



The ABA has found Prime Television (Northern) Pty Ltd and Amalgamated Television Services Pty Ltd in breach of the Commercial Television Industry Code of Practice.

Seven exceeds advertising limits

The ABA has found that Prime Television (Northern) Pty Ltd (licensee of NEN Northern NSW), and Amalgamated Television Services Pty Ltd (licensee of Seven network station ATN Sydney), breached the Commercial Television Industry Code of Practice in relation to the amount of non-program matter scheduled to be broadcast.

The findings are the result of investigations carried out by the ABA in response to a viewer complaint about the amount of advertising scheduled during the movie *The African Queen*, broadcast in November 1997.

The ABA found that both Prime Northern and ATN 7 exceeded the amount of non-program matter permitted per hour in two of the hours between 6.00 p.m. and midnight on 21 November 1997. In addition, both Prime Northern and ATN 7 exceeded the maximum level of non-program matter permitted over the six-hour prime time period on that night.

Both ATN 7 and Prime Northern accounted for the excess non-program matter as time 'made up' from the commercial-free broadcast of the movie *Schindler's List*, which occurred a few days after *The African Queen* was broadcast.

The code allows licensees to 'make-up' time in this way when they broadcast programs of a 'clearly charitable or community service nature without the insertion of non-program matter'.

The ABA considered that this provision in the code is aimed at the make-up of non-program matter displaced by the broadcast of programs which have some clearly defined community or charitable objective (such as telethons), rather than the commercial-free broadcast of programs which are primarily provided for entertainment, however much they may also provide a lesson to humanity or deal with particularly sensitive or distressing issues. While the views of Prime Northern and ATN 7 were noted, the ABA did not accept this as justification for the excess amount of non-program matter broadcast on 21 November 1997.

The ABA has raised its concerns about the way this section of the code is operating in recent discussions with ATN 7 and with the Federation of Australian Commercial Television Stations (FACTS).

Copies of the investigation report are available from the ABA, price \$10. The report is also available on the ABA's web site, www.aba.gov.au.

Section 5

Section 5 of the code states, in part:

Scope

5.2 This section sets limits for non-program matter scheduled, as distinct from non-program matter actually broadcast. This is intended to avoid the need for complex exemption provisions when operational problems (e.g. unpredictable program segment lengths in live programs) make it difficult for licensees to comply with an 'as broadcast' clock hour requirement without compromising high quality program presentation. It is not intended to allow increased levels of non-program matter, and may not be interpreted by licensees in that way. Nothing in this section relates to the classification of non-program material, which is dealt with in Section 2: Classification, and Section 3: Program Promotions.

5.3 In this section, non-program matter comprises:

5.3.1 spot commercials, namely advertising for products, services, beliefs or courses of action which is scheduled within program breaks or between programs, or by full-frame visual superimposition on a program, and for which licensees receive payment or other valuable consideration. This includes bonus and make-

good advertisements, but excludes community service announcements, announcements on behalf of election authorities and sponsorship announcements before and after a program or program segment.

5.3.1.1 community service announcements are announcements which promote a charitable cause or activity or which constitute a public service, and which are broadcast free-of-charge by a licensee.

5.3.2 Program promotions. These include station identifications and program line-ups which contain more than 10 seconds of visual material from any program for which the licensee holds television rights, but exclude voice-over program promotions transmitted during the closing credits of a program, or superimposed text occupying only part of the screen.

Hourly Limits

5.4 Subject to paragraphs 4 of this section, on any day licensees may schedule on average in each hour up to:

5.4.1 between 6.00 p.m. and midnight, 13 minutes of non-program matter;



On 25 November, the ABA conducted auction-style licence allocation exercises for three new commercial radio licences in Queensland—in Rockhampton/Gladstone and Maryborough.

Commercial radio auctions raise \$1.8m

On 25 November, the ABA conducted auction-style licence allocation exercises for three new commercial radio licences in Queensland. A total of \$1 800 000 was bid at the auctions.

'The ABA is very pleased with the results of the auctions,' said Professor David Flint, ABA Chairman. 'When these new services go to air they will add to the diversity of radio services for listeners in their respective radio markets.'

Full payment for the licences must be made between 11 and 13 January 1999. The ABA will allocate the licences as soon as possible after full payment is received.

If a successful applicant fails to meet any of the requirements of the price-based allocation systems or relevant legislation, the licence will not be allocated to the applicant. The ABA may then re-offer the licence for allocation.

Commercial broadcasting licensees must begin a service within one year of being allocated the licence (or within a longer period with the ABA's permission).

Open narrowcast services

On 30 October the ABA invited applications for 18 licences to serve regional New South Wales, Victoria and Queensland. Applications for

these licences closed on 20 November.

Eleven of the licences received only one application each, the remaining seven licences each received more than one application.

On 16 December, the ABA will conduct auctions for the seven licences which received more than one application.

The licences which received one application each will be issued to the applicants provided the requirements of the Determination, which governs the price-based allocation process, are met. The price of a licence for which there is one applicant is the reserve price, \$4000.

5.4.2 at all other times—other than in 'P' or 'C' periods—15 minutes of non-program matter.

5.5 In any hour, licensees may (provided that the averages in 5.4 are satisfied) schedule the following amounts of non-program matter:

5.5.1 between 6.00 p.m. and midnight—up to 15 minutes per hour, but with no more than 14 minutes scheduled in any four of those hours;

5.5.2 at all other times—up to 16 minutes.

5.6 In 'P' and 'C' periods scheduled in accordance with the Children's Television Standards:

5.6.1 no commercials may be broadcast in any 'P' period;

5.6.2 each 30 minutes of a 'C' period may contain no more than 5 minutes of commercials and one minute of 'G'-classified program promotions or station identification.

Make-Up of Non-Program Matter from Certain Broadcasts Uninterrupted by Non-Program Matter

5.8 If a licensee wishes to broadcast a program or part of a program of a clearly charitable or community service nature without the insertion of non-program matter, the licensee may schedule elsewhere additional non-program matter equivalent to the shortfall in that hour or those hours. That additional non-program matter is to be scheduled elsewhere in the same zone (i.e. 6.00 p.m. to midnight or off-peak) on that day or on other days within fourteen days of the broadcast.

5.9 The amount of non-program matter made up in other hours may not exceed one minute in total in any one hour.

Highest bidders				
Area	Licence no.	Frequency (MHz)	Highest bidder	Amount bid
Rockhampton/ Gladstone	SL1150045	107.9 / 93.5	Regional Broadcasters Australia Pty Ltd	\$575 000
Rockhampton/ Gladstone	SL1150183	101.5 / 95.1	Rockhampton Broadcasting Company Pty Ltd	\$525 000
Maryborough	SL1150054	103.5	Broadcast Operations Pty Ltd	\$700 000