



**ABA will impose an additional condition on 13 commercial television broadcasting licences**

# Local material on regional television

The Australian Broadcasting Authority will impose an additional condition on each of the 13 commercial television broadcasting licences in the four aggregated markets of Regional Queensland, Northern New South Wales, Southern New South Wales and Regional Victoria.

The ABA has taken account of representations made on a draft

licence condition by regional broadcasters.

The licence conditions will divide each aggregated television market or licence area into a number of local areas, reflecting the different communities of interest within that aggregated market. All regional television licensees in the four markets will be required to broadcast material of local sig-

nificance to meet a weekly average total of 120 points in each specified local area. Points will accrue on the basis of 2 points per minute for local news and 1 point per minute for most other types of local content, excluding paid advertising. Compliance will be assessed on the average score over a 6-week period, with a proviso that the minimum requirement in any week is 90 points.

“While the conditions apply only in these four regional markets, this decision demonstrates the ABA’s concern about the broadcast of matters of local significance, especially news, throughout the Commonwealth,” said Professor David Flint, ABA Chairman.

Significant changes from the draft condition include provision for material of local significance that is broadcast in more than one local area within an aggregated market to be able to earn points in each local area. This will be capped at 50 per cent of the total points for any one local area. The ABA considers this change will increase the likelihood that current affairs and other quality programming of significance to regional Australia will be produced.

The ABA has also reviewed the local areas in some aggregated markets. Two areas have been combined into one in

each of Northern NSW and Regional Victoria (see backgrounder). The ABA has also created two extra local areas, one in each of Northern NSW and Regional Queensland, to recognise current local news breakouts within these areas. The ABA considers the changes better reflect local communities of interest. Maps of the local areas can be viewed on the ABA web site, [www.aba.gov.au](http://www.aba.gov.au).

The ABA has also modified its approach to recognise that local programming may be provided by less than three broadcasters in some areas. The Northern NSW and Regional Queensland markets have been divided into five and seven regions respectively. Each broadcaster in Northern NSW must provide local programming in four local areas and each broadcaster in Regional Queensland in five local areas. The local areas will be defined as whichever four Northern NSW regions or whichever five Regional Queensland regions the broadcaster nominates.

The overall number of local areas (twenty) will remain the same as proposed in the draft and local content must be provided in all local areas.

“In requiring licensees in Northern NSW and Regional Queensland to serve a specified number of local areas, the





ABA is aware there is the potential, probably hypothetical, that a smaller region could not be served at all," said Professor Flint. "The ABA does not expect this to happen. If it does, the ABA will intercede to rectify the situation."

"Moreover, the condition does not specifically mandate local news. The ABA expects that each local area will have at least a daily bulletin containing local news. If this situation were to change, however, the ABA would intervene immediately," said Professor Flint.

In other changes, the ABA has clarified that sport, business and weather that is part of a local news bulletin or news update will accrue 2 points per minute.

Community service announcements will be able to accrue 1 point per minute for five broadcasts i.e. first broadcast plus 4

repeats, however, this will be capped at 10 per cent of the total points for any one local area. This is intended to remove an unintended disincentive for broadcasters who produce local community service announcements.

"There is now sufficient flexibility in the condition for licensees to provide diverse and innovative local and licence area material," said Professor Flint. "The ABA has also given licensees broader time-zones, so they will be able to accrue points from 6.30am to midnight Monday to Friday, and 8am to midnight on Saturday and Sunday."

The condition will be imposed immediately and licensees will be asked to provide information about their strategies and, where appropriate, progress towards compliance in local areas soon afterwards.

To allow time for broadcasters to implement compliance strategies, the requirement to keep records for compliance purposes will not commence until 1 February 2004.

The ABA's investigation into the adequacy of local news and information programs on commercial television services in regional Australia was a response to community concerns at the time about the closure of news bureaux in Canberra, Cairns, Townsville and Darwin by Southern Cross Broadcasting in November 2001. This followed similar closures by Prime Television Ltd in Canberra, Newcastle and Wollongong in June 2001.

The ABA's report, released in August 2002, focussed on the four aggregated markets of Regional Queensland, Northern New South Wales, Southern

New South Wales and Regional Victoria (Approved Markets A, B, C and D respectively), which were the major source of community concerns.

One of the objects of the *Broadcasting Services Act 1992* is to encourage broadcasters to be responsive to the need for an appropriate coverage of matters of local significance. In addition, there is a statutory condition on all commercial television broadcasters to contribute to the provision of an adequate and comprehensive range of services in their licence area.

While some regional commercial television broadcasters make a significant contribution to localism, the ABA found that others do not provide appropriate coverage of matters of local significance (particularly local information) in the four



**Local areas**

As noted above, the Northern NSW and Regional Queensland markets have been divided into five and seven regions respectively. Each broadcaster in Northern NSW must provide local programming in four local areas and each broadcaster in Regional Queensland in five local areas. The local areas will be defined as whichever four Northern NSW regions or whichever five Regional Queensland regions the broadcaster nominates.

**Regional Queensland**

**B'casters to serve 5 local areas**  
 Cairns, Far North Queensland  
 Townsville, North Queensland  
 Rockhampton, Capricornia  
 Mackay, Central Coast Queensland & Whitsundays  
 Maryborough, Wide Bay  
 Maroochy, Sunshine Coast  
 Toowoomba/ Warwick, Darling Downs

**Northern New South Wales**

**B'casters to serve 4 local areas**  
 Newcastle, Hunter  
 Gosford, Central Coast NSW  
 Tamworth, North West Slopes & Plains  
 Coffs Harbour/Taree, Northern Rivers & Mid North Coast  
 Lismore, Richmond/Tweed

**Southern New South Wales**

**B'casters to serve all 4 local areas**  
 Dubbo/Orange, Central Tablelands & Central Western Slopes  
 Wagga Wagga, South Western Slopes & Eastern Riverina  
 Wollongong, Illawarra & South Coast  
 Canberra & Southern Tablelands

**Regional Victoria**

**B'casters to serve all 4 local areas**  
 Albury/Shepparton, Upper Murray & Goulburn Valley  
 Ballarat, South West Victoria  
 Bendigo, North Central Victoria  
 Traralgon, Gippsland



aggregated markets. In failing to do so, these broadcasters are not sufficiently responsive to audience needs for local content, particularly programs about matters of local significance (objects 3(1)(b) and 3(1)(g) of the Act).

Compliance by regional commercial television broadcasters with the statutory condition (clause 7(2)(a) Part 3 Schedule 2 of the Act) has not in itself resulted in the achievement of objects 3(1)(b) and 3(1)(g) of the Act, the ABA concluded.

In order to ensure that commercial television licensees in regional Queensland, New South Wales and Victoria are sufficiently responsive to audience needs, the ABA proposed that an additional condition should be imposed on each commercial television licence in those areas, and sought submissions on its proposal.

**Submissions**

In the main, broadcasters submitted that they would prefer a code rather than a condition, a redefinition of what constitutes material of local significance, broadening of any requirement to cover a licence area rather than a local area, and allowing repeats of all local news and information programs to accrue the same points as if they were first broadcast during specified time zones.

Other submitters, including representatives of Federal and State/Territory Governments and interest groups, generally supported the proposed additional condition, and that material of local significance should mean content that is specific to a local area and not a licence area. While there was general support for the dual points system, there were some suggestions that the number of points for local news and information programs be increased. These

submitters also pointed out that local content should be broadcast only once to accumulate points.

**The points system**

Points are accumulated for programming broadcast in the eligible periods, which are

from 6.30am to midnight (inclusive) on Monday to Friday; and

from 8am to midnight on Saturday and Sunday.

Material of local significance in the form of news accumulates 2 points per minute, while material of local significance not in the form of news accumulates 1 point per minute.

Material that is broadcast outside the eligible period or that has already been broadcast in an eligible period in the local area attracts no points (apart from 4 repeats of a community service announcement, capped at 10 per cent of total points for any one local area).

Licensees must accumulate 720 points in a 6-week period commencing 1 February 2004 and in every subsequent 6-week period, with a minimum of 90 points in any one-week.

The number of weeks in a year when points are to accrue has been revised to 48 weeks, with the ABA partially acknowledging the journalists award of 6 weeks leave during the non-rating period in December and January. The ABA has specified that the 4 weeks in which points will not accrue will be from mid December to mid January to provide certainty and clarity to all parties.

Rather than averaging points over 12 weeks, as earlier proposed, licensees will have a shorter averaging period of 6 weeks. Legislation requires licensees to retain records of news and current affairs broadcast, among other material, for 6 weeks from the date of broad-

cast or 60 days if there is a complaint about a matter. The ABA has taken this into account in requiring licensees to retain tapes of material broadcast for 6 weeks after the end of the relevant 6-week averaging period. The ABA has retained the requirement for broadcasters to report on compliance within 30 days after the end of each 6-month period ending 30 June and 31 December.

**Material of local significance**

The test of whether material is of local significance combines the subject and the way the material is presented. For example, a report about 'drought in Australia' can emphasise the effect of the drought on the Australian economy, or on a local area, or on both. The effect on the Australian

economy is likely to be of interest to people in the local area, but the absence of a local emphasis means that it would not be 'material of local interest'.

Most material of local significance is likely to be collected and prepared in the local area, using reporters and other resources located in the area. It is less likely that material prepared outside the local area and distributed in a similar generic form to several licensees will have an adequate local emphasis to meet the test of local significance.

However, the ABA has considered various mechanisms by which licence area material might be encouraged. As a result, it has included a provision for programming that relates directly to the licensee's licence area, rather than relating di-

*Continued page 7*





# ABA seeks submissions on whether to delay commercial radio licences

The Australian Broadcasting Authority has decided to seek submissions on whether to defer the availability of spectrum for further commercial FM radio licences in Adelaide, Sydney, Melbourne and Brisbane.

The ABA has planned commercial FM radio licences in the Adelaide, Sydney, Melbourne

and Brisbane markets that have yet to be allocated. The timing of these allocations was set out at the time of the relevant licence area plans in order to provide certainty to the industry and the marketplace. Therefore, the ABA will only be minded to consider deferring the availability of spectrum for these commercial radio licences

if there has been a significant change in market circumstances since the determination of the relevant licence area plan.

The ABA's move follows approaches by a number of interested parties, some concerned that it proceed, others concerned that it should not proceed or that it should delay.

The crucial question, as the ABA sees it, is whether circumstances in the market (or similar markets) since the timing decision have changed in some major way such that proceeding with the allocation now would fail to promote the objects of the *Broadcasting Services Act 1992*, including the economic and efficient allocation of spectrum. In looking at this question, the ABA will look at each licence area as a separate and distinct market.

The ABA will decide whether or not to formally consider varying the relevant licence area plan through the normal public process, based on submissions received by Friday, 9th May.

The proposed timeframes for the allocation of these licences are only tentative. They are:

Licence area	Frequency	Date available in LAP	Proposed timing for commencement of allocation process	Proposed timing for auction
Adelaide	91.9MHz	September 2003	July 2003	October 2003
Sydney	95.3MHz	December 2003	February 2004	April 2004
Brisbane	106.9MHz	January 2004	February 2004	April 2004
Melbourne	91.5MHz	July 2004	May 2004	August 2004

## Local material on regional television

*Continued from page 5*

rectly to any particular local area within the licence area. This material will be treated as material of local significance to each of the local areas, even though it does not relate directly to any of them, but will be capped at 50 per cent of total points for any one area.

### Other markets

At this stage, the ABA is focusing on the four aggregated markets, where public concern was greatest. Accordingly, the proposed investigations into the adequacy of local content in other parts of regional Australia and the impact of aggregation / affiliation fees on service outcomes have been postponed. The ABA will monitor these matters and investigate further if appropriate.

