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ACMA to review commercial radio standards

ACMA has decided to undertake a comprehensive review of the three commercial radio standards introduced by the Australian Broadcasting Authority (ABA) in 2000.

Introduced after the 'Cash for Comment' inquiry, the standards govern the disclosure of commercial agreements entered into by presenters of current affairs programs and their sponsors, the need to distinguish advertisements from other programs, and compliance by licensees with their regulatory obligations.

'ACMA has decided to review the commercial radio standards to ensure they deliver appropriate and contemporary community safeguards, given the current standards have been in operation for over seven years,' said ACMA Chairman, Chris Chapman.

'The review will focus on the provision of current affairs programs, including talkback, seeking to ensure that providers of commercial radio broadcasting services remain responsive to

the need to treat advertising and other sponsored content in a way that does not lead listeners to believe that it is editorial comment, free from commercial influence.'

Initially, ACMA is undertaking a comprehensive program of research directed toward establishing an evidence base for the review. This includes research into community attitudes and comparative research on international approaches to regulation.

ACMA expects to conduct three rounds of public consultation, commencing with the release of an issues paper and a call for submissions in the first half of 2009. The issues paper will be built on findings from the research.

'ACMA has been aware of industry concerns about a range of operational issues within the existing standards which merit review. In addition, the review is expected to consider what model of regulation is most appropriately applied to advertising in the evolving commercial radio market, as well as commercial agreements that have the potential to influence the content of current affairs programs,' said Mr Chapman.

The review will consider the appropriateness, effectiveness and efficiency of current regulatory arrangements under the commercial radio standards, including the extent to which these achieve their current objects and are consistent with the objects and regulatory policy of the *Broadcasting Services Act 1992*.

Specifically the review will consider:

1. community attitudes, industry practice and the regulatory environment in relation to commercial arrangements that may affect

the content of current affairs programs on commercial radio

2. the extent to which the commercial radio standards have achieved their objects, and the experience and performance of the commercial radio sector in meeting current regulatory requirements
3. the most effective regulatory response to the issues that emerge during the review, including alternative regulatory approaches.

The review will also consider any other relevant matters that may arise through the review process.

In undertaking the review, ACMA will examine contemporary business models operating in the commercial radio sector and changes to the commercial radio industry and to the regulatory environment since the standards commenced in 2001. Consideration will also be given to international approaches to similar issues.

ACMA will consult with commercial radio licensees, interested parties and the general public in the course of the review process.

ACMA expects to release an options paper later in 2009, inviting submissions on any specific options for regulation that emerge from ACMA's research program and from consultation on the issues paper.

If ACMA decides that regulatory change is necessary, it will release for public comment draft variations to the existing standards or a draft of any new standard, along with explanatory statements. ACMA will also seek public comment if it decides to revoke one or more of the existing standards.

The review is expected to conclude in the first half of 2010.

Following the findings of the **Commercial Radio Inquiry**, on 21 November 2000 the ABA determined under subsection 125(1) of the *Broadcasting Services Act 1992* three program standards to apply to commercial radio licensees:

1. The Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000
2. The Broadcasting Services (Commercial Radio Advertising) Standard 2000
3. The Broadcasting Services (Commercial Radio Compliance Program) Standard 2000.

Standards are unlike codes of practice, in that compliance with them is a condition of a broadcaster's licence.