten Network breached the Commercial Television Industry Code of Practice 2004 during the broadcast of the 2007 ARIA Music Awards on 28 October 2007 by transmitting images below or near the threshold of normal awareness.

Several complaints were received by ACMA about the inclusion of brief displays of sponsor's logos during the nomination segments of the ARIA awards program.

ACMA reviewed the relevant material at slow speed and frame by frame. It found that the rapid-cut graphics used in the program was a 'technique' that attempted to convey information to viewers below or near the threshold of normal awareness, which is a breach of clause 1.8.4 of the code.

In its submission to ACMA, the Ten Network said that the rapid-cut graphics were intended to be creatively consistent with the fast-paced look and feel of the music presentations.

However, the code imposes clear rules regarding the use or involvement of 'any technique' which attempts to convey information to viewers.

In response to the breach findings, Network Ten will:

- distribute the investigation report to relevant production staff (both in-house and external) to ensure that future productions of ARIA awards are consistent with ACMA's view;
- not use the same rapid cut use of sponsor logos for the upcoming 2008 ARIA Music Awards;
- use the finding as an example in regular code training sessions with staff, to ensure future compliance; and

- highlight the code clause in their external production agreements.

ACMA considers this action as proportionate, given that this is the first breach of this kind by the licensee and that the network will not use this technique in the upcoming 2008 ARIA Music Awards.

ACMA has warned the industry that a future breach will result in significantly heightened compliance measures.

A copy of a combined investigation report is available on the ACMA website.