



# *Australian Broadcasting Tribunal*



**ANNUAL REPORT 1987-88**

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AUSTRALIAN BROADCASTING TRIBUNAL  
ANNUAL REPORT  
1987-88

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The Honourable, the Minister for Transport and Communications

In conformity with the provisions of section 28 of the Broadcasting Act 1942, I present the Annual Report of the Australian Broadcasting Tribunal for the period 1 July 1987 to 30 June 1988.

A handwritten signature in cursive script that reads "Deirdre O'Connor".

Deirdre O'Connor  
Chairman

10 November 1988.



## CHAPTER 1

# MEMBERSHIP OF THE AUSTRALIAN BROADCASTING TRIBUNAL



**Deirdre O'Connor BA, Dip Ed, LLB (Hons).  
(Chairman)**

Appointed from 24 March 1986 for a five year period. Ms. O'Connor was formerly a lecturer in law at the University of NSW and Macquarie University; Australian Government Representative at the UNESCO Conference on Teaching of Human Rights in Vienna (1978); Commissioner of the NSW Law Reform Commission; and barrister at the NSW Bar.

**Ray Watterson LLB, LLM  
(Acting Vice Chairman)**

Appointed as a Member from 26 September 1983 for a period of five years; appointed Acting Vice Chairman from 21 April 1988. Mr. Watterson is a barrister who formerly taught Legal Studies at the University of Newcastle. Prior to his appointment he appeared before the Tribunal on behalf of licensees and public interest and consumer groups.

**Julie James Bailey BSc (Econ) (Hons)**

Appointed from 31 January 1984 for a period of five years. Ms. James Bailey was formerly Head of Research at the Australian Film, Television and Radio School. She has been a writer and producer for television with experience in the UK and USA.

**Victoria Rubensohn MA, LLB**

Appointed from 5 October 1987 for a period of five years. Ms. Rubensohn is a barrister and graduate in politics and law. She has worked in ABC radio and television current affairs and was a writer and producer of television current affairs in the USA. She was formerly Executive Director of the Australian Record Industry Association and General Manager of the Phonographic Performance Company of Australia.

**Kim Wilson Diploma of Law (SAB), LLB**

Appointed from 1 December 1987 for a period of five years. Mr. Wilson was formerly a solicitor in Papua New Guinea; legal adviser to the leader of the Northern Territory Opposition; senior private secretary to the Hon. Clyde Holding and recently a judge of the Supreme Court and National Court of Papua New Guinea.

## **Bruce Allen**

Appointed from 21 April 1988 for a period of five years. Mr. Allen was formerly a television producer with the ABC, the BBC and more recently with the Canadian Broadcasting Corporation. He has been a policy and program analyst and a consultant to the public and private sectors, including the Canadian Department of Communications in Ottawa. He has been a course director at the Australian Film, Television and Radio School and has taught the theory and practice of television production at Macquarie University and lectured in communications at Ottawa University.

CHAPTER 2  
THE YEAR IN REVIEW



Moving into its second decade of operation, the Australian Broadcasting Tribunal's complex task has been compounded by structural change in the industry which it regulates. Since the Tribunal, like all public sector bodies, has been constrained to do 'more with less', it cannot now be assumed that it will be able to expand its activities or accept additional responsibilities without provision of additional resources in the forthcoming year. Nevertheless the Tribunal has made substantial progress during 1987-88 and anticipates the fruition of several major projects in 1988-89.

The current year saw the tenth anniversary of the Australian Broadcasting Tribunal. To mark this event, the Tribunal organised its first ever conference, "The Price of Being Australian", which had as its focus Australian programming on commercial television. The publication of a report on the conference was one of a number of initiatives taken during the year in a significant upgrading of the Tribunal's role in providing information on broadcasting to the Australian people. This process will continue in the year to come with the publication of "Broadcasting In Australia", the first ever comprehensive survey of the broadcasting industry in this country.

The year was one of major change in the broadcasting industry. The introduction of equalisation into regional television and new legislation changing the limits of ownership and control of both television and radio stations led to an unprecedented amount of buying and selling of companies holding broadcast licences. This increase in activity resulted in a workload for Tribunal members and staff which has not been met by increased resources. The importance of the current reviews of the legislative framework in which the Tribunal operates is thus emphasised.

- \* **Australian Content on Commercial Television**  
Twelve background papers released providing a comprehensive basis for submissions.
- \* **New Standard For Australian Music on Radio**  
Australian music will get more airplay between 6 a.m and 12 midnight.
- \* **"The Price Of Being Australian" Conference**  
The Tribunal stimulating debate about broadcasting in Australia.
- \* **Deregulation of Advertising Time Standards**  
A two year trial period with specific criteria for success or failure.

## Key Issues

- \* **Review of Government Communications Policy**  
The need for a more flexible regulatory framework in a broadcasting industry undergoing major structural change.
- \* **Resource Problems Caused by the Ownership and Control Legislation.**  
A mounting backlog of share transaction approvals.
- Financial Reporting of Commercial Television Stations.**  
More detail in licensees' Annual Financial Returns.
- \* **Regional Commercial FM Radio Licence Grants**  
A major step in the development of the FM band.
- \* **Violence On Television**  
. Mounting public concern over violence in the community - to what extent is television a factor?

#### **Australian Content**

The Inquiry into the Levels of Australian Content on Commercial Television is the most comprehensive analysis of the Australian television production industry ever undertaken. During 1987-88 the Inquiry moved into the main phase of disseminating information and seeking submissions. Twelve major discussion papers were released over the course of the year and submissions were invited on the issues they addressed.

#### **New Standard For Australian Music on Radio**

After a long-running inquiry, the Tribunal determined a new standard for Australian music on radio, a standard that will have positive repercussions for musicians, composers and the Australian music industry in general. Under the new standard, twenty per cent of music or musical items played by radio stations between the hours of 6 a.m. and 12 midnight must be performed by Australians.

#### **"The Price Of Being Australian" Conference**

The Tribunal organised its first ever conference during the year. Held in Sydney on 31 August and 1 September 1987, the conference theme was "The Price of Being Australian" and had as its subject matter Australian programming on commercial television. Among the keynote speakers were the Minister for Transport and Communications, Senator Gareth Evans, Mr Peter S. Grant, a barrister with significant experience in the regulation of Canadian broadcasting and the chairman of West Coast Telecasters, Mr Kerry Stokes. Topics addressed by various panels over

the two days included "Why We Get What We See and Hear", "Regulation and Deregulation" and "Indigenous vs. International - the Co-production Question". The conference was attended by over 170 people and provided a unique forum for the expression and exchange of a multitude of points of view.

A report of the proceedings of the conference has proved a popular publication. The Government's decision to grant the Tribunal marketing powers means that the Tribunal will be able to package and sell the fruits of its information gathering function. This will enable the Tribunal to disseminate the information it gathers to a wider public in a more cost-effective manner.

### **Deregulation of Advertising Time Standards**

The Inquiry into Advertising Time Standards on Commercial Television made the decision to remove the rules concerning placement and time permitted for advertising on commercial television for a trial period of two years from September 1987 and identified eight criteria by which it will judge the success or failure of the trial. The Tribunal has commissioned research to monitor stations' performance during the trial period.

### **Review of Government Communications Policy**

Major proposals raised by the Tribunal have become part of the agenda for legislative reform in the last twelve months. The House of Representatives Standing Committee on Transport, Communications and Infrastructure is examining the role and functions of the Tribunal while the Department of Transport and Communications is looking at both the Act itself and the Australian Broadcasting Tribunal (Inquiries) Regulations 1986, which govern the conduct of Tribunal inquiries.

These reviews are part of the Government's overhaul of communications policy, a process which encompasses telecommunications reform, the Australian Broadcasting Corporation, the Special Broadcasting Service, pay television and the National Radio Plan. The Tribunal is pleased that the Government is considering these issues and hopes that the process of review will result in a more flexible regulatory framework within which the Tribunal can continue to best serve the public interest. To this end the Chairman appeared before the House of Representatives Committee on Transport, Communications and Infrastructure three times during the year.

### **Problems caused by the Ownership and Control Legislation**

The Tribunal has not been able to progress a number of major share

transaction inquiries because of the lack of resources to deal with the requirements of the complex legislation. This has had the effect of delaying investigations of significant changes in ownership and control of licences, thus allowing some new owners to operate licences and networks in circumstances which could be in breach of the legislation relating to concentration and cross-media ownership. This is of great concern to the Tribunal and has been the subject of submissions to the Review of Government Communication Policy.

It has to be pointed out that the Tribunal finds itself in an untenable situation. The cross-media and concentration of ownership legislation has brought about an unforeseen blow-out in changes of ownership. Company structures have to be analysed in the context of inappropriate legislation before inquiries can commence. To compound the problem, some companies continue to restructure after inquiries have commenced. The Tribunal has not been allocated additional resources to deal with this problem. Hence further efficiency is unlikely to be achieved and the Tribunal's ability to thoroughly investigate the implications of such transactions is impeded.

The Government has responded to this situation by foreshadowing amendments to legislation which will facilitate the Tribunal's administrative processes. Unless these amendments become law, a major injection of resources will be necessary to deal with the problem.

### **Financial Reporting of Commercial Television Stations**

This year the commercial television stations had to complete Annual Financial Returns developed by consultants. The detail required will assist the Tribunal in its determination of television performance. The licensees in the Seven network have applied to the Federal Court for a review of the Tribunal's decision, asserting that the Tribunal has no powers to require the licensees to provide some of this information.

During the year the Tribunal has been consulting with a working party from the commercial radio industry to adapt the television financial form for commercial radio. All radio licensees will be expected to complete these forms for the financial year 1987-88 by December 1988.

### **Regional Commercial FM Radio Licence Grants**

Inquiries commenced or continued into the granting of commercial radio licences to serve the regional areas of Geelong, Victoria; Gosford and Moree, New South Wales; Geraldton, Western Australia; Hobart, Tasmania; the Gold Coast, Ipswich and Townsville, Queensland; and Alice Springs in the Northern Territory. These licensees will broadcast on the FM band. A decision was made that a commercial radio licence

for the FM band would be granted to Goulburn Valley Broadcasters Pty. Ltd. to service the area based on Shepparton, Victoria. Appeals have been lodged against this decision.

### **Violence On Television**

Public complaints about violence on television showed a marked upturn in the aftermath of coverage of events like the Hoddle St. shootings in Melbourne and the suicide of an American public official. The Tribunal circulated the BBC Guidelines on the subject to television licensees for reaction and comment.

After receiving an application from the Australian Council for Children's Films and Television, the Tribunal commenced an inquiry into the operation of Television Program Standard 12 (TPS 12). An amendment to TPS 12, determined in March 1988, prevented the transmission of moving promotions for AO and PGR classified programs during G time (4.00 p.m. - 6.00 p.m. on weekdays). United Telecasters Sydney Ltd and others have applied to the Federal Court for a review of this decision.

The Review of Children's and Pre-School Children's Television Program Standards held public conferences in Brisbane, Perth, Adelaide, Melbourne and Sydney in February 1988 and research on children's viewing was commissioned during the year.

The Tribunal was involved in the conduct of nineteen standards inquiries during 1987-88. Seventeen of these concerned program standards while the remaining two were concerned with the exercise of the Tribunal's substantive powers. Fourteen inquiries were held as a result of requests.

Last year's report noted significant progress in the management of licensing inquiries as a result of new inquiry regulations. The improvement in the conduct of inquiries has been maintained this year. The collection of program and operational data from commercial radio is currently under review with the aim of streamlining the radio licence renewal process.

The Tribunal concluded a number of inquiries into the allocation of public radio licences during the year. Public radiolicences were granted to groups in Alpha, Logan, Roma and Rockhampton in Queensland; Goulburn in NSW; and Geelong, Shepparton and the Western Suburbs area of Melbourne in Victoria.

## **Standards Inquiries**

## **Licensing Inquiries**

Inquiries also commenced into the grant of public radio licences to service the ethnic populations of Melbourne, Victoria and Perth, Western Australia.

During the year, the Minister for Transport and Communications invited applications for Remote Commercial Radio licences in the western and central regions of inland Australia. Both stereophonic and monophonic licences are available in each region. The Tribunal has commenced inquiries into the grant of these licences.

An increase in litigation concerning the Tribunal's licensing decisions has constrained the implementation of the Minister's program for granting thirty new commercial licences using the FM band in regional areas over a three year period. There was an appeal against the grant of the Shepparton licence (mentioned above), and the Newcastle licence was the subject of three separate Federal Court actions.

The enactment of the Broadcasting Amendment Act 1987 introduced an establishment fee for the grant of commercial licences. The fee is related to the gross earnings of the existing commercial licensees in the area concerned. Using information on existing station's financial returns provided by the Tribunal, the Minister determined establishment fees for four newly announced commercial licences using the FM band. These amounted to roughly \$4.28 million for the Gold Coast licence, \$2.65m for the Gosford/Wyong one, \$1.03m for Geelong and \$0.8m for Shepparton. The establishment fee has to be paid before the licence is granted.

## Management Review

1987-88 saw the Tribunal take a significant management improvement initiative. Peat Marwick Hungerfords, management consultants, were engaged to conduct a review and a number of significant recommendations arose from the consultancy.

Foremost was the clarification and enunciation of goals and objectives. Following from this was a change to the internal committee structure of the Tribunal so as to improve operational efficiency. The consultancy also identified the need for better information management systems. The recommendations are timetabled for implementation in the 1988-89 financial year.

The consultancy also recommended legislative reforms to enable licence fees to be collected more closely to the period they relate to and that gross earnings of licensees should be audited.

During the latter part of 1987-88, approval was received from the Committee for the Location of Government Employees to relocate

Melbourne head office positions to Sydney. This decision was based on the improved efficiency of operations and anticipated annual savings of \$388,000, including 5 staff years. Twenty nine staff are being given the option of redeployment or retirement in accord with the Redeployment and Retirement (Redundancy) Award 1987. A large number of the staff affected are expected to retire.



CHAPTER 3  
POWERS AND FUNCTIONS OF THE TRIBUNAL



The Tribunal is established by s.7 of the Broadcasting Act 1942 ('the Act'), and its structure and functions are detailed in Divisions 1 and 2 of Part II of the Act. Part IIIA of the Act also establishes and defines the functions of the Special Broadcasting Service. The Australian Broadcasting Corporation is established under the Australian Broadcasting Corporation Act 1983.

The Tribunal was established on 1 January 1977 and assumed the powers and functions of the former Australian Broadcasting Control Board with the exception of the planning and engineering functions relating to broadcasting services, which were transferred to the Postal and Telecommunications Department (now the Department of Transport and Communications) and subsequently to the Minister.

From 1 January 1978 the powers and functions of the Tribunal were extended to transfer to the Tribunal powers in the broadcasting and television licensing area formerly exercised by the Minister for Post and Telecommunications (now the Minister for Transport and Communications).

The express functions of the Tribunal are set out in s.16 of the Act as follows:

(1) The functions of the Tribunal are:

- (a) to grant, renew, suspend, revoke and accept the surrender of licences;
- (b) to authorise transactions in relation to licences under s.89A;
- (c) to grant approvals and give directions under Divisions 2 and 3 of Part IIIA in relation to the ownership and control of licences;
- (d) by instrument in writing, to determine the standards to be observed by licensees in respect of the broadcasting of programs and in respect of programs to be broadcast;
- (e) \* \* \*
- (f) to determine the hours during which programs may be broadcast by licensees;
- (g) to hold inquiries as provided by this Act or as directed by the Minister under s.18, and to publish reports in relation to those inquiries;

- (h) to assemble information relating to broadcasting in Australia under s.124; and
  - (i) to perform such duties and exercise such powers as are imposed or conferred upon it by this Act and the regulations.
- (2) In performing its functions under paragraphs (1)(d) and (f) in relation to broadcasting of programs by licensees the Tribunal shall consult representatives of those licensees.

Under s.15D of the Act the Tribunal may delegate to a member of the Tribunal any of its powers under the Act, other than the power of delegation and the power to hold inquiries.

Under s.15C of the Act the Chairman of the Tribunal may constitute Divisions of the Tribunal for the purposes of holding inquiries, consisting of a member or members and an associate member or members, if applicable.

More details of the Tribunal's functions are contained in Appendix P (FOI Statement).

CHAPTER 4  
LICENSING



The Tribunal's licensing powers are contained in Part IIIB of the Broadcasting Act, 1942. There are six important powers which directly affect licences:

- grant
- renewal
- suspension and revocation
- approval of licence transfers
- approval of participation in licence benefits
- licence conditions

The Act also gives the Tribunal powers to approve or refuse share transactions affecting (directly or indirectly) the ownership of licensee companies.

The Tribunal also administers as part of its licensing functions the registered lender and approved investment provisions, the issue of test transmission permits, the co-ordination of call sign allocations by the Minister, changes in memoranda and articles of association of licensee companies and the collection of financial information and licence fees.

As of 30 June 1988 there were 376 licences on issue made up of the following categories:

**Number and Type of Licences on Issue**

Commercial Television .....	50
Remote Television .....	3
Commercial Radio .....	140
Supplementary Radio .....	2
Public Radio .....	73
Commercial Television Translator .....	20
National Television Translator .....	41
Commercial Radio Translator .....	18
National Radio Translator .....	2
Public Radio Translator .....	6
Re-broadcasting .....	6
Community Television Aerial System ....	11
Television Repeater .....	4

This compares with the total of 459 licences on issue at 30 June 1987. The major reason for the decrease is the conversion of commercial television station licences to 'new system'. As a result 85 commercial television translator station licences have lapsed.

## Converted Licences

Section 99 of the Broadcasting and Television Amendment Act 1985 provides for the substitution of a 'new system' licence for an 'old system' licence or licences. On receipt of a direction from the Minister of Transport and Communications, the Tribunal must grant a new system licence. The conversion of licences brings those services under the provisions of the Broadcasting Act 1942 (rather than the Broadcasting and Television Act 1942).

Under the new system, all transmitters used by a licensee to provide a service are covered by the one licence. Attached to this licence are the relevant service specifications and a licence warrant, granted by the Minister, which includes the relevant technical conditions for each transmitter.

The list included in Appendix I details the stations whose licences were converted to new system licences during 1987-88, together with the call sign for each service which now appears on the licence.

## Statistics

GRANTS	
Commenced .....	23
Finished .....	30
Ongoing .....	19
RENEWALS	
Commenced .....	23
Finished .....	68
Ongoing .....	22
Conference Days .....	16
Hearing Days .....	52

N.B. The number of finished and ongoing enquiries includes those commenced during and prior to the statistical year 1987-88.

## Commercial Radio Licence Grants

### Shepparton

On 1 May 1987, the Minister for Communications invited applications for the grant of a licence for a commercial FM radio station to serve the Shepparton area in Victoria.

Five applications were received by the Tribunal for the grant of this licence. The applicants were:

Independent FM Radio Pty Ltd  
Goulburn Valley Broadcasters Pty Ltd  
Shepparton Broadcasting Services Pty Ltd  
Shepparton FM Ltd  
Greater Valley Music FM Pty Ltd

The Tribunal conducted two conferences during this inquiry. The first, a procedural conference, was held in November 1987 and the second conference was held between 19-22 April 1988.

On 2 June 1988 the Tribunal decided that a commercial FM radio licence should be granted to Goulburn Valley Broadcasters Pty Ltd (GVB). To ensure that the successful applicant's promises are carried out, the Tribunal decided to impose conditions on the licence. Those conditions cover program matters, staffing and financial matters.

During the inquiry the Tribunal received a submission from the licensee of commercial AM radio station 2QN Deniliquin, opposing the grant of an independent FM licence for the area. After considering all the evidence before it, the Tribunal concluded that 2QN's commercial viability would not be threatened and therefore would not prevent it from providing an adequate and comprehensive service. The Tribunal also concluded that it was in the public interest to grant an independent FM licence to serve the area. Appeals have been lodged against this decision.

A full account of this inquiry is contained in Report No. 87/95/IL.

### **Gold Coast**

On 1 May 1987, the Minister for Communications invited applications for the grant of a licence for a commercial FM radio station to serve the Gold Coast area of Queensland. In response, the Tribunal received 14 applications - the largest number of applications received in the history of the Tribunal. (In comparison, the original Sydney commercial FM radio licence grant attracted 12 applications for the two licences available.)

The applicants were:

SEQ FM Broadcasters Pty Ltd  
East Coast Stereo FM Ltd  
Gold Coast FM Pty Ltd  
Radio Pacific FM Ltd

Shine On FM Pty Ltd  
Air Waves FM Pty Ltd  
Stereo Gold FM Ltd  
CFM Radio Pty Ltd  
Surf City FM Ltd  
Gaingold Pty Ltd  
Sun and Surf FM Ltd  
South Coast FM Pty Ltd  
Dylclip Pty Ltd

Four applicants (Gaingold Pty Ltd, Sun and Surf FM Ltd, South Coast FM Pty Ltd and Dylclip Pty Ltd) subsequently withdrew their applications.

The Tribunal held conferences on the Gold Coast on 15 October and 14 December 1987. In the course of the inquiry, applicants were required to revise their financial planning and lodge amendments to the applications as a result of the commencement of the Broadcasting Amendment Act (No 4) 1987. This introduced a requirement for any successful applicant to pay an establishment fee to the Government. In the case of the Gold Coast commercial FM licence this sum was approximately \$4.28 million.

In February 1988, oral interviews were held with each board of directors and, in March, final oral submissions were heard from each of the remaining applicants.

No decision had been reached by the Tribunal as at 30 June 1988.

### **Gosford/Wyong**

On 1 May 1987, the Minister for Communications invited applications for the grant of a licence for a commercial FM radio station to serve the Gosford/Wyong area of New South Wales.

Nine applications were received by the Tribunal. The applicants were:

Gosford-Wyong FM Radio Pty Ltd  
The Narara Broadcasting Company Pty Ltd  
Brisbane Water Broadcasting Group Pty Ltd  
NBN Radio Pty Ltd  
Radio Wave Pty Ltd  
Gosford Communications Ltd  
Coastwide FM Pty Ltd  
Crown International Pty Ltd  
FM 101 Pty Ltd

On 3 October 1987, NBN Radio Pty Ltd withdrew its application.

In the course of this inquiry two public conferences were conducted, on 14 October and 15 December 1987, and a public hearing took place between 14-22 March 1988. The latter consisted of interviews with the board and principal shareholders of each applicant company and discussion of the commercial viability issue raised by Wesgo Communications Ltd, the licensee of 2GO Gosford.

No decision had been reached by the Tribunal as at 30 June 1988.

### **Geelong**

On 1 May 1987, the Minister for Communications invited applications for the grant of a licence for a commercial FM radio station to serve the Geelong area of Victoria.

Nine applications were received by the Tribunal for the grant of this licence. The applicants were:

Barwon Broadcasters Ltd  
3 BAY-FM Pty Ltd  
B.I.G. FM Radio Pty Ltd  
Geelong FM Ltd  
GLFM Pty Ltd  
Stereo 94 FM Pty Ltd  
NBN Victoria Pty Ltd  
Greater Bay Music FM Pty Ltd  
South Coast Entertainment Pty Ltd

Three applicants, NBN Victoria Pty Ltd, Greater Bay Music FM Pty Ltd and South Coast Entertainment Pty Ltd, subsequently withdrew their applications.

Two conferences were conducted by the Tribunal, the first in October 1987 and the second between 22-26 February 1988.

No decision had been reached by the Tribunal as at 30 June 1988.

### **Hobart**

On 25 February 1988, the Minister for Transport and Communications invited applications for the grant of a licence for a commercial FM radio station to serve the Hobart area of Tasmania.

Applications were received from the following:

TAS FM Stereo Pty Ltd  
Southern Tasmania FM Stereo Pty Ltd

## Stereo 93 Pty Ltd

The Minister's notice of 25 February 1988 also invited submissions from interested parties in relation to this licence grant. The Tribunal received submissions from Commercial Broadcasters Pty Ltd (licensee of 7HT Hobart); and Tas Radio Pty Ltd (licensee of 7HO Hobart).

Both licensees also lodged further detailed submissions in response to the Tribunal's notice of inquiry and call for submissions.

On 23 February 1988, Tas Radio applied to the Federal Court for a review of the Minister's decisions to classify the Hobart radio market as a Group A market and to dismiss an application made by Tas Radio for a supplementary commercial radio licence. The proceedings were dismissed on 29 June 1988 because, as the Tribunal understood, the applicant and the Minister agreed to settle the matter, on terms which were not disclosed.

## Newcastle

As reported in last year's Annual Report, the Tribunal granted a licence for a commercial FM radio station for the Newcastle, NSW area to Newcastle FM Pty Ltd on 10 April 1987.

This decision was set aside by the Federal Court on 4 September 1987. On 23 October the Court issued an Order of Review which required the Tribunal to consider relevant material which concerned events since the time of the original decision and before that time, so long as it purported to correct or elucidate matters stated in the report.

As a result, further submissions were sought and lodged and an oral hearing was held on 10 December 1987, during which all parties were provided with the opportunity to raise any matters which they considered should be raised in that public forum. In making its reviewed decision on 1 June 1988 to grant the licence to Newcastle FM Pty Ltd, the Tribunal took into account all the applications, submission documents and evidence provided by the parties in the course of the inquiry.

## Public Radio Grants

### Brisbane

On 1 July 1987 the Minister invited applications for two "community service" public radio licences, to serve Brisbane City and Western Suburbs, and the Logan City areas of Queensland. Hearings were held in December 1987. A licence was granted to Radio Logan Inc., the only applicant for the licence to serve the Logan City area on 17 December.

A full account of this inquiry is contained in Report No. 87/96/IL.

In the case of Brisbane City and Western Suburbs the Tribunal decided on 4 February 1988 not to grant a licence on the grounds that the sole applicant, Family Radio Pty Ltd, was not a fit and proper person to hold a licence of the type proposed, and that it would be contrary to a provision of the Broadcasting Act to grant such a licence.

A full account of this inquiry is contained in Report No. 87/96/IL.

### **Melbourne**

On 9 December 1987, the Minister for Communications invited applications for a Special Interest (Ethnic) public radio licence to serve Melbourne. Applications were received from two groups: the Ethnic Public Broadcasting Association of Victoria and the Latin American Social and Sporting Club Inc.

The Tribunal conducted a public hearing on 21 June 1988, but no decision had been reached as at 30 June 1988.

### **Alice Springs**

On 20 May 1987, the Minister for Communications referred to the Tribunal an application by Alice Springs Commercial Broadcasters Pty Ltd for a supplementary radio licence for the Alice Springs area.

In July 1987 the Tribunal commenced an inquiry into the grant of such a licence. In response to the Tribunal's invitation, submissions were received from public broadcaster 8CCC-FM, Imparja Television Pty Ltd, (the Remote Commercial Television Service licensee for the Central Zone), and Alice Springs FM Pty Ltd, a company seeking an independent licence to serve the area.

A conference with the parties was held in October 1987 and a hearing in February 1988. The viability of both commercial radio and television services following the commencement of Imparja's service in January 1988 was a central issue raised during the February hearing. The Tribunal decided to defer further inquiry pending an examination of the trading results of both 8HA and Imparja for the six months ending 30 June 1988.

## **Supplementary Radio Grants**

## Moree

On 20 May 1987, the Minister for Communications referred the application for a supplementary FM radio licence made by Moree Broadcasting and Development Co Ltd (licensee of 2VM) to the Tribunal for consideration. Because of the time which had elapsed since the Minister invited applications at the end of 1983, the Tribunal provided the applicants with the opportunity of updating its application before proceeding with the inquiry.

A conference was scheduled for 12 July 1988 to discuss issues relating to the application.

## Remote Licences

In 1985 and 1986 the Tribunal recommended to the Minister for Communications that four companies be granted remote commercial television licences. As reported in the 1986-1987 Annual Report, Golden West Network began broadcasting in the Western Region on 18 October 1988.

On 22 October 1987 Satellite South-East Pty Ltd, licensee for the South East Region, surrendered its licence. The company considered that the service had very little chance of ever being commercially viable.

Imparja Television Pty Ltd commenced commercial broadcasting in the Central Region on 2 January 1988 and Queensland Satellite Television, licensee for the North East Region, commenced its broadcasts on 25 April 1988.

In October 1987 and January 1988 the Minister for Transport and Communications called for applications for remote commercial radio licences in the Western and Central Regions. A stereophonic and a monophonic licence is available in each Region. The Tribunal is currently holding inquiries into the grant of these licences.

## Licences Renewed with Conditions Imposed

2CHY Coffs Harbour (Licensee: Community Media CHY Ltd)

The public radio licence was renewed until 20 December 1988 with the following condition imposed:

"The licensee shall report to the Tribunal concerning its sponsorship announcements at two monthly intervals, for a period of twelve months from the date of the licence renewal, on dates to be notified by the Tribunal. Two weeks before each reporting date the Tribunal will request the transcripts of sponsorship announcements for a specified

week since the last reporting date.”

A full account of this inquiry is contained in Report No. 599/87.

~~2XL~~ Cooma (Licensee: Cooma Broadcasters Pty Ltd)

The commercial radio licence was renewed until 26 August 1990 with the following condition imposed:

“The licensee will meet with the Tribunal in six months from the licence renewal (7 October 1987) to provide a report on the local news service which it is providing. This report should include a representative sample of news tapes from the period, and the results of an audience ascertainment survey relating to the local news service, to be conducted close to the time of meeting with the Tribunal.”

A full account of this inquiry is contained in Report No. 574/86.

~~3MBS~~ Melbourne (Licensee: Music Broadcasting Society of Victoria Ltd)

The public radio licence was renewed until 8 March 1991 with the following condition imposed:

“The licensee shall submit a report to the Tribunal six months, twelve months and two years from the date of renewal, outlining steps taken to expand the society’s membership base and to ensure that community members including subscribers and volunteers, with a special interest in fine music be not excluded from the management, decision making, programming and broadcasting operations of the station.”

A full account of this inquiry is contained in Report No. 87/87/IL.

~~6KA~~ Karratha (Licensee: Northwest Radio Pty Ltd)

The commercial radio licence was renewed until 14 December 1990 with the following condition imposed:

“The licensee shall engage a journalist and use the services of the journalist, full time, in connection with the provision of local news and information programs to be broadcast on ~~6KA~~ from 1 July 1988.”

A full account of this inquiry is contained in Report No. 610/87.

~~6NW~~ Port Hedland (Licensee: Northwest Radio Pty Ltd)

The commercial radio licence was renewed until 14 December 1990 with the following condition imposed:

"The licensee shall engage a journalist and use the services of the journalist, full time, in connection with the provision of local news and information programs to be broadcast on 6NW from 1 July 1988."

A full account of this inquiry is contained in Report No.612/87.

Northwest Radio Pty Ltd, licensee of 6KA and 6NW, appealed to the Administrative Appeals Tribunal about the above decisions by the Tribunal. A summary of the matter appears in Chapter 11.

### Allocation of Call Signs

The Tribunal co-ordinates the allocation of call signs for radio and television stations through a committee which makes recommendations to the Minister. The following call signs were allocated by the Minister during 1987-88:

Call Sign	Location/Type	Licensee/Successful Applicant
<b>Radio</b>		
2EC (previously 2BE)	Bega, NSW / Commercial	Wheatley Communications Pty Ltd
2GCR	Goulburn, NSW / Public	Goulburn Community Radio Inc.
2HAY	Hay, NSW / Public	Hay Community Radio Association Inc.
2ROC	Canberra, ACT / Supplementary	Macquarie Broadcasting Holdings Ltd.
3TT (previously 3DB)	Melbourne, Vic. / Commercial	Korfield Pty Ltd
3WRB	Western Suburbs Melbourne, Vic. / Public	Western Radio Broadcasters Co-operative Ltd.
3YYR	Geelong, Vic. / Public	Geelong Community Radio Co-operative Ltd.

4YOU	Rockhampton, Qld./ Public	Capricorn Community Christian Broadcasting Society Inc.
5YYY	Whyalla, SA / Public	Whyalla FM Public Broadcasting Association Inc.
6MM	Mandurah, WA / Commercial	West Coast Radio Pty Ltd
6RKR	Rockingham, WA / Public	Rockingham / Kwinana Community FM Radio Association Inc.
6SON	Perth, WA / Public	Good News Broadcasters Inc.
7XS (previously 7QT)	Queenstown, Tas./ Commercial	7QT Pty Ltd.

### Television

QQQ	North East Zone / Remote	Queensland Satellite Television
IMP	Central Zone / Remote	Imparja Television Pty Ltd.

During the year approval was granted for various changes to the memoranda and articles of association or constitution of licensees. Changes were approved to the memoranda and articles of association of nine commercial radio licensees and four commercial television licensees and to the constitution and rules of four public radio licensees.

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### Changes to the Memoranda and Articles of Association or Constitutions of Licensees

Section 126 of the Act empowers the Tribunal to grant test transmission permits. The criteria which the Tribunal applies in granting these permits are set out in Policy Statement POS 01. A Practice Note, PRN 03, explains the procedures adopted in considering applications for permits.

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### Permits for Test Transmissions

A total of 466 permits were granted for test transmissions conducted during the year ended 30 June 1988. This total included 124 permits to organisations associated with the development of new public or commercial radio or television services. The remaining 342 permits were granted to existing licensees in relation to testing prior to formal commencement of operations or testing of new technical facilities and new translator services.

A number of applications were not approved, either because the applicants failed to provide sufficient notice or because the stated purpose of the proposed transmission was not appropriate for a test permit.

A total of 342 permits for test transmissions were issued during 1986-87.

## Uncompleted Inquiries

### LICENCE GRANTS

The following licence grant inquiries were still in progress as at 30 June 1988:

#### Radio

Alice Springs Commercial Broadcasters Pty Ltd. (Supplementary)  
Central Region (RCRS)  
Geelong (Commercial FM)  
Geraldton (Commercial FM)  
Geraldton (Supplementary)  
Gold Coast (Commercial FM)  
Gosford/Wyong (Commercial FM)  
Hobart (Commercial FM)  
Ipswich (Commercial FM)  
Melbourne (Public radio)  
Mildura (Supplementary)  
Moree Broadcasting and Development Co. Ltd. (Supplementary)  
Townsville (Commercial FM)  
Western Region (RCRS)  
Western Region (RCRS - monophonic)

## LICENCE RENEWALS

The following licence renewal inquiries were still in progress as at 30 June 1988:

### **Radio**

2BBB (Bellingen)  
2CHY (Coffs Harbour)  
3AK (Melbourne)  
3CV (Maryborough)  
3KZ (Melbourne)  
3MP (Melbourne)  
3PBS (Melbourne)  
3TT (Melbourne)  
3XY (Melbourne)  
4BH (Brisbane)  
4BK (Brisbane)  
4CRB (Gold Coast)  
4GG (Gold Coast)  
4IO (Brisbane)  
4KZ (Innisfail / Tully)  
4SB (Kingaroy)  
6NR (Perth)  
6UVS (Perth)  
7HT (Hobart)  
7THE (Hobart)  
8DN (Darwin)  
8HA (Alice Springs)  
8KIN (Alice Springs)  
8TOP (Darwin)

### **Television**

BKN (Broken Hill)  
ADS (Adelaide)  
NWS (Adelaide)  
SAS (Adelaide)  
GTS (Spencer Gulf)  
TVT (Hobart CTAS)  
Balmoral CTAS licence  
Hornsby CTAS licence.



CHAPTER 5  
OWNERSHIP AND CONTROL



The Tribunal's approval is required when a person acquires, or increases, a 'prescribed interest', as defined in the Act, in a commercial radio or television licence. Applications for approval must be lodged by 'prescribed parties' and other parties to the transaction.

The nature of the Tribunal's powers concerning ownership and control of companies holding broadcast licences, as well as the procedures to be followed in the exercise of those powers, are outlined in the Broadcasting Act. Sections 90J and 90JA relate to commercial radio and ss. 92F and 92FAA relate to commercial television.

On 27 November 1986 the Government announced major changes to the ownership and control provisions of the Act. The legislation to implement this new policy, the Broadcasting (Ownership and Control) Act 1987 (Act 68 of 1987) was proclaimed on 1 July 1987. The most significant changes introduced by the legislation were:

## Legislative Changes

- (1) abolition of the two station television ownership limit. This was replaced by a 60% population audience reach limit (s.92).
- (2) establishment of a newspaper register to record those newspapers associated with television service areas (s.91 AAE).
- (3) introduction of limits on the holding of prescribed interests in television and associated newspapers/radio stations with a monopoly service area (s.92FAB).
- (4) an expansion of 'grandfathering' provisions to protect those persons who held prescribed interests before 27 November 1986 in cross-media who would otherwise be in contravention of s.92FAB.

Further details of these changes are contained in Chapter 10 - Legislation.

Subsequently, on 28 October 1987, the Government announced major changes to the regulations concerning commercial radio. The legislation to implement this announcement, the Broadcasting (Ownership and Control) Act 1988 (Act 56 of 1988) was proclaimed on 15 June 1988, except for the new cross-media limits which were to be proclaimed in the 1988-89 year. The most significant changes introduced by the 1988 legislation were:

- (1) an increase from 8 to 16 in the total number of radio stations that can be owned.

- (2) abolition of the previous limit of four metropolitan radio stations.
- (3) a change in the previous limit of four radio stations in a single state to a limit of up to 50% of the service areas in a single state.
- (4) replacement of the television/monopoly radio cross-media limits which were introduced on 1 July 1987 with a new cross-media limit which prevents a person holding more than 15% of the shares in stations which have a substantial market in common. Stations, both television and radio, are held to have a substantial market in common with each other or amongst themselves provided there is an overlap in service areas and more than 30% of the population of a service area is found within the overlap area.
- (5) extension of the Associated Newspaper Register to also record newspapers associated with radio service areas.
- (6) an extensive set of retrospective and prospective grandfathering provisions.

Again, further details of these changes are contained in Chapter 10 - Legislation.

As at 30 June 1988 the Government had not yet gazetted those stations with a substantial market in common, nor the maximum number of prescribed interests in commercial radio which a person can hold in each state.

## Applications Received

During 1987-88 a total of 574 applications for approval of changes in ownership and control were received. One hundred and fifty nine (159) of these were from prescribed parties (194 in 1986-87) and 415 were from other parties. Of the total, 265 related to television, 188 to radio and 121 for companies with both radio and television interests.

### APPLICATIONS APPROVED

A full listing of applications approved appears as Appendix K to this Report.

## **1. Northern Star Holdings**

## **Most Significant Inquiries**

In June 1987 the Tribunal commenced an inquiry into the acquisition by Northern Star Ltd of the electronic media assets of the News Group (ATV Melbourne, TEN Sydney and 4AM Mareeba). The inquiry is also related to the acquisition of a major interest in Northern Star by Westfield Capital Corporation and lesser interests by Daily Mail and General Trust, Associated Newspapers plc and by News Investment (Australia) Pty Ltd.

In August 1987, prior to the Tribunal commencing its hearings, Northern Star announced the acquisition of further significant radio and television interests through the purchase of a majority interest of Oakminster Holdings Pty Ltd.

Northern Star then declared its intention to concentrate on television ownership and to dispose of its radio and print media interests. It also declared its intention to dispose of the Golden West television network. The Tribunal deferred its inquiry until the final position was clarified and applications from all relevant parties were received.

As at 30 June 1988, Northern Star had disposed of 2LM Lismore, 2MW Murwillumbah, 3GL Geelong, 4BK Brisbane, 4AK Oakey, 4GG Gold Coast, 5AD Adelaide, 5SE Mt. Gambier and 6NOW (96 FM) Perth to Hoyts Media: Golden West Network Ltd (BTW Bunbury, GSW Albany, GTW Geraldton, VEW Kalgoorlie, 6CI Collie, 6NA Narrogin, 6TZ Bunbury and WAW, the WA RCTS) to Australian Capital Equity Pty Ltd and 3DB Melbourne to the Australian Broadcasting Company Pty Ltd.

The issues being examined by the Tribunal in this inquiry are the level of foreign ownership of Northern Star Holdings; the question of foreign control of the licences; contracts between Northern Star Holdings and MCA Incorporated / 20th Century Fox; newspaper / television cross ownership (News Corporation Ltd.) population reach and programming and financial details. From the start of the inquiry until 30 June 1988, 221 separate applications have been received by the Tribunal.

## **2. Bond Media**

In March 1987 Bond Media Ltd acquired the electronic media interests of the Consolidated Press Holdings Group (TCN Sydney, GTV Melbourne, 2UE Sydney, 3AK Melbourne, 6PM Perth, 6AM Northam, 6KG Kalgoorlie and 6GE Geraldton). In April 1987 Bond Media also acquired 19.99% of Telecasters North Queensland Ltd. (TNQ Townsville and FNQ Cairns). Bond Media already held prescribed interests in QTQ Brisbane, STW Perth, 8DN Darwin, 6KA Karratha and 6NW Port Hedland.

An inquiry into the Consolidated Press Holdings acquisition was

initiated and public hearings were held in November 1987. In January 1988, before a decision about the matter had been made by the Tribunal, Mr. Bond spoke in a television interview about the settlement in 1986 of a defamation action brought by Sir Joh Bjelke-Petersen against QTQ Brisbane.

In February 1988, following the viewing of an unedited tape of the interview, the Tribunal commenced an inquiry into whether anything connected with the settlement of the defamation action had any implications as to the suitability of companies associated with Mr. Bond to hold broadcasting licences and whether Mr. Bond and the companies associated with him are fit and proper persons to hold the licences. The Tribunal has reserved its decision on the Consolidated Press Holdings acquisition until the relevance of the issues in the Bond defamation inquiry have been established.

Following a directions hearing and inquiry hearings in May 1988, Mr. Bond, and the companies associated with him, made application to the Federal Court for review of decisions made by the Tribunal in the course of the defamation settlement inquiry.

### **3. Hoyts Media**

In June 1987 the Tribunal simultaneously commenced four inquiries relating to the commercial radio licences for 2EC Bega, 2MMM Sydney, 3CV Maryborough and 3EON Melbourne. The inquiries related to the acquisition of all the shares in the 2MMM Broadcasting Company by Wheatley Communications Pty Ltd. (November 1986), the subsequent acquisition of all the shares in Wheatley Communications by Eurolynx Pty Ltd, the public float of Wheatley Communications and the purchase of 75% of that company by Hoyts Theatres (NSW) Ltd.

In September 1987 the Tribunal decided to terminate the first three inquiries and proceed with the fourth. In August 1987 Wheatley Communications changed its name to Hoyts Media Ltd. In October 1987 Hoyts Media acquired 9 radio stations from Northern Star Holdings (4GG Gold Coast, 2LM Lismore, 2MW Murwillumbah, 3GL Geelong, 4BK Brisbane, 4AK Oakey, 5AD Adelaide, 5SE Mt. Gambier and 6NOW Perth).

This, plus the acquisition of 4MMM Brisbane in March 1988, gave Hoyts Media a total of 14 stations, thus placing it in breach of the radio station ownership limits. Hoyts Media applied for an extension of time in which to comply with the limits which was granted by the Tribunal in April 1988. Under the Broadcasting (Ownership And Control) Act proclaimed in June 1988 the maximum number of stations allowable was increased from 8 to 16.

As at 30 June 1988 Hoyts Media is in contravention of the Act by holding the licences of two commercial metropolitan stations in the same state (4BK and 4MMM Brisbane). It has until 28 September 1988 to resolve this contravention.

#### **4. Sonance Ltd**

In April 1987 The Tribunal commenced an inquiry into the acquisition of the total shareholding of Macquarie Broadcasting Holdings Ltd., licensee of 2CA Canberra (plus supplementary licence) 2GB Sydney, 2WL Wollongong, 3AW Melbourne, 4BH Brisbane, 4RR Townsville and 5DN Adelaide, by Sonance Ltd.

As at 30 June 1988 Sonance has disposed of 5DN Adelaide (to First Radio Pty Ltd), 2CA/2ROC Canberra (to Austereo Ltd) and 4RR Townsville (to Nesson Pty Ltd). These transactions are also under investigation by the Tribunal.

One of the stations on sold by Sonance, 5DN, has received approval from the Tribunal for the purchasers to participate in the benefits of the licence, pending consideration of the licence transfer application.

The main issue being looked at in the inquiry is the ability of Sonance to provide an adequate and comprehensive service.

#### **5. Broadcast Operations Ltd**

In December 1987 B.G. Caralis and P.A. Caralis each acquired 50% of the shares in Broadcast Operations Ltd, licensee of MTN Murrumbidgee Irrigation Areas and 2RG Griffith. Broadcast Operations also holds all the shares in Western Broadcasters Pty Ltd, licensee of 2DU Dubbo, which in turn wholly owns the licensee companies of 2MG Mudgee and 2PK Parkes.

In March 1988 the Tribunal commenced an inquiry into this transaction, looking particularly at the contravention of the Act caused by the simultaneous holding of the licences for MTN and 2RG (the latter has an area of monopoly in the MTN service area.)

Pursuant to the sale agreement of December 1987, an application was lodged in June 1988 for the transfer of the licence for MTN to Quoiba Ltd, a subsidiary of the Linter Group

## **6. Golden West**

In January 1988, Australian Capital Equity Pty Ltd bought the Golden West Network (BTW Bunbury, GSW Albany, GTW Geraldton, VEW Kalgoorlie, 6CI Collie, 6NA Narrogin and 6TZ Bunbury, as well as WAW, the WA RCTS) from Northern Star Holdings.

The purchase placed Australian Capital Equity in breach of the cross media provisions of the Act. In May 1988 the Golden West Network applied to the Tribunal to transfer the radio station licences to a wholly owned subsidiary, Davrian Pty Ltd. The stated purpose of this transfer was to enable the sale of the three stations to a third party.

## **7. Tricom Corporation / The ENT Group**

In February 1988 Tricom Corporation Ltd, a Victorian based media group holding the licences for BCV Bendigo, GLV La Trobe Valley and 3TR Sale, acquired a 19.9% stake in the ENT Group. At that time the ENT Group, which publishes the Examiner newspaper, held both Tasmanian television licences (TNT Launceston and TVT Hobart), as well as radio licences for 7EX Launceston and 7HT Hobart. Tricom was thus immediately in breach of the cross media provisions of the Act.

Shortly before Easter 1988 Tricom announced the acquisition of TNT Launceston from ENT Ltd. Tricom subsequently announced its intention to sell its stake in ENT Ltd to comply with the provisions.

## **8. AWA Ltd / Wesgo**

In March 1988 Wesgo Communications Pty Ltd, holder of radio licences for 2GO Gosford, 2KO Newcastle, 2MC Kempsey, 2WS Sydney, 4CC Gladstone, 4KQ Brisbane, 4GY Gympie and 5KA Adelaide, completed the purchase of seven radio stations from AWA Ltd and three from Mr. Christopher Skase. The seven AWA stations were 2AY Albury, 2GN Goulburn, 3MP Melbourne, 3BO Bendigo, 4CA Cairns, 4TO Townsville and 6KY Perth; the three Skase stations were 4HI Emerald, 4LG Longreach and 4MK Mackay.

This gave Wesgo a prescribed interest in 18 radio stations. The limit on the number of radio stations which can be owned was increased from 8 to 16 in the Broadcasting (Ownership and Control) Act 1988, passed in June 1988. Wesgo has indicated its intention of divesting itself of two of its stations to comply with the Act.

Other significant transactions under consideration by the Tribunal at 30 June 1988 were as follows:

**2KY**

A change in the trustees of the Labor Council, owners of 2KY Broadcasting Pty Ltd, licensee of 2KY Sydney.

**2LT**

The acquisition of a prescribed interest in the licence of 2LT Lithgow by Pax Pasha Ltd.

**3UZ**

The acquisition of 100% of the shares in 3UZ Pty Ltd, the licensee company of 3UZ Melbourne, by various Victorian racing industry associations.

**3XY**

The acquisition of 100% of the shares in the licensee company of 3XY Melbourne by Radio 2SM Pty Ltd.

**3CV**

The acquisition of 100% of the shares in Central Victorian Radio Pty Ltd, the licensee company of 3CV Maryborough, by Fobike Pty Ltd, a company associated with Messrs. Cameron and Hurst.

**4AM**

The acquisition of 100% of the shares in Far Northern Radio Pty Ltd, the licensee company of 4AM Atherton-Mareeba, by a local consortium.

**4HI/4LG**

The acquisition of 100% of the shares in the licensee company of 4HI Emerald and 4LG Longreach by interests associated with Mr. Harold Mitchell. The subsequent acquisition of 100% of the shares in the licensee company of 4HI/4LG by Portlock Ltd, a company associated with Mr. Rumble.

**4SB**

The South Burnet Times increasing its shareholding to 80% of Forsby Pty Ltd, the licensee company of 4SB Kingaroy.

**4SS**

The acquisition of 100% of the shares in Sunshine Broadcasters Pty Ltd, the licensee company of 4SS Nambour, by interests associated with Mr. Randall Ferris.

#### **5KA**

Wesgo Investments Pty Ltd increasing its shareholding in 5KA Broadcasters Pty Ltd, the licensee company of 5KA Adelaide, to 50%.

#### **5RM/5AU**

The acquisition of 100% of the shares in River Murray Broadcasters Pty Ltd, the licensee company of 5RM Renmark and 5AU Port Augusta, by interests associated with Mr. W.R. Lanyon.

#### **6IX**

The acquisition of 100% of the shares in 6IX Radio Network Pty Ltd, the licensee company of 6IX Perth, 6BY Bridgetown and 6WB Katanning, by Austereo Ltd.

#### **6PR**

The acquisition of 14.9% of the shares in Western Broadcasting Services Pty Ltd, the licensee company of 6PR Perth, by the Western Australian Totalisator Agency Board. This results in the W.A. TAB controlling 100% of the licensee company.

#### **ATN/HSV/BTQ**

The acquisition of 100% of Fairfax TV assets (ATN Sydney , HSV Melbourne and BTQ Brisbane) by Qintex Ltd.

#### **NBN**

The acquisition of 95% of the shares in NBN Ltd, the licensee company of NBN Newcastle, by Fulcrum Capital Corporation Ltd.

#### **BTV/GMV/3SR/3UL**

The acquisition of 100% of the shares in Associated Broadcasting Services Pty Ltd, licensee of 3SR Shepparton and 3UL Warragul and owner of the licensee companies of BTV Ballarat and GMV Shepparton, by ENT Ltd.

#### **MVQ**

The acquisition of 100% of the shares in Mackay Television Ltd, the licensee company of MVQ Mackay, by Mr Harold Mitchell.

#### **TNQ/FNQ**

The acquisition of 16.29% of the shares in Telecasters North Queensland Ltd, licensee of TNQ Townsville and holder of all the shares in Far Northern Television Ltd, licensee of FNQ Cairns, by Ancona Pty Ltd, a company associated with Fulcrum Capital Corporation Ltd.

### **TVQ**

The acquisition of 100% of the shares in Universal Telecasters (Queensland) Ltd, the licensee company of TVQ Brisbane, by Auron Ltd, a subsidiary of Darling Downs TV Ltd.

### **SAS/TVW**

The acquisition of Bell Group TV assets (SAS Adelaide and TVW Perth) by Kaycliff Pty Ltd.

### **Qintex Ltd / Skase**

The takeover of minority interests in the Qintex Group by Mr. Christopher Skase.

### **Sunraysia**

Sunraysia Ltd increasing its shareholding to 11.43% in Tricom Ltd.

There has been a great increase in the number of licence transfer applications in 1987-88, particularly in the six months since 1 January 1988.

## **Licence Transfers**

There are two main reasons for this increase. In the first case, new owners of a string or network of stations have sold off a number of those stations after acquiring control of the parent company. In the other case the disposal of surplus assets, which if retained would lead to a contravention of ownership limits, has been facilitated by first arranging an internal licence transfer to a wholly owned subsidiary and then selling the subsidiary to a third party.

Licence transfer applications increase work pressure because unlike a share transaction, the company acquiring the licence requires prior Tribunal approval before it can take control of the station. Consequently there is considerable written and verbal communication between the transferor and transferee of the licence and Tribunal staff. There is also a degree of urgency associated with an internal transfer as it is often a condition precedent for a subsequent share transaction inquiry.

During the year approval was granted under s.89A of the Act for the transfer of licences for commercial radio and television licences as follows:

<b>Licence</b>	<b>From</b>	<b>To</b>
<b>Radio</b>		
2AY Albury/Wodonga	AWA Ltd	Malcorp Pty Ltd
2GN Goulburn	AWA Ltd	Malbridge Pty Ltd
3MP Melbourne	AWA Ltd	Malbend Pty Ltd
3BO Bendigo	AWA Ltd	Malbrink Pty Ltd
3FOX Melbourne	Broadcast FM Pty Ltd	Austereo Ltd
4CA Cairns	AWA Ltd	Malpac Pty Ltd
4MMM Brisbane	Stereo FM Brisbane Ltd	Straker and Sons Pty Ltd
4TO Townsville	AWA Ltd	Malbrook Pty Ltd
6AM Northam	Consolidated Broadcasting Systems (WA) Pty Ltd	Radio 6AM Pty Ltd
6KG Kalgoorlie	Consolidated Broadcasting Systems (WA) Pty Ltd	Radio 6KG Pty Ltd
6KY Perth	AWA Ltd	Malberth Pty Ltd
<b>Television</b>		
NEN Upper Namoi	Television New England Pty Ltd	Tresjore Pty Ltd
CTAS Hornsby, Balmoral, Castlecrag	Master Antenna Systems Pty Ltd	Dankston Pty Ltd

### **Uncompleted Transfer Inquiries**

The following licence transfer inquiries were still in progress as at 30 June 1988:

<b>Licence</b>	<b>From</b>	<b>To</b>
<b>Radio</b>		
2CA/2ROC Canberra	Macquarie Broadcast Holdings Ltd	Austereo Ltd.

3AW Melbourne	Macquarie Broadcast Holdings Ltd	Knightsbridge Station Promotions Pty Ltd
4RR Townsville	Macquarie Broadcast Holdings Ltd	Nessan Pty Ltd
5DN Adelaide	Macquarie Broadcast Holdings Ltd Ltd	First Radio
6BY Bridgetown./6WB Katanning	6LX Radio Network Pty Ltd	Albany Broadcasters Pty Ltd
6TZ Bunbury /6CI Collie /6NA Narrogin	Golden West Network Ltd	Davrian Pty Ltd

### Television

CWN Central Western Slopes/ CBN Central Tablelands	Country TV Services Ltd	Dylbout Pty Ltd
MTN Murrumbidgee Irrigation Areas	Broadcast Operations Ltd	Quoiba Ltd
DDQ Darling Downs / SDQ Southern Downs	Darling Downs TV Ltd.	Hawksbill Ltd.

At 30 June 1988 the following stations were being operated (under s.89A of the Act) by persons other than the licensee.

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### Operation of Station by other than Licensee

<u>Station</u>	<u>Licensee</u>	<u>Operating Company</u>
2CH Sydney	The Council Of Churches in NSW Broadcasting Co. Pty Ltd	AWA Ltd
3KZ Melbourne	The Industrial Printing & Publicity Company Pty Ltd	3KZ Radio Pty Ltd
3XY Melbourne	Paul Dainty Properties Pty Ltd	Radio 3XY Pty Ltd (subsidiary of licensee company).
5DN Adelaide	Macquarie Broadcasting Holdings Ltd.	First Radio Ltd.

On 24 May 1988 the Tribunal approved First Radio Ltd. to participate in the benefits of the 5DN licence pending Tribunal consideration of the application lodged by First Radio Ltd. for the transfer of the 5DN licence.

## **Registered Lender Inquiries**

Under s.89Q (previously s.91C) of the Act, a person's loan interest in a television licensee company can be disregarded for the purposes of the ownership limitation rules if the Tribunal is satisfied that the person is not, and is not likely to be, in a position to exercise a significant influence on the licence.

The Tribunal approved the following organisations as registered lenders in 1987-88:

Australian European Finance  
Chase AMP Bank Ltd.  
Commonwealth Bank of Australia  
State Bank of NSW.

### **Westpac Inquiry**

The 1986-87 Annual Report (paragraphs 153-155) referred to an inquiry into the status of Westpac Banking Corporation as a registered lender. The Tribunal concluded this inquiry in October 1987, finding that there was no evidence of any current significant influence in TVW Perth or SAS Adelaide on the part of Westpac.

A full account of the inquiry is contained in Report No. 356/85.

CHAPTER 6  
PROGRAMS



During 1987-88, the Tribunal was preparing to consolidate the majority of its programming activities to the Sydney office.

The Tribunal's programming activities are directed towards the determination and maintenance of program standards and the assembling of information relating to broadcasting to assist this process.

## **Radio**

In 1984 the Tribunal began a major review of the Radio Standards. The review culminated in the determination of the Radio Program Standards 1986 and the Radio Advertising Conditions 1986.

The Radio Program Standards apply to the programs of both commercial and public stations. The Radio Advertising Conditions only apply to advertisements broadcast by commercial radio stations.

## **Program and Advertising Standards**

In determining these standards and conditions, the Tribunal had regard to comments and suggestions from the commercial radio industry, the advertising industry, public radio stations, interested individuals and public groups, as well as its own research information. In particular it noted that the substantial reduction in regulation achieved in the 1981 review of Broadcasting Standards had generally not produced any serious results which were contrary to the public interest.

## **Television**

In January 1986, following legal challenges to its powers to determine program and advertising standards, the Tribunal announced Interim Television Program Standards and Advertising Conditions.

These interim standards and conditions included a clear set of criteria regarding program classification. This was particularly important due to the passage of the Broadcasting Amendment Act which passed responsibility for classifying programs, other than C programs, from the Tribunal to licensees.

Apart from clarifying their overall wording, the interim standards established the television advertising standards as conditions in accordance with s.16(1)(a) of the Act and incorporated operative Circular Letters into the revised standards.

The time constraints set by the passage of the Broadcasting and Television Legislation Amendment Act (No.2) 1985 meant the Tribunal was unable to consult as widely as it normally would have, by publishing proposed standards for public comment. It is for this reason that the standards introduced are only interim ones. The Tribunal did however

consult with a number of groups on selected areas of the Interim Standards, as required by s.16(2) of the Act.

When announcing its Interim Television Program Standards and Advertising Conditions, the Tribunal also gave public notice of its intention to conduct public inquiries into specific areas of the standards and conditions. Progress in this area is reported in the next section of this report.

## Public Inquiries

Before exercising a substantive power the Tribunal has to hold a public inquiry. Since the power to determine program standards is defined as a substantive power, any determination of program standards, whether undertaken at the Tribunal's initiative or at the request of another, must be preceded by an inquiry.

During 1987-88 the Tribunal conducted nineteen public standards inquiries. Seventeen of these concerned program standards and two were into the exercise of the Tribunal's substantive powers in other areas. Five of the inquiries were initiated by the Tribunal itself, the remaining fourteen were as a result of requests.

Of the inquiries initiated by the Tribunal, four were concerned with program standards. The remaining one was into the exercise of Tribunal powers under any or all of sections 85, 101 and 119 of the Broadcasting and Television Act 1942, in relation to comments by Mr John Laws broadcast on 2GB Sydney.

The Tribunal received nineteen requests for public inquiries during the year. Of the fourteen inquiries which resulted, thirteen were concerned with the Tribunal's program standards. The remaining inquiry was into whether the Tribunal should exercise its powers under any or all of sections 85, 99, 101 and 119 of the Act, in relation to comments by Mr Ron Casey broadcast on 2KY Sydney.

Of the thirteen standards inquiries, three arose from applications to vary the standards relating to Australian content requirements by commercial television stations who were not transmitting for the entire statistical year. A further four arose from applications to vary certain children's and preschool children's program standards during coverage of the 1988 Summer Olympic Games and the 1987-88 summer sports season. One application requested amendment of Television Program Standard 12 (TPS 12) to restrict the transmission of moving promotions for AO and PGR classified programs. Two applications requested variation of the foreign content rule for particular advertisements. One wanted variation of the standards restricting the amount of advertising. A further two ap-

plications were joined to the existing music and time standards inquiries.

Of the nineteen inquiries, thirteen had been completed as at 30 June 1988 while six were still in progress.

#### **MAJOR PROGRAM STANDARDS INQUIRIES**

Four major Tribunal-initiated program standards inquiries continued during 1987-88. Three inquiries followed from the January 1986 announcement of the Tribunal's Interim Television Program Standards and Advertising Conditions. The fourth inquiry, into the level of Australian music on radio, had been in progress since 1983.

The inquiries into the Television Program Classification Standards and the content of television advertisements and their placement with respect to content, which were also included in the Tribunal's January 1986 announcement have not yet commenced. The Tribunal has insufficient resources to conduct six major standards inquiries concurrently.

The four current major program inquiries are:

#### **Inquiry into the Levels of Australian Content on Commercial Television**

The inquiry moved into the main phase of disseminating information and seeking submissions.

Discussion paper were released on the following subjects and submissions invited on issues raised in them during 1987-88:

- Regulation of Children's Programs (September 1987)
- Documentaries (September 1987)
- News & Current Affairs (October 1987)
- Production Personnel Resources (November 1987)
- Summary of 1986/87 Public and Industry General Submissions and Responses to the Australian Content Inquiry (January 1988)
- Part-indigenous Drama: Co-Productions (February 1988)
- Television Program Development (March 1988)
- Ratings of Australian Drama Series, Mini-series, Films and Tele-movies (March 1988)
- Australian Drama on Commercial Television (April 1988)
- How Australia Sees Itself: the Role of Commercial Television (May 1988)
- Amounts of Time Occupied by Different Program Categories (May 1988)

Submission lodgement dates (including extensions) closed in the year for issues relating to regulation of children's programs (16 submissions received), documentaries (13 submissions), news and current affairs (6 submissions) and television program development (2 submissions). Further lodgement dates close early in 1988-89.

Discussion papers yet to be released include Arts, Variety and Foreign Content In Australian Advertisements. Once all submissions are received, conferences will be held in several cities.

### **Inquiry into Advertising Time Standards on Commercial Television**

The 1986-87 Annual Report, at paragraph 296, referred to this inquiry. The inquiry continued during 1987 and an initial decision was made to remove the rules concerning placement and time permitted for advertising on commercial television, for a trial period of two years from September 1987.

Eight criteria were established against which to assess the success or failure of the trial period. The trial can be regarded as having failed if any of the following situations are manifest over the trial period:

- a) An overall increase in the number or rate of interruption of programs
- b) An increase in the amount of interruption to drama and similar programs beyond three in the half hour and five in the hour
- c) A lack of experiment with fewer breaks in programs
- d) Interruption of feature films more than the current rules allow (one every fifteen minutes)
- e) A lack of increased surveys to cover 'non-rating' periods and to cover audience satisfaction with programs and advertisements
- f) Persistence with different advertising practices despite audience objections
- g) Application of a set of standard rules to replace those of the Tribunal
- h) A decrease in the number of community service announcements broadcast free of charge.

The Tribunal has also commissioned an independent research company

to monitor stations' performance.

A further decision was made in December 1987 requiring licensees to ensure that advertisements, community service announcements, program promotions or station promotions are clearly distinguishable as such to the viewer. This decision resulted in a new Television Program Standard (TPS 22):

22.(i) An advertisement, community service announcement, program promotion or station promotion must be clearly distinguishable as such to the viewer.

(ii) This standard applies to items transmitted

(a) between programs;

(b) during or within a program; or

(c) as a visual or audio superimposition over a program.

A full account of this inquiry is contained in Report No. 86/21/IP.

#### **Review of Children's and Preschool Children's Television Program Standards**

When the Children's and Preschool Children's Television Program Standards were introduced on 1 July 1984, the Tribunal indicated that it would review the standards after two years. The Tribunal therefore initiated this inquiry. Over 160 submissions were received and public conferences were held in Brisbane, Perth, Adelaide, Melbourne and Sydney during the period 12-22 February 1988.

As part of this inquiry the Tribunal has commissioned research to provide information on children's viewing; this is due to be presented to the Tribunal in August 1988.

#### **Australian Music Inquiry**

In 1983, the Tribunal commenced an inquiry into levels of Australian music on radio. On 1 September 1986 the Tribunal released its decision and report on the revised quota for Australian music performances on radio. The revised quota requires 20 per cent of music played between 6.00 am and 12.00 midnight to be performed by Australians. The decision foreshadowed a conference to discuss possible levels of bonuses for new releases, new releases of independently recorded music and station originated music, as well as a system for identification of Australian recordings. The conference was held on 7-8 September 1987.

On 11 February 1988 the Tribunal released its final report, with decision and reasons on a revised standard for Australian music on radio. The revised Radio Program Standard 4 (RPS 4) is set out in the section below.

The Tribunal wants to encourage the broadcasting of new recordings, new independent material and station produced music and this was the purpose of the incentives proposed in the Tribunal's decision of September 1986. However it decided that special credit within the 20% quota would not achieve these objectives. It found that most stations are already playing 20% of Australian music without the benefit of incentives and the evidence provided to the inquiry showed that there are few independent recordings or station produced recordings played.

RPS 4 now reads:

"Australian Music Performances

- 4(a) Subject to this standard, a licensee shall ensure that during the Australian Performance Period, either:
- (i) not less than 20% of the total time occupied in the broadcasting of music shall consist of music performed by Australians, or
  - (ii) in the case of a licensee which broadcasts musical items of a reasonably similar duration, not less than 20% of the total number of musical items broadcast shall consist of musical items performed by Australians.
- (b) For the purposes of paragraph (a), where more than one performer is involved in a musical performance, that performance shall be predominantly by Australians.
- (c) Where, at any time during the Australian Performance Period, a licensee broadcasts music or musical items dictated by listener requests:
- (i) for the purposes of calculating compliance with subparagraph (a)(i), the total time occupied in the broadcasting of music may be reduced by the time occupied by music broadcast as a result of such listener requests;
  - (ii) for the purposes of calculating compliance with subparagraph (a)(ii), the total number of musical items broadcast may be reduced by the number of musical items broadcast as a result of such listener requests;

- (d) Paragraph (a) shall not apply to an occasional special program occupying the whole of the Australian Performance Period which is dedicated to an overseas performer or performance or an overseas music style or theme.
- (e) Paragraph (a) shall not apply where the total time occupied in the broadcasting of music by a licensee in the Australian Performance Period is less than one hour.
- (f) In this standard:

“Australian Performance Period” means the period starting at 6.00 am and ending at 12.00 midnight on any day.

“Australian” means a person who is a citizen of or is ordinarily resident in Australia.

“music” or “musical item” excludes music in advertisements, program promotions, station promotions, or theme or bridging music.”

The revised standard is to commence on 1 July 1988. The Tribunal identified 6 stations (2CH, 6KY, 3MP, 2SM, 4EB and 5EBI) experiencing difficulty achieving the quota because of their format. In June 1988 these stations were invited to lodge with the Tribunal strategies setting out the steps they intended to take, and the timetable for those steps, to ensure that they meet the 20% Australian music quota from 1 January 1989.

A full account of this inquiry is contained in Report No. 87/7/IP.

#### **OTHER PROGRAM STANDARDS INQUIRIES**

**Inquiry into Temporary Standard for Classification of Proposed Australian Children’s Drama Programs for Commercial Television. (This inquiry is incorporated in the general Australian Content on Commercial Television Inquiry).**

Children’s Television Standard (CTS) 13A came into effect on 9 October 1986 as a result of an inquiry into a temporary standard for classification of proposed Australian children’s drama programs for commercial television. The standard was determined for a trial period and remained in force until 30 June 1988.

The trial period was to judge whether or not the standard would achieve its hoped-for objective of raising the level of children’s drama production.

The Australian Content Inquiry identified this concern as a specific issue for discussion. It included an extract of the decision and reasons for the determination of CTS 13A in its discussion paper, Regulation of Children's Programs.

Given the 30 June expiry date of CTS 13A the Tribunal made an interim decision within the Australian Content Inquiry as to whether the standard should remain in force.

After consideration of the submissions to the inquiry and the advice of the Tribunal's Children's Program Committee, the Tribunal formed the view that there had been insufficient product classified under CTS 13A for a proper assessment of the effectiveness of the standard.

In keeping with the decision and reasons for the initial determination of the standard, the duration of CTS 13A has been extended to allow a more adequate trial of its effectiveness. It is to remain in force until 30 June 1989.

#### **Inquiry into the Amendment of Television Program Standard 12 (Moving Promotions for AO and PGR Classified Programs).**

The Tribunal accepted an application from the Australian Council for Children's Films and Television on 3 August 1987 for an inquiry to be conducted into the operation of Interim Television Program Standard 12 (TPS 12).

The issues for the inquiry were:

- 1) whether TPS 12 should be amended to prevent the transmission of moving promotions for AO and PGR classified programs at times when only G classified programs may be transmitted, and
- 2) if an amendment of this kind should be found desirable, whether moving promotions for AO and PGR classified programs should be transmitted only at a time at which the program itself could be transmitted.

Eighty one submissions were received and considered. On 30 March 1988, the Tribunal decided to amend TPS 12, and determined a new TPS 12 from 16 May 1988, as follows;

12. Subject to the Children's Television Program Standards and the Preschool Children's Television Program Standards:
  - (a) Between 4.00 pm and 6.00 pm on weekdays a promotion for a

program may only be transmitted if it relates to a program which has been classified G.

- (b) During the time when only G programs may be transmitted, at other times during the transmission of a program classified G, or in the break before and after the transmission of such a program, a promotion for a program classified PGR or AO may only be transmitted if:-
  - (i) it is non-moving; and
  - (ii) the audio and visual content of the promotion complies with the G classification standard.
- (c) Subject to (b) above,
  - (i) a moving promotion for a program which has been classified PGR may only be transmitted during the times when PGR or AO programs may be transmitted;
  - (ii) a moving promotion for a program which has been classified AO may only be transmitted during the times when AO programs may be transmitted;

provided that the audio and visual content of the promotion complies with the classification standards applicable at the time of transmission of the promotion.

- (d) A program promotion must include a visual representation of the classification of the program being promoted.

At the time of determination of the new TPS 12, United Telecasters Sydney Limited and others applied to the Federal Court for a review of the Decision. In view of the action, the Tribunal decided to defer the introduction of the revised TPS 12 pending the determination of the Federal Court.

A full account of this inquiry can be found in Report No. 87/74/IP.

**Exercise of Tribunal Powers under any or all of sections 85, 99, 101, and 119 of the Broadcasting and Television Act 1942 as a Result of Breaches of the Standards and the Act by Mr Ron Casey and Mr Les Thompson on 2KY**

On 12 April 1988 the Tribunal accepted an application to hold an inquiry into whether it should exercise any or all of its powers under any or all of sections 85, 99, 101, and 119 of the Broadcasting and Television Act

1942. The application, which was made by the Anti-Discrimination Board, the Ethnic Communities Council of New South Wales, the Federation of Ethnic Communities Councils of Australia, the Human Rights and Equal Opportunity Commission, and the Ethnic Affairs Commission of New South Wales, was received by the Tribunal on 12 April 1988. The issues for the inquiry are:

1. Whether the Tribunal should exercise its power under section 85 to impose a condition or conditions on the licence for 2KY requiring the adoption of management procedures with relation to "talkback" shows and the provision of programs to other licensees in order to prevent further breaches of section 99 (1A);
2. Whether the Tribunal should exercise its power under section 99(2) to give directions to the licensee of 2KY for the purpose of ensuring that the program standards are complied with in relation to the broadcasting of programs by the licensee and in relation to the programs to be broadcast by the licensee;
3. Whether the Tribunal should exercise its power under section 101 to issue a written reprimand or admonishment to the licensee of 2KY;
4. If a written reprimand or admonishment is issued whether the Tribunal should direct the licensee of 2KY to publish the reprimand or admonishment, and if so, in what form and manner;
5. Whether the Tribunal should exercise its power under section 119 to issue directions:
  - (i) prohibiting Ron Casey from presenting programs in live broadcasts, or
  - (ii) imposing restrictions on the presenting by Ron Casey of programs in live broadcasts;
6. Whether any person has passed or selected for broadcasting the whole or a part of a program (being a program which was subsequently broadcast), in respect of which, or in respect of the broadcasting of which, the program standards were not complied with or this Act was contravened. If so, whether the Tribunal should exercise its power under section 119 to issue directions imposing restrictions on the passing or selecting by the person of programs for broadcasting.
7. If the Tribunal issues a direction under section 119 for what period should it be determined to have effect.

Twenty four submissions had been received by the Tribunal by 30 June 1988. It is the Tribunal's intention to conduct a hearing as part of the inquiry later in 1988.

**Exercise of Tribunal Powers under any or all of sections 85, 101, and 119 of the Broadcasting and Television Act 1942 as a Result of Breaches of the Standards and the Act arising from broadcasts by John Laws on 2GB**

The Tribunal also initiated one inquiry during 1987-88. This was an inquiry into whether the the Tribunal should exercise its powers under any or all of sections 85, 101 and 119 of the Broadcasting and Television Act 1942 as a result of breaches of the Standards and the Act arising from broadcasts by John Laws on 2GB.

In November 1987 the Tribunal decided that comments made by John Laws about aborigines on 2GB in March 1987 had been in breach of Radio Program Standard 3. The Tribunal subsequently initiated an inquiry into the exercise of its powers under section 85 of the Act, which would allow the Tribunal to impose a condition on 2GB's licence; s. 101, which would allow the Tribunal to reprimand or admonish 2GB; and/ or s. 119, which would allow the Tribunal to restrict or prohibit Mr Laws' participation in live broadcasts.

Mr Laws went to the Federal Court to challenge the Tribunal's right to proceed with the inquiry, claiming that he had been denied natural justice during the Tribunal's investigation and decision about the breaches of RPS 3. A decision is expected from the Federal Court later in 1988.

**Inquiries into the Variation of Australian Content Points, First Release Australian Drama, Big Budget Specials, and First Release Australian Children's Drama Requirements**

Three licensees commenced transmission late in the 1987-88 statistical year. Two applied to the Tribunal for the variation of Television Program Standard (TPS) 14(a), (b), and (c), and Children's Television Program Standard (CTS) 14. One applied for the variation of CTS 14 only.

The standards in question require certain amounts of Australian programming to be transmitted in a statistical year as follows:

- TPS 14(a) relates to Australian content points requirements;
- TPS 14(b) requires 104 hours of first release Australian drama to be transmitted;

TPS 14(c) requires that four big budget specials be transmitted; and CTS 14 requires that 8 hours of first release Australian children's drama be transmitted.

West Coast Telecasters Limited applied to the Tribunal on 6 April 1988 to vary TPS 14(a), (b), and (c) and CTS 14 in respect of NEW Perth, which commenced transmission on 20 May 1988. Consequently, only 41 days remained in the statistical year 1987-88.

The application was accepted by the Tribunal on 12 April 1988, and the inquiry was conducted under Regulation 8 of the Australian Broadcasting Tribunal (Inquiries) Regulations. On 26 April 1988, the Tribunal decided to vary TPS 14(a), (b), and (c) and CTS 14 by extending the statistical year from 20 May 1988 to 30 June 1989 and adjusting all requirements of TPS 14(a) and (b) and CTS 14 on a pro rata basis. Since the pro rata calculation worked out at less than half a big budget special, no additional requirement was made in relation to TPS 14(c).

A full account of this inquiry is contained in Report 88/64/IP.

Telecasters North Queensland Limited Group applied to the Tribunal on 30 May 1988 to vary the same standards in respect of RCTS North East Zone, which commenced transmission on 24 April 1988. Consequently, only 68 days remained in the statistical year 1987-88.

The application was accepted by the Tribunal on 3 June 1988, and the inquiry was conducted under Regulation 8. On 17 June 1988, the Tribunal decided to vary the standards in the same terms as outlined in the case of NEW above, except that the statistical year was extended from 24 April 1988 to 30 June 1989.

A full account of this inquiry is contained in Report 88/94/IP.

Imparja Television Pty Ltd applied to the Tribunal on 17 June 1988 to vary CTS 14 in respect of RCTS Central Zone. This service commenced transmission on 2 January 1988, a period of 6 months in the statistical year 1987-88.

The application was accepted by the Tribunal on 20 June 1988, and the inquiry was conducted under Regulation 8. The Tribunal decided to vary CTS 14 by extending the statistical year from 2 January 1988 to 30 June 1989 and adjusting the requirements of CTS 14 on a pro rata basis.

The Tribunal was pleased to note that Imparja had already met, and in some cases exceeded, its other requirements under TPS 14 (a), (b), and (c).

A full account of this inquiry is contained in Report 88/102/IP.

**Inquiry into the variation of Children's Television Program Standards to Allow extended periods of make-up for displaced C programs during the 1987-88 Summer Sports Season, 1 December 1987 - 29 February 1988.**

On 9 November 1987 the Federation of Australian Commercial Television Stations (FACTS) applied to the Tribunal to vary Children's Television Program Standard (CTS) 4 (3) (b) between 1 December 1987 and 29 February 1988 to allow extended live coverage of major sports events during the summer sports season. The application was accepted by the Tribunal on 10 November 1987 and the inquiry was conducted under Regulation 8. On 30 November 1987 the Tribunal decided to vary CTS 4 (3) (b) during this period as requested.

A full account of this inquiry is contained in Report 87/128/IP.

**Inquiries into the variation of the Preschool Children's Television Program Standards during the 1988 Seoul Olympic Games.**

On 13 July 1987, United Telecasters Sydney Limited (UTSL) applied to the Tribunal to vary the Preschool Children's Television Program Standards (PTS) to allow licensees to transmit the 1988 Seoul Olympic Games on the condition that the displaced preschool children's programs are transmitted during the two weeks before and/or after the coverage

The application was accepted by the Tribunal on 22 July 1987 and on 7 August 1987 it was decided that the matter should be conducted as a matter of urgency under s.17C (7) of the Act. A notice of inquiry was published in the third week of August 1987, an information paper was made available and submissions were invited. Everyone who made a submission to the 1986 Inquiry into the Displacement of Preschool Programs (86/12/IP) was given the opportunity to request that their earlier submission be taken into account in this inquiry.

The following issues were considered:

Whether the PTS should be amended to allow displacement of preschool programs by coverage of the 1988 Olympic Games,

and,

if such an amendment is desirable, the requirements (if any) for broadcasting displaced preschool children's programs at other times.

Fourteen submissions were received and considered. On 29 September 1987 the Tribunal decided to vary PTS 3 by the addition of the following words:

“Provided that the licensees who provide a live coverage of the 1988 Seoul Olympics and who are specified in Attachment B are not required to transmit pre-school programs on each week day in the weeks commencing Monday 19 September and Monday 26 September 1988 on condition that the programs so pre-empted be made up in the two weeks prior to the week commencing 19 September 1988 and /or the two weeks following the week commencing 26 September 1988 and in accordance with the provision of paragraph 4 (3) (a) of the Children's Television Program Standards.”

Attachment B contained a list of licensees taking the Olympic coverage provided by UTSL.

UTSL applied to the Tribunal on 9 November 1987 to vary PTS 3 to allow RVN Wagga to transmit the 1988 Seoul Olympics in the same terms as outlined above. RVN had been omitted from the list accompanying the earlier application and was therefore not included in the decision which applied to all the other relevant licensees.

The application was accepted by the Tribunal on 17 November 1987 and the inquiry was conducted under Regulation 8. The issues were the same as outlined above. On 4 December 1987 the Tribunal decided to vary PTS 3 in respect of RVN Wagga in the same terms as outlined above.

Full accounts of these inquiries can be found in Reports No. 87/70/IP and 87/130/IP respectively.

#### **Inquiry into extended period of make-up for C time displaced by the 1988 Seoul Olympic Games.**

On 2 May 1988, United Telecasters Sydney Limited applied to the Tribunal for a variation of Children's Television Standard 4 (3)(b) to allow displaced C time to be made up in the 21 days before or after the period of the Seoul Olympic Games.

No decision had been reached by the Tribunal as at 30 June 1988.

The provisions governing the broadcasting of political or controversial matter by radio or television are set out in ss. 116, 117 and 117A of the Act.

## Broadcasting of Political Matter

A federal general election was held on 11 July 1987, and a general election for the state of New South Wales was held on 19 March 1988. In addition, by-elections were held for ten seats in the Parliaments of five states and for three seats in federal Parliament during 1987-88.

In all cases the Tribunal required the licensees of stations broadcasting to those parts of Australia involved in the elections to refrain from broadcasting election advertisements from midnight on the Wednesday preceding polling day until after the polls had closed.

The principles used by the Tribunal in determining whether broadcast material is an 'election advertisement' are set out in the Tribunal's Policy Statement POS 02.

Under s. 103 of the Act licensees are required to broadcast or transmit divine worship or other matter of a religious nature during such periods as the Tribunal determines and, if the Tribunal so directs, to do so without charge.

## Religious Programs

From 1 February 1986 the Tribunal has given effect to this statutory requirement by means of specific directions pursuant to s. 103. The directions are for one hour per week in the case of radio stations and for one per cent of transmission time, with a minimum of 30 minutes, per week in the case of television stations.

Information available to the Tribunal from program schedules, logs and other sources indicates that all licensees were complying with the provisions of the Act and Tribunal directions relating to religious matter transmitted without charge. The majority of the programs presented are provided by the national and state program production organisations of the mainstream churches represented in the service areas of the stations.

The Tribunal continued to receive representations from the Australian Churches Media Association (ACMA) as to whether the spirit of s. 103 was being complied with by television licensees. Concern was particularly expressed about the time of day at which free religious material was being broadcast. The Tribunal continued to see its role as the facilitator of discussion between FACTS and ACMA and encouraged consultation between the two organisations to resolve this issue.

## Children's and Preschool Children's Television Programs

During its public inquiry into the concept of self-regulation for broadcasters in 1977, the Tribunal became aware that the performance of stations in regard to children's programming was one of the areas of greatest public concern. The major recommendations made to the Government involved the establishment of the 'C' classification system for programs specifically designed for children aged six to thirteen years and the formation of a Children's Program Committee to oversee the development of this concept. The Tribunal also recommended that only material classified 'C' be transmitted between 4.00pm and 5.00pm on weekdays.

On 15 September 1978, the then Minister for Post and Telecommunications confirmed the Government's support of the recommendations and the Tribunal appointed the Children's Program Committee to advise it on the classification of programs for the 'C' hour (4.00pm to 5.00pm Monday to Friday). The Committee was first appointed on 28 November 1978. Following changes to the Committee's Constitution in December 1986, the Committee is comprised of three members drawn from the public, three members with experience in the television and advertising industries and one member from the independent production industry.

The Committee's current terms of reference are:

- (1) To provide advice, including formulating draft standards, to the Tribunal in relation to the Tribunal's functions of -
  - (i) determining standards to be observed by licensees in respect of the televising of children's programs,
  - (ii) determining standards to be observed by licensees in respect of the televising of programs where the viewing audience contains or is likely to contain large numbers of children, and,
  - (iii) the televising of advertisements and promotions during children's programs.

'Children' in this context are all people younger than 14 years.

- (2) To assess and make recommendations to the Tribunal with respect to the following in terms of the standards and guidelines determined by the Tribunal:

programs proposed for 'C', Provisional 'C' and Station of Origin 'C' and 'C' drama classification;

- (3) To provide information, advice and assistance to television licensees, producers of children's programs and the public on the Tribunal's standards in relation to children's programs and advertising directed to children.

The Committee's Constitution also contains provisions governing the appointment and tenure of committee members, appointment of office-holders, procedures for the conduct of committee meetings and other administrative matters.

Under the Committee's Constitution, committee members may be appointed for periods up to three years. The Tribunal introduced staggered reappointments to provide for the rotation of committee membership. The rotation scheme is designed to bring new perspectives to the Committee via its membership while maintaining continuity of experience. The Tribunal takes the opportunity to pay tribute to the work of retiring CPC Chairperson Dr Shelley Phillips. Her experience in child development and valuable contribution to the work of the Committee during her 3 years as Chairperson, is greatly appreciated.

Ms Clare Petre was appointed new Chairperson of the Children's Program Committee from 1 December 1987. Ms Petre has had extensive experience as a social worker and television journalist and is a part-time consultant to the NSW Department of Health and member of the NSW Medical Disciplinary Tribunal. As a social worker she has worked with the Department of Child Welfare, Royal Prince Alfred Hospital, Sydney University Law School and Redfern Legal Centre. She has been a reporter and presenter for Channel Ten and for the ABC programs, The Investigators and Four Corners.

At 30 June 1988, the members of the Committee were as follows:

Ms Clare Petre (Chairperson)  
(appointed December 1987 for a three year period).

Mrs Anne Wilson, Publisher, Lansdowne-Rigby Books  
(re-appointed December 1986 for a two year period).

Mrs Barbara Biggins, Librarian, Child, Adolescent  
and Family Health Service, South Australia  
(reappointed December 1987 for a three year period).

Mr Pablo Albers, Head of the Full Time Program, Australian Film,  
Television and Radio School  
(appointed December 1986 for a three year period).

Ms Christina Hunniford, Production Manager of CTC Channel 7  
Canberra  
(appointed December 1986 for a three year period).

Ms Klari Kadar, General Manager of J Walter Thompson Melbourne  
(appointed December 1986 for a three year period).

Mr Ian Fairweather, Head of Children's Television, Network Ten Australia  
(appointed March 1987 for the remainder of Mr Hugh Cornish's term to November 1988).

The report of the Children's Program Committee is included at Appendix G. A list of programs classified 'C', 'C' drama and Provisional 'C' in this period appears at Appendix H.

CHAPTER 7  
PROGRAM RESEARCH



Research was undertaken, or commissioned, by the Tribunal in relation to several main inquiries, including the Review of Children's and Preschool Children's Television Standards; Advertising Time on Television; and Australian Content on Commercial Television.

In the course of its Inquiry to Review the Children's and Preschool Children's Television Standards, the Tribunal noted an evident decline in viewing by children during the designated 'C' (children's) viewing time of 4 to 5pm Monday to Friday. A number of reasons were put forward to explain this decline as well as a number of proposals to improve C time and the programs being shown. Given the range of comment, the Tribunal, through its Research Branch, commissioned research to provide information on the audience point of view.

The project has been designed to provide an explanation for the levels of viewing during the current C time and selected other times; and to provide guidance for any possible changes in C time by exploring the suitability of other time periods. The project is due to be completed by August 1988.

As a result of the decision to deregulate for a two year trial period, Advertising Time Standards on Television, the Tribunal has commissioned Tart Research to provide off-air monitoring of selected commercial television stations during this period. The research will attempt to assess any changes in advertising scheduling practices. Results of this research, in combination with internal material, will be published periodically through the trial.

The Tribunal's Research Branch was involved in the analysis of material for the Tribunal's Australian Content Inquiry. Extensive analyses of audiences and ratings material, based on the McNair Anderson Audience Surveys and other material provided by that company, were conducted for drama series, films and mini-series.

The Branch has also continued to collect material on the social implications of radio and television; to assist members of the public with inquiries in this area; and to address public and student groups about these matters and the activities of the Tribunal.

The Tribunal subscribes to the audience measurement surveys of McNair Anderson Associates Pty Ltd. By permission of that company, the collection of surveys in the Tribunal's Melbourne office was open for private study by bona fide researchers.

The Tribunal is interested in alternative ways of measuring audience reaction to programs. Following discussions with the ABC and the SBS the Tribunal wrote to three audience measurement companies identify-

ing a number of criteria which it regarded as being important to any new audience measurement system. These criteria were:

- a) Measurement of people watching television sets, in addition to sets in use
- b) Measurement to operate 52 weeks a year
- c) Detailed information about programs recorded off-air when they are replayed, including 'zapping' (elimination of advertisements when recorded) and 'zipping' (fast forwarding through advertisements).
- d) The Tribunal as a subscriber to contribute to the design of the methodology of the measurements system and monitor the conduct of the survey, including replacements of panel households.
- e) Regular information on audience evaluation of programs and advertisements
- f) Audience feedback on the number of commercial breaks in a program and the number of items in a commercial break.
- g) Capability for 10 second reporting as required.
- h) Capability to measure existing television audiences (the Tribunal would regard a minimum of five capital cities as satisfactory).
- i) Availability of raw data for purchase by subscribers as an alternative to the on-line system.

The Tribunal looks with interest to the trial introduction of a meter system already used in many countries, the so-called "people-meter".

It believes this method of audience measurement has the potential to offer more information than the current diary system, not only of a quantitative but also of a qualitative kind. This is of particular relevance to the process of assessing the success of the two-year trial period on advertising time standards on television when stations will need to measure the extent to which their changed practices have affected audiences.

The Tribunal recognises however that some of the problems of inaccurate reporting by the selected households will not necessarily be overcome by the new method.

CHAPTER 8  
COMMENTS AND COMPLAINTS ABOUT  
PROGRAMS AND ADVERTISING



As part of its responsibilities in regard to program standards, the Tribunal receives comments and complaints from the public. All such representations, whether written or via the phone, are considered, investigated where necessary, and provided with a written response, if requested.

In its investigation of complaints the Tribunal follows the procedures set down in its Practice Note PRN 06, entitled "Investigation and Determination of Breaches of the Broadcasting Act 1942, Program Standards and Other Licence Conditions".

During 1987-88 the Tribunal received a total of 3942 comments or complaints of this type (compared with 1991 in 1986-87). After allowing for the fact that complaints or comments were made not only by individuals, but also on behalf of several people including family groups, it is estimated that some 43 per cent of complainants were males and 57 per cent females.

Of the comments or complaints received during 1987-88, 50.4 per cent were taken up with the station or industry body concerned. Of these some 36.2 per cent were substantiated. This figure includes some 1414 complaints and comments about broadcasts by Ron Casey about Asians and Chinese people. Some of these were in the form of proforma complaints which were circulated in the Chinese community.

If the figures associated with this campaign are set aside, the percentage of complaints taken up with stations or industry bodies reduces to around 23.6 per cent (28 per cent in 1986-87). Of these 1.4 per cent were substantiated (compared with 4.6 per cent in 1986-87). In addition some 189 complaints, which had been referred to the stations or industry bodies for comment, had yet to be determined fully.

Although the vast majority of comments and complaints did not involve breaches of the Act or the Standards, the Tribunal recognises that the views expressed by the persons concerned are sincerely held.

All complaints received during the year were fed into a complaints database which provides the Tribunal with a cross-reference from each complaint to the standard and where relevant, the licensee and the program.

This database also contains categories to cover programming matters for which no standard exists, but about which the Tribunal receives complaints. This assists the Tribunal in identifying areas in which its standards may be deficient in meeting the public interest.

The Tribunal makes publicly available, through its State Offices, copies of the monthly reports it receives from the Programs Division about the

complaints finalised and processed during each month. In view of the number of complaints received the Tribunal is unable to provide individual copies of these reports to people but they are available for examination at the Tribunal Library in North Sydney and at all State Offices of the Tribunal. The Tribunal's publication ABTEE also publishes a brief summary from these reports.

The tables in Appendix F provide a summary of the nature and number of complaints and comments received during 1987-88 concerning differing aspects of television and radio programs or advertising. A detailed analysis of this material is included in "Broadcasting In Australia: An Annual Review from the Australian Broadcasting Tribunal, 1988".

The main cause of comment or complaint during 1987-88 was the broadcasting on commercial radio of material which may have been in breach of either Radio Program Standard 2 (RPS 2) or Radio Program Standard 3 (RPS 3). RPS 2 states, among other things, that licensees may not transmit a program which may incite, encourage or present for their own sake violence or brutality. RPS 3 states that licensees may not transmit a program which is likely to incite or perpetuate hatred against or gratuitously villifies any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, religion or physical or mental disability. Comments relating to these two standards accounted for 36.8 per cent of all complaints and comments received in 1987-88.

Other major causes of comment or complaint were program classification e.g. sex and violence (8.3 per cent), content of television advertisements (7.1 per cent), program scheduling arrangements (5.2 per cent), amount of advertising on television (5.2 per cent), content of news and current affairs programs televised in 'G' time (3.8 per cent).

The large increase in the number of complaints about the broadcast on commercial radio of matter prohibited by the Radio Program Standard 3 is mainly due to broadcasts about Chinese and Asian people by 2KY announcer Ron Casey. There has also been an increase in the number of complaints about the content of news and current affairs programs transmitted in general viewing times, a matter which is covered by Television Program Standard 5. These mainly concerned violence of which a significant proportion were about reports regarding the Queen Street shootings in Melbourne.

As in previous years program classification matters and the content of television advertisements continued to be a significant cause for complaint this year. In contrast to last year, complaints about the amount of advertising in mini-series was not greater than those received about other programs. Complaints about the amount of advertising in live

sports programs is however becoming an issue of viewer concern.

The Tribunal does not have any power over the programs of the Australian Broadcasting Corporation (the ABC) or the Special Broadcasting Services (SBS). Complaints and comments received about programs of the ABC and the SBS were referred for attention to the ABC or to the SBS, each of which is an autonomous statutory authority responsible for its own programming standards.



CHAPTER 9  
ECONOMICS AND FINANCE



The role of the Economics and Finance Branch is to provide financial and economic information and analysis to facilitate the Tribunal's statutory duties, especially in its deliberations on licence grants and renewals, and in assembling information relating to broadcasting in Australia.

The Branch has four functions:

- To collect, verify and publish financial data based on returns by 253 licensees (during 1986-87)
- to analyse financial matters for licence renewals and grants
- to provide economic and social data on service areas for Tribunal reports on licence renewals and grants.
- to assess, collect and verify licence fees from 189 commercial licensees (during 1986-87).

Three computerised financial databases are maintained relating to commercial radio, commercial television and public radio. The first two are commercial-in-confidence while the last is public domain. The data in each is based on annual returns and accounts from licensees.

## **Financial Databases**

The Commercial Radio Financial Database includes data from 1981-82 to 1986-87. This data is based on information from the old annual return form ABT-11 which is limited to profit and loss figures. A revised more comprehensive annual return form will be in use for 1987-88 data.

The Commercial Television Financial Database also includes data from 1981-82 to 1986-87. However, while data from 1981-82 to 1985-86 has similar limitations to commercial radio data because it is based on the old annual return form ABT-12, data for 1986-87 is more comprehensive because licensees completed a revised annual return.

The Public Radio Financial Database includes data from 1982-83 to 1986-87. However, unlike commercial licensees, public radio licensees are not required to complete a pro-forma annual return. The database is therefore derived from the licensees' annual accounts, which vary in format and accounting practices. The Tribunal intends to consult the industry to agree on an annual return form for public radio licensees.

The financial information provided by licensees through their returns for 1986-87 was published in separate reports for commercial radio, commercial television, and public radio.

These reports provided more detailed market breakdowns for the two commercial services while the report on public radio provided for the first time comprehensive financial information on this service.

## **Financial Analyses**

The Branch carries out analyses of the financial capability of licensees and applicants for broadcasting licences, the commercial viability of particular markets and research on related broadcasting issues.

During the year the Branch provided financial analyses for six commercial television, 24 commercial radio and 15 public radio licence renewals. The Branch also provided analyses for one television, 13 commercial radio and two public radio licence grants.

## **Economic and Social Databases**

Following extensive consultation with information users from inside and outside the Tribunal, a series of databases has been developed as the Tribunal's public domain databases (as distinct from confidential databases like the financial database).

The software supporting these databases has been customised to provide a range of standard reports including individual station profiles, tables which compare services' operational characteristics selected by population criteria, and comparative staff profiles, among others.

Access to the databases is on a request basis. The databases include: commercial and public radio operations; public radio management structures; commercial radio service area population, which includes population estimates of service areas and overlaps; summaries of applications for commercial radio grants; commercial television operations; commercial television service area population, including overlaps; and Supermap database, which includes Population Census data for small areas including theme mapping capability; staffing data for commercial television.

Staff have been closely involved in the development of the Annual Collection of Data for commercial radio, due to commence early in early 1989. This will provide the basis for improved databases on commercial radio operations.

## **Fees for Licences for Commercial Radio and Television Stations**

Fees for licences for commercial radio and television stations are payable to the Commonwealth in accordance with, respectively, the Radio Licence Fees Act 1964 and the Television Licence Fees Act 1964. The Tribunal acts as the Minister's agent in the assessment and collection of these fees.

Under the Broadcasting Act and the Licence Fees Acts a fee based on a percentage of the gross earnings of the station to which the licence relates is payable as follows:

- a. on 1 January for those stations whose licence originally commenced between 1 July and 31 December;
- b. on the anniversary of the original date of commencement of the licence for all other stations

The Radio Licence Fees Act defines gross earnings in relation to a commercial radio station as the gross earnings of the licensee of the station from the broadcasting of advertisements or other matter. The Television Licence Fees Act defines gross earnings for television as those from the televising of advertisements or other matter. Gross earnings for licence fee are calculated by adding advertising revenue, less accredited agents commission, to other assessable revenue.

Section 7 of each Act empowers the Minister to form an opinion as to whether an amount earned by a person other than the licensee of a station forms part of the gross earnings of the station, to ensure that all income properly attributable to the licensees is included in gross earnings for the purpose of the Acts.

## **RADIO**

Total licence fees payable by commercial radio stations during the period 1 July 1987 to 30 June 1988 based on total gross earnings in the previous financial year of \$314,137,330 were \$11,327,376. In the financial year prior to that, total licence fees payable by commercial radio stations were \$8,899,757. Total fees payable for 1987/88 were made up as follows:

<u>Licence Fees Payable</u>			
State/Territory	Metropolitan \$'000	Country \$'000	Total \$'000
New South Wales and Australian Capital Territory	4,208	826	5,034
Victoria	2,841	229	3,070
Queensland	842	409	1,251
South Australia and Northern Territory	831	82	913
Western Australia and Tasmania	930	129	1,059
<b>Australia</b>	<b>9,652</b>	<b>1,675</b>	<b>11,327</b>

Total licence fees payable by commercial television stations during the period 1 July 1987 to 30 June 1988 based on gross earnings in the previous financial year of \$995,210,931 were \$74,576,547. In the financial year prior to that, total licence fees payable by commercial television stations were \$67,926,988. Total fees payable for 1987/88 were made up as follows:

<u>Licence Fees Payable</u>			
State/Territory	Metropolitan \$'000	Country \$'000	Total \$'000
New South Wales and Australian Capital Territory	24,833	5,144	29,977
Victoria	19,903	2,065	21,968
Queensland	7,561	1,920	9,481
South Australia and Northern Territory	5,044	294	5,338
Western Australia and Tasmania	7,013	800	7,813
<b>Australia</b>	<b>64,354</b>	<b>10,223</b>	<b>74,577</b>

### **Financial Results of Commercial Television and Commercial and Public Radio Stations**

Section 123 of the Act provides that a licensee shall furnish to the Tribunal an audited balance sheet and profit and loss account, in a form approved by the Tribunal, and other records relating to the station as the Tribunal from time to time directs. Section 124A provides that the Tribunal shall assemble information relating to radio and television in Australia.

Generally financial information gathered by the Tribunal is used to assist it in its statutory responsibilities relating to the commercial viability of existing commercial radio and television stations, the financial capabilities of licensees and applicants for licences and the financial implications for licensees of changes in Tribunal Program Standards. It is not possible for the Tribunal to collect information on licensees' related companies. Some licensees use related companies for production and other activities which could affect their profitability.

For 1986-87 the Tribunal required commercial television licensees to complete a new, expanded annual return designed to improve the quality of information provided. The information provided should allow more accurate analyses of the financial position of licensees and the

industry as a whole. A revised annual return form for commercial radio licensees was introduced in 1987-88. During 1987-88 the Tribunal published, for the first time, financial information on the operations of Australian public radio stations.

### Commercial Television

Australian commercial television stations' broadcasting revenue declined by \$24.6m (2.1%) to \$1,144.7m in 1986-87, while operating expenditure increased by \$45.2m (4.3%) to \$1,098.4m. This resulted in a reduction in broadcasting profit of \$69.8m (60.1%) to \$46.3m. However while non capital city stations' revenue increased by 6.7%, expenditure rose by only 4.8%, leading to an increase in profit of \$6.4m (13.9%). The financial performance of capital city stations and other stations is summarised below.

Category and Number of Stations	1985-86 (\$m)	1986-87 (\$m)	% of Total	Financial Growth 1986-87 (%)
<b>Capital City Stations (15)</b>				
Revenue	941.3	901.5	78.8	(4.2)
Expenditure	871.4	907.8	82.6	4.2
Profit	69.9	(6.3)	(13.6)	(109.0)
<b>Other Stations (36)</b>				
Revenue	228.0	243.2	21.2	6.7
Expenditure	181.8	190.6	17.4	4.8
Profit	46.2	52.6	113.6	13.9
<b>Total (51)</b>				
Revenue	1169.3	1144.7	100.0	(2.1)
Expenditure	1053.2	1098.4	100.0	4.3
Profit	116.1	46.3	100.0	(60.1)
<b>Gross Earnings</b>	<b>971.4</b>	<b>995.2</b>	<b>2.4</b>	
<b>Licence Fees Paid</b>	<b>56.0</b>	<b>60.8</b>	<b>8.6</b>	

Caution is advised concerning these results as they are based on information in the commercial television licensees' new annual return which was first used for 1986-87. As with all new forms, some inconsistencies in the interpretation of items should be expected. These

should be reduced with future returns as they can be compared with previous returns.

A more comprehensive breakdown of commercial television financial results 1986-87 is available on request from the Tribunal.

### Commercial Radio

Australian commercial radio stations increased broadcasting revenue by \$25.5m (8.1%) to \$341.6m in 1986-87. This was however offset by an increase in operating expenditure of \$36.8m (13.2%) to \$315.0m, leading to a reduction in broadcasting profit of \$11.3m (29.8%) to \$26.6m. The performance of the various market categories is summarised in the following table.

Category and Number of Stations	1985-86 (\$m)	1986-87 (\$m)	% of Total	Financial Growth 1986-87 (%)
<b>Capital City</b>				
<b>FM Stations (7)</b>				
Revenue	61.9	75.8	22.2	22.5
Expenditure	42.3	57.5	18.2	35.9
Profit	19.6	18.3	68.8	(6.4)
<b>Capital City AM Stations (29)</b>				
Revenue	142.0	147.6	43.2	3.9
Expenditure	133.3	150.8	47.9	13.1
Profit	8.7	(3.2)	(12.0)	(136.7)
<b>Larger Cities (28)</b>				
Revenue	49.5	51.5	15.1	4.0
Expenditure	46.8	49.4	15.7	5.6
Profit	2.7	2.1	7.9	(23.1)
<b>Other Stations (74)</b>				
Revenue	62.7	66.7	19.5	6.4
Expenditure	55.8	57.3	18.2	2.7
Profit	6.9	9.4	35.3	36.0

Category and Number of Stations	1985-86 (\$m)	1986-87 (\$m)	% of Total	Financial Growth 1986-87 (%)
<b>Total (138)</b>				
Revenue	316.1	341.6	100.0	8.1
Expenditure	278.2	315.0	100.0	13.2
Profit	37.9	26.6	100.0	(29.8)
<b>Gross Earnings</b>	<b>292.1</b>	<b>314.1</b>	<b>7.5</b>	
<b>Licence Fees Paid</b>	<b>7.5</b>	<b>9.7</b>	<b>29.3</b>	

The figures above should be used with caution because they do not reflect with complete accuracy the commercial radio broadcasting industry. This is due in part to the different accounting procedures used by licensees.

A more comprehensive breakdown of commercial radio financial results 1986-87 is available on request from the Tribunal.

### **Public Radio**

The number of Australian public radio stations increased from 58 to 64 in 1987-88. Funding grew by 7.0%, from \$8.91m to \$9.53m, while expenditure grew by 9.7%, from \$9.27m to \$10.17m. The overall deficit of \$0.64m was 77.8% greater than 1985-86's figure of \$0.36m.

Generally however public radio licensees managed to contain growth in expenditure to below growth in funding, thereby reducing their deficit. The exception was in the category of Religious stations, where the commencement of service by 6SON during the year distorted the results.

Category of Stations	1985-86 (\$m)	1986-87 (\$m)	% of Total 1986-87 (%)	Financial Growth
<b>Community</b>				
No. of Stations	39	44		
Funding	3.50	3.72	39.0	6.3
Expenditure	3.80	3.92	38.5	3.2
Surplus (Deficit)	(0.30)	(0.20)	31.2	(33.3)
<b>Educational</b>				
No. of Stations	12	12		
Funding	2.98	3.15	33.1	5.7
Expenditure	3.07	3.22	31.7	4.9
Surplus (Deficit)	(0.09)	(0.07)	10.9	(22.2)
<b>Ethnic</b>				
No. of Stations	3	3		
Funding	1.93	1.72	18.0	(10.9)
Expenditure	2.00	1.76	17.3	(12.0)
Surplus (Deficit)	(0.07)	(0.04)	6.3	(42.9)
<b>Religious</b>				
No. of Stations	4	5		
Funding	0.50	0.94	9.9	88.0
Expenditure	0.40	1.27	12.5	217.5
Surplus (Deficit)	0.10 (0.33)	51.6	(430.0)	
<b>Total No. of Stations</b>				
	<b>58</b>	<b>64</b>		
Funding	8.91	9.53	100.0	7.0
Expenditure	9.27	10.17	100.0	9.7
Surplus (Deficit)	(0.36)	(0.64)	100.0	77.8

The figures above should be used with caution because they do not reflect with complete accuracy the public radio broadcasting industry. This is due in part to the different accounting procedures used by licensees.

A more comprehensive breakdown of public radio financial information 1986-87 is available on request from the Tribunal.

CHAPTER 10  
LEGISLATION



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## General

The Broadcasting Act 1942 (the Act) provides a framework for the planning and regulation of broadcasting services in Australia. The responsibility for planning the development of broadcasting services, the determination of standards and practices for the technical equipment used and its operation, lies with the Minister for Transport and Communications (s.125D of the Act). At 30 June 1988, the planning of commercial and public broadcasting services could culminate in the grant of one of nine types of licence, including licences for principal services (including remote services), supplementary services, re-broadcasting and re-transmission services. It is the responsibility of the Tribunal to grant and renew licences, subject to such service specifications as the Minister may determine. The Tribunal is also empowered to suspend or revoke licences. For the exercise of all these powers, specific criteria are laid down in the Act (s.83, 86 and 88).

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## Ownership and Control

Part III BA of the Act contains a range of complex provisions designed to ensure diversity in the ownership and control of commercial broadcasting services. The Act provides limits on the number of 'prescribed interests' in licences which may be held by any person and also limits the cross media interests which a person may have in a commercial television or radio service area.

In relation to television, a person may have a prescribed interest in any number of licences serving a combined population no greater than 60 per cent of the Australian population. Certain 'one licence to a market' rules also apply for licences in approved markets or in Tasmania.

In relation to commercial radio, the 'prescribed interest' rules are:

- (a) a "one radio licence within a service area" limit, with allowance for up to 30% service area population overlap between relevant licences.
- (b) a state limit which is a number representing half the number of discrete service areas in the state.
- (c) a nationwide limit of 16 licences.

The cross media limits in the Act:

- (a) prohibit the holder of a prescribed interest in a commercial television licence from also having a prescribed interest in a commercial radio licence where the two licences have a substantial market in common;
- (b) prohibits the holder of a prescribed interest in a commercial television or radio licence from also having a prescribed interest in a newspaper that is associated with the service area of the commercial television or radio licence.

For the purposes of the cross-media rules the Tribunal must keep an Associated Newspaper Register (s.89s); a newspaper will be entered in the Register if it is in English, is published at least four days each week, at least 50 per cent of its circulation is sold as a newspaper, and it has at least 50 per cent of its circulation in the service area of the relevant commercial television or radio station.

Where new ownership and control limits have been introduced (e.g. the cross-media limits) or old limits made more restrictive (e.g. the state limits for radio in South Australia and Tasmania), "grandfathering" provisions protect pre-existing interests which would otherwise result in contraventions of the Act. Similarly, an interest which is legal when acquired, but which would subsequently contravene a limit because of a new Census count or a service area change (other than a change due to aggregation) is protected by "prospective" grandfathering rules.

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### Programs

In the area of program regulation, the Act imposes some specific requirements in respect of a range of matters (such as Australian music, religious programs, political and election matter, and cigarette advertising) and confers on the Tribunal power to determine program standards (s.16) give directions to ensure that the Standards are complied with (s.99(2)), issue reprimands or admonishments (s.101), impose conditions (s.85) and to regulate a range of other activities and arrangements affecting programming (Part IV of the Act).

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### Inquiries

In carrying out its functions, the Tribunal is required in many cases to conduct an inquiry before exercising a 'substantive power' (ss.17A-17C). In other cases, the Tribunal may decide that an inquiry, although not required, is desirable (s.17C(2)-(3)). The Act contains general provisions covering the conduct of inquiries, and the rights of persons to participate in such inquiries (Part II Division 3 of the Act). Detailed provisions relating to the conduct of inquiries are to be found in the Australian Broadcasting Tribunal (Inquiries) Regulations 1986. An outline of the Tribunal's inquiry process is contained in Appendix A to the Tribunal's 1985-86 Annual Report.

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### Assessment of Licence Fees

Other Acts of relevance to the Tribunal are the Television Licence Fees Act 1964 and the Radio Licence Fees Act 1964, which specify the annual licence fee payable by commercial licensees, on a sliding scale related to 'gross earnings' of the station. The Tribunal administers this legislation on behalf of the Minister for Transport and Communications, including the assessment and collection of licence fees. The Broadcasting Amendment Act (No. 2) 1987 makes provision for the imposition of a penalty

for late payments under the Licence Fees Acts. If the fee remains unpaid more than two months after the due date, a penalty is calculated at the rate of 20 per cent per annum from the due date (s.123A). Where it is fair or reasonable, all or part of the additional fee may be remitted. The Amendment Act also amends the criteria in ss.86 and 88 of the Broadcasting Act under which the Tribunal could refuse to renew, or could suspend or revoke, a licence if the licensee failed to pay the fee. The new criterion is based on unreasonable or repeated delay in payment.

There were five amending Acts during the year relevant to the Tribunal's operations. They were:

### Amendments to the Act

- (a) Radio Licence Fees Amendment Act (No 2) 1987 (No 116 of 1987: Royal Assent on 16 December 1987). This Act provides the framework for the payment of an establishment fee by the successful applicants for commercial radio licences and for the payment of a fee by non-metropolitan commercial radio licensees for conversion from AM to FM.
- (b) Broadcasting (Ownership and Control) Act (No 2) 1987 (No 183 of 1987: Royal Assent on 26 December 1987). This Act corrected minor defects in the ownership and control provisions of the Act.
- (c) Broadcasting Amendment Act (No 3) 1987 (No 184 of 1987: Royal Assent on 30 December 1987). This amending Act contained a range of miscellaneous amendments to the Act. The more important amendments were:
  - (i) the provision of ownership and control rules for public radio stations
  - (ii) the revision of the provisions governing the broadcasting of sponsorship announcements, community information and station and program promotions by public radio stations
  - (iii) revisions of the provisions dealing with the identification of the person or political party authorising the broadcasting of political matter and the identification of the speaker delivering the address or statement.
- (d) Broadcasting Amendment Act (No 4) 1987 (No 134 of 1987: Royal Assent on 18 December 1987). This Act provides for the payment of an establishment fee by the successful applicants for commercial radio licences. The licence cannot be granted to the successful applicant until the fee is paid. Failure to pay the fee within the

prescribed period (usually 60 days) means that the applicant will be taken to have withdrawn its application and the Tribunal then re-opens the inquiry to determine the next most suitable applicant. This Act also provides for a moratorium on changes in control of commercial television and radio licences for 2 years from the date of grant by the Tribunal.

- (e) Broadcasting (Ownership and Control) Act 1988 (No 56 of 1988: Royal Assent on 15 June 1988). This Act put in place the new ownership and control and cross-media rules for commercial radio discussed in paragraphs 4 and 5 above.

## Proposed Legislative Amendments

During 1987-88 the Tribunal continued to consult with the Department of Transport and Communications about possible amendments to the Act. There have also been three important reviews taking place during the year in this area. They are:

a review of the role and functions of the Tribunal by the House of Representatives Standing Committee on Transport Communications and Infrastructure.

a review by the Department of Transport and Communications of the Act.

a review by the Department of Transport and Communications of the Australian Broadcasting Tribunal (Inquiries) Regulations 1986, which govern the conduct of Tribunal inquiries.

As at 30 June 1988, none of these reviews had been finalised.

The Tribunal made written submissions to the review by the House of Representatives Standing Committee and gave oral evidence on 29 March 1988 and 14 June 1988. The Chairman of the Tribunal is a member of the Steering Committee for the review of the Act by the Department of Transport and Communications. The Tribunal has also made submissions to the Department about the review of the inquiry regulations.

The major deficiencies which the Tribunal sees in the current Act and regulations are as follows:

### (a) **Little flexibility in the Act and the inquiry regulations**

There is little flexibility given in the Act and the inquiry regulations for the Tribunal to adjust its procedures to suit the nature of the particular inquiry. The Tribunal has inadequate power to

control its proceedings and to make appropriate rulings about procedures in inquiries.

**(b) Administrative Appeals Tribunal (AAT).**

Many substantive decisions of the Tribunal are subject to a complete review on the merits by the Administrative Appeals Tribunal (AAT). The Tribunal believes that review of its decisions by the AAT is inappropriate given that the procedures of the two Tribunals are so similar; the Tribunal's inquiry process ensures that the Tribunal is publicly accountable and that natural justice is observed; the Tribunal is a specialist broadcasting body and it undermines the usefulness of the Tribunal and its contribution to broadcasting to have its decisions reviewed by a generalist body like the AAT.

**(c) The exclusive licensing criteria in the Act are difficult to administer.**

The exclusive licensing criteria in the Act are difficult to administer, inhibit the ability of the Tribunal to act in the public interest, provide unnecessary scope for legal argument and litigation with the resultant delay and expense, and are detrimental to public participation in Tribunal inquiries. Inquiries would be expedited if the Tribunal were given greater licensing discretion accompanied by a clear statement of licensing policy in the Act.

**(d) The present ownership and control provisions of the Act are overly complex.**

The present ownership and control provisions of the Act are overly complex, catch a large number of transactions of little significance and do not allow the Tribunal to deal in any sensible way with those transactions which are of significance. The Tribunal supports a complete reform of the ownership and control provisions.

**(e) The current licence renewal system could be improved.**

The Tribunal believes that the current licence renewal system could be improved. The Tribunal supports the lengthening of licence periods linked with greater emphasis on area inquiries and the annual collection and dissemination of data from licensees. This would reduce the resources dedicated to the licence renewal cycle and increase opportunities for effective review of actual performance and public participation.



CHAPTER 11  
REVIEW OF TRIBUNAL DECISIONS



## 1. Sunraysia Broadcasters Pty Ltd v ABT

Federal Court of  
Australia

In November 1986 Sunraysia Broadcasters Pty Ltd, the licensee of commercial radio station 3MA Mildura, lodged an application in the Federal Court for review of the Tribunal's decision to refuse to grant a supplementary radio licence to Sunraysia and instead to recommend to the Minister that applications be invited for an independent licence to serve the area. Murray River FM Pty Ltd was joined as an interested party in the proceedings. Murray River was one of three companies before the Tribunal which objected to the grant of a supplementary licence and argued that applications should be called for an independent licence.

The matter was heard by Mr Justice Sweeney in Melbourne on 6-9 July 1987. In his judgment dated 20 August 1987, Sweeney J set aside the Tribunal's decision and ordered that Sunraysia's application be remitted to the Tribunal to be dealt with according to law.

Sweeney J set aside the Tribunal's decision on three grounds. The first was that the Tribunal had failed to have due regard to the need for the commercial viability of 3MA and had failed to determine whether an additional station was reasonably likely to be commercially viable. In examining commercial viability in relation to both 3MA and an additional station, the Tribunal had looked at a range of establishment and operational costs and revenue projections. Sweeney J found that this was not sufficient. His Honour said that the Tribunal:

“did not determine the total revenue which would probably be available to 3MA and an additional station. It did not determine either 3MA's probable share of that total, or that the lowest revenue which, on the balance of probabilities, 3MA would obtain was such that, when balanced against its probable expenditure, the need to have due regard to its commercial viability would be met.”

Sweeney J said:

“The Tribunal is obliged to determine, one way or the other, the questions which the Act poses for it, even though it finds the task to be fraught with difficulty, dependent upon attempting to form an opinion about future events, or subject to the risk of error. Courts frequently find themselves in such a position, as, for example, in assessing damages once and for all to encompass all the vicissitudes of the rest of the life of an injured party, the length of which it is often very difficult to assess, but they must perform such tasks as best they can. The obligation to decide the questions posed by the statute is inescapable.”

The second ground upon which the Tribunal's decision was set aside was that the Tribunal had breached s.25(3) of the Act by failing to give Sunraysia the opportunity to inspect certain documents to which the Tribunal had regard in reaching a decision, and to make submissions in relation to those documents. The principal documents concerned were financial returns from radio stations in some other comparative markets.

Finally, Sweeney J found that the Tribunal had failed to consider whether any concentration of the ownership or control of the media in the Mildura area which may arise if a supplementary licence was granted to Sunraysia would be undue.

The Tribunal had found that there would be undue concentration, referring in part to Ministerial statements indicating that programming diversity ought to be provided by as wide a range of competitively and independently owned media outlets as follows. Sweeney J said that this view came close to construing the relevant part of the Act as prescribing at least a prima facie policy of preference to applicants with no existing media interests in the area. Sweeney J said that the Tribunal had misconstrued the Act. His Honour said the phrase "undue concentration" recognises the fact that there may be a concentration, which is not, in the opinion of the Tribunal, "undue".

## **2. Queensland Television Limited and others v ABT**

Following complaints by the Labor Party in Queensland, the Tribunal examined eight episodes of "Queensland Unlimited" broadcast between October 1985 and June 1986 by all Brisbane commercial television stations to determine whether the programs were political statements. As such their transmission without the appropriate identification of author and speaker was found to constitute a breach of s.117 of the Broadcasting and Television Act 1942. The Tribunal also found that four episodes were advertisements.

The Queensland Attorney-General and two of three Brisbane licensees applied to the Federal Court under the AD(JR) Act for a review of the Tribunal's decisions. The matter was heard before Mr Justice Spender in Brisbane on 17-19 December 1986.

In his judgement dated 6 August 1987, Spender J found that the Tribunal had erred in finding that programs "City Train Links Extending" and "Cabinet Helps with Crisis" were in breach of s.117 because names of speakers and/or authors were not announced.

Spender J accepted the submissions of the applicants that the words "address" and "statement" in section 117 meant a formal speech or

political statement. The section was not directed at words spoken in the nature of a commentary or discussion, as was the case in these programs. Nor were the visual elements relevant.

In relation to advertisements, one of the Tribunal's decisions concerning the episode "Our Casino World Class" had been made under the former Television Program Standard 37.

Spender J found that TPS 37 was void, being beyond the Tribunal's power, based on the principle that a subordinate legislative authority must keep within the mandate given to it by Parliament. Spender J found that the definition of "advertisement" in TPS 37 purported to extend the ordinary meaning of the word and also purported to exclude matter which might constitute an advertisement within the ordinary meaning of that term.

So, in defining "advertisement" in TPS 37, the Tribunal purported to exercise a power it did not have because the power to make standards did not permit the Tribunal to define what an advertisement was, at least if its "definition" differed from the ordinary meaning of advertisement.

In any event, even on the ordinary meaning of the word "advertisement", Spender J found that "Our Casino World Class" was not an advertisement for the casino, as found by the Tribunal. Spender J said the episode -

"had the effect of promoting and enhancing the reputation of the Queensland Government as an efficient, hardworking and successful organisation in this area, the reference to the services provided by the casino being quite ancillary or incidental to the primary effect of this episode".

The remaining three decisions by the Tribunal about advertisements were made under Television Advertising Condition 1. Spender J upheld TAC 1 as being within the power of the Tribunal.

Spender J agreed with the Tribunal that the episode "Cabinet Helps with Crisis" was an advertisement for the services supplied by the Queensland Government, being services associated with the assistance provided by the Queensland Government to the sugar industry.

Spender J set aside the Tribunal's decision that the episode "Trade and Prosper" was an advertisement encouraging involvement in overseas trade. His Honour said -

"the episode, while urging Queensland industry to engage in international business, does so as ancillary or incidental to its promotion of the activity of the Queensland Government".

Finally, the Tribunal had found that the episode "Northern Development - A Reality" was an advertisement for the Queensland Government, the far north Queensland area as the provider of tourist services, and several commercial entities including Sheraton, Hilton, the Ramada chain, Qintex and the Breakwater Casino at Townsville.

Spender J agreed that the program was an advertisement for the Queensland Government, but not for the other organisations listed by the Tribunal. His Honour said it was not open to the Tribunal to conclude that the episode was calculated to draw public attention to and to promote the far North Queensland area or the services provided by the various commercial entities.

### **3. Our Town FM Pty Ltd and another v ABT**

On 10 April 1987, after an inquiry, the Tribunal published its decision to grant a commercial FM radio licence to serve the Newcastle area to Newcastle FM Pty Limited. Two of the unsuccessful applicants for the licence, Our Town FM Pty Ltd and Newcastle Stereo Radio Pty Ltd, applied to the Federal Court under the Administrative Decisions (Judicial Review) Act for a review of the Tribunal's decision.

The two applications were heard together by Mr Justice Wilcox in Sydney on 3-5 August 1987.

Wilcox J handed down his judgment on 4 September 1987. His Honour set aside the Tribunal's decision to grant the licence to Newcastle FM Pty Limited and referred the matter back to the Tribunal to be determined according to law.

Wilcox J held that the Tribunal had failed to give adequate reasons for the selection of the most suitable applicant, as required by s.25B of the Broadcasting Act 1942.

Wilcox J said that in giving reasons for decisions under s.25B, it is not necessary that the Tribunal's report deal with every matter which was, or might have been raised in the proceedings. It is enough that the findings and reasons deal with the substantial issues upon which the decision turned. However, in this regard Wilcox J said that there were substantial deficiencies in that part of the Tribunal's report dealing with the selection of the most suitable applicant under s.83(9) of the Act.

Wilcox J confirmed that the Tribunal has a wide discretion under s.83(9) in regard to the criteria to be adopted for the selection of the most suitable applicant. However, His Honour said that the Tribunal did not explain why Newcastle FM was the most suitable applicant, or its rating

of all the applicants in regard to the factors selected for evaluation of the most suitable applicant. His Honour said:

"I emphasize that what I have said does not mean that the Tribunal was bound to write a lengthy report dealing with every detail of the evidence. Nor does it mean that the Tribunal had to express itself in emotive or unnecessarily harsh language. What was required was that the Tribunal set out in short and measured, but specific, terms its findings in connection with each of the applicants concerning each of the factors which it chose to regard as relevant to the determination of the "most suitable" candidate.

The applicants for review also relied on several other grounds, which were dismissed by Wilcox J. These were that the Tribunal had:

wrongly applied the provisions of the Broadcasting and Television Act rather than the Broadcasting Act

failed to properly consider the question of undue concentration of influence

failed to follow the principles contained in the Tribunal's policy statement on the provision by licensees of an adequate and comprehensive service.

#### **4. Our Town FM and another v ABT and another (No.2).**

##### Background

On 4 September 1987, the Federal Court set aside the Tribunal's decision to grant a commercial radio licence to Newcastle FM Pty Ltd and referred the applicants for the licence back to the Tribunal to be dealt with according to law.

The Tribunal subsequently informed all applicants that having regard to the Federal Court judgement, it proposed to make a decision on the basis of the information then before it and write a report. It rejected further submissions from two unsuccessful applicants, Our Town FM and Newcastle Stereo, on the grounds that nothing in their submissions was:

- (i) new material which would not have been presented before the Tribunal completed its first report;
- (ii) sufficiently relevant to be taken into account in making a qualitative comparison between the applicants as required by the Federal Court judgement.

Both Our Town FM and Newcastle Stereo applied to the Federal Court to review the decision by the Tribunal to make the licence grant decision on the basis of the information then before it.

#### Decision

On 23 October 1987 the Federal Court (Mr Justice Wilcox) ordered that:

1. Prior to making any further decision upon the grant of a licence to any applicant for an FM commercial radio licence to serve the Newcastle area in New South Wales (the Tribunal) receive and consider according to law such apparently reliable material which is relevant to the matters falling for decision in connection with the said grant, and which shall be submitted to it within such reasonable period as (the Tribunal) may direct, and which:
  - (a) concerns events which have occurred since 10 April 1987 when the Tribunal made its earlier decision), or
  - (b) purports to correct or elucidate matters stated in the report (of the Tribunal of 10 April 1987;

PROVIDED however that this order shall not, unless (the Tribunal) otherwise determines, require the Tribunal to receive and consider any material the nature of which is to effect a significant amendment of the application of any applicant for a licence.

#### Relevance of Submissions

Wilcox J. divided the fresh submissions received by the Tribunal into three categories:

- (1) Matters which had arisen since the Tribunal wrote its earlier report. The Tribunal was bound to consider submissions in this first category unless the new matter raised was a modification of the applicant's original proposal. In the case, the Tribunal has a discretion whether to consider them or not.
- (2) Matters which were before the Tribunal at the time it made its original decision, but in relation to which the applicant submitted that the Tribunal in its earlier report displayed some misapprehension of the facts. The Tribunal was bound to consider submissions in this second category.
- (3) Matters which were before the Tribunal at the time of its original decision and in connection with which no misapprehension is suggested, but as to which it now appears that there ought to be a

fuller investigation before the final decision is made. The Tribunal has a discretion to consider submissions falling into this third category. However, Wilcox J. warned that the obligation in section 25 of the Broadcasting Act “would seem to compel such a course”.

The decision also required the Tribunal to direct a “reasonable period” within which applicants may make submissions.

#### Scope of Tribunal's Reconsideration

Wilcox J. made the point that as the original Tribunal decision was set aside in its entirety, the scope of the Tribunal's reconsideration should go beyond the ranking of applicants required by subsection 83(9) of the Act to include the question of suitability of applicants as required by subsection 83(6).

#### Procedure

Wilcox J. affirmed that the procedure to be followed in reconsideration of its decision was at the discretion of the Tribunal. Accordingly he made no orders directing the Tribunal to conduct fresh oral hearings, as sought by the applicants.

### **5. Our Town FM and another v. ABT and another (No.3)**

This matter arose out of the first two proceedings involving Our Town and Newcastle Stereo and concerned the allocation of costs.

After Our Town (No.1), the Court made a suspended order for costs against the second respondent, Newcastle FM Pty Ltd. After Our Town (No.2), the Court made no order as to costs, leaving the parties to apply if they so wished. The second respondent sought to vacate the suspended order made in relation to Our Town (No.1) and the applicants sought an order for costs in their favour in respect of Our Town (No.2).

The matter was heard by Mr Justice Wilcox of the Federal Court, who held that costs should not normally be awarded against the Tribunal in situations where there are contending applicants for a licence who have been the parties actively debating the matter before the court. In other words, when the Tribunal follows *R. v ABT ex parte Hardiman* (1980) and adopts a circumscribed role in proceedings it would be unusual for it to have to pay costs.

The judge ordered the second respondent to pay half the applicant's costs in Our Town (No.1), and made no order in respect of Our Town

(No.2) because it was not normally appropriate for the Tribunal to pay costs and the second respondent's submissions did not differ from the view of the court.

#### **6. South Australian Telecasters Ltd v ABT.**

On 16 September 1987, after an inquiry, the Tribunal determined that Adelaide television stations ADS-7 and SAS-10 had breached program standards in respect of reports on the stations' early evening news bulletins of the public suicide of an American state official, Bud Dwyer.

The Tribunal held that the stations had breached the following standards:

- (a) TPS 10, which describes the basic restraints applying to the content of all programs shown in 'G' time;
- (b) TPS 5, which requires that appropriate care be exercised when compiling a news or current affairs program to be broadcast in 'G' time; and
- (c) TPS 15, which requires stations to restrain the potential of certain items of news to distress viewers.

Both stations applied for a review of the Tribunal's decision, but ADS-7 later withdrew its application.

On 9 November 1987, the Tribunal cancelled its decision of 16 September 1987 insofar as it applied to South Australian Telecasters (SAS-10) and re-opened its inquiry. South Australian Telecasters subsequently withdrew its Federal Court application.

#### **7. Paul John Clauson v ABT**

On 29 May 1987 the Tribunal published its licence renewal decisions on QTQ-9, TVQ-0 and BTQ-7 Brisbane. Amongst other things it recommended that the television licensees concerned adopt the practice of announcing authors and/or speakers before or after broadcast ("topping and tailing") for the program "Queensland Unlimited". On 26 June 1987 the Attorney-General for the State of Queensland appealed against the decision to make this recommendation.

As a result of the decision of Spender J in *Queensland Television Ltd and Others v ABT* (see above), the Tribunal withdrew the recommendation and the application for review was discontinued.

## **8. Sunshine Coast Broadcasters Ltd v the Minister for Land Transport and Infrastructure Support and the ABT.**

On 15 December 1987 the Minister directed the Tribunal pursuant to s.85(4) of the Broadcasting Act 1942 to revoke the existing conditions relating to the area to be served by commercial radio licence 4SS, which was held by the applicant, and to substitute a new service area with boundaries which excluded the Caboolture Shire. On 11 January 1988 the applicant was informed that the conditions had been varied accordingly. The applicant then appealed against the Minister's decision to exclude the shire. The application only peripherally involved the Tribunal in that one of the orders sought was an order quashing or setting aside or restraining the Tribunal's implementation of the Minister's determination of the service area of 4SS.

The matter was heard before Mr Justice Pincus in Brisbane on 22-24 June 1988. As at 30 June 1988 no decision had been handed down.

## **9. John Laws v ABT**

This matter arose out of broadcasts in March 1987 by John Laws on 2GB containing comments directed at the level of expenditure on Aboriginal welfare activities. These comments gave rise to complaints by a number of people, including the Minister for Aboriginal Affairs. On 24 November 1987 the Tribunal published a decision that in broadcasting the John Laws program on 11, 12, 13, 15, 18, 19, 20 and 23 March 1987, 2GB breached Radio Program Standard 3 (RPS 3) on each of those days. RPS 3 provides that a licensee may not transmit a program which is likely to incite or perpetuate hatred against or gratuitously vilify any person or group on the basis of, inter alia, ethnicity, nationality or race.

The decision went on to recommend to the Tribunal that it hold a public inquiry to consider whether its substantive powers under either or both of ss.119 or 101 of the Broadcasting and Television Act 1942 should be exercised. On 27 November 1987 the Tribunal decided to hold an inquiry to consider the following issues:

1. Whether the Tribunal should exercise its power under section 85 to impose a condition or conditions on the licence for 2GB requiring the adoption of management procedures with relation to "talkback" shows and the provision of programs to other licensees in order to prevent further breaches of section 99(1A);
2. Whether the Tribunal should exercise its power under section 101 to issue a written reprimand or admonishment to the licensee of 2GB;

3. If a written reprimand or admonishment is issued whether the Tribunal should direct the licensee of 2GB to publish the reprimand or admonishment and, if so, in what form and manner;
4. Whether the Tribunal should exercise its power under section 119 to issue directions:
  - (i) prohibiting John Laws from presenting programs in live broadcasts, or;
  - (ii) imposing restrictions on the presenting by John Laws of programs in live broadcasts.
5. If the Tribunal issues a direction under section 119 for what period should it be determined to have effect.

Mr Laws applied for a review of the Tribunal's decision of 24 November 1987 that there had been breaches of RPS 3 and its decision of 27 November 1987 to commence an inquiry. The matter is scheduled to be heard on 21-22 July 1988.

#### **10. Ballarat Broadcasters Pty Ltd and others v ABT**

The Tribunal published revised program standards for Australian music on radio in February 1988, following a public inquiry. Amongst other things the Tribunal indicated in its decision that it wished to encourage the broadcasting of new recordings, new independent material and station-originated music. If stations could not demonstrate the use of this material at licence renewal time, the Tribunal further indicated that it would consider placing conditions on licences to encourage them to do so.

Ballarat Broadcasters Pty Ltd and three other members of the Federation of Australian Radio Broadcasters (FARB) sought a review of these aspects of the Tribunal's decision. The matter is scheduled to be heard on 11 August 1988.

#### **11. Tas Radio Pty Ltd v The Minister for Transport and Communications and the ABT.**

On 23 February 1988 Tas Radio Pty Ltd applied to the Federal Court for review of the Minister's decisions to classify the Hobart radio market as a Group A market under s.125D(1) of the Broadcasting Act 1942 and to dismiss an application made by them for a supplementary commercial

radio licence under s.82A(4). Subsequently the applicant sought leave to join the Tribunal as a respondent. On 11 March 1988, the Federal Court granted leave to the applicant to join the Tribunal as the Second Respondent to the proceedings.

The hearing took place before Mr Justice Morling in Sydney on 29 June 1988. Following an agreement between the Minister and Tas Radio Pty Ltd, the Court ordered that the proceedings be dismissed.

### **12. Michael Barry v Armstrong and another**

This matter arose out of a decision pursuant to section 47 of the Public Service Act 1922, dated 24 March 1988, to terminate the appointment of the General Manager of the Tribunal.

Mr Barry subsequently discontinued the Federal Court proceedings and the matter was taken up in the Conciliation and Arbitration Commission.

### **13. Amalgamated Television Services Pty Ltd and others v ABT**

On 20 October 1987, a letter was sent to the Applicants as well as all other commercial television licensees, requiring them to furnish certain information to the Tribunal and attaching Annual Return Form ABT-12 to be filled in for this purpose. The Applicants, as well as some of the other licensees, returned the form without completing all the schedules. The Applicants did not complete the Statutory Declaration (Schedule A), the Cost of Production of Australian Programs (Schedule K) or the Staff Profile (Schedule L).

On 25 March 1988 the Tribunal directed the Applicants and other relevant licensees to provide the balance of the information requested.

The Applicants and some of the other licensees requested a statement of reasons for the decision to issue the direction and these were provided.

The Applicants applied to the Federal Court for an order of review of the relevant decisions on 23 May 1988.

The related decision by the Tribunal that South Australian Telecasters (SAS-7) was in breach of a condition of its licence for failure to comply with a Tribunal direction is also challenged.

No hearing date has yet been set.

#### **14. United Telecasters Sydney Ltd and others v ABT**

On 30 March 1988, following a public inquiry, the Tribunal determined a new Television Program Standard (TPS) 12. The new TPS 12 set out rules covering the promotion of late night programs on children's television.

An application for Federal Court review of the decision was filed on 7 May 1988 by United Telecasters and the two other Sydney television stations. In view of this action, the Tribunal decided to defer the introduction of the revised TPS 12 pending Federal Court determination of the application.

No hearing date has yet been set.

#### **15. Bond Corporation Holdings Ltd and Queensland Television Ltd v ABT.**

This matter arose out of a decision of the Australian Broadcasting Tribunal not to accept a claim for legal professional privilege in respect of one of a group of documents on the basis that the privilege had been waived for the group.

On 2 March 1988, the Tribunal issued a notice announcing that it had commenced an inquiry into issues relating to certain licences owned by companies associated with Mr Alan Bond and whether anything connected with the payment of \$400,000 in settlement of a defamation action by Sir Joh Bjelke Petersen against Queensland Television Limited had any implications as to the suitability of the companies to hold the licences. It was to be considered whether Mr Bond and companies associated with him were fit and proper persons to hold the licences.

On 9 May 1988, the inquiry opened in Sydney and held its first day of public hearing. Four days earlier the Tribunal had issued to a firm of Brisbane solicitors, Messrs Biggs and Biggs, a summons requiring that they produce to the Tribunal various documents. The firm had acted in connection with the defamation proceedings. Mr Peter Taylor, a solicitor employed by the firm, attended at the Tribunal on 9 May and produced, inter alia, the files relating to the defamation proceedings in Queensland.

At first, Counsel for QTL objected to the production of these files on the grounds of legal professional privilege. Later, Counsel for QTL, Mr McPhee QC, submitted that the admissibility of individual documents should be dealt with one by one as they arose. He said that if the files could be produced to the Tribunal and Counsel on terms that they remain confidential to counsel and solicitors then he would waive

privilege. This proposed course was adopted.

As it turned out, one of the files contained documents relating to communications between Bond Corporation Holdings Limited (BCHL), of which QTL was a wholly owned subsidiary, and its solicitors, Blake Dawson Waldron on the one hand, and Biggs and Biggs on the other, after the file had been closed when the defamation proceedings were settled in May 1986. These communications related to the QTQ licence renewal hearing conducted before the Broadcasting Tribunal in July and November 1986. The applicants to the Federal Court said that it was never intended to waive the legal professional privilege which they claimed attached to those documents. The error was discovered only after their production on the terms proposed by Mr McPhee QC.

Subsequently, both files, save for the documents in question, were received into evidence and the confidentiality undertakings affecting them were no longer operative. They remained in place, however, in relation to the documents in issue. The matter came to a head on 16 May when Counsel assisting the inquiry sought to put to Mr Taylor, who was then giving evidence, a telex included in the contested bundle. The question whether privilege existed and whether it had been waived by Counsel for QTL was argued. The Tribunal reserved its decision until 19 May when it ruled that the telex fell into a category of documents for which privilege had been waived. The Tribunal indicated that it proposed to permit Counsel assisting to use the telex in his examination of the witness Taylor. QTL and BCHL then applied to the Federal Court for judicial review of the decision.

The matter was heard by a single judge of the Federal Court, French J. Counsel for the Tribunal submitted that what was sought was a review of an interlocutory decision and that the Court ought to be most reluctant to entertain such an application.

In his decision of 20 May 1988, French J did not disagree with this but stated that there may be a public interest in intervention particularly where the detriment to the applicant if an erroneous decision were allowed to stand could not be remedied by review or appeal from the final decision to which the inquiry leads. The disclosure of the privileged document in his opinion had the potential to affect a wider range of interest than those which were involved in the proceedings in which the disclosure was sought and once a document erroneously disclosed has entered the public domain, it may not be recalled even if its admissibility later in the proceedings could be challenged.

The Judge examined the telex in question and was satisfied that, waiver apart, it would in the ordinary course attract legal professional privilege. He stated that the provisions of the Broadcasting Act 1942 do not

displace the common law privilege between lawyer and client. He stated that the real argument in the case was whether the Tribunal erred in law in finding that there was a waiver of privilege with respect to that group of documents in which the telex was included.

While the Tribunal gave no reasons for its finding that there had been a waiver of privilege, the Judge found that it was common ground that there were two bases upon which it could have arrived at the decision it did:

1. That there was an operative waiver of privilege conveyed by the express statement of counsel for the applicants in relation to the two solicitors' files.
2. That in any event the unrecalled waiver in relation to the solicitors' files which went into evidence rendered the retention of privilege in respect of the bundle now in issue, unfair and inconsistent and thereby implied an extension of the waiver to it.

As to the first ground, the Judge found that the uncontradicted facts stated to the Tribunal indicated that the application of the waiver to the bundle in issue was inadvertent and the result of an error. The disclosure made as a result of that error was limited by the undertaking as to confidentiality which still applied to the subject documents. In French J's opinion, there had been no operative express waiver nor could it be said that the documents had entered the public domain so as to destroy the confidentiality which is an essential element for the continued existence of the privilege.

As to the second ground French J quoted the joint judgment of Mason and Brennan J J, in *A-G (NT) v Maurice* (1986) 161 CLR 475 at 488.

"In order to ensure that the opposing litigant is not misled by an inaccurate perception of the disclosed communication, fairness will usually require that waiver as to one part of a protected communication should result in waiver as to the rest of the communication on that subject matter".

He agreed with Counsel for the Tribunal that in so far as the Tribunal may have made an evaluative judgment on the application of these principles of fairness and consistency to the facts before them, the Court could not interfere if, in spite of its disagreement with that judgment it was one fairly open to the Tribunal. In his opinion, however, the case was one in which it was not open to the Tribunal to arrive at such a judgment if it did so. As the subject matter of the bundle of documents in issue was sufficiently distinct from that of the files as to raise no suggestion that disclosure of the file was unfair disclosure of only a part of the picture.

Another factor the Judge considered relevant was that while privilege itself is founded on public interest considerations, there is also a public interest in voluntary disclosure to enable courts and tribunals to have before them all relevant evidence. He considered that if voluntary disclosure of privileged documents resulted in the unforeseen waiver of privilege attaching to distinct material, such disclosure may well be inhibited to the detriment of the public interest.

French J concluded that there could be no basis in the case upon which the Tribunal could properly have arrived at the decision it did and the decision therefore disclosed an error of law.

#### **16. Alan Bond and others v ABT (No.1).**

This was the second matter arising out of the Tribunal inquiry into issues relating to certain licences owned by companies associated with Mr. Alan Bond, which was commenced on 2 March 1988.

Judicial review was sought of a decision of the Tribunal made in the course of the inquiry not to give a direction sought by the Applicant, to Counsel assisting the Tribunal to provide to the Applicants particulars sought in a letter. The Tribunal refused to give the direction for the following reasons:

"Having examined all of the correspondence and the Notice of Inquiry we do not consider it appropriate to make the direction sought as it is our view that the Australian Government Solicitor's letter of 25 May 1988 does give the particulars sought in the licensees' solicitor's letter of 24 May 1988. We do wish to add, however, that in so far as the Australian Government Solicitor's letter of 25 May 1988 purports to set out the present thinking of the Tribunal, it does so accurately. We have not formed any intent to exercise any of our substantive powers under the Broadcasting Act 1942 in a manner adverse to the licensees. Should that position change we shall inform the licensees before finally deciding whether to exercise any of our powers giving the licensees adequate opportunity to place material before us and to make submissions."

The Tribunal then indicated that its inquiry would proceed on 31 May 1988. Review was sought of this decision and of the conduct of the Tribunal in proceeding with its inquiry without giving particulars of the case to be made against the Applicants. On behalf of the Applicants it was submitted that they would be denied natural justice unless adequately informed of the case they had to meet.

The matter was heard before a single judge of the Federal Court. In his decision of 31 May 1988, Beaumont J stated that in "order to obtain interim relief, a party must ordinarily demonstrate that his claim raises a question of fact or law which is 'serious' in the sense that it is at least arguable and not a frivolous point or one obviously without substance. If this can be shown, it is next necessary for the grant of an interlocutory restraint that the balance of convenience calls for intervention by the Court. This is a discretionary matter which requires a weighing of the competing claims for prejudice involved in granting, or refusing to intervene before the hearing of the claim when the substantive issues raised by the claim can be finally determined."

In the Judge's view the Applicants had demonstrated the existence of a serious question to be tried in their claim that the Tribunal's decision to proceed with the inquiry without providing any further information to the Applicants should be judicially reviewed as a denial of natural justice or as otherwise contrary to law.

The Judge also decided that the balance of convenience favoured the restraint of the Tribunal's hearing pending the final determination of the proceedings. While accepting that, generally speaking, there were powerful discretionary reasons why the Court should not interfere with part-heard proceedings elsewhere, in this case, he said the Applicants were able to demonstrate a real prospect of significant prejudice if the hearing was not conducted in accordance with law. He also stated that interim relief should not be withheld because of the Applicants' delay in instituting the proceedings as the Applicants' correspondence showed their persistent attempts to clarify the issues. He therefore granted a stay of the inquiry but ordered an expedited hearing of the substantive matter.

#### **17. Alan Bond and others v ABT (No. 2).**

This was the third matter arising out of the Tribunal inquiry into issues relating to certain licences owned by companies associated with Mr. Alan Bond, which was commenced on 2 March 1988.

The issues to be addressed during the inquiry were described in the notice of inquiry as follows:

1. Whether anything connected with the payment of \$400,000 in settlement of a defamation action by Sir Joh Bjelke-Petersen against Queensland Television Limited has any implications as to the suitability of companies associated with Mr Alan Bond to hold the above broadcasting licences. In this context it will be considered whether Mr Bond and companies associated with him are fit and

proper persons to hold the above licences.

2. Whether it would be advisable in the public interest for the Tribunal to do any of the following:
  - (a) suspend any of the said licences associated with Mr Bond;
  - (b) revoke any of the said licences;
  - (c) impose or vary conditions on any of the said licences.
3. Such other matters relevant to the inquiry as the Tribunal sees fit.

In their application as originally framed the Applicants sought relief only in respect of the refusal of the Tribunal to furnish further and better particulars of matters into which the Tribunal was inquiring. However, the amended application sought much wider relief. It claimed that there was no statutory warrant for the inquiry upon which the Tribunal had embarked.

The matter was heard by a single judge of the Federal Court, Morling J.

The applicants contended that the Tribunal had misconceived the nature of an inquiry under s.17C(1) which reads as follows:

- 17C. (1) Where the Tribunal receives an application under this Act requesting the exercise of any of its substantive powers, or proposes to exercise any of its substantive powers otherwise than on such an implication, the Tribunal shall hold an inquiry into the requested or proposed exercise of the power.

It was submitted that the Tribunal was purporting to hold the inquiry pursuant only to s.17C(1) and that the obligation and the power to hold an inquiry under that sub-section arises only in two situations: first, where the Tribunal receives an application requesting it to exercise any of its substantive powers; and secondly, where the Tribunal proposes to exercise any of its substantive powers otherwise than on such application. The second head of power, so it was submitted, was available to the Tribunal only if it had formed an intention, albeit not final, to exercise one of its substantive powers. It was said that the evidence demonstrated that no such intention had been formed by the Tribunal so although the Tribunal was purporting to conduct the inquiry under s.17C(1), that provision did not authorise the holding of it. The Applicants also submitted that there was no other provision in the Act including s.17C(3) which authorised the inquiry or alternatively, if there was, it hadn't been resorted to by the Tribunal.

In his decision of 9 June 1988, Morling J accepted the arguments of the Applicants and concluded that the inquiry was invalid because the Tribunal must have formed at least a tentative intention to exercise one of its substantive powers before it can be said that it "proposes to exercise" such a power and here the Tribunal had not formed any such intention. He stated that even if s.17C(3) was an available source of power to hold an inquiry of this kind the Tribunal had not invoked the power in the present case. In the light of this decision, it was unnecessary for him to reach a decision on the Tribunal's refusal to provide further and better particulars.

The appeal to the Full Federal Court by the Tribunal against Morling J's decision was set down for 4-5 July 1988.

## Other Litigation

### **John Laws v ABT and another**

On 25 May 1988, Mr Laws commenced proceedings in the NSW Supreme Court against the Tribunal and a staff member, Ms Paramore, for defamation in relation to an interview Ms Paramore had with Ms Jane Singleton on 2GB Sydney on 29 April 1988. The interview dealt, amongst other things, with the issue of the Tribunal's decisions of 24 and 27 November 1987, concerning breaches of Radio Program Standard 3 (RPS 3) by Mr Laws.

No hearing date had been set as at 30 June 1988.

## Administrative Appeals Tribunal

### **Northwest Radio Pty Ltd v ABT**

The Tribunal decision which is the subject of the appeal is the decision to impose the following condition on licences for commercial radio stations 6KA and 6NW:

"The licensee shall engage a journalist and use the services of that journalist, full-time, in connection with the provision of local news and information programs to be broadcast on 6KA and 6NW from 1 July 1988".

The appeal by Northwest Radio was filed on 11 January 1988. It also filed a request for an order to stay implementation of the decision. The Tribunal decided not to oppose the request for staying the relevant part of the decision. The proceedings were due to commence in Perth on 14 June 1988, however they were adjourned pending an investigation into the authenticity of the news tapes which were before the Tribunal. As at 30 June, the AAT had set aside 8-12 August 1988 for any recommencement of the proceedings.

CHAPTER 12  
PUBLIC INFORMATION



The following information is provided on the operation of the Freedom of Information Act 1982 ("FOI Act").

## **Freedom of Information**

### **Requests Made**

Twenty requests were received for access under the FOI Act in the period 1 July 1987 to 30 June 1988 (twenty-four requests in the year 1986-87). Of these, six were granted in full and fourteen were granted in part. No requests were outstanding as at 30 June 1988.

Exemptions were claimed under ss. 36(1), 40(1)(a), 40(1)(b), 40(1)(d), 43(1)(b), and 43(1)(c).

An average of the time taken to notify decisions was 9 days.

The types of information to which access was sought can be categorised as minutes and records of meetings (17 requests); documents relating to ownership and control of companies associated with licensees (1 request); tapes relating to the Tribunal's licence renewal process (1 request); and documents relating to the operation of a licensee's studio (1 request).

Only one application for internal review was made to the Principal Officer in the period where a document was granted exemption under s. 36(1) of the FOI Act. This related to a request made in the previous financial year. Access to the document was granted in full after internal review.

### **Handling of Refusals**

All persons to whom access was refused or partly refused were informed of their rights of review and their entitlement to complain to the Ombudsman.

No applications were made to the Administrative Appeals Tribunal for review of decisions.

There were no claims for secrecy under s.38 in the period under review.

### **Costs of Freedom of Information**

The total cost to the Tribunal for Freedom of Information activities in the period was estimated at about \$7,150.00.

A total of \$484 was collected and notified, being the amount payable for charges related to compliance with requests. The application fees

collected amount to \$610.00, noting that one application fee of \$30 was paid in the previous financial year. Staff costs for FOI activities were \$3,583 which, with 85 per cent overheads of \$3,046, made a total cost of \$6,629 compared to \$12,058 for the last financial year. The reduction in staff costs is due to the fact that the majority number of requests were related to records of meetings which did not involve retrieval and processing time being chargeable to the applicants as these functions are undertaken by the Tribunal as a matter of course regardless of any FOI requests.

### **Internal Procedures**

The minutes of Tribunal meetings (with deletions in accordance with the exemption provision of the FOI Act) and the records of the Tribunal's general periodic consultation meetings with representatives of radio and television licensees and public interest groups and the entertainment industry unions are placed on public files in the Tribunal's Sydney office library, in its state offices in Adelaide, Brisbane, Melbourne and Perth, in the library of the Department of Transport and Communications in Canberra, and in the State Libraries in Darwin and Hobart.

The FOI Co-ordinator attended training seminars conducted by the Attorney-General's Department during the year.

### **Delegations**

Those authorised to grant or refuse access are the following:

- Chairman
  - Principal Officer
  - Reviewing Officer
- General Manager - Authorised to grant access to a document, to grant access to document with exempt material deleted, or to refuse access.

Those authorised to make decisions to grant access to information are the following:

- Director, Licensing Division
  - Licensing and associated matters
- Director, Programs Division
  - Program and advertising matters
- Director, Corporate Services Division
  - Personnel and staffing matters
- Executive Officer, Children's Program Committee
  - Children's programming matters

In addition, all the above officers are authorised, subject to any charges which the Tribunal may wish to stipulate, to release documents which have been prepared for publication.

The Chairman and the Vice-Chairman are authorised to conduct internal reviews.

### **Section 8 Statements**

A statement of the functions and documents of the Tribunal as required under Section 8 of the FOI Act appears at Appendix P.

The major review of the Tribunal's publications carried out during 1986/87 began to bear fruit during the current year. The position of Publications Officer was created and advertised with an appointment due to be made early in the 1988/89 year.

### **Public Relations**

In the latter half of 1987 a conference was held to coincide with the tenth anniversary of the Tribunal's activities. The conference, *The Price of Being Australian*, examined the programming, demographics and cultural aspects of Australian commercial television. Over 200 delegates attended and a publication was produced incorporating both the conference papers and additional statistical material.

The Annual Review of Broadcasting, another initiative arising from the publications review, proceeded with the collation of data from both Tribunal and external sources. A consulting editor was engaged to oversee the editorial and production aspects of the publication. The publication is due to be released in December, 1988.

In April 1988, the Tribunal commissioned a marketing and communications strategy to provide it with an assessment of directions and priorities. This document is being considered by the Tribunal and its implementation should lead to a great improvement in the ABT's ability to perform its public education and public information functions.

The Library continued to develop its collection covering all aspects of broadcasting and allied subjects in Australia and overseas countries. Material is collected in both print and non-print form.

### **Library**

The Library's facilities are available for consultation by academics, researchers, students and people in the broadcasting industry, as well as by Tribunal staff. An average of 37 external users per month telephoned the library for information. An average number of external visitors per month was 53.

The increasing use of the remote access information retrieval services, including DIALOG and AUSINET, has had a major impact on the provision of information.

The automation of the Library's administrative functions is on schedule. Work has also commenced on the inputting of the Library's holdings to the National Library's bibliographic data base, ABN. This will make the Library more accessible to over 600 libraries currently in the ABN network.

## State Offices

In its role of assembling and disseminating information about broadcasting in Australia, the Tribunal maintained during 1987-88, as part of its Programs Division, offices and state representation in all mainland state capital cities outside Sydney. These offices are resource centres, and hold extensive information records in document and microfiche form. Records include documentation for Tribunal inquiries, decisions and reports as well as research reports and other matter. The Tribunal's state representatives act as liaison officers between the Tribunal, broadcasters, industry organisations, public interest groups, media researchers and other bodies or individuals with broadcasting interests.

State representatives are also involved in increasing public awareness of broadcasting and the Tribunal's role in administration. They have an important role in receiving comments and, where necessary, investigating complaints about broadcasting.

Since the introduction in May 1986 of the Tribunal's uniform inquiry procedures, state representatives have been available to assist the public and industry in their understanding of these procedures. Such assistance is provided not only to ensure that, where appropriate, applications are lodged in accordance with the relevant regulations, but to assist the public generally to understand the inquiry process.

### Tasmanian Office

The following arrangements apply for Tasmanians wanting to contact the Tribunal:

- The State Library of Tasmania holds all relevant Tribunal Inquiry file reports and decisions, and these are made accessible to the public.
- The three Tasmanian telephone directories for 1989 will list Tribunal's toll-free telephone number for its head office in Sydney.
- Complaints received from the Tasmanian public are investigated by the appropriate staff in the Tribunal's Melbourne office, who investigate complaints received from all parts of the country.

- Assistance to the Tribunal during the conduct of public inquiries in Tasmania is provided by staff from the appropriate Division in the Tribunal's Sydney office, who provide such assistance for inquiries conducted in all parts of Australia.
- When the Tribunal travels to any part of Tasmania for the conduct of a public inquiry their intended presence in the State will be publicised by press release which will invite organisations at an appropriate forum, or to request a meeting about any appropriate broadcasting matter during the period of the Tribunal's availability.

#### **Location of Tribunal's Offices**

**Sydney**  
(Head Office)            Tandem House  
76 Berry Street  
North Sydney NSW 2060  
Telephone (02) 959 7811  
Facsimile (02) 922 2484  
Telex 126683  
DX 10528 NORTH SYDNEY

**Melbourne**            14th Floor  
Marland House  
570 Bourke Street  
Melbourne VIC 3000  
Telephone (03) 670 1777  
Facsimile (03) 670 4821

**Brisbane**            8th Floor  
444 Queen Street  
Brisbane QLD 4000  
Telephone (07) 832 4702  
Facsimile (07) 832 1623

**Adelaide**            3rd Floor  
70 Light Square  
Adelaide SA 5000  
Telephone (08) 231 1454  
Facsimile (08) 231 1452

**Perth**            251 Adelaide Terrace  
Perth WA 6000  
Telephone (09) 325 7041  
Facsimile (09) 221 2330  
Telex 93254

Files, reports and decisions are located in the State Library of Tasmania.



CHAPTER 13  
ORGANISATION AND STAFF  
OF THE TRIBUNAL



Section 15E of the Broadcasting Act provides that staff of the Tribunal shall be appointed or employed under the Public Service Act 1922. The organisation of the Tribunal at present consists of:

**Executive Division**

- Members' Personal Staff
- Legislation Section
- Secretariat and Public Relations Branch

**Licensing Division**

- Grants and Renewals Branch
- Ownership and Control Branch
- Economics and Finance Branch

**Programs Division**

- Program Branch
- Research Branch
- Children's Program Branch
- State Office Branch

**Corporate Services Division**

- Management Services Branch
- Information Systems Branch
- Library

The Tribunal appointed Ms. Ruth Medd as acting General Manager in April 1988, following the departure of Mr. Michael Barry in March 1988.

The Tribunal's senior executive staff are:

Ms. R. Medd	Acting General Manager
Ms. J. Paramore	Acting Director, Programs Division
Mr. B. Barbour	Director, Licensing Division
Mr. R. See	Acting Director, Corporate Services Division

Further information on the role of Tribunal staff is at Appendix P.

The Tribunal's average staffing level for 1987-88 was 147. At 30 June 1988, the Tribunal was staffed by 159 people, comprising 80 females and 79 males. 118 were in Head Office, Sydney, 38 were in Melbourne (part Head Office and part Victorian State Office) and there was one each in Adelaide, Brisbane and Perth.

During the latter part of 1987-88, approval was received from the Committee for the Location of Government Employees to relocate Melbourne head office positions to Sydney. This decision was based on

## Changes In Membership and Senior Staff

the improved efficiency of operations and anticipated annual savings of \$388,000, including 5 ASL. Twenty nine staff are being given the option of redeployment or retirement in accord with the Redeployment and Retirement (Redundancy) Award 1987. A large number of the staff affected are expected to be retired.

### **Bill Armstrong**

Mr. Bill Armstrong, Vice Chairman, resigned from the Tribunal from 31 March 1988 after a period of about fifteen months with the Tribunal.

The Tribunal, at its meeting held on 30 March 1988, expressed its gratitude for his contribution to the operation of the Tribunal and wished him well.

### **Russel Perry**

Dr. Russel Perry, Member, resigned from the Tribunal on 30 October 1987 after an appointment lasting three and a half years.

At its meeting of 29 September 1987, the Tribunal expressed its gratitude for the contribution Dr. Perry had made to the operation of the Tribunal and wished him well for his future career.

### **Mark Armstrong**

Mr. Mark Armstrong, Member, resigned from the Tribunal from 1 February 1988, after an appointment lasting nearly five years. Mr. Armstrong, who accepted an academic appointment at the University of NSW, was appointed as an Associate Member of the Tribunal for the purpose of the inquiry into the grant of a commercial radio licence to serve the Gold Coast area of Queensland from 2 February 1988. His appointment as an Associate Member was still current at 30 June 1988.

### **Leo Grey**

Mr. Leo Grey resigned from the Tribunal on 24 December 1987 to take up private practice as a barrister. He came to the Tribunal in 1980 as the Principal Executive Officer, Legislation Section.

In 1987 he acted in the position of Director, Licensing Division, and for a short time as General Manager.

The Tribunal at its meeting held on 18 December 1987, recognised the contribution Mr. Grey had made to the operation of the Tribunal during a period of considerable change. The Tribunal wished him well in his new career.

### **Cleo Sabadine**

Miss Cleo Sabadine retired from the Tribunal on 15 July 1987 after ten and a half years service with the Tribunal. For the last four years of her career, she was Head of Secretariat.

The Tribunal at its meeting on 30 June 1987, recognised the contribution Miss Sabadine had made to the Tribunal and wished her well in her retirement.

### **David McKelvey**

Mr. David McKelvey resigned from the Tribunal on 29 April 1988 after 25 years service with the Tribunal and the Australian Broadcasting Control Board.

At the time of his resignation, Mr. McKelvey was the State Office Co-ordinator as well as the State Representative, Victoria.

At its meeting on 28 April 1988, the Tribunal recognised the contribution Mr. McKelvey had made and wished him well in his new endeavours.

1987-88 saw the Tribunal take a significant management improvement initiative. Peat Marwick Hungerfords Management Consultants were engaged to conduct a review of the Australian Broadcasting Tribunal. To quote from the terms of reference of the consultancy:

## **Management Improvement**

"The proposed consultancy is a recognition of the fact that, like most organisations, the Australian Broadcasting Tribunal is a dynamic organisation and regular reviews are necessary to ensure that its structure, functions and staffing meet the demands of a changing environment.

"This consultancy addresses the question of the management of the organisation in relation to its specific responsibilities under the terms of the Act."

The specific objectives of the consultancy were:

1. To assess the ability of the section providing management services to meet the needs of those sections dealing with projects and if necessary redefine its role and reorganise its functions.
2. Once the LAGE (Location of Government Employees) process has been completed, to devise a strategy for the relocation of the Melbourne office to Sydney.

3. To assess, and if necessary reorganise, the functions in Licensing and Programs to absorb the work currently being done in Melbourne.
4. To make recommendations in respect of all of the above, and to present these to the Tribunal in report form."

There were a number of significant recommendations arising out of the consultancy.

These recommendations were agreed to by the Tribunal and the acting General Manager was given the task of implementing the recommendations.

Foremost was the clarification and enunciation of goals and objectives. Following from this was a change to the internal committee structure of the Tribunal. The new structure is designed to improve operational efficiency while maintaining appropriate communication channels. This comes about by assigning day to day management responsibility and accountability to senior public service staff with Tribunal members being involved at the strategic management level.

The consultancy also recognised the need for greater efforts in the areas of information management and co-ordination and management improvement activities.

In addition there are a number of recommendations directed at improving the planning and day to day management of the large inquiry workload.

The recommendations are timetabled for implementation in the 1988-89 financial year. Some benefits have already been realised.

## **Information Systems**

### **Use of information technology**

In 1987/88 the Tribunal greatly increased its use of information technology, mainly in the form of microcomputers. The Tribunal now has some 70 such machines in its head and State offices. The main uses of these machines are:

- To increase office productivity by using computers for such tasks as writing documents, analysing figures, preparing material for publication, and so on.
- To hold indexes of textual information, such as submissions to inquiries and minutes of Tribunal decisions.
- To support specialised data bases of information about the broadcasting industry.

- To carry out financial, economic, demographic and other statistical analysis.
- To manage the handling of routine Tribunal activities such as examination of complaints.
- To manage library holdings and provide access to external online data bases through the Tribunal library.
- To support administrative functions such as accounting and assets management.

### **Hardware standards**

The Tribunal originally adopted the IBM PC XT as a hardware standard, but decided in January 1988 to move to the newer hardware standard represented by the IBM PS/2 range of microcomputers. The use of the two kinds of hardware, sometimes in the one area, has not caused any significant problems.

### **Software standards**

The Tribunal uses off-the-shelf software packages for almost all its systems. Standard packages have been adopted for use in common computing tasks, in particular word processing (Microsoft Word), spreadsheet work (Microsoft Excel) and data base work (Paradox). A range of more specialised packages are used for other tasks.

### **Ownership and control system**

The most complex Tribunal data base, which contains information about the ownership and control of broadcasting stations, cannot be handled by a software package. The system, which formerly ran on a mainframe computer at a commercial computer bureau, was redeveloped in Cobol as a result of the 1987 changes to the Broadcasting Act and now runs inhouse on an IBM PS/2 model 80.

### **Staffing**

The Information Systems Branch of the Tribunal comprises a manager, two microcomputer support staff, and a programmer who supports and maintains the ownership and control system. Until the transfer of functions from Melbourne to Sydney early in 1988, part-time microcomputer support for the Melbourne office was provided by a member of Programs Division staff. Development of the new ownership and control system was carried out by two contract programmers.

### **Training**

Staff use a software package to learn keyboard skills. Packages have been used to train staff to use a computer and do word processing, but in future this training is to be carried out by a senior word processing officer. A computer users manual is in preparation and the completed parts have been distributed.

### **Future directions**

The present computing requirements of the Tribunal are met satisfactorily by microcomputers, and there is no obvious need for a large computer. However, it is expected that a local area network will be needed to make the information held in Tribunal data bases more readily accessible to staff and to improve the communication and use of information within the Tribunal.

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## **Public Service Reforms**

The Tribunal adopted program budgeting for its internal financial management this year. Further work needs to be done as managers come to grips with their new responsibilities and details are refined. The basic elements of funds allocation, delegation and reporting are in place. The Management Consultancy already mentioned was a significant initiative in terms of the financial management improvement program.

### **Industrial Democracy**

In accord with industrial democracy principles, staff and union representation occurs on various Tribunal committees. In addition there are several specific interest sub-committees looking at Occupational Health and Safety and Equal Employment Opportunity.

The Tribunal's first industrial democracy plan was developed in 1986-87 and was submitted to the Public Service Board and federal branches of the relevant unions. Ratification occurred this year.

During 1987-88, a start was made on the implementation of the six program plan. The most significant achievement has been the establishment of an effective consultative council. Progress has been made with other programs in the plan.

### **Equal Employment Opportunity**

The Equal Employment Opportunity plan was forwarded to the Public Service Board in June 1987 and was ratified by them early in 1988. Implementation of the plan began shortly afterwards.

The major achievement for the year is an increase of persons employed by the Tribunal in two of the four target groups, namely persons of non-English speaking backgrounds and women. Statistics are not currently available for persons of non-English speaking background, however they are available for women.

As at 30 June 1987, 49% of the Tribunal's total staff were women. As at 30 June 1988, this had increased to 51%. The most significant increase occurred in the Members and SES positions where the figure increased from 33.5% in 1986-87 to 55.6% in 1987-88. Also the number of women occupying senior management positions rose from 20% in 1986-87 to 37.9% in 1987-88.

The Tribunal's EEO sub-committee is currently updating the plan to ensure that the target program will be carried out for the coming year. This will be facilitated through the allocation of ASL to fill an ASO6 position to assist the EEO Co-ordinator with implementation of the plan.

The EEO co-ordinator is the Director, Corporate Services.

#### **Public Duty and Private Interest Guidelines**

The Tribunal has not taken any action under the Public Duty and Private Interest Guidelines during the year of this report.

#### **Internal Audit**

The Tribunal is no longer using the Department of Communications for its internal audit. The Tribunal has instead contracted a private company, Peat Marwick Hungerfords, to perform this function. A program of audits has been agreed and will be acted upon once reports are received.

The Auditor-General's certification of the Tribunal's financial statement appears at Appendix Q.

#### **Financial Statement**



## APPENDICES



## APPENDIX A

### MEETINGS ADDRESSED BY TRIBUNAL MEMBERS 1987-88

**10-7-87**

Mr M Armstrong addressed the Australian Communications Association conference at Macquarie University on "Competition, Diversity and Regulation in Broadcasting".

**13-7-87**

Mr M Armstrong gave a seminar at Monash University Law School on "Contempt and the Media: Judicial Reforms of the Last Three Years".

**17-7-87**

The Chairman addressed the Australian Film, Television and Radio School seminar on Communications Policy for the 90's.

**31-7-87**

The Chairman opened and addressed a careers seminar at Burwood Girls High School, Sydney.

**4-9-87**

The Chairman chaired an afternoon panel at the International Institute of Communications conference.

**18-9-87**

The Chairman addressed the Current Affairs Study Centre advertising seminar.

**5-12-87**

The Chairman addressed the Screen Production Association of Australia conference in Surfers Paradise.

**8-3-88**

The Chairman spoke on the panel for the National Academy of Television Arts and Sciences International Council, the subject being "Government Regulation of Television".

**30-3-88**

The Chairman addressed the meeting of the Royal Australian Institute of Public Administration in Canberra on the subject of "Wearing Two Hats - The Role of the Tribunal Chairman in Public Administration".

**26-4-88**

The Chairman was the guest speaker at a luncheon with Lintas Worldwide Advertising.

**25-5-88**

Ms James Bailey spoke to a meeting of the Society of Friends concerning the television classification system.

26-5-88

The Chairman appeared as the guest speaker at a meeting of the National Council of Women.

8-6-88

The Chairman addressed the Victorian Parliament's Social Development Committee public hearing into strategies to deal with the issue of community violence in Melbourne.

21-6-88

The Chairman addressed the Melbourne Press Club on "Censorship and Regulation".

## APPENDIX B

### MEETINGS OF THE TRIBUNAL

The Tribunal held regularly scheduled meetings to deal with the normal business of the Tribunal in the period under review and, in addition, met to consider urgent matters as they arose.

The official minutes of Tribunal meetings and records of meetings with outside bodies are available for inspection subject to certain conditions.

#### **Consultation - Meetings With Outside Persons and Bodies**

In the period the Tribunal consulted with representatives of commercial radio and television and public radio stations, in accordance with the provisions of s.16(2) of the Act and also with representatives of the industry unions, as has been its normal practice.

Meetings are arranged and conducted in accordance with the practices set out in Practice Note PRN 04 - Meetings and Other Contact With The Tribunal. Members and staff were in attendance at the following meetings:

Australian Children's Television	
Action Committee	28.7.87
Victorian Television Licensees	28.7.87
Victorian Production Industry	29.7.87
Victorian Radio Licensees and Federation of Australian Radio Broadcasters (FARB)	29.7.87
Media and Communications Council (MACC)	5.8.87
Sir Francis Moore	12.8.87
Federation of Australian Commercial Television Stations (FACTS)	26.8.87
Progressive Radio Association (PRA)	27.8.87
Federation of Australian Radio Broadcasters (FARB)	28.8.87
Imparja Television Pty Ltd	3.9.87
Business Regulation Review Unit	9.9.87
TCN, Transmedia Productions Pty Ltd and Allen Allen and Hemsley	17.9.87
Public Broadcasting Association of Australia (PBAA)	30.9.87
Public Radio Station 3RRR Melbourne	2.10.87
Aussat Pty Ltd	8.10.87
WA Racing Inquiry Task Force	16.10.87
Queensland Satellite Television	22.10.87
Satellite South-East Pty Ltd	22.10.87
Advertising Federation of Australia (AFA)	28.10.87

Australian Association of National Advertisers (AANA)	25.11.87
PBAA	26.11.87
FARB	27.11.87
	2.12.87
MACC	
Melbourne Public Television Groups	27.1.88
	1.2.88
AFA	3.2.88
MACC	9.2.88
Imparja Television Pty Ltd	16.2.88
WA Public Radio Licensees	16.2.88
WA Commercial Radio Licensees	17.2.88
Festival City Broadcasters Ltd	17.2.88
SA Public Radio Licensees	17.2.88
SA Commercial Radio Licensees	17.2.88
Ace-TV and Life-TV	23.2.88
Commercial Radio Station 2XL Cooma	24.2.88
FACTS	25.2.88
PBAA	25.2.88
AANA	26.2.88
FARB	
	10.3.88
Unlimited Television	21.3.88
PRA	
	14.4.88
Queensland Satellite Television	
	4.5.88
MACC	13.5.88
Imparja Television Pty Ltd	
	6.6.88
Queensland Film & Television Production Industry	7.6.88
National Ethnic and Multicultural Broadcasters Council	7.6.88
Queensland and Northern NSW Commercial Radio Licensees	7.6.88
Queensland and Northern NSW Commercial Television Licensees	7.6.88
Queensland Public Radio Licensees	8.6.88
FARB	9.6.88
FARB	14.6.88
PBAA	22.6.88
AANA	

## APPENDIX C

### PUBLIC INQUIRY REPORTS PUBLISHED 1987-88

280/84	TVQ-0 Brisbane/Wilkinson Television Pty Ltd - Share Transaction
320/84	Alpha, Qld. - Public Broadcasting Station - Licence Grant
356/85	Westpac - Registered Lender
379/85	2GB Sydney - Licence Renewal
428/86	6BY Bridgetown - Licence Renewal
431/86	61X Perth - Licence Renewal
439/86	6VA Albany - Licence Renewal
440/86	6WB Katanning - Licence Renewal
450/86	GSW-9 Mount Barker and associated translator station - Licence Renewal
451/86	Leongatha, Vic - Public Broadcasting Station - Licence Grant
454/86	Finlay, NSW - National television translator - Licence Grant
455/86	Burketown, Qld - National television translator - Licence Grant
457/86	Western Suburbs of Melbourne, Vic - Public Broadcasting Station Licence Grant
458/86	3SR Shepparton - Licence Renewal
459/86	3UL Warragul - Licence Renewal
462/86	3SH Swan Hill - Licence Renewal
463/86	3WM Horsham - Licence Renewal
465/86	3CS Colac - Licence Renewal
468/86	3TR Sale - Licence Renewal
479/86	FNQ-10 Cairns and associated translator stations - Licence Renewal
479/86	FNQ-10 UHF Cardstone Village and FNQ-10 Tully Falls - Licence Renewals
480/86	TNQ-7 Townsville and associated translator stations - Licence Renewal
486/86	4AM Atherton/Mareeba - Licence Renewal
487/86	4MK Mackay - Licence Renewal
488/86	4KZ Innisfail/Tully and associated translator - Licence Renewal
500/86	RTQ-7 Rockhampton and associated translator stations - Licence Renewals
502/86	4GY Gympie - Licence Renewal
505/86	4SB Kingaroy - Licence Renewal
507/86	4MD Maryborough - Licence Renewal
513/86	DDQ-10 Darling Downs and associated translator and SDQ-4 Southern Downs - Licence Renewals
521/86	2RDJ Burwood - Licence Renewal
522/86	2NBC Narwee - Licence Renewal
523/86	2KO Newcastle - Licence Renewal
524/86	2WS Sydney - Licence Renewal
525/86	2NX Bolwarra - Licence Renewal
527/86	TVW-7 Perth - Licence Renewal
528/86	2HD Newcastle - Licence Renewal
529/86	STW-9 Perth - Licence Renewal
530/86	2MWM Manly-Warringah and associated translator - Licence Renewal

533/86 2RRR Ryde - Licence Renewal  
 534/86 2GO Gosford - Licence Renewal  
 535/86 2NSB Chatswood - Licence Renewal  
 536/86 2GLF Liverpool - Licence Renewal  
 537/86 2NUR Newcastle - Licence Renewal  
 540/86 8DN Katherine - Translator - Licence Renewal  
 542/86 6SE Esperance - Licence Renewal  
 546/86 2RG Griffith - Licence Renewal  
 547/86 CBN-8 Central Tablelands and associated translator stations -  
 Licence Renewals  
 548/86 CWN-6 Central Western Slopes and related translator stations -  
 Licence Renewals  
 549/86 ABCN Lithgow - National Television Translator- Licence Renewal  
 550/86 2PK Parkes - Licence Renewal  
 556/86 2MG Mudgee - Licence Renewal  
 557/86 2DU Dubbo and related translator - Licence Renewal  
 561/86 MTN-9 Murrumbidgee and related translator station - Licence Renewal  
 563/86 2KA Katoomba and related translator stations - Licence Renewals  
 567/86 Bayview, NSW - Community Television Aerial System (CTAS) -  
 Licence Renewal  
 568/86 ABAV-45 Tawonga South National Translator Station - Licence Renewal  
 569/86 Newport, Vic - CTAS - Licence Renewal  
 570/86 Richmond, Vic - CTAS - Licence Renewal  
 571/86 2GN Goulburn - Licence Renewal  
 573/86 2CA Canberra - Licence Renewal  
 574/86 2XL Cooma - Licence Renewal  
 575/86 ABW-69 Kojonup - National Television Translator - Licence Renewal  
 576/86 BCV-II Hopetoun - Commercial Television Translator - Licence Renewal  
 577/86 Hopetoun, Vic - National Television Translator - Licence Renewal  
 578/86 2WL Wollongong - Licence Renewal  
 579/86 4ZZZ Brisbane - Licence Renewal  
 580/86 2OO Wollongong - Licence Renewal  
 581/86 2ST Nowra - Licence Renewal  
 584/86 Harrow, Vic - CTAS - Licence Renewal  
 587/86 3HA Hamilton - Licence Renewal  
 588/86 3GL Geelong - Licence Renewal  
 589/86 3RPC Portland - Licence Renewal  
 590/87 GMV-62 Yea - Commercial Television Translator - Licence Renewal  
 591/87 Castlecrag, NSW - CTAS - Licence Renewal  
 592/87 NEN Upper Namoi and related translator stations - Licence Renewals  
 593/87 2GF Grafton - Licence Renewal  
 594/87 2MC Kempsey - Licence Renewal  
 595/87 6PR Perth - Licence Renewal  
 596/87 2MO Gunnedah - Licence Renewal  
 597/87 2VM Moree - Licence Renewal  
 598/87 2MW Murwillumbah - Licence Renewal  
 599/87 2CHY Coffs Harbour - Licence Renewal

600/87 2BE Bega and related translator stations - Licence Renewals  
 602/87 VEW-8 Kalgoorlie and related translators - Licence Renewals  
 603/87 RTN-8 Richmond Tweed and related translator stations-  
 Licence Renewals  
 604/87 ABMN Tumberumba - National Television Translator - Licence Renewal  
 605/87 RVN-69 Tumberumba - Commercial Television Translator -  
 Licence Renewal  
 606/87 2YOU Tamworth - Licence Renewal  
 607/87 Leeman, WA - CTAS - Licence Renewal  
 609/87 3CR Melbourne - Licence Renewal  
 610 87 6KA Karratha and related translators - Licence Renewal  
 611/87 6NW Port Hedland - Licence Renewal  
 612/87 6NEW Newman - Licence Renewal  
 614/87 4AK Oakey / Intarsia Pty Ltd - Licence Transfer  
 615/87 4BK Brisbane / Vidimus Pty Ltd - Licence Transfer  
 618/87 3XY Melbourne / Paul Dainty Pty Ltd - Licence Transfer  
 86/6/IL Rockingham, WA - Public Radio Station - Licence Grant  
 86/7/IL Rockhampton, Qld. - Public Radio Station - Licence Grant  
 86/8/IL Whyalla, SA - Public Radio Station - Licence Grant  
 86/20/IL Fremantle, WA - Public Radio Station - Licence Grant  
 86/21/IP Inquiry Into Advertising Time Standards  
 87/3/IL NRN-11 Grafton-Kempsey - Licence Renewal  
 87/7/IP Inquiry Into Australian Music on Radio  
 87/9/IL Goulburn Public Radio Station - Licence Grant  
 87/12/IL Kulin, WA - Public Radio Station - Licence Grant  
 87/13/IL Hyden, WA - Rebroadcasting - Licence Grant  
 87/14/IL Mukinbudin, WA - Rebroadcasting - Licence Grant  
 87/15/IL Hopetoun, WA - Rebroadcasting - Licence Grant  
 87/16/IL Angaston, SA - Rebroadcasting - Licence Grant  
 87/17/IL Nullagine, WA -Rebroadcasting - Licence Grant  
 87/18/IO HSV-7 Melbourne / Dysford Pty Ltd - Share Transaction  
 87/19/IL WIN-4 Illawarra and related translators - Licence Renewal  
 87/21/IL Inquiry under s.92v concerning Ownership and Control of  
 Remote Television Licences  
 87/22/IL Roma, Qld. - Public Radio Station - Licence Grant  
 87/23/IL Argyle Mine Site, WA - National Television Translator - Licence Renewal  
 87/24/IL Shay Gap, WA - National Television Translator - Licence Renewal  
 87/25/IL Goldsworthy, WA - National Television Translator - Licence Renewal  
 87/26/IL Lennons Hotel, Brisbane - Retransmission - Licence Grant  
 87/27/IL McArthur River Homestead, NT - Rebroadcasting - Licence Grant  
 87/30/IL Barton, SA - Rebroadcasting - Licence Grant  
 87/31/IL Aurukun, Qld - Rebroadcasting - Licence Grant  
 87/32/IO 3YB Warnambool - Share Transaction  
 87/34/IL Yirrakala Mission, NT - Rebroadcasting - Licence Grant  
 87/35/IL 2XX, Canberra - Licence Renewal  
 87/36/IL 2CBA, Sydney - Licence Renewal  
 87/37/IL 2MBS, Sydney - Licence Renewal

87/38/IL 2SER, Sydney - Licence Renewal  
 87/42/IO RTQ-7 Rockhampton/Maracorp International Ltd - Share Transaction  
 87/43/IO 3KZ Melbourne/Riverina Broadcasters (Holdings) Ltd -  
 Share Transaction  
 87/45/IL ABW-67 La Grange, WA - National Television Translator -  
 Licence Renewal  
 87/48/IL 2MCE-FM, Bathurst - Licence Renewal  
 87/51/IO 8DN Darwin/Swan TV and Radio Broadcasters - Share Transaction  
 87/52/IO STV-8 Mildura/Sabtel Pty Ltd - Share Transaction  
 87/53/IO RTS-5A Renmark/The Murray Pioneer Pty Ltd - Share Transaction  
 87/54/IO RTS-5A Renmark/William G Taylor - Share Transaction  
 87/55/IO 2SM Sydney/Trustees Roman Catholic Church (Archdiocese of Sydney) -  
 Share Transaction  
 87/56/IO 2LF Young and 2WG Wagga / Trustees Eric Vernon Roberts  
 Share Transaction  
 87/57/IO 4SB Kingaroy/Kamban Pty Ltd - Share Transaction  
 87/58/IO Australian European Finance Corporation Ltd - Registered Lender  
 87/59/IO Standard Chartered Bank - Registered Lender  
 87/63/IO Chase AMP Bank Ltd - Registered Lender  
 87/65/IO Heytesbury Securities Pty Ltd - Redemption of Shares  
 87/69/IP M Taylor/Yul Brynner - Foreign Content  
 87/70/IP Inquiry into the Variation of PTS 3 for the Seoul Summer Olympics  
 87/71/IL TNQ-68 Stuart - Commercial Television Translator Station -  
 Licence Renewal  
 87/74/IP Inquiry Into The Amendment of Television Program Standard 12  
 87/77/IO DDQ-10 Darling Downs, SDQ-4 Southern Downs / Aspermont Ltd -  
 Share Transaction  
 87/78/IO 4MMM Brisbane/Straker and Sons Pty Ltd - Licence Transfer  
 87/79/IO 5MU Murray Bridge/Communications Investments Ltd -  
 Share Transaction  
 87/81/IL 2NZ Inverell - Licence Renewal  
 87/82/IL 2LM Lithgow - Licence Renewal  
 87/83/IL 2AD Armidale - Licence Renewal  
 87/84/IL 2NCR Lismore - Licence Renewal  
 87/87/IL 3MBS Melbourne - Licence Renewal  
 87/88/IO 2OO Wollongong/Win Radio Pty Ltd - Share Transaction  
 87/90/IO NEN-9 Upper Namoi and ECN-8 Manning River / Broadcast  
 Amalgamated Ltd - Share Transaction  
 87/91/IL 2RE Taree - Licence Renewal  
 87/92/IL 2TM Tamworth - Licence Renewal  
 87/93/IL GEMR-9 Groote Eylandt -Repeater - Licence Renewal  
 87/94/IO 5SSA Adelaide/Cooper and Sons Ltd - Share Transaction (reg 8)  
 87/95/IL Shepparton, Vic - Commercial Radio Station - Licence Grant  
 87/96/IL Logan, Qld - Public Radio Station - Licence Grant  
 87/98/IL 4KQ Brisbane - Licence Renewal  
 87/99/IL 2ARM Armidale - Licence Renewal  
 87/100/IL 4MBS Brisbane - Licence Renewal

87/101/IO Paracel Pty Ltd/Parry Corp Ltd - Share Transaction (reg 8)

87/103/IL 4EB Brisbane - Licence Renewal

87/104/IL Beswick, NT - Self-help Rebroadcasting - Licence Grant

87/105/IL Robinson River Homestead, NT - Self-Help Rebroadcasting - Licence Grant

87/106/IL 4BC Brisbane - Licence Renewal

87/109/IL Brisbane Qld - Public Radio Station - Licence Grant

87/111/IO DDQ-10 Darling Downs & SDQ-4 Southern Downs/ Aspermont Ltd (June) - Share Transaction

87/112/IO DDQ-10 Darling Downs & SDQ-4 Southern Downs/ Pimsie Pty Ltd - Share Transaction

87/113/IO NWS-9 Adelaide/Broadcast Investments Pty Ltd - Share Transaction

87/114/IO 2MMM Sydney, 3EON Melbourne, 3CV Maryborough 2BE Bega / Wheatley Communications Ltd / Eurolynx Pty Ltd - Share Transaction

87/115/IO Geelong, Vic. - Public Radio Station - Licence Grant

87/117/IL TVT-69 Crotty Camp, Tas - Commercial Television Translator - Licence Renewal

87/118/IO 5AA Adelaide/ South Australian TAB - Share Transaction

87/119/IO CBN-8 Central Tablelands, CWN-6 Central Western Slopes, 2GZ Orange / Roslyndale Securities/Country TV Services - Share Transaction

87/120/IO BCV-8 Bendigo, GLV-8 La Trobe Valley, 3TR Sale/Anstruther Holdings/ Tricom Corporation-Share Transaction

87/121/IO BCV-8 Bendigo, GLV-8 La Trobe Valley, 3TR Sale / Twenty Third Myth Pty Ltd/Tricom Corporation Ltd - Share Transaction

87/122/IO BCV-8 Bendigo, GLV-8 La Trobe Valley, 3TR Sale/ Stradis Pty Ltd/Tricom Corporation Ltd-Share Transaction

87/123/IO BCV-8 Bendigo, GLV-8 La Trobe Valley, 3TR Sale/ Barclay Investment Pty Ltd/Tricom Corporation Ltd- Share Transaction

87/124/IO 3AW Melbourne - Licence Renewal

87/125/IL ABT-68 Maydena, Tas - National Television Translator - Licence Renewal

87/126/IO BCV-8 Bendigo, GLV-8 La Trobe Valley / PE Cohen / Tricom Corporation Ltd - Share Transaction

87/127/IO 4SB Kingaroy /PC Muston - Share Transaction

87/128/IP Inquiry Into The Variation of Children's Television Program Standards (CTS) 4(3)(b)(i)(ii)

87/129/IL 7HO Hobart - Licence Renewal

87/130/IP Inquiry into the Variation of PTS-3 for RVN-2 Wagga During the Seoul Olympics

87/132/IL 7QT Queenstown and associated translator - Licence Renewal

87/134/IO RTQ-7 Rockhampton /Osmoglen Pty Ltd - Share Transaction

87/138/IO RTQ-7 Rockhampton /Aspermont Ltd - Share Transaction

87/139/IO 6LN Carnarvon/PD Evans - Share Transaction

87/140/IO 6LN Carnarvon/KE Jolly - Share Transaction

87/140/IO NEN-9 Upper Namoi, ECN-8 Manning River/Balerk Pty Ltd - Share Transaction

87/142/IO RTS-5A Renmark /Murray River Telecasters Ltd - Share Transaction  
87/144/IO SES-8 Mt. Gambier /Scotts Agencies (AA Scott and RW Scott) -  
Share Transaction  
87/145/IO CTAS Hornsby, Castlecrag and Balmoral, NSW - Licence Transfer  
87/146/IO DDQ-10 Darling Downs /Aspermont Ltd - Share Transaction  
87/147/IO 3DB Melbourne/Australian Broadcasting Company Pty Ltd -  
Share Transaction  
87/148/IO NEN-9 Upper Namoi/Tresjor Pty Ltd - Licence Transfer  
87/149/IO TNQ-7 Townsville / Allard Services Pty Ltd, Gleeson  
Properties Pty Ltd & JF Gleeson - Share Transaction  
87/150/IO 4GY Gympie/Sun Coastal FM Radio Pty Ltd - Share Transaction  
87/151/IO 2WG Wagga and 2LF Young/3KZ Radio Pty Ltd - Share Transaction  
87/152/IO 3MA Mildura/Taler Pty Ltd - Share Transaction  
87/153/IO 3BA Ballarat /Ballarat Courier Pty Ltd - Share Transaction  
87/154/IO WIN-4 Illawarra & RTQ-7 Rockhampton/Oberon Broadcasters Pty Ltd -  
Share Transaction  
88/1/IO SES-8 Mt. Gambier/ANZ Banking Group - Share Transaction  
88/2/IO 4BU Bundaberg/William Wyper Estate - Share Transaction  
88/3/IO NEN-9 Upper Namoi, ECN-8 Manning River, 2AD Armidale,  
2MO Gunnedah, 2RE Taree, 2TM Tamworth , 4WK Warwick /  
Groveleigh Pty Ltd - Share Transaction  
88/5/IO 7QT Queenstown and 2XL Cooma / KJ Blyton - Share Transaction  
88/7/IO STV-8 Mildura/Sabtel Pty Ltd - Share Transaction  
88/8/IO STV-8 Mildura/Sabtel Pty Ltd - Share Transaction  
88/11/IO 3NE Wangaratta / Regional Media Investments Pty Ltd -  
Share Transaction  
88/12/IO 5KA Adelaide / 3KZ Radio Pty Ltd - Share Transaction  
88/15/IL South Alligator Motor Inn, NT - Re-Broadcasting - Licence Grant  
88/17/IO RTS-5A Renmark / RW Scott - Share Transaction  
88/22/IL Warakurra, WA - National Rebroadcasting - Licence Grant  
88/29/IO Commonwealth Bank of Australia - Registered Lender  
88/31/IO AWA Ltd. / Licence Transfers  
88/35/IO 2VM Moree & 2NZ Inverell / Barry O Roberts  
Share Transaction  
88/36/IO 3FOX Melbourne / Austereo Pty Ltd - Licence Transfer  
88/39/IO 2WG Wagga & 2LF Young / G J Van der Linden, E S J Roberts and  
J W C d'Apice - Share Transaction  
88/40/IO NEN-9 Upper Namoi, 2AD Armidale, 2MO Gunnedah, 2RE Taree,  
2TM Tamworth , 4WK Warwick / Broadcast Amalgamated Ltd -  
Share Transaction  
88/42/IL 2ST Nowra / s.99a application  
88/45/IO 3FOX Melbourne and 5SSA Adelaide / Elders IXL Ltd -  
Share Transaction  
88/48/IO RTS 5A Renmark / Murray River Telecasters Pty Ltd - Share Transaction  
88/62/IO 5MU Murray Bridge / Communication Investment Ltd  
Share Transaction  
88/64/IO NEW-10 Perth / Variation of TPS 14(a),(b)&(c) and CTS 14

88/70/IL 4GC Charters Towers - s.99a Application

88/74/IO BCV-8 Bendigo, GLV-8 La Trobe Valley, 3TR Sale / Anstruther Holdings Pty Ltd - Share Transaction

88/80/IO Commonwealth Bank of Australia - s.91d Application

88/82/IO BTV-6 Ballarat, GMV-6 Goulburn Valley, 3SR Shepparton, 3UL Warragul / Lorraine Investment Pty Ltd - Share Transaction

88/83/IO 2LT Lithgow / Midwest Radio Network Pty Ltd - Share Transaction

88/88/IO GTS-4 Port Pirie / J.M.Sturrock Pty Ltd - Share Transaction

88/89/IO NEN-9 Upper Namoi, 2AD Armidale, 2MO Gunnedah, 2RE Taree, 2TM Tamworth , 4WK Warwick / Broadcast Amalgamated Ltd - Share Transaction

88/90/IO NEN-9 Upper Namoi, 2AD Armidale, 2MO Gunnedah, 2RE Taree, 2TM Tamworth , 4WK Warwick / Broadcast Amalgamated Ltd - Share Transaction

88/91/IO RTS 5A Renmark / Murray River Telecasters Pty Ltd - Share Transaction

88/94/IP Queensland Satellite Television / Vary TPS 14 & CTS 14

88/95/IO BCV-8 Bendigo, GLV-8 La Trobe Valley, 3TR Sale / Morgan Schiff Pty Ltd - Share Transaction

88/96/IO RTQ-7 Rockhampton / Osmoglen Pty Ltd - Share Transaction

88/98/IO State Bank of N.S.W. - Registered Lender

88/102/IP Imparja Television - Variation to CTS 14

# APPENDIX D

## BROADCASTING OF AUSTRALIAN MUSIC COMMERCIAL RADIO STATIONS 1987/88

STATION	AUSTRALIAN	AUSTRALIAN PERFORMANCES		
	COMPOSITIONS %	LOCAL %	OVERSEAS (Limited to 1%)	TOTAL %
Metropolitan				
2CH	8.1	10.6	4.6	11.6
2DAY	20.5	25.6	0.6	26.2
2GB	21.7	25.9	0.7	26.6
2KY	10.6	20.9	4.6	21.9
2MMM	22.5	26.8	2.3	27.8
2SM	29.1	29.7	6.4	30.7
2UE	19.6	29.0	2.5	30.0
2UW	16.0	21.2	2.2	22.2
2WS	14.9	20.3	2.4	21.3
3AK	12.0	19.8	2.9	20.8
3AW	27.9	34.9	1.7	35.9
3CR	34.7	61.4	2.3	62.4
3EON	27.2	27.2	6.2	28.2
3FOX	21.4	25.2		25.2
3KZ	20.9	24.9	2.4	25.9
3MP	7.2	15.4	3.2	16.4
3TT	20.7	28.8	1.7	29.8
3UZ	18.1	24.6	0.3	24.9
3XY	24.1	28.5	1.4	29.5
4BC	25.5	35.9	1.3	36.9
4BH	9.8	27.0	1.9	28.0
4BK	13.1	25.1	2.5	26.1
4IO	21.2	24.6	1.8	25.6
4KQ	12.4	21.4	1.9	22.4
4MMM	23.0	29.3	0.3	29.6
5AA	17.1	26.0	0.3	26.3
5AD	11.2	22.3	2.0	23.3
5DN	18.5	26.8	3.4	27.8
5KA	22.7	23.9	1.7	24.9
5SSA	29.9	34.8	2.2	35.8
6IX	15.4	25.1	0.8	25.9
6KY	7.2	14.4	1.8	15.4
6NOW	21.4	23.9	3.7	24.9
6PM	21.1	22.4	2.7	23.4
6PR	15.8	21.8	2.3	22.8
7HO	26.0	25.4	2.7	26.4
7HT	21.1	22.5	1.7	23.5

STATION	AUSTRALIAN COMPOSITIONS %	AUSTRALIAN PERFORMANCES		
		LOCAL %	OVERSEAS (Limited to 1%)	TOTAL %
Country				
2AD	26.5	29.3	4.4	30.3
2AY	19.2	21.5	1.5	22.5
2BH	21.9	26.3	4.0	27.3
2BS	28.2	30.0		30.0
2CA	16.8	22.2	2.6	23.2
2CC	23.6	24.4	1.3	25.4
2CS	19.0	24.7	1.3	25.7
2DU	23.7	27.0	1.1	28.0
2EC	26.3	30.0	1.7	31.0
2GF	21.6	19.9	4.3	20.9
2GN	19.2	22.1	2.1	23.1
2GO	17.4	21.5	2.0	22.5
2GZ	22.9	25.9	3.6	26.9
2HD	15.2	25.9		25.9
2KA	16.8	25.8	3.2	26.8
2KO	16.9	27.6	1.2	28.6
2LF	19.6	21.7	1.1	22.7
2LM	23.8	26.4	2.0	27.4
2LT	30.6	33.4	2.9	34.4
2MC	23.3	28.0	4.1	29.0
2MG	26.6	28.1	3.3	29.1
2MO	24.9	28.8	0.3	29.1
2MW	15.0	20.3	2.8	21.3
2NM	25.8	27.4	2.0	28.4
2NX	25.5	28.0	3.8	29.0
2NZ	29.1	29.6	5.4	30.6
2OO	20.4	24.8	3.1	25.8
2PK	23.5	28.7	1.2	29.7
2QN	18.7	21.3	0.6	21.9
2RE	29.6	32.6	2.1	33.6
2RG	24.0	25.5	1.5	26.5
2ST	19.1	24.4	1.7	25.4
2TM	31.3	39.4	1.2	40.4
2VM	27.0	28.6	1.6	29.6
2WG	18.6	21.6	1.4	22.6
2WL	20.0	21.5	1.7	22.5
2XL	32.2	32.6	4.3	33.6
3BA	30.4	31.8	2.1	32.8
3BO	27.6	32.6	3.8	33.6
3CS	31.9	33.2	5.3	34.2
3CV	28.8	32.5	1.6	33.5
3GL	26.2	29.6	1.3	30.6

STATION	AUSTRALIAN PERFORMANCES			
	AUSTRALIAN COMPOSITIONS %	LOCAL %	OVERSEAS (Limited to 1%)	TOTAL %
3HA	25.3	28.5	0.8	29.3
3MA	25.8	30.1	1.7	31.1
3NE	27.4	32.0	1.6	33.0
3SH	23.2	26.3	3.4	27.3
3SR	19.2	23.1	1.0	24.1
3TR	24.1	29.6	1.7	30.6
3UL	22.7	26.9	0.7	27.6
3WM	30.4	29.9	5.2	30.9
3YB	24.9	31.6	0.9	32.5
4AK	31.6	37.0	2.0	38.0
4AM	26.8	30.0	0.8	30.8
4BU	23.2	28.9	2.3	29.9
4CA	28.2	33.0	1.9	34.0
4CC	20.8	22.3	1.4	23.3
4GC	33.9	34.2	2.2	35.2
4GG	21.5	23.7	2.6	24.7
4GR	28.6	33.9	2.1	34.9
4GY	15.2	24.8	2.1	25.8
4HI	25.4	26.2	0.9	27.1
4KZ	21.7	24.2	2.2	25.2
4LG	24.2	24.6	4.9	25.6
4LM	22.4	26.1	4.7	27.1
4MB	22.1	24.2	1.8	25.2
4MK	19.8	21.8		21.8
4RO	18.4	27.6	1.0	28.6
4RR	23.5	25.6	1.4	26.6
4SB	19.2	24.3	2.1	25.3
4SS	21.6	29.4	2.2	30.4
4TO	18.9	21.7	3.8	22.7
4VL	28.9	32.4	4.6	33.4
4WK	26.9	38.0	0.9	38.9
4ZR	23.2	24.1	3.2	25.1
5AU	19.7	22.8	0.8	23.6
5CC	17.0	22.0	1.5	23.0
5CS	17.0	22.0	1.5	23.0
5MU	24.8	23.4	1.4	24.4
5RM	31.5	33.5	3.0	34.5
5SE	15.9	22.2	1.5	23.2
6AM	22.7	24.1	3.0	25.1
6BY	22.9	26.9	2.4	27.9
6CI	29.8	31.6	3.5	32.6
6GE	20.6	22.3	0.5	22.8
6KA	27.5	30.5	1.2	31.5

STATION	AUSTRALIAN COMPOSITIONS %	AUSTRALIAN PERFORMANCES		
		LOCAL %	OVERSEAS (Limited to 1%)	TOTAL %
6KG	19.0	22.3	0.1	22.4
6LN	22.0	24.4	3.6	25.4
6MD	24.3	30.1	3.6	31.1
6NA	29.8	31.6	3.5	32.6
6NW	24.8	28.0	1.2	29.0
6SE	20.9	22.1	3.3	23.1
6TZ	29.8	31.6	3.5	32.6
6VA	23.8	26.4	1.9	27.4
6WB	21.4	25.1	1.8	26.1
7AD	19.6	21.3	1.2	22.3
7BU	25.0	33.9	0.8	34.7
7EX	25.4	28.8	1.2	29.8
7LA	26.2	26.6	2.0	27.6
7QT	24.9	26.6	1.3	27.6
7SD	8.3	29.9	-	29.9
8DN	27.8	29.5	3.7	30.5
8HA	26.5	29.9	3.2	30.9

**BROADCASTING OF AUSTRALIAN MUSIC  
PUBLIC RADIO STATIONS 1987/88**

STATION	AUSTRALIAN COMPOSITIONS %	AUSTRALIAN PERFORMANCES		TOTAL %
		LOCAL %(Limited to 1%)	OVERSEAS	
2AAA	27.7	37.2	1.8	38.2
2ARM	31.5	41.3	1.9	42.3
2BBB	27.2	37.5	3.0	38.5
2BCR	23.0	31.4	2.9	32.4
2BOB	31.3	38.5	2.8	39.5
2CBA	8.9	40.6	2.8	41.6
2CHY	27.0	34.3	3.2	35.3
2EAR	29.4	42.8	2.4	43.8
2GCR	19.7	29.1	1.5	30.1
2GLA	24.1	36.6	3.8	37.6
2GLF	21.3	26.7	1.3	27.7
2MBS	12.3	31.9	4.1	32.9
2MCE	35.8	46.1	3.2	47.1
2MWM	33.2	48.6	0.9	49.5
2NBC	31.0	48.2	2.1	49.2
2NCR	22.9	28.4	2.4	29.4

STATION	AUSTRALIAN PERFORMANCES			
	AUSTRALIAN	LOCAL	OVERSEAS	TOTAL
	COMPOSITIONS	%	(Limited to 1%)	%
	%	%		%
2NSB	25.0	50.9	2.8	51.9
2NUR	21.7	41.6	1.7	42.6
2RDJ	18.9	32.7	1.8	33.7
2REM	28.6	45.0	1.4	46.0
2RES	27.4	40.7	2.3	41.7
2RRR	26.8	38.3	1.8	39.3
2RSR	44.0	52.2	1.6	53.2
2SER	45.6	55.8	2.3	56.8
2SSS	17.2	21.3	0.1	21.4
2TEN	21.9	32.9	2.8	33.9
2VTR	22.8	27.8	0.5	28.3
2WEB	26.4	32.6	2.6	33.6
2XX	34.4	45.7	1.0	46.7
2YOU	22.4	35.0	3.6	36.0
3BBB	29.3	42.7	2.5	43.7
3CCC	36.2	61.5	3.0	62.5
3GCR	31.9	43.6	3.0	44.6
3MBR	30.7	52.3	0.4	52.7
3MBS	10.9	31.6	4.3	32.6
3MFM	42.1	57.9	3.6	58.9
3PBS	26.3	33.4	1.9	34.4
3RIM	55.9	76.2	3.8	77.2
3RPC	14.8	30.4	2.6	31.4
3RPP	34.3	49.8	4.9	50.8
3RRR	16.4	25.5	0.8	26.3
4CCR	20.5	34.9	2.3	35.9
4CRB	11.2	39.1	0.4	39.5
4DDB	28.3	72.2	4.4	73.2
4EB	21.8	38.9	3.8	39.9
4MBS	12.3	35.2	8.2	36.2
4TTT	29.3	39.3	1.7	40.3
4ZZZ	38.1	41.4	4.5	42.4
5EBI	16.9	31.0	1.8	32.0
5GTR	30.9	42.0	1.8	43.0
5MMM	41.3	56.4	1.9	57.4
5PBA	29.0	43.2	3.2	44.2
5RRR	42.3	51.8	2.4	52.8
5TCB	25.2	37.1	2.9	38.1
5UV	20.1	38.3	1.9	39.3
6NEW	22.9	29.3	2.8	30.3
6NR	25.1	38.5	2.0	39.5
6UVS	23.1	34.9	4.3	35.9
7HFC	9.1	30.4	1.1	31.4

STATION	AUSTRALIAN COMPOSITIONS %	AUSTRALIAN PERFORMANCES		
		LOCAL %	OVERSEAS (Limited to 1%)	TOTAL %
7LTN	26.3	33.6	1.2	34.6
7RGY	35.3	39.9	1.5	40.9
7THE	28.4	36.1	1.2	37.1
7WAY	11.1	27.9	1.9	28.9
8CCC	36.9	49.1	1.6	50.1
8KIN	47.3	54.2	2.9	55.2
8TOP	26.4	31.8	3.0	32.8

\* In calculating the percentage of Total Australian Performances, the value of the overseas component is limited to a maximum of 1%.

## APPENDIX E

### AUSTRALIAN CONTENT OF TELEVISION PROGRAMS STATISTICAL YEAR 1987-88

STATION	TARGET POINTS	ACTUAL POINTS HR:MN	AUST. DRAMA	SPECIALS NO.	% AUST. CONTENT		
					0600 - 2400	1800 - 2200	1600 2200
ATN	6552	12562.1	253:25	@6	50.5	58.8	64.3
TCN	6552	15868.6	104:20	@11	64.1	53.2	62.7
TEN	6552	13883.9	196:30	@7	41.7	52.9	50.5
ATV	6552	13905.4	195:15	@7	42.1	44.8	46.8
GTV	6552	15163.5	106:40	6	58.0	51.6	56.8
HSV	6552	12942.5	271:21	5	53.8	62.4	67.7
BTQ			250:15	4	52.2	57.3	63.8
QTQ			111:15	11	33.4	53.1	55.5
TVQ			191:45	@7	40.2	46.2	45.8
ADS			225:45	4	40.3	51.9	54.0
NWS			105:30	7	56.9	54.6	56.7
SAS			169:30	@4	56.8	59.6	58.7
STW			135:30	11	58.1	49.9	54.6
TVW			286:45	@5	52.1	62.7	62.9
TVT			247:30	10	60.9	56.7	62.0
BKN			227:15	8	55.8	57.2	62.1
CBN/CWN			152:45	7	54.5	49.2	58.9
CTC			321:08	@18	52.7	57.2	63.5
MTN			175:25	7	57.5	51.3	60.8
NBN			173:50	7	53.2	52.9	56.4
NEN/ECN			205:15	11	54.9	56.6	60.3
NRN/RTN			258:10	@10	50.4	55.4	54.7
RVN			173:57	@10	57.3	50.6	57.8
WIN			174:30	8	52.5	56.1	62.7
AMV			174:30	@9	56.2	50.6	56.1
BCV/GLV/STV			208:30	10	57.3	59.3	53.9
BTV			262:30	11	57.9	63.3	65.2
GMV			271:30	9	59.3	60.7	62.6
DDQ/SDQ			235:45	@5	54.1	57.1	60.7
TNQ/FNQ			159:50	5	54.9	57.0	61.8
ITQ			187:10	12	56.2	57.4	64.6
MVQ			236:17	9	59.1	58.4	62.2
RTQ			341:30	16	64.5	67.1	71.8
SEQ			272:20	12	57.9	58.4	65.1
GTS			227:15	8	55.9	57.5	62.3
RTS			271:50	@10	56.3	57.4	66.3

STATION	TARGET POINTS	ACTUAL POINTS HR:MN	AUST. DRAMA	SPECIALS NO.	% AUST. CONTENT		
					0600 - 2400	1800 - 2200	1600 - 2200
SES			275:45	@11	53.4	55.6	60.6
BTW/GSW/VEW/GTW			219:21	9	63.8	62.1	63.9
TNT			192:28	10	62.5	54.9	63.2
NTD			314:16	9	58.1	57.1	60.1
IMP			#126:33	#8	*73.6	*71.8	*70.7

# IMPARJA DID NOT BEGIN TRANSMISSION UNTIL 27 DECEMBER 1987

\* CALCULATED ON THREE SAMPLE WEEKS ONLY

@ PENDING APPROVAL OF BIG BUDGET SPECIALS

## APPENDIX F

### SUMMARY OF COMPLAINTS

The following is a summary of complaints received by the Tribunal and the major areas of concern.

Television	Number	% of all television
Comments (other than complaints)	74	3.87
Major area of concern -		
Amount of advertising	31	1.62
Complaints -		
no breach found	1446	75.47
found in breach	24	1.25
outstanding	372	19.41
<b>TOTAL</b>	<b>1916</b>	<b>100.00</b>
Major areas of concern -		
Content of advertising	279	14.55
Placement of advertising	22	1.15
Amt of adv (since trial deregulation)	196	10.23
Adv. of alcoholic drinks	50	2.61
Program classification	328	17.11
News and current affairs in G time (incl sex, violence)	149	7.78
News programs (incl bias, violence)	80	4.17
General prohibited matter	221	11.53
Promotions for programs	87	4.53

	Number	% of all commercial radio
<b>Commercial Radio</b>		
Comments (other than complaints)	320	16.25
Complaints -		
found in breach	1398	71.07
no breach found	196	9.97
outstanding	51	2.59
<b>TOTAL</b>	<b>1965</b>	<b>100.00</b>
Major areas of concern - -		
Prohibited matter	1451	73.77
Offensive matter	84	4.27
	Number	% of all public radio
<b>Public Radio</b>		
Comments (other than complaints)	1	1.69
Complaints -		
found in breach	6	10.17
no breach found	18	30.51
outstanding	34	57.63
<b>TOTAL</b>	<b>59</b>	<b>100.00</b>
Major areas of concern -		
Alleged breaches of the Broadcasting Act	19	32.20
Prohibited matter	15	25.42

This is a summary. A full list of complaints by type is available from the Tribunal.

## APPENDIX G

### REPORT TO THE TRIBUNAL BY THE CHILDREN'S PROGRAM COMMITTEE

The Children's Program Committee has continued to work for quality and diversity of children's programming. The Committee emphasises its objective for children's television, that children of all ages should have regular access to quality television programs made specifically for them, including Australian drama and non drama programs.

During the year the Committee has assessed a number of programs which it feels are indicative of this objective. These include the C Australian drama programs SEBASTIAN AND SPARROW, WALTZ THROUGH THE HILLS, SPIT McPHEE and HILLS END as well as an overseas drama program A COUPLE OF CHARLIES, a program which deals with the sensitive issue of child abuse in an age appropriate way.

This year has also seen the development of a preschool children's program called MULLI-GRUBS. This has been the first new preschool production for a number of years and the Committee is pleased to see this development in programming especially for preschoolers.

Apart from its regular workload of assessments within its monthly meetings, the Committee has continued to meet with applicants and children's program makers discussing issues relating to age specificity and emphasising the need for diversity in children's programming.

A considerable achievement this year was the publication of "The Child Audience" and a seminar on "the child's perspective". At the Committee's instigation, the Tribunal commissioned the writing of "The Child Audience", a practical guide for producers of children's programs on aspects of child development.

"The Child Audience" was released in October 1987 and was launched in Adelaide in conjunction with a seminar on "the child's perspective". The seminar was attended by children's program makers, child developmentalists and others interested in children's television. Speakers included Dr Shelley Phillips, Colin Theile, Glenn Cupit (author of "The Child Audience") and a discussion panel of children's television producers. The seminar provided an opportunity for valuable discussion among the creators and regulators of children's television.

The Committee has made a significant contribution within the current review of the children's and preschool children's television standards, submitting its views and recommendations on the relevant issues and proposals that have arisen during the course of the inquiry.

The Committee is looking to 30 June 1989 as a significant 'watershed' for C classification as this is the expiry date for programs granted C classification prior to 1 July 1984. Networks have been notified that such programs will need to be re-submitted for C classification.

Further, the Committee recommended to the Tribunal that the trial period for children's television standard CTS 13A to allow classification of C Australian drama at the pre-production

stage and introduced to encourage investment for children's drama production be extended. As reported previously CTS 13A now remains in force until 30 June 1989.

The Committee has also contributed to the Tribunal's inquiries into the variation of the children's and preschool television standards to allow live coverage of the Olympic Games and to the inquiry into the amendment of television program standard (TPS) 12 - moving promotions for AO and PGR classified programs.

During the year the Committee met in Sydney, Melbourne, Adelaide and Hobart. This year (period 1 July 1987 to 30 June 1988) the Committee considered 76 applications, and recommended that 35 be classified C, 4 be classified Provisional C and 6 be classified C Australian drama. One application was deferred, two were not accepted as formal applications and 28 were not recommended for C classification. A list of programs classified C or C Australian drama in this period appears in Appendix H.

## APPENDIX H

### PROGRAMS CLASSIFIED 'C' OR 'C DRAMA' 1987-88.

#### TITLE

Abracadabra (\*)  
 Andrew  
 Atomic Legs  
 Bike, The  
 Chocky (Series 1)  
 Chocky's Children (Series 2)  
 Chocky's Challenge (Series 3)  
 Christmas Toy, The  
 C'mon Kids (\*)  
 Couple of Charlies, A  
 Dusty - The Series (\*)  
 Forgive and Forget (\*)  
 Fraggle Rock - Series 4  
 Hayburners, The  
 Hill's End (\*)  
 Horizontal Bar, The  
 Jonathon  
 KTV - Series 3 (\*)  
 Letter To Santa (\*)  
 Littlest Hobo, The (\*)  
 Madi  
 Moonjumper (Series 1 & 2)  
 Muppet Babies (Series 2 & 3)  
 My Family and Other Animals  
 Network Ten C Hostings (\*)  
 Now You See It - Series 5 (\*)  
 Panic Station  
 Rewind (\*)  
 Rewind - 1988 Series (\*)  
 Ridgey Didge (\*)  
 Ridgey Didge - Series 3 (\*)  
 Ridgey Didge Australia Day  
 Special (\*)  
 Ridgey Didge Christmas Day Special (\*)  
 Sea Urchins (Series 1,2 & 3)  
 Sebastian and the Sparrow (\*)  
 Shipmates (\*)  
 Spit McPhee (\*)  
 Steel Riders  
 Umbrella Jack  
 Waltz Through The Hills, A(\*)  
 (\*) - Australian Program.

#### SUBMITTED BY

ATN  
 Chancom Ltd.  
 Chancom Ltd.  
 Nine Network  
 Effie Holdings P/L  
 Effie Holdings P/L  
 Effie Holdings P/L  
 Ten Network  
 NWS  
 NWS  
 Kestrel Films International Ltd.  
 Colin Pearce & Associates P/L  
 Ten Network  
 Chancom Ltd.  
 Revcom Productions P/L  
 Nine Network  
 Nine Network  
 Tasmanian Television Ltd.  
 Davis Film and Video Productions  
 ATN  
 Nine Network  
 Ten Network  
 Ten Network  
 Ten Network  
 Ten Network  
 Fremantle International Productions P/L  
 Ten Network  
 ATN  
 ATN  
 Ten Network  
 Ten Network  
 Ten Network  
 Ten Network  
 Kino Film Co. Ltd.  
 Nine Network  
 Revcom Productions P/L  
 Ten Network  
 Chancom Ltd.  
 Barron Films

## APPENDIX I

### LICENCE CONVERSIONS

The following list details the stations whose licences were converted to new system licences during 1987-88, together with the call sign for each service which now appears on the licence.

#### Television

ATN	Sydney and related translator stations at Gosford and Kings Cross.
TEN	Sydney and related translator stations at Gosford and Kings Cross.
BKN	Broken Hill
CBN	Central Tablelands (Orange) and related translator stations at Bathurst, Condobolin, Kandos-Rylstone, Lithgow, Lithgow (Vale of Clwydd) and Portland-Wallerawang.
CWN	Central Western Slopes (Dubbo) and related translator stations at Cobar, Mudgee and Nyngan.
MTN	Murrumbidgee Irrigation Areas (Griffith) and related translator station at Hay.
NBN	Newcastle- Hunter River and related translator stations at Dungog, Gosford, Merriwa, Murrurundi and Upper Hunter (Scone).
NEN	Upper Namoi (Tamworth) and related translator stations at Armidale, Ashford, Glen Innes, Inverell, Quirindi, Tamworth and Walcha.
RTN	Richmond-Tweed (Lismore) and related translator stations at Bonalbo, Kyogle, Murwillumbah and Gold Coast (Qld.).
ATV	Melbourne and related translator stations at Ferntree Gully, Marysville, Selby, Upwey and Warburton.
BCV	Bendigo and related translator station at Swan Hill.
BTV	Ballarat and related translator stations at Hamilton, Nhill, Portland and Warrnambool-Port Fairy.
GLV	La Trobe Valley (Traralgon) and related translator stations at Foster-Toora, Lakes Entrance and Orbost.
STV	Mildura.
BTQ	Brisbane and related translator station at Gold Coast.
QTQ	Brisbane and related translator station at Gold Coast.
TVQ	Brisbane and related translator station at Gold Coast.
DDQ	Darling Downs (Toowoomba) and related translator station at Toowoomba.
FNQ	Cairns and related translator stations at Babinda, Gordonvale, Herberton, Mareeba, Mission Beach, Mossman-Port Douglas, North Cairns, Ravenshoe and Tully.
MVQ	Mackay and related translator stations at Clermont, Collinsville, Dysart, Glenden, Middlemount, Moranbah-Gooniyella and Nebo.
SDQ	Southern Downs (Warwick).
TNQ	Townsville and related translator stations at Bowen, Stuart and Townsville.
NWS	Adelaide and related translator station at Adelaide Foothills.
SAS	Adelaide and related translator station at Adelaide Foothills.
RTS	Renmark-Loxton.
NEW	Perth.
STW	Perth.
TVW	Perth.
GTW	Geraldton and related translator stations at Mingenew, Morawa and Mullewa.
NTD	Darwin.

## Commercial Radio

2CH	Sydney.
2DAY	Sydney.
2GB	Sydney.
2KY	Sydney.
2MMM	Sydney.
2SM	Sydney.
2UE	Sydney.
2UW	Sydney.
2WS	Sydney.
2KA	Katoomba and related translator station at Emu Plains.
2ST	Nowra and related translator station at Bowral/Moss Vale/Mittagong.
2XL	Cooma.
3MA	Mildura.
3SH	Swan Hill.
4GC	Charters Towers and related translator station at Hughenden.
4LG	Longreach.
4SB	Kingaroy.
4ZR	Roma.
5AA	Adelaide.
5AD	Adelaide.
5DN	Adelaide.
5KA	Adelaide.
5SSA	Adelaide.
5RM	Renmark.
6GL (formerly 6LX)	Perth.
6KY	Perth.
6NOW	Perth.
6PM	Perth.
6PR	Perth.
6GE	Geraldton.

## Public Radio

3MFM Leongatha.

Related translator stations were those for which licences were held by the licensee of the station which provided the service to the translator. These former translator stations are now additional transmitters whose technical specifications, together with those of the originating transmitter, are included in the licence warrant for the service.

## APPENDIX J

### LICENCE GRANTS AND RENEWALS 1987-88

320/84	Alpha, Qld. - Public Broadcasting Station - Licence Grant
379/85	2GB Sydney - Licence Renewal
428/86	6BY Bridgetown - Licence Renewal
431/86	61X Perth - Licence Renewal
439/86	6VA Albany - Licence Renewal
440/86	6WB Katanning - Licence Renewal
450/86	GSW-9 Mount Barker and associated translator station - Licence Renewal
451/86	Leongatha, Vic - Public Broadcasting Station - Licence Grant
454/86	Finlay, NSW - National television translator - Licence Grant
455/86	Burketown, Qld - National television translator - Licence Grant
457/86	Western Suburbs of Melbourne, Vic - Public Broadcasting Station - Licence Grant
458/86	3SR Shepparton - Licence Renewal
459/86	3UL Warragul - Licence Renewal
462/86	3SH Swan Hill - Licence Renewal
463/86	3WM Horsham - Licence Renewal
465/86	3CS Colac - Licence Renewal
468/86	3TR Sale - Licence Renewal
479/86	FNQ-10 Cairns and associated translator stations - Licence Renewal
479/86	FNQ-10 UHF Cardstone Village and FNQ-10 Tully Falls - Licence Renewals
480/86	TNQ-7 Townsville and associated translator stations - Licence Renewal
486/86	4AM Atherton/Mareeba - Licence Renewal
487/86	4MK Mackay - Licence Renewal
488/86	4KZ Innisfail/Tully and associated translator - Licence Renewal
500/86	RTQ-7 Rockhampton and associated translator stations - Licence Renewals
502/86	4GY Gympie - Licence Renewal
505/86	4SB Kingaroy - Licence Renewal
507/86	4MD Maryborough - Licence Renewal
513/86	DDQ-10 Darling Downs and associated translator and SDQ-4 Southern Downs - Licence Renewals
521/86	2RDJ Burwood - Licence Renewal
522/86	2NBC Narwee - Licence Renewal
523/86	2KO Newcastle - Licence Renewal
524/86	2WS Sydney - Licence Renewal
525/86	2NX Bolwarra - Licence Renewal
527/86	TVW-7 Perth - Licence Renewal
528/86	2HD Newcastle - Licence Renewal
529/86	STW-9 Perth - Licence Renewal
530/86	2MWM Manly-Warringah and associated translator - Licence Renewal
533/86	2RRR Ryde - Licence Renewal
534/86	2GO Gosford - Licence Renewal
535/86	2NSB Chatswood - Licence Renewal

536/86 2GLF Liverpool - Licence Renewal  
 537/86 2NUR Newcastle - Licence Renewal  
 540/86 8DN Katherine - Translator - Licence Renewal  
 542/86 6SE Esperance - Licence Renewal  
 546/86 2RG Griffith - Licence Renewal  
 547/86 CBN-8 Central Tablelands and associated translator stations -  
 Licence Renewals  
 548/86 CWN-6 Central Western Slopes and related translator stations -  
 Licence Renewals  
 549/86 ABCN Lithgow - National Television Translator- Licence Renewal  
 550/86 2PK Parkes - Licence Renewal  
 556/86 2MG Mudgee - Licence Renewal  
 557/86 2DU Dubbo and related translator - Licence Renewal  
 561/86 MTN-9 Murrumbidgee and related translator station - Licence Renewal  
 563/86 2KA Katoomba and related translator stations - Licence Renewals  
 567/86 Bayview, NSW - Community Television Aerial System (CTAS) -  
 Licence Renewal  
 568/86 ABAV-45 Tawonga South National Translator Station - Licence Renewal  
 569/86 Newport, Vic - CTAS - Licence Renewal  
 570/86 Richmond, Vic - CTAS - Licence Renewal  
 571/86 2GN Goulburn - Licence Renewal  
 573/86 2CA Canberra - Licence Renewal  
 574/86 2XL Cooma - Licence Renewal  
 575/86 ABW-69 Kojonup - National Television Translator - Licence Renewal  
 576/86 BCV-II Hopetoun - Commercial Television Translator - Licence Renewal  
 577/86 Hopetoun, Vic - National Television Translator - Licence Renewal  
 578/86 2WL Wollongong - Licence Renewal  
 579/86 4ZZZ Brisbane - Licence Renewal  
 580/86 2OO Wollongong - Licence Renewal  
 581/86 2ST Nowra - Licence Renewal  
 584/86 Harrow, Vic - CTAS - Licence Renewal  
 587/86 3HA Hamilton - Licence Renewal  
 588/86 3GL Geelong - Licence Renewal  
 589/86 3RPC Portland - Licence Renewal  
 590/87 GMV-62 Yea - Commercial Television Translator - Licence Renewal  
 591/87 Castlecrag, NSW - CTAS - Licence Renewal  
 592/87 NEN Upper Namoi and related translator stations - Licence Renewals  
 593/87 2GF Grafton - Licence Renewal  
 594/87 2MC Kempsey - Licence Renewal  
 595/87 6PR Perth - Licence Renewal  
 596/87 2MO Gunnedah - Licence Renewal  
 597/87 2VM Moree - Licence Renewal  
 598/87 2MW Murwillumbah - Licence Renewal  
 599/87 2CHY Coffs Harbour - Licence Renewal  
 600/87 2BE Bega and related translator stations - Licence Renewals  
 602/87 VEW-8 Kalgoorlie and related translators - Licence Renewals  
 603/87 RTN-8 Richmond Tweed and related translator stations- Licence Renewals

604/87 ABMN Tumberumba - National Television Translator - Licence Renewal  
 605/87 RVN-69 Tumberumba - Commercial Television Translator -  
 Licence Renewal  
 606/87 2YOU Tamworth - Licence Renewal  
 607/87 Leeman, WA - CTAS - Licence Renewal  
 609/87 3CR Melbourne - Licence Renewal  
 610 87 6KA Karratha and related translators - Licence Renewal  
 611/87 6NW Port Hedland - Licence Renewal  
 612/87 6NEW Newman - Licence Renewal  
 86/6/IL Rockingham, WA - Public Radio Station - Licence Grant  
 86/7/IL Rockhampton, Qld. - Public Radio Station - Licence Grant  
 86/8/IL Whyalla, SA - Public Radio Station - Licence Grant  
 86/20/IL Fremantle, WA - Public Radio Station - Licence Grant  
 87/3/IL NRN-II Grafton-Kempsey - Licence Renewal  
 87/9/IL Goulburn Public Radio Station - Licence Grant  
 87/12/IL Kulin, WA - Public Radio Station - Licence Grant  
 87/13/IL Hyden, WA - Rebroadcasting - Licence Grant  
 87/14/IL Mukinbudin, WA - Rebroadcasting - Licence Grant  
 87/15IL Hopetoun, WA - Rebroadcasting - Licence Grant  
 87/16/IL Angaston, SA - Rebroadcasting - Licence Grant  
 87/17/IL Nullagine, WA -Rebroadcasting - Licence Grant  
 87/19/IL WIN-4 Illawarra and related translators - Licence Renewal  
 87/22/IL Roma, Qld. - Public Radio Station - Licence Grant  
 87/23/IL Argyle Mine Site, WA - National Television Translator - Licence Renewal  
 87/24/IL Shay Gap, WA - National Television Translator - Licence Renewal  
 87/25/IL Goldsworthy, WA - National Television Translator - Licence Renewal  
 87/26/IL Lennons Hotel, Brisbane - Retransmission - Licence Grant  
 87/27/IL McArthur River Homestead, NT - Rebroadcasting - Licence Grant  
 87/30/IL Barton, SA - Rebroadcasting - Licence Grant  
 87/31/IL Aurukun, Qld - Rebroadcasting - Licence Grant  
 87/34/IL Yirrakala Mission, NT - Rebroadcasting - Licence Grant  
 87/35/IL 2XX, Canberra - Licence Renewal  
 87/36/IL 2CBA, Sydney - Licence Renewal  
 87/37/IL 2MBS, Sydney - Licence Renewal  
 87/38/IL 2SER, Sydney - Licence Renewal  
 87/45/IL ABW-67 La Grange, WA - National Television Translator - Licence Renewal  
 87/48/IL 2MCE-FM, Bathurst - Licence Renewal  
 87/71/IL TNQ-68 Stuart - Commercial Television Translator Station -  
 Licence Renewal  
 87/81/IL 2NZ Inverell - Licence Renewal  
 87/82/IL 2LM Lithgow - Licence Renewal  
 87/83/IL 2AD Armidale - Licence Renewal  
 87/84/IL 2NCR Lismore - Licence Renewal  
 87/87/IL 3MBS Melbourne - Licence Renewal  
 87/91/IL 2RE Taree - Licence Renewal  
 87/92/IL 2TM Tamworth - Licence Renewal  
 87/93/IL GEMR-9 Groote Eylandt -Repeater - Licence Renewal

87/95/IL Shepparton, Vic - Commercial Radio Station - Licence Grant  
 87/96/IL Logan, Qld - Public Radio Station - Licence Grant  
 87/98/IL 4KQ Brisbane - Licence Renewal  
 87/99/IL 2ARM Armidale - Licence Renewal  
 87/100/IL 4MBS Brisbane - Licence Renewal  
 87/103/IL 4EB Brisbane - Licence Renewal  
 87/104/IL Beswick, NT - Self-help Rebroadcasting - Licence Grant  
 87/105/IL Robinson River Homestead, NT - Self-Help Rebroadcasting - Licence Grant  
 87/106/IL 4BC Brisbane - Licence Renewal  
 87/109/IL Brisbane Qld - Public Radio Station - Licence Grant  
 87/115/IO Geelong, Vic. - Public Radio Station - Licence Grant  
 87/117/IL TVT-69 Crotty Camp, Tas - Commercial Television Translator -  
 Licence Renewal  
 87/124/IO 3AW Melbourne - Licence Renewal  
 87/125/IL ABT-68 Maydena, Tas - National Television Translator - Licence Renewal  
 87/129/IL 7HO Hobart - Licence Renewal  
 87/132/IL 7QT Queenstown and associated translator - Licence Renewal  
 88/15/IL South Alligator Motor Inn, NT - Re-Broadcasting - Licence Grant  
 88/22/IL Warakurra, WA - National Rebroadcasting - Licence Grant

## APPENDIX K

### SHARE TRANSACTION DECISIONS: 1987/88

Licence(s) affected/Company in which interest acquired or increased/Company or person acquiring or increasing shareholding	Report/Inquiry No.	Decision date
CBN, CWN, 2GZ/Country Television Services Ltd/Roslyndale Securities Pty Ltd	IO/87/119	8/10/87
ECN, NEN/Television New England Ltd/ Broadcast Amalgamated Ltd and Groveleigh Pty Ltd.	IO/87/90	19/8/87
ECN, NEN, 2AD, 2MA, 2RE, 2TM, 4WK/Broadcast Amalgamated Ltd/ Groveleigh Pty Ltd.	IO/88/3	2/2/88
NBN/Parry Corporation Ltd/ Paracel Pty Ltd	IO/87/101	10/9/87
NEN, 2AD, 2MO, 2RE, 2TM, 4WK/ TV New England Ltd/Broadcast Amalgamated Ltd	IO/88/40	10/3/88
NEN, 2AD, 2MO, 2RE, 2TM, 4WK/ Broadcast Amalgamated Ltd/ Groveleigh Pty Ltd	IO/88/89	24/6/88
NEN, 2AD, 2MO, 2RE, 2TM, 4WK/ Television New England Ltd/ Broadcast Amalgamated Ltd	IO/88/90	14/6/88
WIN, RTQ/Oberon Broadcasters Pty Ltd/TWT Holdings Ltd	IO/87/154	1/12/87
HSV/Herald-Sun TV Pty Ltd/ Dysford Pty Ltd	IO/87/18	Deferred indefinitely
BCV, GLV/Tricom Corporation Ltd/ Twenty Third Myth Pty Ltd	IO/87/121	15/10/87

BCV, GLV, 3TR/Tricom Corporation Ltd/Stradis Pty Ltd	IO/87/122	15/10/87
BCV, GLV, 3TR/Tricom Corporation Ltd/Barclay Investments Pty Ltd	IO/87/123	15/10/87
BCV, GLV, 3TR/Tricom Corporation Ltd/P E Cohen	IO/87/126	26/10/87
BCV, GLV, 3TR/Tricom Corporation Ltd/Anstruther Holdings Pty Ltd	IO/88/74	6/5/88
BCV, GLV, 3TR/Tricom Corporation Ltd/P E Cohen	IO/88/95	23/6/88
STV/Sunraysia Television Ltd/Sabtel Pty Ltd	IO/87/52	22/7/87
STV/Sunraysia Television Ltd/Sabtel Pty Ltd	IO/88/88	27/1/88
STV/Sunraysia Television Ltd/Sabtel Pty Ltd	IO/88/79	11/5/88
DDQ, SDR/Darling Downs TV Ltd/Aspermont Ltd	IO/87/77	7/8/87
DDQ, SDQ/Darling Downs TV Ltd/Aspermont Ltd	IO/87/111	22/9/87
DDQ, SDQ/Aspermont Ltd/Pimsie Pty Ltd	IO/87/112	22/9/87
DDQ, SDQ/Darling Downs Ltd/Aspermont Ltd	IO/87/146	5/2/88
RTQ/Rockhampton Television Ltd/Maracorp International Ltd	IO/87/42	24/2/88
RTQ/Rockhampton Television Ltd/Osmoglen Pty Ltd	IO/87/134	1/3/88
RTQ/Osmoglen Pty Ltd/Aspermont Ltd	IO/87/138	26/11/87
RTQ/Rockhampton Television Ltd/Osmoglen Pty Ltd	IO/88/96	20/6/88

TNQ/Telecasters North Queensland Ltd/Allard Services Pty Ltd, Gleeson Properties Pty Ltd, J F Gleeson	IO/87/149	6/1/88
NWS/Southern Television Corporation Pty Ltd/Broadcast Investments Pty Ltd	IO/87/113	28/9/87
SAS, TVW, 6VA, 6IX, 6BY, 6WB/Heytesbury Securities Pty Ltd/Heytesbury Holdings Ltd and M R H Holmes a Court	IO/87/65	16/7/87
GTS/Spencer Gulf Telecasters Ltd/J M Sturrock Pty Ltd	IO/88/88	7/6/88
RTS/Riverland Television Ltd/Murray Pioneer Pty Ltd and W G Taylor	IO/87/53 & IO/87/54	20/7/87
RTS/Riverland Television Ltd/Murray River Telecasters Ltd	IO/87/142	3/12/87
RTS/Riverland Television Ltd/R W Scott	IO/88/17	4/2/88
RTS/Riverland Television Ltd/Murray River Telecasters Ltd	IO/88/48	25/3/88
RTS/Riverland Television Ltd/Murray River Telecasters Ltd	IO/88/91	8/6/88
SES/South East Telecasters Ltd/Scotts Agencies Pty Ltd, A A Scott, R W Scott	IO/87/144	4/12/87
SES/South East Telecasters Ltd/ANZ Banking Group	IO/88/1	5/1/88
VEW/Mid-Western Television Pty Ltd/135 Nominees Pty Ltd	IO/87/67	20/7/87
NTD/Territory Television Pty Ltd/Channel 8 Darwin Holdings Ltd & Publishing and Broadcasting Ltd	IO/87/89	20/5/88

2MMM, 2EC, 3EON, 3CV/Triple M Broadcasting Company Pty Ltd/ Wheatley Communications Pty Ltd	IO/87/114	15/2/88
2MMM, 2EC, 3EON, 3CV/Wheatley Communications Pty Ltd/ Eurolynx Ltd	IO/87/114	15/2/88
2SM, 2NM, 2NX, 4IO/Broadcasting Station 2SM Pty Ltd/Trustees of the Roman Catholic Church for the Archdiocese of Sydney	IO/87/55	16/7/87
2LF, 2WG/Riverina Broadcasters Holdings Pty Ltd/3KZ Radio Pty Ltd	IO/87/43	22/7/87
2LF, 2WG/Riverina Broadcasters Holdings Pty Ltd/3KZ Radio Pty Ltd	IO/87/151	2/2/88
2LF, 2WG/Riverina Broadcasters Holdings Pty Ltd/Trustees of E V Roberts	IO/88/39	10/3/88
2LT/Midwest Radio Ltd/Midwest Radio Network Pty Ltd.	IO/88/83	20/5/88
2NZ, 2VM/Moree Broadcasting & Development Co Ltd/B O Roberts	IO/88/35	9/3/88
2OO/Wollongong City Radio Ltd/ WIN Radio Pty Ltd	IO/87/88	1/2/88
2WG/Riverina Broadcasters Holdings Pty Ltd/Trustees for E V Roberts	IO/87/56	16/7/87
2XL, 7QT/Coomba Broadcasters Pty Ltd/K J Blyton	IO/88/5	27/4/88
3DB/Korfield Pty Ltd/Broadcasting Pty Ltd	IO/87/147	28/3/88
3FOX, 5SSA/Austereo Ltd/Coopers Brewery Ltd & S A Brewing Holdings Ltd	IO/87/94	29/3/88

3FOX, 5SSA/Austereo Ltd/Elders IXL Ltd	IO/88/45	25/3/88
3BA/Ballarat Broadcasters Pty Ltd/Ballarat Courier Pty Ltd	IO/87/153	4/1/88
3MA/Sunraysia Broadcasters Pty Ltd/Taler Pty Ltd	IO/87/152	5/1/88
3MA, 3YB/Regional Communications Pty Ltd/W R Lanyon	IO/88/4	6/1/88
3NE/North East Broadcasters Pty Ltd/Regional Media Investments Ltd	IO/88/11	27/4/88
3YB/Regional Communications Pty Ltd/W R Lanyon	IO/87/32	13/11/87
4BU/Bundaberg Broadcasters Pty Ltd/W Wyper	IO/88/2	27/1/88
4GY/Gympie-Noosa Broadcasters Pty Ltd/Sun Coastal FM Radio Pty Ltd	IO/87/150	27/1/88
4KZ/Coastal Broadcasters Pty Ltd/ R L & M J Harris	IO/88/65	26/2/88
4SB/Forsby Pty Ltd/Kamban Pty Ltd	IO/87/57	6/10/87
4SB/Kamban Pty Ltd/PC Muston	IO/87/127	6/10/87
5AA, 5AU, 5RM/Festival City Broadcasters Ltd/SATAB	IO/87/118	7/10/87
5KA/5KA Broadcasters Pty Ltd/ 3KZ Radio Pty Ltd	IO/88/12	11/5/88
5MU/Murray Bridge Broadcasting Co Ltd/Communication Investments Ltd	IO/87/79	11/2/88
5MU/Murray Bridge Broadcasting Co Pty Ltd/Communications Investments Ltd	IO/88/62	5/5/88

6LN/Carnarvon Commercial Broadcasters Pty Ltd/P D Evans	IO/87/139	26/11/87
6LN/Carnarvon Commercial Broadcasters Pty Ltd/ K E Jolly	IO/87/140	26/11/87
8DN/Swan Brewery Co Ltd/Swan Television & Radio Broadcasters Ltd	IO/87/51	23/7/87

# APPENDIX I. TELEVISION PROGRAMS OF AUSTRALIAN ORIGIN

**Categories of television programs, 6.00 am - 12.00 midnight.  
Commercial and ABC stations.**

	Metropolitan Commercial %	Country Commercial %	Total Commercial %	ABC %
Drama — comedy	9.5	9.4	9.4	5.0
Other drama	30.8	31.2	31.0	13.2
Children's	14.7	11.9	13.1	28.0
News, Documentaries & Current Affairs	18.5	19.1	18.9	15.9
Education, Arts, Religion & Information	3.2	5.2	4.4	21.4
Sports	9.6	8.3	8.8	8.4
Quiz, Panel and Game Programs	4.1	3.6	3.8	0.5
Light Entertainment	9.7	11.3	10.6	7.6
	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>

NB: Due to rounding, columns may not total exactly.

**Categories of television programs, 6.00 pm - 10.00 pm  
Commercial and ABC stations.**

	Metropolitan Commercial %	Country Commercial %	Total Commercial %	ABC %
Drama — comedy	13.6	13.6	13.6	13.1
Other drama	41.7	41.9	41.8	27.2
Children's	0.7	1.2	1.0	8.6
News, Documentaries & Current Affairs	30.6	30.2	30.4	36.1
Education, Arts, Religion & Information	0.6	0.8	0.7	5.7
Sports	2.6	2.9	2.7	2.9
Quiz, Panel and Game Programs	4.5	6.0	5.4	1.8
Light Entertainment	5.7	3.5	4.4	4.6
	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>

NB: Due to rounding, columns may not total exactly.

**Categories of Australian television programs — 6.00 am - 12.00 midnight**  
 — average yearly transmission per station (in hours and percentage of all programs)  
 for commercial and the ABC stations, 6.00 am - 12 midnight.

	Metropolitan Commercial		Country Commercial		Total Commercial		ABC	
	Hours	%	Hours	%	Hours	%	Hours	%
Drama — comedy	19.7	0.3	8.9	0.1	13.3	0.2	20.8	0.3
Other drama	337.2	5.2	382.4	6.4	364.1	5.9	93.6	1.5
Children's	415.6	6.4	381.7	6.4	395.5	6.4	496.2	8.1
News, Documentaries Current Affairs	1129.2	17.3	1081.1	18.1	1100.6	17.7	770.9	12.6
Education, Arts, Religion & Information	164.3	2.5	241.0	4.0	209.9	3.4	822.1	13.4
Sports	571.3	8.7	452.3	7.6	500.5	8.1	475.8	7.8
Quiz, Panel & Game Programs	262.9	4.0	213.7	3.6	233.6	3.8	28.6	0.5
Light Entertainment	507.1	7.8	607.7	10.1	566.9	9.1	333.5	5.4
Total Australian Programs	3407.3	52.2	3368.8	56.3	3384.4	54.5	3041.5	49.6

NB: Due to rounding, columns may not total exactly.

**Categories of Australian television programs — 6.00-10.00 pm**  
 — average yearly transmission per station (in hours and percentage of all programs)  
 for commercial and the ABC stations, 6.00 pm - 10 pm.

	Metropolitan Commercial		Country Commercial		Total Commercial		ABC	
	Hours	%	Hours	%	Hours	%	Hours	%
Drama — comedy	9.5	0.6	4.3	0.3	6.4	0.4	17.8	1.2
Other drama	160.8	11.1	189.0	13.0	177.6	12.2	54.2	3.7
Children's	4.8	0.3	9.0	0.6	7.3	0.5	0.0	0.0
News, Documentaries & Current Affairs	410.0	28.2	424.3	29.3	418.5	28.8	471.0	32.4
Education, Arts, Religion & Information	8.8	0.6	11.8	0.8	10.6	0.7	64.6	4.4
Sports	34.3	2.4	40.0	2.8	37.7	2.6	42.5	2.9
Quiz, Panel & Game Programs	63.2	4.3	87.4	6.0	77.6	5.3	26.0	1.8
Light Entertainment	66.1	4.5	40.8	2.8	51.1	3.5	46.8	3.2
Total Australian Programs	757.6	52.1	806.7	55.6	786.8	54.2	722.8	49.6

NB: Due to rounding, columns may not total exactly.

## APPENDIX M

### UNRELATED RADIO AND TELEVISION TRANSLATOR STATIONS AND RE-BROADCASTING SERVICES IN OPERATION ON 30 JUNE 1988

CALL SIGN AND AREA	SPECIFIED SOURCE	LICENSEE
<b>A. LICENSED COMMERCIAL RADIO TRANSLATOR STATIONS</b>		
NORTHERN TERRITORY		
8HA Yulara Tourist Village	8HA Alice Springs	The Yulara Development Company Ltd
<b>B. LICENSED NATIONAL RADIO TRANSLATOR STATIONS</b>		
8DR Nabarlek	ABC Northern Territory Regional Radio Service	Queensland Mines Limited
8DR Yulara Tourist Village	ABC service via the Aussat satellite	The Yulara Develop- ment Company Ltd
<b>C. COMMERCIAL TELEVISION TRANSLATOR STATIONS</b>		
QUEENSLAND		
FNQ-55 Cardstone	FNQ-10 Cairns	Queensland Elect- ricity Commission
FNQ-49 Tully Falls	FNQ-10 Cairns	Queensland Elect- ricity Commission
RTQ-5 Cracow	RTQ-7 Rockhampton	Banana Shire Council
RTQ-51 Alpha	RTQ-7 Rockhampton	Robert Millis
SOUTH AUSTRALIA		
GTS-66 Elliston	GTS-4 Spencer Gulf North	District Council of Elliston
TASMANIA		
TVT-66 Crotty Camp	TVT-6 Hobart	The Hydro-Electric Commission, Tasmania

#### D. LICENSED NATIONAL TELEVISION TRANSLATOR STATIONS

##### NEW SOUTH WALES

ABCN-47 Lithgow (Vale of Clwydd)	ABCN-1 Central Tablelands	Country Television Services Limited <sup>a</sup>
ABMN-66 Tumbarumba	ABMN-0 South Western Slopes/Eastern Riverina	Tumbarumba Country Translator Group

##### VICTORIA

ABAV-45 Tawonga South	ABAV-1 Upper Murray	Shire of Bright
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##### QUEENSLAND

ABQ-69 Bamaga	ABQ-2 Brisbane	Northern Peninsula Area Council
ABQ-69 Bollon	ABQ-2 Brisbane	Council of the Shire of Balonne
ABQ-69 Burdekin Falls	ABQ-2 Brisbane	Queensland Water Resources Commission
ABQ-69 Burketown	ABQ-2 Brisbane	Moungibi Housing Cooperative Society Ltd
ABQ-69 Edward River	ABQ-2 Brisbane	Edward River Abor- iginal Council
ABQ-69 Eulo	ABQ-2 Brisbane	Paroo Shire Council
ABMQ-29 Glenden	ABMQ-4 Mackay	Mackay Television Limited
ABQ-69 Gununa	ABQ-2 Brisbane	Mornington Shire Council
ABQ-69 Hope Vale	ABQ-2 Brisbane	Hope Vale Aboriginal Council
ABQ-69 Jackson Oilfield	ABQ-2 Brisbane	Delhi Petroleum Pty Ltd

ABQ-69 Jundah	ABQ-2 Brisbane	The Council of the Shire of Barcoo
ABQ-69 Kowanyama	ABQ-2 Brisbane	Kowanyama Aboriginal Council
ABQ-69 Lockhart River	ABQ-2 Brisbane	Lockhart River Community Council
ABMQ-8 Middlemount	ABMQ-4 Mackay	Mackay Television Limited
ABQ-69 The Monument	ABQ-2 Brisbane	Queensland Phosphate Limited
ABQ-69 Stonehenge	ABQ-2 Brisbane	The Council of the Shire of Barcoo
ABRQ-69 Tierl	ABRQ-3 Rockhampton	Oaky Creek Coal Pty Ltd
ABQ-69 Thargomindah	ABQ-2 Brisbane	Bulloo Shire Council
ABQ-69 Windorah	ABQ-2 Brisbane	The Council of the Shire of Barcoo
ABQ-69 Wujal Wujal	ABQ-2 Brisbane	Wujal Wujal Commu- nity Council
ABQ-69 Wyandra	ABQ-2 Brisbane	Paroo Shire Coucil
SOUTH AUSTRALIA		
ABS-69 Elliston	ABS-10 Streaky Bay	District Council of Elliston
WESTERN AUSTRALIA		
ABW-4 Goldsworthy	ABW-2 Perth	Goldsworthy Mining Ltd
ABW-69 Kojonup	ABW-2 Perth	Shire of Kojonup

ABW-67  
La Grange

ABW-2 Perth

Bidyadanga  
Aboriginal Community  
La Grange Inc

ABW-4  
Shay Gap

ABW-2 Perth

Goldsworthy Mining  
Ltd

ABW-69  
Warburton

ABW-2 Perth

Milyirrijarra  
Aboriginal  
Corporation

ABW-69  
Wiluna

ABW-2 Perth

Wiluna Shire Council

#### TASMANIA

ABT-66  
Crotty Camp

ABT-2 Hobart

The Hydro-Electric  
Commission, Tasmania

ABT-58  
Maydena

ABT-2 Hobart

Maydena Recreational  
Council

#### NORTHERN TERRITORY

ABD-69  
Ngukurr

ABD-6 Darwin

Ngukurr Township  
Association Inc

ABD-69  
Numbulwar

ABD-6 Darwin

Numbulwar Numburindi  
Council Inc

ABD-69  
Port Keats

ABD-6 Darwin

Kardu Numida Inc

ABD-69  
Pularumpi

ABD-6 Darwin

Pularumpi Community  
Council Inc

ABD-67  
Yulara Tourist  
Village

ABD-6 Darwin

The Yulara  
Development Company  
Ltd

## E. LICENSED RE-BROADCASTING SERVICES

### VICTORIA

Gisborne	Commercial Television Services HSV, GTV and ATV; national television service ABV; special broadcasting television service SBS Melbourne	Shire of Gisborne
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### WESTERN AUSTRALIA

Hyden	National television service ABW Perth	Shire of Kondinin
Nullagine	National television service ABW Perth	Shire of East Pilbara

### NORTHERN TERRITORY

McArthur River Homestead	National television service ABD Darwin	Colinta Holdings Pty Ltd
Santa Teresa	National television service ABAD Alice Springs	Santa Teresa Sporting and Social Club Inc.
Yirrkala	National television service ABD Darwin	Yirrkala Dhanbul Community Association Inc

# APPENDIX N

## TELEVISION REPEATER STATIONS IN OPERATION ON 30 JUNE 1988

CALL SIGN	AREA SERVED	LICENSEE
NORTHERN TERRITORY		
JSWR-10	Jabiru	Jabiru Sports and Social Club Inc.

# APPENDIX O

## REMOTE COMMERCIAL TELEVISION SERVICES AS AT 30 JUNE 1988

CALL SIGN	ZONE SERVED	LICENSEE	AREAS SERVED BY ASSOCIATED TRANSMITTERS ON LICENCE WARRANT
QQQ	North-East	Queensland Satellite Television	Barcaldine Blackall Charleville Cunnamulla Thursday Island Hughenden Longreach Mitchell Cloncurry Winton St George Roma Weipa  * Karumba * Normanton
WAW	Western	Golden West Satellite Communications Pty Ltd	Argyle Beacon Bencubbin Bremer Bay Broome Carnarvon Denham Derby Exmouth Port Hedland Goldsworthy Hearson Cove Hopetoun Hyden Jerramungup Jurien Kalbarri

CALL SIGN	ZONE SERVED	LICENSEE	AREAS SERVED BY ASSOCIATED TRANSMITTERS ON LICENCE WARRANT
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Dampier  
 Karratha  
 Kununurra  
 Koolan Is.  
 Koorda  
 Kulin  
 La Grange  
 Lake Grace  
 Laverton  
 Leonora  
 Marble Bar  
 Wyndham  
 Mt Magnet  
 Mt Nameless  
 Roebourne  
 Mukinbudin  
 Munglinup  
 Newdegate  
 Nullagine  
 Pannawonica  
 Paraburdoo  
 Pingrup  
 Moora  
 Shay Gap  
 Tom Price  
 Trayning  
 Newman  
 Vlaming Head  
 Westonia

CALL SIGN	ZONE SERVED	LICENSEE	AREAS SERVED BY ASSOCIATED TRANSMITTERS ON LICENCE WARRANT
IMP	Central	Imparja Television Pty Ltd	Alice Springs Bathurst Island Coober Pedy Katherine Leigh Creek South Tennant Creek Woomera Ceduna

\* Interim service pending installation and commissioning of the final service for this area.

## APPENDIX P

### FREEDOM OF INFORMATION SECTION 8 STATEMENT

This statement is correct to 30 June 1988 and replaces the statement published in the Tribunal's 1986-87 Annual Report.

#### ESTABLISHMENT

The Australian Broadcasting Tribunal is established by section 7 of the Broadcasting Act 1942 ("the Act") and began operations on 1 January 1977. The Tribunal is an independent statutory authority responsible, through the Minister for Transport and Communications, to the Parliament. It is required to prepare and furnish annually to the Minister for Transport and Communications a report on its operations during the preceding year for tabling in the Parliament. The Act provides for the appointment of a chairman, a vicechairman, at least one but not more than six other members, and also of up to six associate members who may be appointed for specific inquiries. The members of the Tribunal are appointed by the Governor-General for periods of up to five years and are eligible for re-appointment.

#### ORGANISATION

##### The Tribunal

The Tribunal's present membership consists of a chairman, an acting vice-chairman, four other members and an associate member. The Tribunal holds regular monthly meetings to make administrative decisions and determine policy. Additional meetings are held as required. A quorum for such meetings is constituted by a majority of the members (but not associate members) holding office. Decisions are determined by a majority of the votes of the members present and voting, the chairman of the meeting having a deliberative vote and, in the event of an equality of votes, also a casting vote. Staff of the Tribunal are present at the meetings to record the decisions, and as required, to report to the Tribunal, to provide advice and to make recommendations, and to ensure that the Tribunal's directions are executed.

For the purpose of appointment and employment of staff the Chairman has the powers of a department head in respect of the branch of the Australian Public Service comprising the staff of the Tribunal.

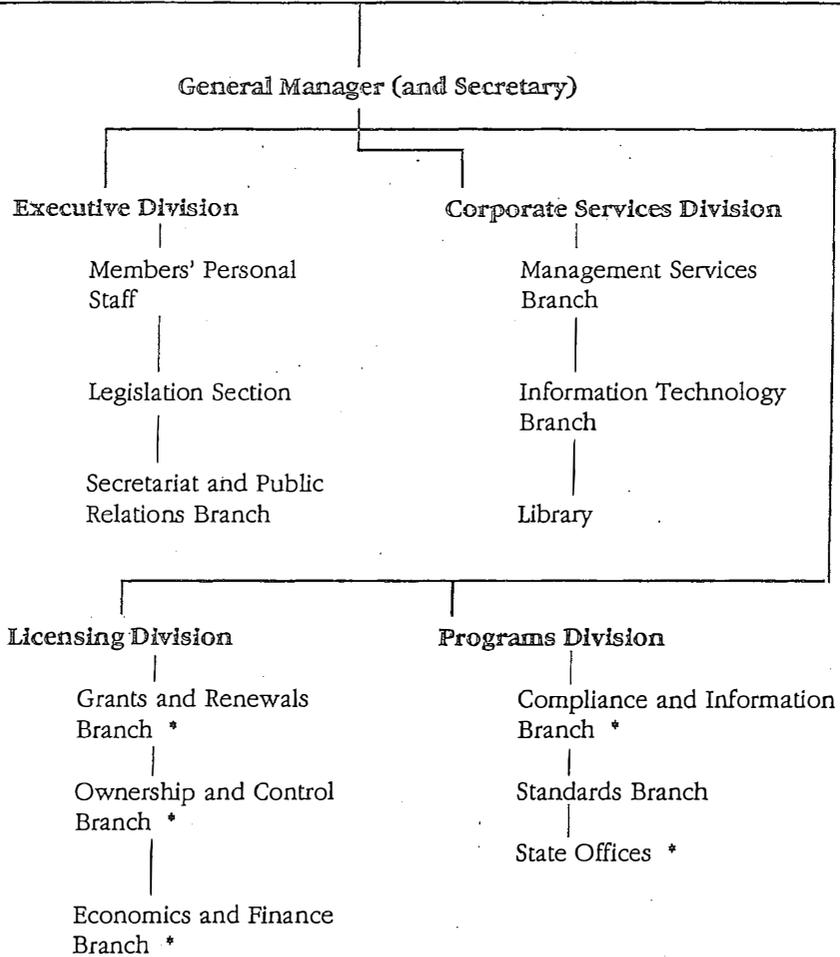
##### Staff of the Tribunal

As can be seen from the following organisation chart, the staff of the Tribunal is organised on a divisional basis. The Central Office is presently divided between Sydney, where the members are located, and Melbourne. The majority of the Melbourne office functions are presently being transferred to Sydney. An office, comprising a discrete part of the Central Office and the Victorian State Representative will remain. The transfer of the functions is expected to be completed by mid- July 1988.

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Chairman, Vice-Chairman and four other Tribunal Members

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\* part located in Melbourne

The Sydney office at 30 June 1988 comprises the Executive Division (which includes the Secretariat and Public Relations Branch), the Corporate Services Division, parts of the Licensing Division (Grants and Renewals Branch, the Ownership and Control Branch and the Economic and Finance Branch), and parts of the Programs Division. The General Manager (who also fulfils the role of Secretary), and the Directors of the Corporate Services, Licensing and Programs Divisions are located in Sydney. Parts of the Licensing and Programs Divisions are, as at 30 June 1988, located in Melbourne. There is also an office in each mainland State to represent the Tribunal and to assist the public.

## **FUNCTIONS**

### **The Tribunal**

Grants, renews, suspends, revokes and accepts the surrender of licences.

Authorises transactions in relation to the transfer of, or the admission of persons to participate in any of the benefits of, licences.

Grants approval and gives directions in relation to changes in ownership and control of commercial licences.

Determines program (including advertising) standards to be observed by licensees of commercial and public stations.

Determines the hours during which programs may be broadcast by licensees.

Consults representatives of stations in respect of the two preceding items.

Holds inquiries as provided by the Act and the Regulations or as directed by the Minister under section 18 of the Act, and publishes reports in relation to those inquiries.

Assembles information relating to broadcasting in Australia and makes it available to the Minister and the public, subject to any directions which it may give relating to restricted access.

Appoints, subject to the approval of the Minister, advisory committees.

Implements the provisions of the Act insofar as they apply to licensed broadcasting services and such other matters as are required by the Act.

## **Internal Committees**

To support the corporate responsibility of the Tribunal for all operations, the Tribunal has established a number of committees comprising members of the Tribunal and senior staff. These committees direct and manage various work activities. Ad hoc working parties are established from time to time to deal with specific tasks.

Following consideration of a Management Review, the Tribunal has decided to revise its internal committees and changes to the existing arrangements are expected to be made in the second half of 1988.

## **Executive Division**

Comprises the personal staff of the members of the Tribunal, the Legislation Section, the Secretariat and Public Relations Branch.

## **Legislation Section**

Undertakes research, and provides legal advice and interpretations, in respect of the Tribunal's powers and functions.

Assists members and Tribunal staff in the preparation of reports, and attends public inquiries as required.

Attends court proceedings and instructs the Australian Government Solicitor concerning litigation involving or affecting the Tribunal.

Maintains contact with the Department of Transport and Communications on legislative matters.

Monitors and reviews, as necessary, Tribunal procedures.

Drafts Program Standards, Policy Statements, Practice Notes and Commentaries.

Supervises the administration of the Freedom of Information Act 1982 as it affects the Tribunal and requests for information under that Act.

## **Secretariat and Public Relations Branch**

Provides secretariat facilities for the Tribunal and internal committees (other than the Children's Program Committee), including the arrangement of, and preparation for, meetings and conferences, collation of agenda items, preparation of formal minutes, and the maintenance of records of decisions of the Tribunal and committees.

Co-ordinates and prepares replies to ministerial representations and to questions in Parliament, and miscellaneous matters which arise.

Co-ordinates matters related to the Freedom of Information Act 1982.

Co-ordinates material for inclusion in the annual report, and undertakes final preparation of that report and certain other Tribunal publications.

Undertakes public relations duties including the dissemination of information on activities of the Tribunal by the newsletter ABTEE, news releases, articles and interviews, and responds to enquiries.

Maintains records of press articles, Hansard and other parliamentary references on matters relevant to the Tribunal's activities.

Co-ordinates the preparation of the Tribunal calendar.

Maintains the Tribunal's mailing lists. Distributes the Tribunal's Manual.

### **Corporate Services Division**

Arranges for the selection and appointment of staff.

Manages records of the finances of the Tribunal, including estimates of expenditure, actual expenditure, purchasing and security of stores, equipment, furniture and fittings.

Attends to all matters relating to personnel, accommodation and office services.

Develops, implements, monitors and reviews, as necessary, personnel, finance, accounting and purchasing procedures and practices.

Maintains contact with Commonwealth Departments, the Public Service Commission and the Auditor-General's Office on financial, personnel and general administrative matters.

Maintains registry services, including filing systems, distribution of correspondence etc.

Maintains stenographic, typing and word processing services.

Maintains effectiveness and efficiency of the Tribunal's operation through the use of information technology.

Maintains the library service. The library contains comprehensive material on all aspects of broadcasting. A public file is held containing Tribunal minutes, and records (or details) of Tribunal meetings with outside persons or bodies. A Library Bulletin which lists new acquisitions is published on a regular basis and distributed to libraries, academics and researchers.

## **Licensing Division**

The Licensing Division comprises the Grants and Renewals Branch, the Ownership and Control Branch and the Economics and Finance Branch.

### **Grants and Renewals Branch**

Plans and schedules inquiries into matters relating to the ownership and control of licences and makes arrangements for the conduct of these inquiries.

Arranges for the publication of notices including the invitation of submissions; provides information to parties to inquiries and the public.

Examines and analyses applications, submissions and other relevant information.

Assists in the preparation of inquiry reports and arranges for their printing and release to parties and the public.

Maintains all documents, including inquiry files, relating to licensing and ownership and control inquiries conducted by the Tribunal.

### **Ownership and Control Branch**

Prepares submissions, background papers and recommendations to the Tribunal in relation to the ownership and control of licences.

Maintains records of the ownership and control of licences and publishes summaries of ownership information.

Maintains the Associated Newspaper Register and administers the provisions relating to the cross-media ownership rules.

### **Economics and Finance Branch**

Conducts research into economic and financial issues affecting the radio and television industry, and the financial capabilities of applicants for licences.

Provides advice to the Tribunal on the economic and financial implications for the broadcasting industry of changes in regulations or policies.

Co-ordinates the collection, development and maintenance of relevant data bases of economic and financial information relating to individual stations and the industry as a whole.

Compiles and maintains socio-economic profiles of licensees' markets.

Prepares summaries of financial results of licensee companies for publication.

·Assesses and collects, on behalf of the Commonwealth, licence fees from commercial licensees.

## **Programs Division**

### **Standards Branch**

Plans and schedules inquiries into matters relating to the making and amendment of program standards (including advertising standards) and makes arrangements for the conduct of these inquiries.

Arranges for the publication of notices including the invitation of submissions; provides information to parties to inquiries and public.

Examines and analyses applications, submissions and other relevant information.

Assists in the preparation of program standard inquiry reports and arranges for the printing and release to parties and the public.

Maintains all inquiry documents, including inquiry files relating to program standards inquiries.

### **Compliance and Information Branch**

Develops procedures to ensure compliance with the Tribunal's program and advertising standards, and with orders, guidelines and instructions about program matters issued by the Tribunal.

Advises the Tribunal on the effects of, and compliance with, Tribunal decisions regarding the application of program and advertising standards.

Assesses reports and submissions on overall programming practices (including licence renewal reports).

Advises the Tribunal with regard to complaints from members of the public in relation to program and advertising matters, investigates possible breaches of the standards and prepares reports and correspondence as necessary.

Designs and undertakes, or commissions and supervises research relating to broadcasting as required by the Tribunal in the exercise of its functions.

Evaluates research, surveys etc. relevant to broadcasting undertaken by other organisations in Australia and overseas.

Prepares reports on research for publication generally.

Maintains contact with other research organisations.

Assembles and provides information relating to broadcasting in Australia as required under section 124 of the Act.

Administers the provisions relating to the broadcasting of election advertisements.

Provides secretariat facilities for the Children's Program Committee.

Maintains records, reports and information papers etc. on Australian and overseas broadcasting.

Makes records etc. available for examination by the public and the industry.

### **State Offices**

Represent the Tribunal at State level.

Act as point of contact for licensee managements.

Provide information to public interest groups and to the public generally.

Prepare correspondence including replies to the public in accordance with agreed policy.

Assist with the conduct of inquiries.

Prepare reports on station performance as contributions to the inquiry process.

Maintain records of matter assembled by the Tribunal pursuant to its responsibilities under the Act.

Observe and record station transmissions as necessary.

Report possible breaches of statutory requirements, standards etc. to Central Office.

Undertake inquiries and investigations as directed by Central Office.

## POWERS

The Tribunal has a range of powers relating to:

- (a) the grant, renewal, suspension or revocation of licences, including the conditions upon which, and the period for which, any licence is to be granted or renewed;
- (b) the transmission and content of program and advertising material, including the power to determine the standards to be complied with by licensees;
- (c) changes in ownership or control of commercial licences, including powers to approve or refuse to approve certain share transactions, give directions to protect a licensee during a share transaction, order the divestiture of interests held in contravention of the Act, and approve or refuse to approve changes to the memorandum and articles of association of licensee companies;
- (d) the procedures for the conduct of public inquiries and the investigation of matters affecting the functions of the Tribunal;
- (e) the collection and dissemination of information about broadcasting in Australia; and
- (f) the making of such orders and the giving of such directions as it thinks fit for the purpose of exercising its powers and functions.

## ARRANGEMENTS FOR OUTSIDE PARTICIPATION

Section 29 of the Act empowers the Tribunal, with the approval of the Minister, to appoint such advisory committees as it thinks fit. As at 30 June 1988, only one such committee was operational being the Children's Program Committee.

The Tribunal also participates in standing committees and arrangements exist for consultation with industry representatives. In addition, opportunities are provided for members of the public to participate in the decision-making processes of the Tribunal, as outlined below.

### **Children's Program Committee**

Appointed in 1977, the committee consists of seven members, four of whom are drawn from the public (including the chairman) and three from the industry. A member may be appointed for a term of three years or for a lesser period, as determined by the Tribunal, and is eligible for reappointment. In making appointments to the committee, the Tribunal selects persons with known experience in matters relating to children and children's television production.

The functions of the committee, as set out in its constitution, are:

- (a) To provide advice, including formulating draft standards, to the Tribunal in relation to the Tribunal's functions of:

- (i) determining standards to be observed by licensees in respect of the televising of children's programs;
  - (ii) determining standards to be observed by licensees in respect of the televising of programs where the viewing audience contains or is likely to contain large numbers of children; and
  - (iii) the televising of advertisements /promotions during children's programs.
- (b) To assess and make recommendations to the Tribunal with respect to the following in terms of the standards and guidelines determined by the Tribunal: programs proposed for 'C', Provisional 'C', Station of Origin 'C' and 'C' Drama classifications.
- (c) To provide information, advice and assistance to television licensees, producers of children's programs and the public on the Tribunal's standards in relation to children's programs and advertising directed to children.

For the purposes of this section 'Children' are all people younger than fourteen years.

#### **Meetings with industry bodies, industry unions, consumer groups and other statutory bodies**

The Tribunal consults with representatives of broadcasters as required by section 16 of the Act through regular meetings with the Federation of Australian Radio Broadcasters, the Federation of Australian Commercial Television Stations, the Public Broadcasting Association of Australia, the Progressive Radio Association, and, as required, with the individual licensees.

In addition, the Tribunal meets regularly with the Media and Communications Council, an umbrella group comprising entertainment industry unions and public interest and consumer groups, the Australian Association of National Advertisers, the Advertising Federation of Australia and as required with other groups who approach the Tribunal. Meetings are also held from time to time with other statutory bodies on areas of common interest.

#### **Public participation**

Most functions of the Tribunal involve an opportunity for the public to contribute to the making of decisions, or to be informed of progress towards a decision. Examples are surveys of public opinion conducted or commissioned by the Tribunal, inquiries into changes in program standards, and inquiries into the grant and renewal of licences and changes to the ownership of licences.

The Tribunal's public inquiry arrangements and procedures are governed by the Act and the Australian Broadcasting Tribunal (Inquiries) Regulations, which commenced in May 1986. The Tribunal places notices in the Australian Government Gazette and newspapers relating to the

commencement of inquiries and maintains an inquiry file containing documents relevant to the inquiry for public inspection. A number of inquiries are now conducted by documents and correspondence, but when there is a hearing or a conference, these are conducted in public unless there is a special reason for doing otherwise.

### **Area inquiries**

The Act has been amended to provide for the holding of area inquiries by the Tribunal, once the Minister has proclaimed a date. These inquiries are intended to cover a range of issues including the adequacy of broadcasting services provided in the various areas of the country. The Act allows the conduct of area inquiries to be generally more informal and flexible than those relating to inquiries into particular licensing matters.

### **Call Sign Committee**

The Tribunal co-ordinates the allocation of call signs for broadcasting stations through an ad hoc committee and provides information to the Department of Transport and Communications which makes recommendations to the Minister. The bodies consulted on proposed call signs or changes to existing call signs are the Federation of Australian Radio Broadcasters, the Federation of Australian Commercial Television Stations, the Public Broadcasting Association of Australia, the Australian Broadcasting Corporation, the Special Broadcasting Service and the Department of Transport and Communications.

## **CATEGORIES OF DOCUMENTS**

Documents held by the Tribunal may be available for public access, subject to sections 124 and 125 of the Act which preclude availability in such manner, or in such circumstances, as in the opinion of the Tribunal would be prejudicial to the interests of any person, or where a confidentiality direction under section 19 is in force.

The documents of the Tribunal are listed below. Those made available other than under the provisions of the Freedom of Information Act are identified as follows:

- \* free of charge
- # for inspection
- ^ for a copying charge per page or per microfiche
- ~ for purchase from the Tribunal (T), the Australian Government Publishing Service Bookshops (AGPS) or the Commonwealth Reporting Service (CRS)
- l free of charge to particular persons or groups who participate in a particular inquiry

Category	Location	Documents	Availability
Legislative regulatory	All offices	Enactments	# ~ (AGPS)
		ABT Manual	#
		containing:	
		Information about the Tribunal and FOI	
		Television Program Standards	*
		Television Advertising Conditions	*
		Children's Television Standards	*
		Pre-School Children's Television Standards	*
		Radio Program Standards	*
		Radio Advertising Conditions	*
		Policy Statements	*
		Practice Notes	*
		Commentaries	*
		Circular Letters	
	Sydney office	Legal opinions	
Government and Parliament	Sydney office	Tabling documents	
		Cabinet submissions	
		Cabinet decisions	
		Ministerial briefings	
		Ministerial correspondence	
		Replies to parliamentary questions	
	All offices	Tribunal's annual report	# ~ (AGPS)
Meetings	All offices	Minutes of Tribunal meetings	# ^ (subject to any exemptions under the FOI Act)
	All offices	Records of meetings with regular outside bodies (GPC)	# ^

Category	Location	Documents	Availability
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	Sydney office	Agenda papers of Tribunal meetings Minutes of Children's Program Committee (CPC) meetings Records of meetings of standing committees and with non-regular outside persons and bodies(non-GPC)	
Children's matters	Sydney office	Constitution of the CPC Consolidated list of 'C' programs CPC reports to the Tribunal Tribunal files correspondence	#
Public relations	All offices	News releases Newsletter ABTEE Discussion papers Tribunal research reports	* * * # *
	Sydney office	Tribunal's mailing lists	
Management	Sydney office	Personnel records and staffing files Records of appointment of members Financial,purchasing, furniture and fittings, equipment and accommodation files General administrative records and files Register of Tribunal forms	
Public inquiries	Sydney office, at the inquiry and at the	Relevant inquiry files as required by the Regulations: Public inquiry exhibits including applications,	# ^ 1

Category	Location	Documents	Availability
	State office	relevant submissions, replies by applicants to submissions, statements of evidence, audio and video tapes, background and information papers, issues papers, public notices (being transferred to microfiche)	
	All offices	Transcripts of the relevant State inquiries Reports and Decisions of public inquiries	# ~(CRS) # *
	Sydney office	Public inquiry records files, Policy and procedural files, Register of documents received, Register of reports	
Licensing	Sydney office	Licences and operating specifications for all stations Records of shareholders, shareholdings and directors of licensee and associated companies (main data base held on computer) Registers of financial results of commercial broadcasting stations Registers of approvals for the acquisition or increase of prescribed interests - -commercial broadcasting stations Individual station files relating to share transactions, licence transfers or leasing of licences Reports on licensing	

Category	Location	Documents	Availability
		<p>matters relating to the grant, renewal, suspension or revocation of licences</p> <p>Records of commencement of operations and licence periods for individual stations and related correspondence</p> <p>Records of notifications to, and payment by, licensees in relation to licence fees</p> <p>Records of memoranda and articles of association of licensee companies, statutory declarations etc.</p> <p>Station call-sign allocation records and related correspondence</p> <p>Test Transmission permit records and related correspondence</p> <p>Policy and procedure files</p> <p>Register of applications for registration of registered lenders</p> <p>Register of registered lenders</p> <p>Register of applications received in relation to share transactions</p> <p>Register of applications received for approved investor certificates</p> <p>Associated Newspaper Register</p>	# ^
Programs	All offices and at the hearing or conference of the inquiry	Public inquiry files on program (including Advertising) Standards	# ^ I

Category	Location	Documents	Availability
	All offices	Industry self-regulatory codes published by the Media Council of Australia Monthly reports of the written and telephoned complaints and comments from the public about broadcasting programs and advertising	#
	Melbourne office	Written and telephoned complaints and comments from the public about broadcasting programs and advertising	
	Sydney office	Reports by the Commercial Acceptance Division of the Federation of Australian Commercial Television Stations Correspondence on: sponsorship announcements on public radio stations	
	Sydney office	Ministerial representations on program and advertising matters	
	Sydney office	Records, including discussion papers relating to the revision of program and advertising standards	
	Sydney office	Information submitted by broadcasting stations about the Australian content of programs, children's programs, and religious programs Statistical and other reports containing information relating to program and advertising matters	

Category	Location	Documents	Availability
		<p>Reports on program matters relating to the grant, renewal, suspension or revocation of licences</p> <p>Station program and reports of operations files</p> <p>Details, including reports, of research undertaken or commissioned, and evaluations of research undertaken by other organisations</p> <p>Records, reports and information papers on Australian and overseas broadcasting</p>	

#### FACILITIES FOR ACCESS

The Tribunal maintains library facilities in the Sydney office where documents available under the Act or documents for which access is granted under the Freedom of Information Act 1982 ("FOI Act") can be examined. Documents may also be examined in the Melbourne and State offices.

Requests for access under the FOI Act must be in writing and addressed to "The General Manager" and be accompanied by the appropriate fee (currently \$30) or a request for remission of the fees and charges. Any request should state that it is a request under the FOI Act and show an address for the serving of notices.

## FOI PROCEDURES AND INITIAL CONTACT POINTS

Where information is sought on any matter falling within the Tribunal's area of responsibility, inquiries are to be directed as follows:

The General Manager  
Australian Broadcasting Tribunal  
76 Berry Street  
North Sydney NSW 2060

PO Box 1308  
North Sydney NSW 2059

Te1.(02)959 7811  
Telex: 126683  
Facsimile: (02)922 2484  
DX 10528 North Sydney

or to the Tribunal's offices at:

Marland House  
570 Bourke Street  
Melbourne VIC 3000  
Te1.(03) 602 0151  
Facsimile:(03) 670 4821

Third Floor  
70 Light Square  
Adelaide SA 5000  
Te1.(08) 231 1453  
or (08) 231 1454  
Facsimile:(08) 231 1452

Eighth Floor  
444 Queen Street  
Brisbane Qld 4000  
Te1.(07) 832 4702  
Facsimile:  
(07) 832 1623

Tenth Floor  
251 Adelaide Terrace  
Perth WA 6000  
Te1.(09) 325 7041  
Telex: 93254  
Facsimile:  
(09) 221 2330

Under the procedures operating in the Tribunal for the handling of FOI requests, in some instances the FOI Coordinator may need to consult members of the public who have lodged requests. Specific instances are as follows:

- (a) to assist the applicant to more specifically identify documents he or she has requested;
- (b) to give the applicant a reasonable opportunity for consultation before refusing a request on grounds of insufficient information (section 15(2)) or if the request requires a substantial and unreasonable diversion of resources (section 24 (1)); or ,
- (c) for notification of charges and deposit, if necessary, including a discussion of charges remission.

Those who have been authorised to grant access under section 23 of the FOI Act are the following:

Director, Licensing Division - licensing, ownership and control and associated matters

Director, Programs Division - program and advertising matters

Director, Corporate Services Division - personnel and staffing matters

Executive Officer (Children's Program Committee) - children's matters

Those who have been authorised to refuse access or make deletions to documents are the Chairman and the General Manager.

APPENDIX Q  
FINANCIAL STATEMENT

88-09-88  
10549



140 Phillip Street  
(Box 24 GPO)  
SYDNEY N.S.W. 2001  
Telephone: (02) 229 7500  
Telex: 27660 COMAUD  
Facsimile: (02) 233 8285

N.S.W. REGIONAL OFFICE

Contact Officer:

Telephone:

Reference:

The Honourable the Minister for Transport  
and Communications  
Parliament House  
CANBERRA ACT 2600

Dear Minister

AUSTRALIAN BROADCASTING TRIBUNAL  
AUDIT REPORT ON FINANCIAL STATEMENTS

Pursuant to sub-section 28(2) of the Broadcasting Act 1942 the Tribunal has submitted for audit report its financial statements for the year ended 30 June 1988. These comprise a Statement of Activity, Statement of Capital Accumulation, Statement of Assets and Liabilities, Statement of Sources and Applications of Funds, and Notes to and forming part of the financial statements.

The statements have been prepared in accordance with the policies outlined in Note 1 to the Accounts and in accordance with the Guidelines for the Form and Standard of Financial Statements of Commonwealth Undertakings approved by the Minister for Finance. The statements are in the form approved by the Minister for Finance. A copy of the statements is enclosed for your information.

The statements have been audited in conformance with the Australian Audit Office Auditing Standards.

In accordance with sub-section 28(2) of the Act, I now report that the statements are in agreement with the accounts and records of the Tribunal and, in my opinion:

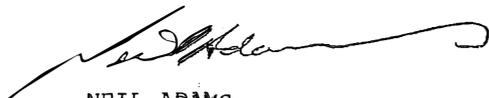
the statements are based on proper accounts and records,  
and

- 2 -

the receipt and expenditure of moneys, and the acquisition and disposal of assets, by the Tribunal during the year have been in accordance with the Act, except as outlined at Note 15 to the statements.

Yours sincerely

Australian Audit Office

A handwritten signature in black ink, appearing to read 'Neil Adams', with a long, sweeping underline that extends to the right and then loops back.

NEIL ADAMS  
Regional Manager

3 November 1988

AUSTRALIAN BROADCASTING TRIBUNAL

CERTIFICATE

In our opinion, the accompanying Statement of Activity, Statement of Capital Accumulation, Statement of Assets and Liabilities and Statement of Sources and Applications of Funds and Notes to and forming part of Financial Statements have been properly drawn up so as to show fairly the operations of the Australian Broadcasting Tribunal for the year ended 30 June 1988 and the state of its affairs as at that date. These statements have been prepared in accordance with the Guidelines for the Form and Standard of Financial Statements of Commonwealth Undertakings.



General Manager

31/10/88



Chairman

31 OCT 1988

AUSTRALIAN BROADCASTING TRIBUNAL

STATEMENT OF ACTIVITY

FOR THE YEAR ENDED 30 JUNE 1988

	1987-88		1986-87	
	\$	\$	\$	\$
REVENUES				
Parliamentary Appropriations		7,867,300		7,315,500
Advance Minister for Finance		<u>156,000</u>		<u>-</u>
		8,023,300		7,315,500
<u>Less:</u> Funds Transferred to Statement of Capital Accumulation for purchase of capital items		<u>397,940</u>		<u>305,218</u>
		7,625,360		7,010,282
Interest		43,456		65,989
Net gain from sale of Non-Current Assets		1,528		3,168
Miscellaneous Revenue (Note 2)		<u>9,144</u>		<u>20,442</u>
Total Operating Revenues		7,679,488		7,099,881
EXPENSES				
Salaries and Allowances (note 3)	4,739,838		4,368,045	
Overtime	65,533		22,989	
Office Rental and Room Hire	1,291,956		1,131,149	
Consultancy Fees, Contract Research and Computer Services	626,620		227,049	
Travelling and Subsistence	561,482		436,132	
Incidentals (note 4)	351,728		378,458	
Office Requisites, Equipment, Stationery, Printing and Library	342,755		280,390	
Postage, Telephones and Telegrams	266,105		274,522	
Legal Fees	115,691		199,084	
Minor Assets (Note 1 (ii))	88,336		(5,009)	
Repairs and Maintenance	1,555		5,091	
Bad Debts Written-off (note 1 (vi))	1,100		1,506	
Assets Written off	<u>965</u>		<u>5,477</u>	
Total Current Expenses		<u>8,453,664</u>		<u>7,324,883</u>
EXCESS OF CURRENT EXPENSES OVER OPERATING REVENUES		(774,176)		(225,002)
PROVISIONS AND OTHER UNFUNDED CHARGES				
Depreciation (note 1 (iii))	127,897		83,344	
Amortisation of Leasehold Improvements (note 1 (iii))	67,866		65,533	
Annual Leave and Bonus (note 5)	54,421		(3,320)	
Superannuation Benefit	30,894		-	
Long Service Leave (note 6)	19,137		(13,000)	
Amortization of Leased Equipment	<u>3,608</u>		<u>-</u>	
		<u>303,823</u>		<u>132,557</u>
DEFICIENCY TRANSFERRED TO STATEMENT OF CAPITAL ACCUMULATION		<u>(1,077,999)</u>		<u>(357,552)</u>

The accompanying notes form an integral part of these statements.

AUSTRALIAN BROADCASTING TRIBUNAL  
STATEMENT OF ASSETS AND LIABILITIES

AS AT 30 JUNE 1988

1987-88

1986-87

	\$	\$	\$	\$
<b>CAPITAL ACCUMULATION</b>				
Balance Transferred from Statement of Capital Accumulation		<u>(1,001,342)</u>		<u>(321,283)</u>
This is represented by:				
<b>CURRENT ASSETS</b>				
Cash at Bank and on Hand	2,389		244,247	
Sundry Debtors	4,841		2,896	
Prepayments	21,057		100,461	
Accrued Interest	<u>1,802</u>	30,089	<u>4,208</u>	351,812
<b>CURRENT LIABILITIES</b>				
Creditors and Accrued Expenses	676,945		222,748	
Provision for Annual Leave and Bonus (note 5)	476,831		422,410	
Provision for Long Service Leave (note 6)	319,984		100,637	
Lease Liability	<u>7,597</u>	1,481,357	-	745,795
<b>NET CURRENT ASSETS</b>		<u>(1,451,268)</u>		<u>(393,983)</u>
<b>NON-CURRENT ASSETS</b>				
Computer Equipment (notes 7 and 8)	424,840		196,310	
Furniture and Fittings (note 8)	88,203		83,053	
Office Machines and Equipment (note 8)	34,442		22,220	
Monitoring and Allied Equipment (note 8)	55,991		40,249	
Leasehold Improvements (note 8)	343,938		404,359	
Leased Equipment (note 8)	<u>33,547</u>	<u>980,961</u>	-	<u>746,191</u>
		470,307		352,208
<b>NON-CURRENT LIABILITIES</b>				
Provision for Long Service Leave (note 6)	473,281		673,491	
Provision for Superannuation Benefit	30,894		-	
Lease Liability	<u>26,860</u>	<u>531,035</u>	-	<u>673,491</u>
<b>NET ASSETS</b>		<u>(1,001,342)</u>		<u>(321,283)</u>

The accompanying notes form an integral part of these statements.

AUSTRALIAN BROADCASTING TRIBUNAL  
STATEMENT OF CAPITAL ACCUMULATION  
FOR THE YEAR ENDED 30 JUNE 1988

	1987-88		1986-87	
	\$	\$	\$	\$
Opening Balance		(321,283)		(268,942)
<u>Add: Funds transferred from Statement of Activity for purchase of capital items:</u>				
- Computer Equipment (note 7)	300,896		158,021	
- Furniture and Fittings	34,805		32,722	
- Office Machines and Equipment	22,039		-	
- Monitoring and Allied Equipment	32,755		14,583	
- Leasehold Improvements	<u>7,445</u>	<u>397,940</u>	<u>99,892</u>	<u>305,218</u>
		76,657		36,276
Deficiency transferred from Statement of Activity		<u>(1,077,999)</u>		<u>(357,559)</u>
BALANCE AS AT 30 JUNE 1988 TRANSFERRED TO STATEMENT OF ASSETS AND LIABILITIES		<u>(1,001,342)</u>		<u>(321,283)</u>

The accompanying notes form an integral part of these statements.

AUSTRALIAN BROADCASTING TRIBUNAL  
STATEMENT OF SOURCES AND APPLICATIONS OF FUNDS  
FOR THE YEAR ENDED 30 JUNE 1988

	1987-88	\$	\$	1986-87	\$
<b>SOURCES OF FUNDS</b>					
Funds from Operations					
- Inflow of Funds					
from Operations					
Proceeds from sale of					
Non-current Assets	1,528			5,251	
Miscellaneous					
Revenue	9,144			20,442	
Interest	<u>43,456</u>	54,128		<u>65,989</u>	91,682
- Outflow of Funds					
from Operations					
				<u>(8,452,707)</u>	<u>(7,319,407)</u>
				<u>(8,398,579)</u>	<u>(7,227,725)</u>
Funds from Government					
Parliamentary					
Appropriations					
Operational	7,469,360			7,010,282	
Capital Works	397,940			305,218	
Advance from Minister					
for Finance	<u>156,000</u>	8,023,300		-	7,315,500
Reduction in Assets					
Current Assets					
Cash at bank					
and on hand	241,858			78,595	
Sundry Debtors	-			121,989	
Prepayments	79,404			60,582	
Accrued Interest	<u>2,405</u>	323,667		<u>2,229</u>	263,395
Increase in Liabilities					
Current Liabilities					
Creditors and					
Accrued Expenses	454,195			-	
Lease Liability	<u>7,597</u>	461,792		-	-
Non-Current Liabilities					
Lease Liability		<u>26,860</u>		-	-
		<u>437,040</u>		<u>351,170</u>	
<b>APPLICATIONS OF FUNDS</b>					
Increase in Assets					
Current Assets					
Sundry Debtors		1,945		-	-
Non-Current Assets					
Computer Equipment	300,896			158,021	-
(note 7)					
Office Machines					
and Equipment	22,039			-	
Furniture and					
Fittings	34,805			32,722	
Monitoring and					
Allied Equipment	32,755			14,583	
Leasehold					
Improvements	7,445			99,892	
Leased Equipment	<u>37,155</u>	435,095		-	305,218
Reduction in					
Liabilities					
Current Liabilities					
Creditors and					
accrued expenses	-	-		45,952	45,952
		<u>437,040</u>		<u>45,952</u>	<u>351,170</u>

The accompanying notes form an integral part of these statements.

AUSTRALIAN BROADCASTING TRIBUNAL

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE  
YEAR ENDED 30 JUNE 1988

1. Statement of Accounting Policies

(i) Basis of accounting

The Tribunal's financial statements reflect historical costs and have been prepared on a cash accounting basis adjusted for accrual presentation.

(ii) Non-current assets

Items purchased for less than \$200 are expensed.

(iii) Depreciation

The Tribunal charges depreciation of non-current assets on the actual elapsed useful life of each depreciable asset and this is calculated on a straight line basis as follows:

- . Office Machines and Equipment -  
useful life 5 years: 20%
- . Computer Equipment - useful life 5 years: 20%
- . Furniture and Fittings -  
useful life 5 years: 20%
- . Monitoring and  
Allied Equipment - useful life 5 years: 20%

Leasehold improvements are amortised over the remaining period of the lease and the period of the lease option as it was always intended to exercise the option.

Non-current assets purchased during the year have been depreciated from the month of purchase.

(iv) Superannuation

Tribunal Members and staff contribute to the Commonwealth Superannuation Scheme. No cost is accrued to the Tribunal for the amount contributed to the support of that scheme by the Commonwealth.

The provision for superannuation 3% interim benefit has been calculated in accordance with the Department of Finance superannuation circulars 1-4 of 1988.

(v) Segmental Accounting

The Tribunal is responsible for regulating commercial television and commercial and public radio in Australia. It is therefore considered that for reporting purposes the Tribunal operates within the one industry and geographical segment.

(vi) Sundry Debtors

Bad debts are written off against revenue as they become known.

2. Miscellaneous Revenue

"Miscellaneous Revenue" in the Statement of Activity represents mainly the proceeds from the sale of photocopying and microfiche material as well as receipts under the Freedom of Information Act.

3. Salaries and Allowances

Includes expenses of \$476,500 (\$436,501 in 1986-87) to Members of the Tribunal appointed under Section 8 of the Broadcasting Act 1942. The remuneration payable to Members is determined by the Remuneration Tribunal and is adjusted by National Wage Case decisions.

4. Incidentals

The major expense components in 1987-88 (as compared with 1986-87 figures) were:

<u>Component</u>	<u>Expenses</u>	
	1987-88	1986-87
	\$	\$
Advertising	149,587	150,652
Freight	30,638	24,197
Sitting fees	50,500	19,425
Other	51,965	102,655

5. Provision for Annual Leave and Bonus

This item is the Tribunal's estimated liability at 30 June 1988 for the annual leave and bonus entitlements of its Members and employees. The provision has been calculated in accordance with the Tribunal's terms and conditions of employment. The difference between the estimated liability at the beginning and the end of the financial year will be brought to account in the Statement of Activity as an adjustment to the Provision for Annual Leave and Bonus.

6. Provision for Long Service Leave

This item is the Tribunal's estimated liability at 30 June 1988 for the long service leave entitlements of its Members and employees. The estimate is based on a qualifying period of ten years' eligible employee service, including previous eligible service with Commonwealth or State governments or statutory authorities, and is accrued from the commencement of the sixth year of such eligible service.

In accordance with accepted practice, a portion of the provision relating to amounts estimated to be payable within twelve months is included as a Current Liability and the remainder is shown as a Non-current Liability.

Payments of long service leave are funded by Parliamentary Appropriation on an as required basis and are included as expenses under the item "Salaries and Allowances" in the Statement of Activity. The difference between the estimated liability at the beginning and the end of the financial year will be brought to account in the Statement of Activity as an adjustment to the Provision for Long Service Leave.

7. Computer Equipment

For reasons of materiality computer equipment in 1987/88 has been separately classified.

8. Non-Current Assets

Details of the value of non-current assets are:

	1987-88	1986-87
	\$	\$
<b>Computer Equipment</b>		
At Cost	566,577	268,897
Accumulated Depreciation	<u>141,737</u>	<u>72,587</u>
Net Value	<u>424,840</u>	<u>196,310</u>
<b>Furniture and Fittings</b>		
At Cost	184,086	149,281
Accumulated Depreciation	<u>95,883</u>	<u>66,228</u>
Net Value	<u>88,203</u>	<u>83,053</u>
<b>Office Machines and Equipment</b>		
At Cost	76,733	56,340
Accumulated Depreciation	<u>42,291</u>	<u>34,120</u>
Net Value	<u>34,442</u>	<u>22,220</u>
<b>Monitoring and Allied Equipment</b>		
At Cost	135,645	113,148
Accumulated Depreciation	<u>79,654</u>	<u>72,899</u>
Net Value	<u>55,991</u>	<u>40,249</u>
<b>Leasehold Improvements</b>		
At Cost	477,337	469,892
Accumulated Depreciation	<u>133,399</u>	<u>65,533</u>
Net Value	<u>343,938</u>	<u>404,359</u>
<b>Leased Equipment</b>		
At Cost	37,155	-
Accumulated Depreciation	<u>3,608</u>	-
Net Value	<u>33,547</u>	-

9. Services Provided Free of Charge

During 1987-88 the Tribunal was provided with services without charge from Australian Audit Office - external audit services.

10. Commitments

Lease Commitments :

	1987-88	1986-87
	\$	\$
Not later than 1 year	823,870	807,174
Later than 1 year and not later than 2 years	127,104	585,509
Later than 2 years and not later than 5 years	203,051	11,420
Later than 5 years	-	-
	<u>1,154,025</u>	<u>1,404,103</u>

Other Commitments:

Not later than 1 year \$42,650 for consultancy fees

11. Contingent Liabilities

From information currently available it is estimated that the Tribunal's liability for ongoing legal fees is \$249,000. In the normal course of events these costs will be separately funded by the Commonwealth as they become payable. The contingent liability may vary greatly depending on the course of litigation.

12. Licence Fees

Moneys received by the Tribunal in respect of broadcasting and television licence fees are not reflected in the financial statements. All payments are received by the Sydney Office and are forwarded to the Department of Transport & Communications. Licence fees payable during 1987-88 amounted to \$85,903,923 (\$76,826,744 1986-87) comprising \$74,576,547 (\$67,926,987) in television licence fees and \$11,327,376 (\$8,899,757) in radio licence fees.

13. Post Balance Date Event

The Tribunal's Melbourne Office was closed with effect from 13 July 1988. The Tribunal paid out the following sums to staff who were retrenched. The amount of \$577,534 was paid in the form of severance payments for four weeks pay in lieu of notice and 2 weeks pay for each completed year of service (up to a maximum of 48 weeks). The sum of \$318,818 was paid for amounts owing in lieu of recreation leave, leave bonuses and long service leave.

14. Recasting of Previous Year's Figures

In some instances previous year's figures have been recast in order to conform with the revised format of the statements.

15. Departure from the Broadcasting Act 1942

Contrary to sub-section 27 AA(2) of the Act, the Tribunal expended moneys in excess of the estimates of expenditure approved by the Minister, in respect of the 1987-88 Supply Period, to an amount of \$31,576, and in respect of the full year, to an amount of \$86.