

## CODE OF PRACTICE 4: AUSTRALIAN MUSIC

### Purpose

- 4.1 The purpose of this Code is to implement the object, set forth in the *Broadcasting Services Act 1992*, of promoting the role of broadcasting services in developing and reflecting a sense of Australian identity, character and cultural diversity, by prescribing minimum content levels of Australian music.

The commercial radio industry is committed to supporting the music of Australian artists and composers. The quotas adopted by the industry depend upon the availability of Australian music to suit station formats. The commercial radio industry will continue to encourage the increased production by the record industry of Australian music relevant to stations formats and the preferences of the Australian listening public.

### Broadcast of Australian Music

- 4.2 Subject to this Code, a licensee must ensure that during the Australian Performance Period, either:
- (a) the applicable proportion of the total time occupied by the broadcasting of music by the radio service consists of music performed by Australians; or
  - (b) in the case of a licensee which broadcasts musical items of a reasonably similar duration, the applicable proportion of the total number of musical items broadcast by the radio service consists of musical items performed by Australians.

## Broadcast of Australian Music... continued

- 4.3 (a) For the purposes of clause 4.2, the applicable proportion of total time or total number of musical items (as the case may be) in respect of a radio service must be determined based upon the predominant format of the service in accordance with the following scale:

| Category | Format of Service   | Applicable Proportion |
|----------|---|-----------------------|
| A        | <ul style="list-style-type: none"> <li>➤ Mainstream Rock</li> <li>➤ Album Oriented Rock</li> <li>➤ Contemporary Hits</li> <li>➤ Top 40</li> <li>➤ ☐ Alternative</li> </ul>                | Not less than 25%     |
| B        | <ul style="list-style-type: none"> <li>➤ Hot/Mainstream Adult Contemporary</li> <li>➤ Country</li> <li>➤ ☐ Classic Rock</li> </ul>  | Not less than 20%     |
| C        | <ul style="list-style-type: none"> <li>➤ Soft Adult Contemporary</li> <li>➤ Hits &amp; Memories</li> <li>➤ Gold - encompassing Classic Hits</li> <li>➤ ☐ News Talk/Sports Talk</li> </ul> | Not less than 15%     |
| D        | <ul style="list-style-type: none"> <li>➤ Oldies</li> <li>➤ Easy Listening</li> <li>➤ Easy Gold</li> <li>➤ ☐ Country Gold</li> </ul>   | Not less than 10%     |
| E        | <ul style="list-style-type: none"> <li>➤ Nostalgia</li> <li>➤ Jazz</li> <li>➤ NAC (smooth jazz)</li> </ul>  | Not less than 5%      |

Note: All formats subject to review as set out in Attachment "A" - page 13.

## Broadcast of Australian Music... continued

- (b) In the case of a radio service whose format is within categories A, B or C of clause 4.3(a), the broadcast of New Australian Performances as a proportion of total Australian Performances prescribed by this clause shall be in accordance with the following table, when calculated across all Australian Performance Periods occurring in any financial year, subject to clause 4.3(d).

| <b>Category</b> | <b>New Australian Performances<br/>As a Proportion of Total<br/>Australian Performances</b> |
|-----------------|---|
| <b>A</b>        | Not less than 25%   |
| <b>B</b>        | Not less than 20%   |
| <b>C</b>        | Not less than 15%   |

- (c) The commitment on the part of licensees to play a minimum level of New Australian Performances in accordance with sub-clause 4.3(b) is subject to the release of such Performances by the Australian record industry in numbers that are substantially the same as those released in the financial year ending 30 June, 1998. If, in any financial year during the time that this Code is in force, there is a substantial decrease in the release of New Australian Performances, FARB may revise the proportions of New Australian Performances as a proportion of total Australian Performances, contained at clause 4.3(b), after discussion with AMPCOM, provided that any change that may eventuate will not affect the licensees obligations under clause 4.2 and 4.3(a).
- (d) Clause 4.3(b) does not apply to a licensee that does not include New Releases in its weekly play lists, having regard to its format.

4.4 For the purposes of clause 4.3, the category into which a radio service falls must be nominated by the licensee and if any dispute arises as to the appropriateness of any such nomination the category will be determined by AMPCOM, on the basis of the predominant format of the service.

## **Broadcast of Australian Music... continued**

- 4.5 For the purposes of clause 4.2, where more than one performer is involved in a musical performance, the musical items concerned shall be regarded as being performed by an Australian if the performance is predominantly by one or more Australians.

## **Changes to Formats**

- 4.6 A licensee must notify AMPCOM by written notice (through FARB) of any material change to the format of a radio service operated by it, having regard to the tables in Clause 4.3, no later than 7 days after the change is made and must provide AMPCOM with all documentation reasonably required by it in relation to the change to the format.

## **Role and Objectives of AMPCOM**

- 4.7 The ABA notes the role and objectives of AMPCOM set out in Attachment "A" hereto.

## Definitions

4.8 In this Code of Practice 4:

**ABA** means the Australian Broadcasting Authority.

**AMPCOM** means the Australian Music Performance Committee.

**AMPCOM Monitoring Period** means the six month periods from January to June and July to December each year.

**Australian Performance Period** means the total period of 126 hours occurring in each week between the hours of 6.00 am and 12.00 midnight daily.

**Australian** means a person who is a citizen of, or is ordinarily resident in, Australia.

**Music** or **musical item** does not include music in advertisements, program promotions, station promotions or theme or bridging music.

**New Australian Performance** means a sound recording of a previously unpublished performance of a musical item performed by an Australian which has been on sale to the Australian public for a period not exceeding 12 months from the date which is recorded in "*The Aria Report*" as the date of its initial release in Australia.

**New Release** means a previously unpublished sound recording that has been on sale to the Australian public for a period not exceeding 12 months from the date which is recorded in "*The Aria Report*" as the date of its initial release in Australia.