



AUSTRALIAN BROADCASTING TRIBUNAL

***Annual
Report
1990-91***

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ANNUAL REPORT

1990-91

Australian Broadcasting Tribunal
Sydney
1991

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CHAIRMAN

The Honourable, the Minister for Transport and Communications

In conformity with the provisions of section 28 of the Broadcasting Act, I present the Annual Report of the Australian Broadcasting Tribunal for the period 1 July 1990 to 30 June 1991.



P. B. Westerway
Chairman
21 November 1991

CHAPTER 1

MEMBERSHIP OF THE TRIBUNAL

The membership of the Tribunal at 30 June 1991 was as follows:

**Peter Westerway B.Ec. (Hons.)
(Acting Chairman)**

Appointed from 4 October 1988 for a five year period, and appointed Acting Chairman of the Tribunal on 23 June, 1990. Mr Westerway was formerly First Assistant Secretary, Communications Technology Division, Department of Transport and Communications. He has also held First Assistant Secretary positions with various Divisions of the then Departments of Communications and the Post and Telecommunications. In addition, he has been a Commissioner with the Industries Assistance Commission, Managing Director of 2HD Newcastle and Director of Public Affairs, ATN Sydney.

**Michael Ramsden
(Acting Vice Chairman)**

Appointed from 26 September 1988 until 28 April 1992, Mr Ramsden was appointed Acting Vice-Chairman on 30 August 1990. Formerly Executive Vice-President for News at the Nine Network, he was manager of TCN 9 Sydney (1976-80); founding chairman and chief executive of Channel Nine (Australia) Inc. in Los Angeles, U.S.A., responsible for the first commercial TV trans-Pacific satellite service; Television and Media Director for Bicentennial Events, NSW Premier's Department, 1988; and Network TEN Director of Broadcast Practices and Standards.

Kim Wilson

Appointed from 1 December 1987 for a period of five years, Mr Wilson previously practised as a lawyer in NSW and in Papua New Guinea. He was legal adviser to the leader of the Northern Territory Opposition, senior private secretary to the Federal Minister for Aboriginal Affairs and a judge of the Supreme Court and National Court of Papua New Guinea.

Bruce Allen M.J.

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 was a foundation director of Television Australia Satellite Systems Limited; 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.

Suzanne Brooks B.Ec.

Appointed from 1 August 1988 for a period of five years, Ms Brooks was formerly Head of the Office of Status of Women in the Department of the Prime Minister and Cabinet. In the mid 1980s she worked in money market activities and was a financial adviser to the Victorian Government. Sue is currently undertaking a Masters of Law degree.

Tim O'Keefe B.Com.(UNSW), ACA

Tim O'Keefe was appointed to the Tribunal in July 1990 for a period of five years. Mr O'Keefe has had ten years experience in the broadcasting industry and before joining the Tribunal was Chief Executive of Wesgo Ltd and Chairman of all that listed company's licensee subsidiaries. He has also held corporate development and financial management positions with Wesgo, AWA Radio Network and 2DAY FM Ltd and has served on the Federal Council of the Federation of Australian Radio Broadcasters.

CHAPTER 2

THE YEAR IN REVIEW

Australian broadcasting reflected the turmoil in the Australian economy during the year. Despite a strong increase in broadcasting revenue for the financial year 1989-90, Australian commercial television services posted their second consecutive loss. Commercial radio profitability decreased as increases in broadcasting revenue were offset by larger increases in broadcasting expenditure.

Issues in Television

Financial difficulties dominated the year. The Seven network started and ended the year in receivership, although a Heads of Agreement was signed for the restructure of the network after the Tribunal had expressed its concern about the delays in trading out of receivership.

The Tribunal continued its inquiries into the renewal of the six Sydney and Melbourne commercial television licences which had commenced in 1988. The Nine network licences, GTV Melbourne and TCN Sydney were renewed. Northern Star, holder of the Ten network licences TEN Sydney and ATV Melbourne, was placed in the hands of receivers in September 1990. In May 1991, a liquidator was appointed to the TEN licensee. The renewal inquiries for the Seven network licences, ATN Sydney and HSV Melbourne, and the Ten network licences are continuing.

The Bond inquiry concluded during the year. The High Court of Australia set aside orders of the Full Federal Court which related to the Tribunal decision that various licensee companies controlled by Mr Alan Bond were not fit and proper persons to hold broadcasting licences. Later in the year, a recapitalisation of Bond Media Ltd resulted in companies associated with Consolidated Press Holdings and Mr Kerry Packer acquiring a controlling interest in the network. The Tribunal terminated the inquiry on 5 October 1990. It was satisfied that the decision that it made about the licensee companies controlled by Mr Bond was no longer supported by the circumstances.

Following the conviction of Mr Edmund Rouse on the charge of offering a bribe to a Tasmanian MP, the Tribunal joined into a single inquiry all existing inquiries concerning Mr Rouse, his immediate family and the company ENT Ltd. The inquiry was then deferred because of concerns that it would overlap with the terms of reference of the Tasmanian Royal Commission Into an Attempt to Bribe a Member of the House of Assembly; and Other Matters.

The year covered by this report witnessed the completion of the first full year of the new Australian content on television standard. The standard has two elements, namely a transmission quota for Australian programs as well as a quota for first run drama/diversity and children's drama programs. All licensees met and exceeded the transmission quota target during 1990. The average level of Australian

content between 6.00 a.m. and midnight was 52 per cent, well in excess of the required 35 per cent. The Tribunal published the first three volumes of the Oz Content report, covering all aspects of the inquiry, in May 1991. The foreign content in television advertisements aspect of the Oz Content inquiry is continuing. All licensees also complied with the minimum transmission requirement for Children's Standards. These came into effect on 1 January 1990.

As a result of the Tribunal's inquiry into violence on television, the commercial television industry adopted a self-regulatory code covering the presentation of violence. The Tribunal will review the effectiveness of the code, the campaign and licensees' adherence to the code.

The advertising time on television inquiry continued. The Tribunal released a draft standard with a reconsidered preliminary view and proposed that a cap be set on the amount of non-program matter being scheduled on television. The final section of the Oz Content inquiry - foreign content in television advertisements - also continued with the Tribunal proposing that at least 80 per cent of all advertisements, including repeats, broadcast each week be Australian.

Other continuing program related inquiries include the inquiry into accuracy, fairness and impartiality in current affairs programs on television and radio, the inquiry into alleged cigarette advertising during the 1990 Australian Grand Prix and the inquiry at the direction of the Minister into film and television co-productions.

The volume of complaints and comments to the Tribunal was 44 per cent higher than in the previous year.

The Tribunal continued its research into attitudes towards aggregation, this time in Approved Market B (northern NSW). It also began a series of attitudinal research surveys, designed to discover public views on various broadcasting issues.

Issues in Radio

The commercial radio sector of the broadcasting industry also suffered from the tough economic climate. Broadcasting profit dropped from \$18.1m to \$0.1m.

Two inquiries concerning Radio Program Standard (RPS) 3, which prohibits gratuitous vilification on the basis of race, continued. One, concerning remarks made about 'boat people' by Mr Ron Casey on 2KY Sydney was completed during the year; the other, concerning remarks about Aborigines made by Mr John Laws on 2GB Sydney, carried through the year.

3AK Melbourne, Australia's first bilingual commercial radio service, experienced difficulties. An application was put to the Tribunal during the year for approval to allow another party to participate in the benefits of the licence. The management company involved planned a complete change of format, including the removal of the largely Italian language programming. The application was refused by the Tribunal, mainly on management grounds.

The two year ban on the transfer of a commercial radio or television licence after its issue proved an impediment to the sale of the financially troubled 3BAY FM Geelong service. The Tribunal decided that an application from Wesgo was in effect for a de facto transfer of the licence, and was therefore prohibited by the Broadcasting Act.

Northern Territory FM, the successful applicant for a commercial FM licence in the Darwin-Katherine area, acquired Darwin Broadcasters, licensee of 8DN Darwin in September 1990. The acquisition placed NTFM in contravention of the Act (s. 92C(2), a substantial market in common) when the Tribunal issued the FM licence to NTFM in June 1991. The matter is under inquiry. The licence of 6CI Collie, which had the smallest service area population in the nation, was surrendered and its service area incorporated into the expanded 6TZ Bunbury service area.

Three pairs of commercial television licences were consolidated as part of the Government's Equalisation of Regional Commercial Television Indicative Plan, commonly known as aggregation of regional TV. Queensland licences DDQ and SDQ were consolidated into DDQ which was then subsequently consolidated with RTQ to form a new RTQ licence. The northern New South Wales licences NRN and RTN were consolidated into the new NRN.

Licence Grants

Two new commercial radio licences were issued, in Shepparton and Darwin. Fifteen new public radio licences were granted.

As part of the Government's metropolitan radio plan, a number of frequencies on the AM band became available for the provision of licensed services for the print handicapped. One such licence was granted in Perth during the year.

Conference

The Tribunal hosted its third conference, 'Deregulation ... in step with the world?' in November 1990. The conference examined international trends in deregulation and its consequences; what

trends can be expected from new video and sound technology; broadcasting in the public place and the outlook for planning, licensing and deregulation in Australia.

Reform of the Broadcasting Act

The Government introduced a number of amendments to the Act during the year. The Broadcasting Amendment Act 1990 (No. 102 of 1990) clarified the Tribunal's powers regarding inquiries for new FM services in regional areas, 'suitability requirements' for commercial licences, and sponsorship and community announcements on public radio. The Broadcasting Amendment Act (No. 2) 1990 (No. 7 of 1991) specified a six month period for share transaction approval, introduced the concept of 'networking agreement', clarified the definition of control, extended the licence renewal period from three to five years and introduced the concept of 'authorised lenders'.

The Broadcasting (Foreign Ownership) Act 1990 (No. 103 of 1990) introduced tracing provisions. The ABT (Inquiries) Regulations (Amendment) 1991 allowed Regulation 8 inquiries to be terminated. The Television Licence Fees Regulations (Amendment) 1991 introduced an extended licence fees rebate scheme under the Equalisation Indicative Plan.

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. These were transferred to the Postal and Telecommunications Department (now the Department of Transport and Communications) and later 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 K (FOI Statement).

**Responsible
Minister**

At the date of this report, the responsible minister was the Minister for Transport and Communications, the Hon. Kim Beazley.

Further details of the Minister's role and powers under the Act are in Chapter 9.

**Ministerial
Directions**

In the period covered by this report, the Minister directed the Tribunal to hold an inquiry into film and television co-productions.

CHAPTER 4

LICENSING

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

- grant
- renewal
- suspension and revocation
- imposition, variation and revocation of licence conditions
- approval of licence transfer
- approval of participation in licence benefits
- approval of share transactions affecting licences

The Tribunal's administration of the latter three powers is outlined in Chapter 5.

As part of its licensing functions, the Tribunal also administered the registered lender and approved provisions of the Act until their repeal in January 1991. The Tribunal administers changes to memoranda and articles of licensee companies and the collection of licensees' financial information and licence fees.

As at 30 June 1991, there were 293 licences on issue in the following categories:-

Commercial Television	43
Commercial Radio	146
Public Radio	97
Remote Television	3
Remote Radio	1
Supplementary Radio	3

**Number and Type
of Licences on
Issue**

During the year, three pairs of commercial television licences were consolidated. The Tribunal also accepted the surrender, by the licensee, of the licence for commercial radio service 6CI Collie.

In addition, the Tribunal granted the following 2 commercial and 15 public radio licences:

CALL SIGN	LICENSEE
Commercial	
3SUN Shepparton	Goulburn Valley Broadcasters Pty Ltd
8HOT Darwin	Northern Territory FM Ltd

Public

2RPH Sydney	Radio for the Print Handicapped of NSW Co-operative Ltd
2TLC Maclean	Lower Clarence Media Co-operative Society Ltd
2UUU Nowra	Shoalhaven Community Radio Inc.
3ECB Eastern Suburbs, Melbourne	Eastern Community Broadcasters Inc.
3HOT Mildura	Sunraysia Community Radio Association Inc.
3INR Inner North East Suburbs, Melbourne	Inner North East Community Radio Inc.
3PVR Plenty Valley, Melbourne	Plenty Valley Community Radio Inc.
3RPH Melbourne	Association For The Blind Ltd
3SCB Southern Suburbs, Melbourne	Southern Community Broadcasters Inc.
3VYV Yarra Valley, Melbourne	Yarra Valley Broadcasters Co-operative Society Ltd
3WAY Warrnambool	Community Radio Endeavour Warrnambool Inc.
4RPH Brisbane	Queensland Radio for the Print Handicapped Ltd
5RPH Adelaide	Guide Dogs Association of SA and NT Inc.
6EBA Perth	Multicultural Radio and Television Association of Western Australia (Inc.)
7DBS North West Coast, Tasmania	Coastal FM Inc.

GRANTS

Commenced	9
Finished	7
Ongoing	15

RENEWALS

Commenced	30
Completed	49
Ongoing	84

N.B. The number of finished and ongoing inquiries includes those commenced during and prior to the statistical year 1990-91.

Number of Licensing Inquiries

An account of the early stages of this inquiry is contained in pp. 19-26 and pp. 20-21 of the Tribunal's 1988-89 and 1989-90 *Annual Reports* respectively.

On 26 July 1990, the High Court overturned the Federal Court's 12 September 1989 decision which had set aside the Tribunal's decision that Mr Bond would not be found to be a fit and proper person to hold a broadcasting licence and the licensees with which he was then associated were no longer fit and proper persons to hold their licences.

On 24 August 1990, the Tribunal resumed the inquiry at a directions hearing held in Sydney. The Tribunal was informed that, during the time that legal action was proceeding, there had been a number of changes relating to the ownership and control of Bond interests which, when finalised, would result in Mr Bond no longer being in operational control of Bond Media Limited (which became known as Nine Network Australia Limited on 27 July 1990). Counsel for Nine Network submitted that when these arrangements were finalised the Tribunal's inquiry could be terminated.

On 2 October 1990, the Tribunal received confirmation that the arrangements had been concluded and that Mr Bond no longer had control over the broadcasting licences which had been the subject of the Tribunal's inquiry.

The Tribunal terminated the inquiry on 5 October 1990, being satisfied that the decision that it made about the licensee companies controlled by Mr Bond was no longer supported by the circumstances.

In terminating the inquiry the Tribunal confirmed that should Mr Bond in the future become involved in commercial activities which revive the issue of his relevance to a controlling interest in a

Bond Inquiry

broadcasting licence, then the Tribunal would look at any such developments in the light of the conclusions made in the inquiry.

**Commercial
Radio Licence
Grant Inquiries**

Albury-Wodonga

As reported at p.21 of the 1989-90 *Annual Report*, one application was received for this licence, from Albury-Wodonga Broadcasters Ltd.

In response to an invitation by the Tribunal two submissions were received, from Radio Albury-Wodonga Ltd, licensee of 2AY Albury, and from North East Broadcasters Pty Ltd, licensee of 3NE Wangaratta, the service area of which overlaps that of the proposed new service.

As at 30 June 1991, the formal documentary phase for this inquiry had been completed and the Tribunal was considering the parties' responses to the Tribunal's draft framework for assessing commercial viability in the market, prior to the scheduling of a public hearing for this inquiry.

Lismore

An account of the early stages of this inquiry is contained in the Tribunal's 1988-89 *Annual Report* at p. 29 and 1989-90 *Annual Report* at p. 22 and pp. 128-129.

On 12 February 1990 the Tribunal's decision was set aside by the Federal Court and on 12 July 1990 the Court also decided that Mr Bruce Allen should not remain the division for the resumed inquiry. This latter decision was subsequently confirmed by a full bench of the Federal Court on 12 November 1990.

Accordingly, the Tribunal has resumed the inquiry and appointed Mr Tim O'Keefe as the inquiry division. As at 30 June 1991 the Tribunal had developed a draft timetable incorporating revised directions and a framework for the consideration of commercial viability.

Mackay

An account of the early stages of this inquiry is contained in the Tribunal's 1988-89 and 1989-90 *Annual Reports* at pp. 29-30 and p.22 respectively.

The sole applicant for the licence is Tropical FM Pty Limited.

Following the public hearing held in Mackay on 26-27 April 1990, the licensee of 4MK Mackay requested and was provided with a substantial amount of financial material which the parties have assessed and made submissions on.

As at 30 June 1991 the Tribunal had prepared a draft methodology for the purpose of assessing the commercial viability of the service area.

Wagga Wagga

As reported in the Tribunal's 1989-90 *Annual Report*, two applications for the licence were received in April 1990, from Wagga and Riverina FM Stereo Broadcasters Pty Ltd and South West Media Limited. The licensee of 2WG Wagga lodged a submission opposing the grant of the licence on 26 June 1990.

On 20 March 1991, the Tribunal introduced into the inquiry a draft document, or framework, for assessing the commercial viability of the market.

As at 30 June 1991 the documentary exchange phase of the inquiry had been completed and a hearing was scheduled for 6 and 7 August 1991.

Alice Springs

An account of the earlier stages of this inquiry is contained in the Tribunal's *Annual Report* of 1987-88, 1988-89 and 1989-90 at p. 27, pp. 30-31 and pp. 23-24 respectively.

On 27 December 1990, after reviewing the evidence in the inquiry and additional financial information and submissions supplied by the parties, the Tribunal refused to grant a supplementary licence to Alice Springs Commercial Broadcasters Pty Ltd, licensee of 8HA and recommended to the Minister that he classify the market as a 'Group D' market for which special measures are appropriate.

The licensee subsequently instituted proceedings in the Federal Court challenging the Tribunal's decision. When preparing for the hearing, however, the Tribunal discovered that all parties and the Tribunal had been proceeding under the Broadcasting Act, whereas the decision should have been made under the Broadcasting and

Supplementary Radio Grant

Television Act. Accordingly, the Tribunal has now vacated its decision in this matter, and has called for fresh financial information and submissions under the correct Act.

An account of the inquiry to date may be found in Report No. IL/87/49.

**Joined
Supplementary/
Independent
Grant Inquiries**

Kempsey

An account of the early stages of these inquiries is contained in the Tribunal's 1988-89 *Annual Report* at p. 33 and the 1989-90 *Annual Report* at p. 25.

The inquiry continued during the year 1990-91, with a delay occasioned by the requirement to re-gazette the establishment fee. The original s.82AA notice published on 25 January 1989 was incorrectly based on the gross earnings for 2MC for the 1986-87 financial year. A revised notice, specifying the correct establishment fee based on 2MC's gross earnings for the 1987-88 financial year, was published on 22 May 1991.

As at 30 June 1991, additional directions for the remainder of the inquiry were being prepared by the Tribunal.

Renmark

An account of the earlier stages of these inquiries is contained in the Tribunal's 1988-89 and 1989-90 *Annual Reports* at pp. 34 and 26 respectively.

A public hearing was conducted into this matter on 13 and 16 July 1990 in Berri, South Australia. On 8 February 1991 the Tribunal decided that to grant either an independent or a supplementary licence in the Renmark market would have an undue effect on the commercial viability of the incumbent radio service 5RM. Accordingly the Tribunal decided not to grant a licence.

A full account of the Tribunal's decision is contained in Report No. IL/89/16.

Remote Licences

North East Remote Radio (stereophonic and monophonic)

An account of the early stages of these inquiries is contained in the Tribunal's 1989-90 *Annual Report* at p.31.

Ausradio Pty Ltd lodged a late application for the stereo remote licence on 1 August 1990, while the inquiries were suspended pending the outcome of related Federal Court proceedings concerning the Tribunal's Townsville commercial FM grant decision.

Following North East FM Pty Ltd's withdrawal of its Federal Court appeal against the Tribunal's decision in the Townsville grant on 31 August 1991, the inquiries were recommenced, and public submissions were invited. Submissions were received from the licensees for public radio services 2WEB Bourke and 2TEN Tenterfield, which opposed the grant of either licence because of the expected effect on their commercial viability.

On 13 December 1990, North East FM Pty Ltd withdrew its applications for these licences. On 7 February 1991 the second applicant, Far North Investments, also withdrew its application leaving one applicant for the stereo licence and none for the mono licence. Accordingly the Tribunal terminated the inquiry for the mono licence on 11 March 1991.

The Tribunal held a hearing for the stereo licence inquiry in Townsville on 23 and 24 April 1991. As at 30 June 1991 the Tribunal had not reached a decision.

Adelaide (South Western & Western Suburbs)

Public Radio Licence Grants

On 17 December 1990 the Minister for Transport and Communications invited applications for a public (community) FM radio licence to serve the south western and western suburbs of Adelaide.

The sole applicant for the licence is Southern and Western Community Broadcasters Incorporated.

The inquiry was in its early stages at 30 June 1991.

Brisbane

Accounts of the early stages of this inquiry into the grant of a public (special interest) FM licence are contained in the Tribunal's 1988-89 *Annual Report* at p.34 and 1989-90 *Annual Report* at p.26.

The inquiry was delayed due to an appeal by Family Radio Ltd against the Tribunal's decision to specify the special interest category as 'Aboriginal'. On 28 March 1991, Mr Justice Pincus in the Federal Court of Australia upheld the Tribunal's decision.

Accordingly, three of the applicants, Family Radio Ltd, Universities Radio Ltd and Educational Broadcasters Ltd were invited to amend their applications in order to accommodate the specified interest category but declined to do so.

On 25 June 1991, the Tribunal held a public hearing in Brisbane to determine the suitability of the sole remaining applicant, the Brisbane Indigenous Media Association (BIMA).

As at 30 June 1991, the Tribunal had not reached a decision.

Gosford

In a notice dated 17 December 1990, the Minister for Transport and Communications invited applications for a public (community) FM radio licence to serve the Gosford region of NSW.

There is one applicant for the licence, Central Coast FM Community Radio Association Incorporated.

As at 30 June 1991 there were no submissions in response to an invitation by the Tribunal, however, several letters of support for the applicant have been received by the Tribunal.

Lachlan Valley (Forbes/Parkes), NSW

In a notice dated 31 December 1990, the Minister for Transport and Communications invited applications for a public (community) FM radio licence to serve the Lachlan Valley region of NSW.

There is one applicant for the licence, Lachlan Valley Community FM Incorporated.

In response to an invitation by the Tribunal, two submissions relating to the inquiry were received. As at 30 June 1991 these had been referred to the applicant for its response.

Mildura

When applications closed on 25 July 1990 for the grant of a public (community) FM radio licence to serve Mildura, one application had been received, from the Sunraysia Community Radio Association.

One submission was received; from the incumbent licensee, Sunraysia Broadcasters Pty Ltd, licensee of 3MA Mildura.

At a hearing on 3 and 4 December 1990, the Tribunal concluded that there were a number of structural and organisational matters centering upon the operation of the board and various committees, especially the program committee, and participation by the community, which the applicant needed to address before the Tribunal could be satisfied that a licence could be granted. The applicant group was given the opportunity to respond to these concerns early in the new year.

The Tribunal was satisfied that the applicant had made the necessary changes and therefore decided, on 20 March 1991, to grant a licence.

A full account of the inquiry is contained in Report No. IL/90/98.

Nambucca Shire

On 20 June 1990 the Minister for Transport and Communications invited applications for a public (community) FM radio licence to serve the Nambucca Shire in New South Wales.

The sole applicant for the licence was Radio Nambucca Incorporated.

A public hearing was held in Nambucca Heads on 14 January 1991 and the Tribunal decided to grant a licence to Radio Nambucca on 8 May 1991.

A full account of this inquiry is contained in Report No. IL/90/117.

Perth

As part of the Government's metropolitan radio plan, as some services in the mainland capitals converted to FM, a number of frequencies on the AM band became available for the provision of licensed services to the print handicapped .

An inquiry for such a licence for Perth was commenced following the lodgement of an application by Foundation For Information Radio Of WA on 28 May 1990. A hearing by way of a teleconference was held on 9 November 1990 and a decision to grant the licence was made on 19 April 1991.

A full account of this inquiry is contained in Report No. IL/89/127.

Port Macquarie

In a notice dated 21 June 1990, the Minister for Transport and Communications invited applications for a public (community) FM radio licence to serve Port Macquarie, NSW.

An application was received from Hastings Community FM Radio Association Incorporated. No submissions were received opposing the grant and, on 30 April 1991, the Tribunal decided to grant the licence to this applicant.

A full account of this inquiry is contained in Report No. IL/90/131.

Sutherland Shire

On 19 December 1990 the Minister for Transport and Communications invited applications for a public (community) FM radio licence to serve the Sutherland Shire in southern Sydney.

The sole applicant for the licence is the Sutherland Shire Community Radio Association Ltd.

As at 30 June 1991 a hearing had been scheduled for 7 August 1991.

Sydney

An account of the early stages of this inquiry is contained in the Tribunal's 1989-90 *Annual Report* at p. 30.

On 27 August 1990, the Tribunal held a procedural conference with the four applicants for the special interest purpose licence.

On 16 November 1990, the Tribunal was advised that three applicants, Multicultural Ethnic Group (MEG), Multilingual Radio Association (MRA), and Sydney Multicultural Media Association Radio Transmissions (SMMART), had merged to become the Sydney Multicultural Radio Federation (SMR).

A public hearing was held in Sydney on 11 February 1991. On 14 March 1991 the Tribunal decided to grant a special purpose (ethnic) public radio licence to the Multicultural Community Radio Association (MCRA), an organisation sponsored by the Ethnic Communities Council of NSW.

A full account of this inquiry is contained in Report No. IL/90/71.

During 1990-91 the Tribunal continued its inquiries into the renewal of the six commercial television licences in Sydney and Melbourne which were commenced in late 1988.

An account of the earlier stages of these inquiries is contained in the Tribunal's 1989-90 *Annual Report* at pp. 32-33.

Following a public hearing on 12 November 1990 and the remedying of certain cross media breaches involving the TCN/2UE/2CH licences, the Tribunal was able to finalise the GTV Melbourne and TCN Sydney (Nine network) renewal inquiries on 15 February and 31 May 1991 respectively. Both licences were renewed for the maximum period of five years.

On 14 September 1990 receivers and managers were appointed to the licensee companies holding TEN Sydney and ATV Melbourne (part of the Ten network). Upon an application by the NSW Rugby League, a liquidator was also appointed, on 23 May 1991, to the TEN licensee. The Tribunal has monitored these developments and has had regular contact with the external administrators.

The Tribunal held a public hearing on 23 May 1991 into the renewal of the ATN Sydney and HSV Melbourne licences (part of the Seven network). At this hearing the Tribunal expressed its concerns at the delay in ending the receivership of the Seven network and the continuing contraventions of the 60 per cent ownership limit. Shortly thereafter the Seven network's receivers publicly announced that a Heads of Agreement for the restructure of the network had been signed.

As at 30 June 1991 the inquiries into the renewal of the ATN, HSV, TEN and ATV licences were still in progress.

4VL Charleville

The licence for commercial radio service 4VL, held by Concept Service Mart (Qld) Pty Ltd, was renewed until 20 December 1995 with the following condition imposed:

The licensee shall include with 4VL's completed Annual Return (ABT 11) for 1991 a report detailing:

- (i) projected revenue targets for the 1991-92 financial year;

**Renewal of
Licences with
Conditions**

- (ii) the amount and source of new advertising revenue obtained for the 1990-91 financial year; and
- (iii) a three year corporate plan for 4VL.

A full account of this inquiry is contained in Report Nos. IL/89/100 and IO/89/117.

5RM Renmark

The licence for commercial radio service 5RM, held by River Murray Broadcasters Pty Ltd, was renewed until 16 August 1995, with the following condition imposed:

The licensee will, during the current (1990-91) financial year, employ a journalist to enhance the 5RM local news service and will report to the Tribunal by 31 July 1991 on its compliance with this condition.

A full account of this inquiry is contained in Report No. IL/89/12.

6BY Bridgetown, 6NA Narrogin, 6TZ Bunbury and 6WB Katanning

The licences for commercial radio services 6NA and 6TZ, held by Radio West Broadcasters Pty Ltd, and for commercial radio services 6BY and 6WB, held by Elldale Pty Ltd, were renewed until 2 August 1995 with conditions imposed on each licence.

Details of the conditions and an account of the inquiries are given in Chapter 5 of this report.

Revocation/ Suspension/ Conditions Inquiries

Revocation, Suspension or the Imposition of Conditions on the Licence of Public Radio Service 2GCR Goulburn

This inquiry was commenced following an application by the Federation of Australian Radio Broadcasters for the revocation of the 2GCR licence.

An account of the earlier stages of this inquiry is contained in the Tribunal's 1989-90 *Annual Report* at pp. 35-36.

Following a hearing held in Goulburn on 20-22 June 1990, the Tribunal published a second report on 27 August 1990. The Tribunal found that the licensee had consistently breached the terms and conditions of its licence. The breaches were in the manner in which the licensee

had broadcast sponsorship announcements and advertisements, and that, further, the licensee's board had permitted the station's program policy to be driven by its need for sponsorship revenue.

The Tribunal decided to defer its inquiry for six months, but to place conditions on the licence requiring the station to broadcast a public statement of the Tribunal's findings at designated times, and to convene a Special General Meeting of the Association to canvass restructuring the licensee's financial affairs and to consider alternative revenue to sponsorship income; to discuss methods of increasing community involvement with the station, and to increase membership of the Association; and to consider amendments to the Constitution of the Association in order to limit the number of consecutive terms of the Chairman and Board Members. The Association was also required to review all sponsorship announcements to ensure that they complied with legislative provisions.

On 20-21 March 1991, the Tribunal held a conference on the resumption of the inquiry to review progress and the licensee's compliance with the terms and conditions of its licence. As a result of this further investigation, a third report was published on 17 June 1991 in which it was decided that it would not be in the public interest to revoke or suspend 2GCR's licence. The Tribunal took into account a substantial improvement in the licensee's compliance with the terms and conditions of its licence in respect of the sponsorship provisions, and directed it to report, by 31 December 1991 and again, as part of its licence renewal application due on 21 June 1992, on its undertakings made in the course of the inquiry.

Revocation, Suspension, or the Imposition of Conditions on the Licence of Public Radio Service 7THE Hobart

On 10 July 1990 the Tribunal received an application under subsection 17C(1) of the Act to exercise its substantive power to revoke the licence for 7THE. The application was made jointly by the Federation of Australian Radio Broadcasters (FARB) and commercial radio stations 7HHO and 7HT Hobart alleging that 7THE had consistently broadcast announcements that did not meet the requirements of the sponsorship provisions of the Broadcasting Act.

On 15 April 1991 the Tribunal announced its preliminary assessment of the announcements noted in the FARB application. The Tribunal's preliminary assessment was that each of the announcements did not meet the requirements of s.119AB.

When the licence was last renewed in June 1989, the Tribunal decided to impose a condition on the licence requiring the licensee to provide

six-monthly reports on particular financial, management, technical and programming matters (see Report No. IL/88/61).

The Tribunal gave notice to 7THE on 19 April 1991 of its preliminary assessment of the licensee's compliance with its reporting condition. Although the most recent report for 1991 documented improvements on previous reports lodged, the Tribunal was of the view that the licensee had not provided satisfactory evidence of sufficient improvements in its operations.

As a result, the Tribunal decided to expand the terms of reference of the inquiry, and issued a further notice on 24 April 1991 advertising the new issues to be considered in the inquiry including a consideration of the licensee's performance in relation to the matters contained in the reporting condition.

In all, some 38 submissions and a circular petition containing over 1400 signatures were tendered to the inquiry, the majority supporting the service provided by 7THE.

As at 30 June 1991, a public hearing had been scheduled to take place in Hobart on 22 and 23 July 1991.

Suspension or Imposition of further conditions on the Licence of Public Radio Service 3WRB Melbourne

In May 1990, the Tribunal received an application requesting the suspension of the 3WRB licence. The Tribunal decided to join the resulting inquiry to an ongoing inquiry into the imposition of further conditions on the 3WRB licence.

On 18 December 1990, the Tribunal held a public hearing into matters relating to the 3WRB service, including:

- the constitution of the licensee and proposed changes;
- participation by community organisations;
- adherence to the PBAA code of ethics;
- sponsorship and other financial matters; and
- possible conditions on the licence.

As at 30 June 1991, the Tribunal was considering whether to commence an inquiry to consider the revocation of the licence.

Imposition of Further Conditions on the Licence for 3BAY Geelong

On 22 October 1990 the Tribunal initiated an inquiry into whether to impose further conditions on the 3BAY Geelong licence.

The inquiry resulted from the Tribunal's concerns about 3BAY's programming (including its continued simulcasting with 3XY Melbourne), and about the licensee's financial, management and technical capability. These concerns initially came to light in the context of the Tribunal's inquiry into the renewal of the 3XY Melbourne licence which was co-owned with 3BAY.

A public hearing was held on 13 December 1990, one week after the completion of an ownership change to the parent company of the 3BAY licensee.

The completion of this inquiry has been protracted by the placement of GLFM Pty Ltd, the 3BAY licensee, into liquidation on 27 March 1991. Because of a prohibition on the transfer of the 3BAY licence within its first two years of operation, the liquidator is continuing to operate the station as the licensee until some time after 6 December 1991.

As at 30 June 1991 the Tribunal was continuing to monitor the situation closely.

Imposition of Further Conditions on the Licence for 4QFM Ipswich

Following an application by the Queensland Branch of the Australian Journalists' Association (AJA), the Tribunal commenced an inquiry on 27 March 1991 into whether to impose further conditions on the 4QFM licence, granted in March 1989.

The AJA application alleged that reductions by the licensee to the complement of newsroom journalists meant that the station's news service was no longer adequate and comprehensive.

As at 30 June 1991 the Tribunal had received nine submissions to the inquiry.

Revocation of Conditions on the Licence of 6KA Karratha and 6NW Port Hedland

Northwest Radio Pty Ltd, the licensee of Western Australian commercial radio services 6KA Karratha and 6NW Port Hedland, applied to the Tribunal in early 1990 for the revocation of conditions on those licences which related to the means of providing local news.

The Tribunal considered Northwest Radio's report on its compliance with the conditions, and on 20 August 1990 determined that the

Revocation of Licence Conditions

conditions had been complied with during the first 12-month period. It was decided to examine the licensee's continuing compliance again in the inquiries into renewal of the licences that were due in 1990.

On 27 July 1990 Northwest Radio lodged licence renewal applications, but the Tribunal deferred their consideration until 7 November. On 30 October the conditions revocation inquiry was joined with the renewal inquiries. During the course of those inquiries Northwest Radio was sold by its owner Abdilin Pty Ltd to Glenstar Pty Ltd and Wairoa Pty Ltd on 1 February 1991. The resulting share transaction inquiries were joined with the existing inquiries.

As at 30 June 1991 the Tribunal's investigations were nearing completion.

Consolidation of Licences

Pursuant to s. 94B of the Act, the Minister has prepared a written plan known as the Equalisation of Regional Commercial Television Indicative Plan, which specifies, among other things, the regional licences that are eligible for consolidation.

Section 94ZC of the Act provides for the consolidation of two or more licences, where those licences are specified in the Indicative Plan as being eligible for consolidation into single licences and where the relevant licensee or licensees apply to the Minister for consolidation.

The Minister specified nine pairs or sets of licences which were eligible for consolidation. They were:-

CBN/CWN/RVN	MVQ/SEQ
NEN/ECN	RTQ/DDQ/SDQ
NRN/RTN	TNQ/FNQ
BCV/GLV	BTW/GSW
BTV/GMV	

During 1990-91, the Tribunal, in compliance with directions by the Minister's delegate, revoked the DDQ and SDQ licences and granted a new consolidated licence for a service to be known by the call sign DDQ. It also, in compliance with a further direction, revoked both the RTQ licence and the recently-consolidated DDQ licence and granted a new consolidated licence for a service to be known by the call sign RTQ. The Tribunal was also directed to revoke the NRN and RTN licences and grant a new consolidated licence for a service to be known by the call sign NRN.

The following licences had already been consolidated:

Call Sign After Consolidation

CBN and CWN	CBN
BTV and GMV	VTV
NEN and ECN	NEN
TNQ and FNQ	TNQ
BTW and GSW	SSW

On 13 September 1990, the Tribunal accepted the surrender of the licence for commercial radio service 6CI which served the Collie area in Western Australia. The licence ceased to have effect from midnight on 17 September 1990.

At the same time, the service area of commercial radio service 6TZ Bunbury, which had the same licensee as 6CI, was varied to include the entire 6CI service area. In addition, technical conditions for a transmitter to serve the area formerly served by 6CI were added to the 6TZ licence warrant.

Surrender of the 6CI Licence

The following changes to call signs were approved by the Minister during 1990-91:

Allocation of Call Signs

Call Sign	Location	Licensee/Successful Applicant
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Commercial Radio

6GGG (effective upon conversion to FM - currently 6GE)	Geraldton	Great Northern Broadcasters Ltd
6JKY (converted to FM - previously 6KY)	Perth	6KY Pty Ltd
6PPM (converted to FM - previously 6PM)	Perth	Consolidated Broadcasting System (WA) Pty Ltd
7HHO (converted to FM - previously 7HO)	Hobart	Commercial Broadcasters Pty Ltd

8HOT (1) (previously 8ENT approved earlier in 1990-91)	Darwin	Northern Territory FM Ltd
4RPH (previously 4WM approved earlier in 1990-91)	Brisbane	Queensland Radio for the Print Handicapped Ltd

The following new call signs were approved by the Minister during 1990-91:

Commercial Radio

6BAY(1)	Geraldton	Geraldton FM Pty Ltd
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Public Radio

2RPH	Sydney	Radio for the Print Handicapped of NSW Co-operative Ltd
2TLC	Maclean	The Lower Clarence Media Co-operative Society Ltd
3ECB	Eastern Suburbs, Melbourne	Eastern Community Broadcasters Inc.
3HOT	Mildura	Sunraysia Community Radio Association Inc.
3NOW (1)	Inner North- West Suburbs, Melbourne	North West Community Radio Association Inc.
3PVR	Plenty Valley, Melbourne	Plenty Valley Community Radio Inc.
3RPH	Melbourne	Association for the Blind Ltd
3SCB	Southern Suburbs, Melbourne	Southern Community Broadcasters Inc.
3SER (1)	South-Eastern Suburbs, Melbourne	Market City Radio Association Inc.

3VYV	Yarra Valley, Melbourne	Yarra Valley Broadcasters Co-operative Society Ltd
5RPH	Adelaide	Guide Dogs Association of SA and NT Inc.
6HCR (1)	Port Hedland	Hedland Community Radio FM Inc.

Supplementary Radio

2WSK (1)	Nowra	South Coast & Tablelands Broadcasting Pty Ltd
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(1) Service not commenced as at 30 June 1991.

During the year, the Tribunal granted approval for various changes to licensees' constituent documents (memorandum and articles of association, constitution, rules, by-laws etc.). Changes were approved to the constituent documents of a commercial television licensee on one occasion, to commercial radio licensees on 13 occasions and to public radio licensees on eight occasions.

**Changes to the
Constituent
Documents of
Licensees**

CHAPTER 5

OWNERSHIP AND CONTROL

Throughout 1990-91, the Tribunal's approval was required when a person acquired or increased a prescribed interest, as defined by the Broadcasting Act, in a commercial radio or television licence. Applications for approval had to be lodged by parties to the transaction ('prescribed parties') and other persons who acquired or increased a prescribed interest as a result of the transaction ('non-prescribed parties'). From 8 July 1991, this requirement will be replaced by amendments to the Broadcasting Act, which, principally, alter the threshold for a prescribed interest in commercial television from five per cent to 15 per cent, change the share transaction approval process and require notification of persons who come to be in a position to exercise control of a licensee.

The nature of the Tribunal's powers concerning ownership and control of companies holding broadcasting 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 sections 92F and 92FAA relate to commercial television.

During 1990-91, a total of 574 applications for approval of changes in ownership and control were submitted to the Tribunal.

Of these, 88 or 15.33 per cent were from prescribed parties. The remaining 486 (84.67 per cent) were from non-prescribed parties.

Fifty or 8.71 per cent related to television, 247 (77.87 per cent) related to radio only, and 77 (13.42 per cent) related to companies with both radio and television interests.

The applications covered 116 separate transactions. Eighty related to radio only, 21 to television only and 15 involved television and radio.

Joined Inquiry Concerning ENT Ltd and Edmund Alexander Rouse

On 30 April 1990, Mr Edmund Rouse was found guilty of attempting to bribe a member of the Tasmanian Parliament. As a consequence, the Tribunal decided on 22 November 1990 to join into a single inquiry all inquiries and applications concerning Edmund Alexander Rouse, his immediate family and the company ENT Ltd, in which Rouse family members hold a 21 per cent stake. The relevant licences to the inquiry are STV Mildura and VTV Goulburn Valley and Western Victoria.

The Tribunal agreed to a request from the Royal Commissioner, The Honourable Mr Justice Carter QC, that it would defer consideration

Applications Received

Most Significant Inquiries

of any matters which may overlap with the terms of reference of the Tasmanian Royal Commission Into an Attempt to Bribe a Member of the House of Assembly; and Other Matters.

Accordingly, the Tribunal hearing in Launceston on 11-12 March 1991 restricted its scope to the following:

- the role, if any, Mr Edmund Alexander Rouse has, or may have, in ENT Ltd;
- whether Mr Edmund Alexander Rouse would, if he were able to hold a broadcasting licence, be considered not to be a fit and proper person to hold a commercial broadcasting licence; and
- whether, if Mr Edmund Alexander Rouse does have a significant role, or is capable of playing a significant role in the affairs of ENT Ltd, his association with that company is such to render ENT Ltd and hence the subject licensees no longer fit and proper persons to hold a broadcasting licence.

The Tribunal's hearing was adjourned on 12 March 1991. The inquiry continues, and the Tribunal is communicating with the Royal Commission concerning the results of its investigations (see Tribunal File no. IO/89/45).

Acquisition of Interests in Nine Network Australia Pty Ltd

In September and October 1990, the Tribunal received applications from companies associated with Consolidated Press Holdings Ltd and from Manchar Holdings Ltd for approval of transactions giving effect to a recapitalisation scheme of Bond Media Ltd. The effect of the recapitalisation was a change of control of the Nine television network, with companies associated with CPH and Mr Kerry Packer acquiring a controlling interest. Details of the scheme are outlined below.

On 31 March 1990, 200 000 Bond Media Ltd preference shares held by companies associated with Consolidated Press Holdings Ltd (namely Manden Productions Pty Ltd, Halfar Pty Ltd and Lenvoka Pty Ltd) fell due for redemption. Bond Media Ltd advised that it could not lawfully redeem these shares until either there were sufficient profits in the company for redemption, or new equity was issued.

In view of the inability of Bond Media Ltd to meet the demands of the preference shareholders, those shareholders commenced proceedings for the winding up of the company. These proceedings were due to be heard on 5 June 1990.

On 2 June 1990, Consolidated Press Holdings Ltd and Bond Media Ltd announced that they had reached agreement on a proposed transaction that would recapitalise Bond Media Ltd. The wind-up proceedings were adjourned until 22 August 1990 to enable other Bond Media shareholders to consider the proposal. (On 27 July 1990 Bond Media Ltd changed its name to Nine Network Australia Ltd.)

On 12 June 1990, Manchar Holdings Pty Ltd, a company associated with Bell Resources Ltd (now known as Australian Consolidated Investments), entered into an agreement with Bond Media Ltd (now known as Nine Network Australia Ltd) and Bridgman Holdings Pty Ltd to underwrite a rights issue of 264 376 950 ordinary shares in Nine Network Australia Ltd.

Completion of that agreement took place when Manchar Holdings Ltd was called upon to subscribe to shares in Nine Network Australia, and consequently acquired 231 583 502 shares on 12 October 1990. Manchar Holdings Ltd is a wholly owned subsidiary of Australian Consolidated Investments, which is in turn owned by interests associated with The Bell Group.

Under a further agreement of 4 July 1990 between Manchar, Bond Corporation Ltd and Rendoel Pty Ltd, Bond Corporation agreed to sell 180 109 126 ordinary shares in Nine Network Australia, and Rendoel agreed to sell 36 689 620 ordinary shares in Nine Network Australia, to Manchar. As a result of the share restructuring ensuing from the recapitalisation proposal between Consolidated Press Holdings and Bond Media, outlined above, the actual shares passing became 106 399 373. This transaction took place on 8 October 1990.

At 30 June 1991, the Tribunal had not reached a decision in this inquiry (see Tribunal File no. IO/91/2).

Kimshaw Pty Ltd

On 28 September 1990, Consolidated Press Holdings and companies under its control acquired a controlling interest in TCN Channel 9 Pty Ltd as part of the takeover of the Nine Television Network by interests associated with Mr Kerry Packer.

Before the takeover, Radio Station 2UE Sydney Pty Ltd (licensee of 2UE) was 100 per cent owned by TCN Channel 9 Pty Ltd (licensee of TCN 9 Sydney). Acquisition of these stations by the CPH group would have resulted in immediate breaches of the radio/television cross-media directorship limit by Mr Packer, Mr Trevor Kennedy, Mr Donald Bourke, ACI Ltd chief Mr Geoffrey Hill and Mr Nick Falloon.

On 27 September 1990, however, the whole of the paid up capital of Radio 2UE Sydney Pty Ltd was acquired by Kimshaw Pty Ltd ('Kimshaw'), a shelf company.

Kimshaw was limited by two classes of shares. TCN retained shares of a class that represented only 15 per cent of the paid up value of shares in the company, but that entitled TCN to 99 per cent of dividends and 99 per cent of surplus assets on winding up ('the A Class shares'). The other shares, representing 85 per cent of the paid up value of shares in the company, were held by interests associated with the accounting firm Ernst and Young. In addition, there was provision for the holder of the A Class shares to regain control of Kimshaw if there was advice from a Queens Counsel of not less than ten years' standing that no breach of the cross media rules would ensue.

Thus, although ownership of the assets of the licensee remained almost wholly with the Nine Network, 85 per cent of the paid up value of Kimshaw shares were allocated to parties independent of the Nine Network, thereby avoiding the deemed control provisions of the Broadcasting Act.

In the ensuing inquiry, the Tribunal concentrated its investigations on the issue of whether there were ongoing breaches of the ownership and control directorship limits. At issue was whether TCN and its owners had succeeded in relinquishing control over 2UE.

On 23 April 1991, at the commencement of a hearing into whether factual control remained with the Nine Network, the Tribunal was advised of the sale of 2UE to an independent buyer, Lyndal Pty Ltd.

By a decision dated 18 June 1991, the Tribunal terminated the inquiry.

Northern Territory FM Ltd

On 29 November 1989, the Tribunal decided to grant a commercial FM radio licence to Northern Territory FM Ltd (NTFM), for a period of five years to serve the Darwin - Katherine area of the Northern Territory.

On 6 September 1990, NTFM and its 100 per cent owned subsidiary Greenwich Pty Ltd acquired 100 per cent of the issued capital of Darwin Broadcasters Pty Ltd, the licensee of 8DN Darwin.

On 5 October 1990, applications from NTFM and Greenwich were lodged with the Tribunal seeking approval of the acquisition of 8DN. These applications were lodged under s. 90J of the Act (see Tribunal File no. IO/90/136). The chief issue of concern to the

Tribunal was whether the subsequent issue of the new FM licence to NTFM would cause an immediate breach of s. 90C(2) of the Act, which provides that a person contravenes that section if and so long as the person has a prescribed interest in each of a pair of commercial radio licences that has a substantial market in common.

On 17 October 1990, the Tribunal wrote to NTFM, seeking information about proposed changes and restructuring that would enable the company, once it had been granted the FM licence, to comply with s.90C(2) of the Act.

On 9 November 1990, the Tribunal received NTFM's response, which indicated that NTFM's intentions were to retain its 15 per cent interest in Darwin Broadcasters, and to sell the 85 per cent interests held by Greenwich in Darwin Broadcasters to an independent party. NTFM further indicated that it expected to have finalised the proposed resale by the time the FM station was planned to go to air, that being 1 July 1991. As a result, there would be no breach of s.90C(2) of the Act. Heads of Agreement for the sale of 100 per cent of the 8DN licence were signed on 28 May 1991 and contracts were exchanged on 15 June 1991.

The Tribunal conducted a hearing in Darwin on 9 April 1991. At the hearing, the Tribunal was concerned to ascertain the progress of the sale of the Greenwich interests in Darwin Broadcasters and to discuss possible courses of action open to the Tribunal if the sell down had not eventuated by the issue date of the FM licence. In essence, the Tribunal indicated that it would be extremely reluctant to issue the FM licence if the sell down had not occurred.

Subsequent to the hearing the Tribunal formed the view that, having completed the licence grant inquiry, it did not have the power to revise its decision or to reopen the licence grant inquiry and, therefore, was compelled to issue the FM licence to NTFM even though an immediate contravention would result. The Tribunal issued the FM licence on 28 June 1991.

On 4 June 1991, the Tribunal received from Territory Broadcasting Pty Ltd an application pursuant to s. 89(1)(a) of the Act for approval of the transfer of the 8DN licence from Darwin Broadcasters. The Tribunal has commenced its inquiry into the proposed transfer (see Tribunal File No. IO/91/37).

Under s. 89A(1) of the Act, a licence cannot be transferred without the written consent of the Tribunal. Accordingly, as the Tribunal has not completed its inquiry the licence has not yet been transferred. As a result, it would appear that from the time the FM licence was granted to NTFM on 28 June 1991, NTFM has been in contravention of s. 90C(2) of the Act.

Finalisation of Outstanding Bond Matters

In June 1991, the Tribunal completed and published reports on two Bond group inquiries (File nos. IO/87/44 and IO/91/31). These inquiries dealt with the 1987 purchase by Bond of the electronic media interests of Kerry Packer and with subsequent incremental increases in prescribed interests in these licences by the Bond Group.

These inquiries had not been completed before the Tribunal commenced its inquiry into the 'fitness and propriety' of Alan Bond. Since then, Mr Bond has relinquished control of the interests. All other outstanding Bond share transaction inquiries (File nos. IO/90/19, 619/87 O(R) and IO/88/161) were finalised by the Tribunal in July 1991, subsequent to the date of this report.

3AK Melbourne

On 19 March 1991, the Tribunal received an application from Actraint No. 93 Pty Limited, the licensee of 3AK, pursuant to s. 89A of the Act for approval to allow Abtourk (Vic No. 36) Pty Ltd to participate in the benefits of the 3AK licence. Under s. 89A, the written consent of the Tribunal must be obtained before another party may be permitted to participate in the benefits of a broadcast licence.

The Tribunal expedited its consideration of this application, pursuant to subsection 17C(7) of the Act, on the grounds that it was in the public interest to do so, taking into account that the prior approval of the Tribunal was required before the management arrangement could be implemented and the uncertainty prevailing as a result of speculation on the station's future.

Actraint is controlled by Mr Peter Corso. At the time of the application, two companies held shares in Abtourk: Newmack Pty Ltd, a company associated with Mr Bert Newton, and Beccorp Pty Ltd, a company associated with Mr Tony Aloï. The application followed the signing of a management agreement between Actraint and Abtourk on 13 March 1991, proposing that the management of 3AK be undertaken on a 24 hour basis by Abtourk. Subsequent to the application, on 29 March 1991, Mr Aloï resigned as a director of the management company and its name was changed to 3AK Entertainment Radio Pty Ltd.

The management company planned a complete change in format, replacing the largely Italian programs with a service offering news, talk, music, entertainment, sport and community affairs.

Public hearings into this matter were held on 26 and 27 March 1991 and 10 April 1991. On 10 April 1991, after hearing evidence from parties and at the conclusion of the public hearing, the Tribunal decided to refuse its consent to the application. The Tribunal stated

that it was not comfortable that there would be a proper relationship in terms of the participation arrangement, that the management company would in fact be something like a de facto licensee. There was also some doubt that the licensee would retain any sort of primary role in the arrangement (see File no. IO/91/17).

3BAY: Application for Provisional Clearance

In 1987, the Broadcasting Act was amended to prevent the sale of a commercial radio or television licence within two years of its issue unless a prior provisional clearance had been granted by the Tribunal.

The first such application was lodged with the Tribunal on 5 July 1990. The application was for provisional clearance to be granted for notifiable share transactions involving the Geelong licence 3BAY. This licence had been issued on 5 December 1989.

The Tribunal held a public inquiry in Melbourne on 14 September 1990 to consider the application. It was satisfied that exceptional circumstances existed and therefore granted, at the hearing, provisional clearance for the proposed transactions. Full details of the issues raised by the application are provided in the Tribunal's reference, File no. IO/90/116.

The licensee, GLFM Pty Ltd, was placed in liquidation on 27 March 1991.

3BAY: Application for licence transfer

Geelong radio station 3BAY FM has been in liquidation since 27 March 1991. The liquidator has experienced difficulties disposing of the licence because of the prohibition, in s.89A of the Broadcasting Act, on the transfer of licences within two years of the initial grant. In the case of 3BAY FM, the two year period is scheduled to expire on 6 December 1991.

On 27 May 1991, the Tribunal received an application from a Wesgo subsidiary, Actraint No 116 Pty Ltd, for transfer of the 3BAY licence. The transfer was not proposed to take effect until 6 December 1991. During the interim period, Wesgo was to supply programs to the liquidator from Wesgo-owned Melbourne licence 3MP. Large parts of the Geelong service area already benefit from fortuitous reception of 3MP.

The application indicated that the 3BAY service would close if approval was not given within a week. Information was also received from the liquidator that he was operating at a loss and that the secured creditor was no longer prepared to underwrite the station.

On 31 May 1991, the Tribunal held an urgent hearing in Melbourne. It concluded that the proposal amounted to a de facto transfer of the licence with effect from Tribunal approval, and that it was therefore prohibited by s. 89A of the Broadcasting Act.

Grangeridge

In October 1988, applications were received from Grangeridge Nominees Pty Ltd for approval of its acquisition of Radio West Broadcasters Pty Ltd, licensee of 6CI Collie, 6NA Narrogin and 6TZ Bunbury. In June 1989 Grangeridge also acquired Elldale Pty Ltd, licensee of 6BY Bridgetown and 6WB Katanning. The acquisition of both 6CI and 6TZ put Grangeridge in contravention of s. 90C(2) of the Act, as it had acquired a prescribed interest in two radio licences with a substantial market in common.

In February and March 1990, the Tribunal joined the inquiries for the renewal of the five licences to the Grangeridge share transaction inquiry. Public hearings were held on 16 and 17 May 1990. On 6 August 1990, the Tribunal decided to renew the licences for 6BY, 6NA, 6TZ and 6WB for three years, to 2 August 1993; and to renew the licence for 6CI for a period of three years, to 2 August 1993, or until the 6CI licence is surrendered (with its service being incorporated into an expanded 6TZ service area).

The following conditions were placed on the licences:

6TZ: Once the licence for 6CI Collie is surrendered, the present level of local programming, in the form of 'local windows' as shown at Tables 1 - 3 of the report, be maintained to the Collie service area.

6NA, 6WB & 6BY: The amount of local programming, as presented in the form of 'local windows' does not fall below the levels shown in Tables 1 - 3 of the report.

6TZ, 6NA: The licensee, Radio West, commission formal audience ascertainment research during the period June-December 1991, and provide the Tribunal with the findings of this ascertainment and details of any changes to programming made, or proposed as a result of the findings, as soon as possible after completion of the research.

The licensee, Radio West, report to the Tribunal by 31 January 1991 giving details of the efforts they have made to acquire new sources of local news from each area.

6WB, 6BY: The licensee, Elldale, commission formal audience ascertainment research during the period June-December 1991, and provide the Tribunal with the findings of this ascertainment and details of any changes to programming made, or proposed as a result of the findings, as soon as possible after completion of the research.

The licensee, Elldale, report to the Tribunal by 31 January 1991 giving details of the efforts they have made to acquire new sources of local news from each area.

6WB: An emergency 'on-air' studio, as proposed by the licensee, be established at the 6WB transmitter site, and that the licensee report by 31 January 1991 on progress being made towards this objective.

6BY: The licensee maintain a working 'on-air' studio, for use in emergencies or to broadcast local 'special events'.

Quaestor Pty Ltd

Through a series of acquisitions commencing in November 1986, Westfield Capital Corporation Limited acquired control of Northern Star Holdings Ltd, which in turn controlled commercial television services TEN Sydney, ATV Melbourne, TVQ Brisbane, CTC Canberra, ADS Adelaide and NEW Perth. The combined audience reach of these services is about 71 per cent of the Australian population, in excess of the allowable 60 per cent limit.

During the 1988-89 financial year, Northern Star experienced financial difficulties, with the result that Westfield advised that it would sell its 51 per cent shareholding in Northern Star. Quaestor Pty Limited, a wholly owned subsidiary of interests associated with Mr Stephen Cosser and others, became the largest single shareholder with its acquisition of 19.7 per cent and management control of Northern Star from Westfield.

Having gained control of Northern Star, Quaestor took steps to sell CTC Canberra, ADS Adelaide and NEW Perth, retaining TEN, ATV and TVQ. The sale of these services, on 27 October 1989, effectively remedied the apparent contravention of the 60 per cent audience reach rule.

The Tribunal is investigating whether there is a contravention of the foreign ownership provisions of the Broadcasting Act in respect of several foreign companies' shareholdings in Northern Star.

On 14 September 1990, Messrs James Millar and Robert Dunn were appointed receivers and managers of Northern Star by the secured

creditor (Westpac Banking Corporation), with TEN, ATV and TVQ being placed in receivership.

At 30 June 1991, the Tribunal had not made a decision in this inquiry.

Extensions of Time to Comply with the Act

During the year, the Tribunal did not process any applications for extensions of time before contraventions of the Ownership and Control limits of the Act amounted to offences.

Appointment of Receivers

Northern Star Holdings Limited

On 14 September 1990, Messrs James Millar and Robert Dunn were appointed receivers and managers of Northern Star Holdings Limited, by the secured creditor (Westpac Banking Corporation), with TEN Sydney, ATV Melbourne and TVQ Brisbane being placed in receivership.

On 14 and 17 September 1990, the Tribunal directed, pursuant to s. 92M of the Act, the following persons not to do anything that would be likely to have an adverse effect on the ability of any of the licensees to comply with the conditions of its licence:

- The receivers, Messrs Millar and Dunn;
- Westpac Banking Corporation;
- Commonwealth Bank of Australia;
- Citibank Limited;
- Quaestor Pty Limited;
- Northern Star Holdings Limited;
- Network Ten Qld Limited;
- Austarama Television Pty Limited;
- United Telecasters Sydney Limited; and
- Broadcom Australia Limited.

In addition, the Tribunal directed that Messrs Millar and Dunn provide reports to the Tribunal on a fortnightly basis concerning their action with respect to Northern Star and its television interests. The directions were still in force at the date of this report.

Upon an application from the NSW Rugby League, Mr Hugh Wily was appointed liquidator to the TEN licensee company on 13 May 1991.

Beach Media Pty Ltd

On 19 April 1991, the Tribunal received applications from Ian Sidney Cotton and Robert John Duff for approval to their appointment as receivers and managers of Broadcasting Station 4IP Pty Ltd and Beach Media Pty Ltd on 29 January 1991. It is the intention of the receivers to sell the shares in Broadcasting Station 4IP to the Totalisator Administration Board of Queensland.

At 30 June 1991, the Tribunal had yet to receive the TAB applications.

GLFM Pty Ltd

On 27 March 1991, provisional liquidators were appointed to GLFM; liquidators were appointed on 22 April 1991. This appointment affects the 3BAY and 3XY commercial radio licences.

Qintex Group and Linter Group

The 1989-90 *Annual Report* gives details of the appointment of receivers to each of these groups. At 30 June 1991, each group remained in receivership.

Austereo

The acquisition by Austereo of 4BBB Brisbane, 2DAY Sydney and 6GL Perth (formerly 6IX): the inquiry commenced on 23 November 1988 (File no. IO/88/102).

Aspermont

The acquisition of prescribed interests by Aspermont through the enlargement of existing interests in Darling Downs TV: the inquiry commenced on 3 December 1990 (File no. IO/90/155).

Broadcast Operations

An account of the Tribunal's inquiry into acquisitions by Broadcast Operations Pty Ltd is contained in the 1989-90 *Annual Report*. A conference was held between the Tribunal and the applicant on 28 June 1991.

At 30 June 1991, the Tribunal had not made a decision in this matter.

Uncompleted Inquiries

Meridian

An account of the early stages of this inquiry is contained on p.53 of the Tribunal's 1988-89 *Annual Report*. At 30 June 1991, the Tribunal had not completed its inquiry, which concerns licences NRN Coff's Harbour, RTN Lismore, TVQ Brisbane and RTQ Rockhampton. (File no. IO/88/131).

Dextran

The acquisition by Dextran Pty Ltd of Industrial Equity Ltd, which held interests in NEN/CBN (File no. IO/90/103). Dextran Pty Ltd is a shelf company owned by members of the Adsteam group of companies. The inquiry commenced in August 1990.

Camberley

The acquisition by Camberley Pty Ltd of shares in AWA. Camberley is a member of the Adsteam group of companies. The inquiry was commenced in August 1990. These shares have been sold prior to the completion of this inquiry.

AWA

Inquiry into two transactions in which AWA acquired 74 per cent of NSW Council of Churches Broadcasters Pty Ltd which acquired 26 per cent of the 2CH licensee. Inquiry commenced in August 1990 (File no. IO/90/105).

Paul Ramsay

Commenced in August 1990 (File no: IO/90/107) after Paul Ramsay Holdings Pty Ltd (PRH) increased its holdings in Ramcorp (a company with a controlling interest in CBN and NEN) from approximately 57 per cent to 59 per cent. PRH has subsequently sold down to 52 per cent.

4SB

The combined inquiry into the increase by South Burnett Times of its shareholding to 80 per cent of Forsby Pty Ltd, the licensee company of 4SB Kingaroy and the renewal of the 4SB licence.

CTC, ADS, NEW

The acquisition of prescribed interests in CTC Canberra, ADS Adelaide and NEW Perth by fully owned subsidiaries of Capital Television Holdings Ltd, which is in turn owned by interests associated with Mr Charles Curran.

NTD Darwin

The acquisition by one of the Consolidated Press Holdings Ltd group, Publishing and Broadcasting Ltd, of a 100 per cent interest in Channel 8 Darwin Holdings Pty Ltd, the licensee company for NTD8 Darwin. The vendor was Mr K Warriner and the consideration was \$1.

The Tribunal brought to the attention of the Minister five apparent circumstances where contraventions of the Ownership and Control provisions of the Act amounted to an offence.

Contraventions Amounting To Offences

- (1) Adelaide Steamship Company, AWA Ltd and Bell Resources Pty Ltd regarding s. 92JD - cross media directorship limits (TCN/2CH);
- (2) Meridian Holdings Ltd s. 92(1A) - two services in Approved Market B (NRN/RTN).;
- (3) Messrs Crawford and Allpass, receivers and managers to Qintex Group of Companies regarding:-
 - s. 92(1)(a) - 60 percent audience population limit (ATN/HSV/BTQ/SAS/TVW/SEQ/MVQ)
 - s. 92(1A) - two services in Approved Market A (SEQ/MVQ);
- (4) Nine Network Australia Ltd s. 92(1A) - control of two services in Approved Market A (TNQ/RTQ); and
- (5) Northern Territory FM regarding s. 90C(2) - possible contravention arising from the grant of an FM licence on 28 June 1991.

Licence Transfers

There were five applications for the transfer of licences approved during 1990-91.

Radio

Licence	From	To
2EC Bega	Hoyts Media Ltd	Zamopress Pty Ltd
3XY Melbourne	Radio 3XY Pty Ltd	Camarstation Pty Ltd
6AM Northam	Consolidated Broadcasting System (WA) Pty Ltd	Radio 6AM Pty Ltd
6VA Albany	Albany Broadcasters	Belcap Investments Pty Ltd
7XS Queenstown	7XS Pty Ltd	XS West Pty Ltd

On 31 May 1991, the Tribunal decided not to grant approval for the transfer of the licence of 3BAY from GLFM Pty Ltd to Actraint No. 116 Pty Ltd.

Television

No applications were received during 1990-91 for the transfer of television licences.

**Uncompleted
Inquiries**

The following licence transfer inquiries were still in progress as at 30 June 1991:

Licence	From	To
2GO Gosford	Wesgo Communications Pty Ltd	Actraint No. 116 Pty Ltd

**Operation of
Service by Other
than Licensee**

At 30 June 1991, the following service was being operated (under s.89A of the Act) by persons other than the licensee:

Service	Licensee	Operator
3KKZ Melbourne	The Industrial Printing and Publicity Co. Ltd	KZFM Radio Pty Ltd

7XS Queenstown was operated by XS West Pty Ltd until 8 October 1990, when the Tribunal approved an application for the transfer of the 7XS licence from 7XS Pty Ltd to XS West Pty Ltd.

The Tribunal received the following applications for participation in the benefits of a licence; these applications were subsequently withdrawn by the licensees of the relevant services:

Service Participant	Licensee/Applicant	Proposed
6UVS Perth	Universities Radio Limited	Arts Radio Broadcasters Limited
8DN Darwin	Darwin Broadcasters Pty Ltd	Territory Broadcasting Pty Ltd

On 10 April 1991, the Tribunal decided not to grant approval to an application by Actraint No. 93, the licensee of 3AK Melbourne, to permit Abtourk (Vic No. 36) Pty Ltd to participate in the benefits of the 3AK licence (refer to Most Significant Inquiries section of this report).

Under s. 89Q of the Act, a person's loan interest in a television licensee company can be disregarded for the purposes of the ownership 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.

In 1990-91, the Tribunal did not approve any applications for registration as a registered lender.

These inquiries will be made redundant by the commencement, on 8 July 1991, of provisions of the *Broadcasting Amendment Act (No. 2) 1990*, abolishing both loan prescribed interests (s. 15(d)) and the Registered Lenders scheme (s. 21).

Registered Lender and Loan Interest Inquiries

CHAPTER 6

PROGRAM AND ADVERTISING STANDARDS

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. The Research and Assessment Branch of the Programs Division monitors the compliance of licensees with the standards, investigates complaints against licensees, undertakes research and provides information about programming on radio and television in Australia. The Branch also assesses the programming performance of licensees during the licence period as part of the licence renewal process.

The Tribunal assesses compliance of licensees with the program standards by a mixture of direct monitoring, review at the time of licence renewal and as a result of comment and complaint by the public. All licensees are required, as part of the conditions of their licence, to comply with the program standards.

Radio

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.

The main areas covered by the standards and conditions are Australian content, amount of advertising and a prohibition on the incitement of hatred against, or gratuitous vilification of, a person on the basis of, amongst other things, race, gender, sexual preference or disability.

Public radio stations are also covered by the sponsorship provisions of the Broadcasting Act (s.119AB). Advertisements are prohibited on public radio and a sponsorship announcement would ordinarily be considered to be an advertisement. However, public radio is permitted to broadcast sponsorship announcements of a type specified by the Act. Sponsorship announcements may acknowledge the support of the sponsor, provide a concise description of the general nature of the sponsor's business and their address. The announcement cannot promote the activities of the sponsor in any way.

Television

The main areas covered by the standards are the Australian content of programs and advertisements, classification of the content of programs and advertisements according to the time of day at which they may be transmitted, the manner in which programs may be promoted, presentation of advertisements and the manner in which

Program and Advertising Standards

alcoholic drinks, films and videotapes, betting and gambling and products of a personal or intimate nature may be advertised.

In addition there are also standards governing children's television, details of which are set out below.

Australian Content

Section 114(1) of the Act requires licensees to use, as far as possible, the services of Australians in the production and presentation of programs.

Section 114(2) of the Act requires licensees of radio stations to broadcast the works of Australian composers for not less than five per cent of the time occupied by the broadcasting of music. In addition, s. 83(1) requires licensees at the time of the grant or renewal of a licence, to give a written undertaking to 'encourage the provision of programs wholly or substantially produced in Australia; and use, and encourage the use of, Australian creative resources in connection with the provision of programs'.

Radio

The Australian content requirements for radio are contained in Radio Program Standard 4 (RPS4) and s.114(2) of the Act.

RPS4 was introduced in July 1988 following the Tribunal's Inquiry into Australian Music on Radio. It requires that 20 per cent of all music broadcast between 6 a.m. and midnight be performed by Australians. Section 114(2) requires that five per cent of all music broadcast be Australian compositions.

The Tribunal monitors these requirements by selecting between two and six sample days for each station each year and requesting logs of music broadcast on these days. The majority of stations easily achieved the quota for all test days in 1990-91. Possible breaches of RPS4 by four commercial and four public stations were investigated.

The margins by which the quota is met vary between formats. Stations with easy listening and adult contemporary formats tend to show small margins of 1-2 per cent over the quota, whilst those with contemporary formats regularly achieve local content figures of around 25 per cent. Public radio with its weekly program cycle and absence of playlists displays strong fluctuations, depending on the programming on the days monitored. Their margins fluctuate from the bare minimum requirement to more than double.

As well as monitoring compliance with the standards, the Tribunal also compiles information about the availability of Australian music and makes it available to the public and to commercial and public

radio. This includes maintaining up to date information on the release of records featuring Australian artists and the extent to which they are played on radio.

Television

From 1 January 1990 licensees had to comply with a new standard for Australian content on television. The objective of the Tribunal in determining the new standard was to encourage programs which: are identifiably Australian; recognise the diversity of cultural backgrounds represented in the Australian community; are developed for an Australian audience; and are produced under Australian creative control.

The new standard has two elements: a transmission quota for the overall level of Australian content and a quota for first run drama/diversity and children's drama programs.

The standard sets a transmission quota target of 50 per cent Australian content between 6.00 a.m. and midnight to be achieved by 1993. This quota level was set at 35 per cent for 1990, and increases by 5 per cent each calendar year until 1993. The transmission quota may be made up of both first run and repeat programming.

There are quotas for drama, children's drama and diversity programs. The diversity program categories are: social documentary, arts, science, news and current affairs specials and new concepts.

The drama/diversity and children's drama quotas are measured by a formula based scoring system. This system is intended to provide licensees with flexibility in complying with the standard. Individual program scores are calculated by multiplying an 'Australian factor' by a 'quality factor' by the number of hours transmitted.

The Australian factor is determined by the amount of Australian involvement in the creative control of the program.

The quality factor is based on an average purchase price per hour for the various drama formats, and on the notional costs and programming risks in the case of diversity programs.

The drama/diversity score is set at 4215 points for the three years commencing 1 January 1990. There are minimum scores to be achieved annually and over each three year period. The minimum annual drama score is 750 points, with a three year minimum of 2550 points. The minimum annual score for C drama is 170 points, but in 1990 a minimum score of 125 points applied. C drama points in excess of the minimum may count towards the licensees' Australian drama score.

The flexibility in the scoring system is designed to take into account the possible failure of individual programs.

Compliance with Australian Content Television Standard

All licensees met, and in many cases exceeded, the minimum scores required in each category. Therefore no licensee failed to comply with the standard.

Regional licensees, particularly those in solus markets and without network affiliation, generally met the standard with a greater degree of ease than metropolitan licensees. Licensees in solus markets have available to them the programming output of all three networks and, therefore, are able to schedule more programs that qualify for points scores.

All licensees met, and in all cases exceeded, the transmission quota target for 1990 of 35 per cent. No licensee transmitted less than 40 per cent Australian content and 30 licensees transmitted more than 50 per cent (the target to be achieved by the end of 1993). In 1990 the average level of Australian content between 6.00 am and 12.00 midnight was 52 per cent.

Children and Preschool Children's Television Standards

It is the Tribunal's view that children are entitled to a choice of quality programs which take into account their special interests and experiences and are made from their point of view. Children should also have the opportunity to view contemporary Australian programs made especially for them.

The history of regulation of children's programming in Australia has essentially been a response to a lack of quality, age-specific television programs for children and a concern to protect their interests. The priority for a commitment to children's programming was imposed by the Tribunal following its Self Regulation Inquiry in 1977.

The C classification, C time (4.00 p.m. to 5.00 p.m. Monday to Friday) and the Children's Program Committee (CPC) were set up as an initiative to improve the quality and increase the quantity of children's programs, and led to the regulatory framework of the children's and preschool children's television standards (CTS/PTS) introduced in 1984.

The 1984 standards were introduced after extensive public consultation and following advice from the Tribunal's Children's Program Committee. The standards clarified and extended the rules introduced by the Tribunal in 1979 and further: set out criteria for C classification; ruled that each year 50 per cent of C programs should be first release Australian programs; limited the repetition of programs; limited advertising during C time; required a minimum

of eight hours of new Australian children's drama to be broadcast each year; and required a minimum of 30 minutes of preschool programs to be broadcast each weekday.

At the time the standards were introduced, the Tribunal gave an assurance that they would be reviewed after two years. The Tribunal began this review in February 1987. An account of this review was included in the 1989-90 *Annual Report* (pp. 84-85) and a report on licensees' compliance with the requirements of these standards is included in Chapter 6 of this report.

Under the new Children's Television Standards (which came into effect from 1 January 1990) the Tribunal is required to classify preschool programs (P programs) prior to broadcast. The constitution of the Children's Program Committee has been amended to reflect this new requirement.

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 and P, Provisional C and Provisional P and C Australian Drama classifications;

- (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.

Under the Committee's Constitution, Committee members may be appointed for periods up to three years. The Tribunal introduced staggered re-appointments 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.

In June this year, the Tribunal made a number of determinations intended to streamline the classification process. The resulting changes included:

- an increase in resources for the CPC;
- an expansion of the Committee's consultative role;
- a widening of executive discretion for the Committee Chairperson;
- annual nominations for two Committee positions to be made by the Federation of Australian Commercial Television Stations (FACTS); and
- the Committee to advise on relevant child audience research to be undertaken in association with the Tribunal's Research Branch.

The term of office of Ms Clare Petre (Chairperson) expired at the end of November 1990 and she was re-appointed for a second term of three years, to end 30 November 1993.

Mr Alan Bateman was appointed a member of the Committee on 1 July 1990 for a term of three years. However, due to unforeseen work commitments, Mr Bateman took leave from the Committee in November 1990, and subsequently resigned his position in February 1991. The Tribunal noted his resignation with regret. Ms Wendy Schiller was appointed to the Committee in February 1991.

The term of Mrs Barbara Biggins expired at the end of November 1990, and this was extended for a short time to the end of January 1991. Mrs Biggins was the longest serving member of the Committee, and the Tribunal noted the valuable contribution by Mrs Biggins over the previous eight years.

The term of Mr Ian Fairweather expired at the end of November 1990, and this was extended to January 1991, and then to the end of June 1991.

In approving these appointments and re-appointments, the Tribunal gave consideration to the need to maintain continuity of consultation with applicants, the continuing assessment of preschool programs, and the need to avoid disruption of the assessment and classification process.

At 30 June 1991, the members of the Committee were:

Ms Clare Petre (Chairperson), Co-ordinator of Redfern Legal Centre's Intellectual Disability Rights Service, a former television journalist,

and current member of the Administrative Review Council, the NSW Medical Tribunal; (re-appointed December 1990 for a three year term).

Ms Klari Kadar (Vice-Chairperson), Director, Direct Alternatives Pty Ltd, formerly General Manager J Walter Thompson Advertising; (re-appointed December 1989 for a three year term).

Mr Pablo Albers, Independent producer, formerly Head of the Full Time Program, Australian Film, Television and Radio School; (re-appointed December 1989 for a three year term).

Dr Patricia Gillard, researcher and lecturer in Communication, Canberra University; (appointed December 1988 for a three year term).

Mr Ian Fairweather, Head, Children's Television, Network Ten Australia; (re-appointed June 1991 for a three month period).

Ms Wendy Schiller, researcher and lecturer in early childhood studies, at the Institute of Early Childhood, Macquarie University (appointed February 1991 for a five month term and re-appointed June 1991 for a two and a half year term).

The report of the Children's Program Committee is included at Appendix F. A list of programs classified P, C and C Australian Drama in this period, including renewals of classification, appears at Appendix G.

The Children's Television Standards require licensees to transmit each year a minimum of 260 hours of C programs and 130 hours of P programs. C and P programs are those which have been classified by the Tribunal as conforming to the criteria set out in the standard.

Programs are classified prior to transmission. This is the only area in which licensees are required to submit programs to the Tribunal for classification prior to transmission.

C and P programs do not have to be Australian. This requirement is separate from the requirement to transmit C classified Australian drama.

To meet the minimum hours requirement, C and P programs must be transmitted according to a schedule of C and P times submitted to the Tribunal by the licensee. Licensees may vary this schedule for a major sporting event or event of national importance but must notify the Tribunal if they plan to do so.

Compliance with Children's Television Standards

Licensees must also transmit only C or P programs in the notified time slots. The standard allows for the unforeseen overrun of a major sporting event or event of national importance into a C or P period not to count as a failure to transmit.

All licensees complied with the minimum transmission requirement of the standard. Some licensees appear not to have complied with the standard in terms of notification of alterations to C or P schedules or through failure to transmit a C or P program according to the notified schedule. The Tribunal is investigating these apparent failures.

Comments and Complaints

The Tribunal receives comments and complaints from the public as part of its responsibilities for program standards. All such representations, whether written or via the phone, are considered and investigated where necessary. A response is provided, if requested.

In its investigation of complaints, the Tribunal follows the procedures set down in its Practice Note PRN 06, entitled 'Investigations and Determinations of Breaches of the Program Standards and Licence Conditions'.

The Tribunal received a total of 3374 comments or complaints during 1990-91 compared with 2342 in 1989-90 representing a 44 per cent increase over the previous year.

Estimates that 49.2 per cent of complainants were females and 50.8 per cent males take into account the fact that complaints or comments were made not only by individuals, but also by groups, including family and special interest groups.

Of the comments and complaints received during 1990-91, 12.29 per cent were taken up with the station or industry body concerned as they appeared to involve a possible breach program standards.

Although the vast majority of comments and complaints did not involve breaches of the standards or licence conditions, the Tribunal recognises that the views expressed by the complainants are sincerely held.

All complaints received during the year were recorded in a complaints database which provides the Tribunal with a cross-reference from each complaint to a standard and where relevant, the licensee and the programs. The 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.

Copies of the monthly reports the Tribunal receives from the Programs Division about the complaints finalised and processed during each month are publicly available for examination at the Tribunal Head Office library at North Sydney and at State offices. In view of the number of complaints received, the Tribunal is unable to provide individual copies of these reports. A brief summary however, is published regularly in the Tribunal newsletter *ABTEE*.

The tables in Appendix E provide a summary of the nature and number of complaints and comments received during 1990-91 concerning differing aspects of television and radio programs or advertising.

There were two main causes for comment or complaint to the Tribunal during 1990-91. The first was the content of television advertisements which accounted for 26.8 per cent of all comments or complaints, and the second was program classification which involved Television Program Standards 3 to 11 and accounted for 26.4 per cent. Provided stations comply with the provisions of the standards and the Act, the Tribunal does not normally intervene in the day to day programming arrangements of the stations. However, in the course of licence renewal inquiries, the Tribunal assesses how each licensee has fulfilled its undertaking to provide an adequate and comprehensive service.

Other major causes of comment or complaint were the broadcast of program promotions (10.8 per cent), amount of advertising (3.4 per cent) and news and current affairs in G time (3.9 per cent).

The Tribunal has no jurisdiction over the programs of the Australian Broadcasting Corporation (the ABC) or the Special Broadcasting Service (SBS), each of which is an autonomous statutory authority responsible for its own programming standards. However, complaints and comments received about programs of the ABC and SBS are referred to the respective stations.

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

In the twelve months between 1 July 1990 and 30 June 1991 a general State election was held in New South Wales. In addition, periodical elections were held for the Tasmanian upper House and by-elections for fourteen State and Territory seats and one federal seat were held.

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 the close of the polls on polling day.

Research

Towards the end of the year the Tribunal commenced what will be a continuing program of attitudinal research into a range of issues affecting broadcasting. The Tribunal intends that this research will provide a means of measuring community attitudes on those issues that affect the regulation of broadcasting. The results of these attitude surveys will be used by the Tribunal to assist in its work and will be published as part of the information function of the Tribunal.

The first survey covered attitudes to broadcasting regulation in general, the complaints process and program classification and content issues. The research was conducted for the Tribunal by Quadrant Research and was expected to be completed by August 1991. Further research will be conducted in 1991-92.

In 1989-90 the Tribunal conducted research into attitudes to television, information and localism in the then newly aggregated Approved Market C, Southern NSW. The Tribunal complemented this research in 1990-91 with similar attitudinal research in Approved Market B, Northern NSW, prior to aggregation commencing in 1992.

At the start of 1991 a new audience measurement system for television was introduced. Known as people meters, this electronic form of measurement replaces the diary system previously used. The people meter is attached to the television set and measures whether the set is on and the channel it is tuned to. People in the household being measured press a button at the beginning and end of their viewing session that indicates who is viewing, what they view and for how long.

The advantage of the people meter system is that it can provide instantaneous minute by minute measurement, rather than relying on memory as is the case with the diary system. At present the people meters only provide information on metropolitan markets while the diary method is still used for non-metropolitan surveys.

Two companies offered a people meter system to the industry, AC Nielsen and AGB McNair. After calling for tenders from both companies, the Tribunal decided upon the service offered by AC Nielsen. The Tribunal continues to subscribe to the audience ratings service for regional television and for radio provided by AGB McNair.

Aggregate audience figures have been incorporated into a computerised data base. Analyses of AGB McNair or AC Nielsen figures are undertaken in relation to all metropolitan and regional licence renewals. An analysis of Australian audiences' viewing and

listening patterns is published annually in the Tribunal's publication *Broadcasting in Australia*.

CHAPTER 7

PROGRAMS - 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 1990-91 the Tribunal conducted fourteen public standards inquiries. Ten of these concerned program standards and four were into the exercise of another of the Tribunal's substantive powers. Seven of the inquiries were initiated by the Tribunal itself, one was directed by the Minister, and the remaining six were as a result of requests.

Of the inquiries initiated by the Tribunal, six were continued from 1989-90. All six were concerned with program standards. A further inquiry from 1989-90 was into the exercise of Tribunal powers under the Act in relation to comments by Mr John Laws broadcast on 2GB Sydney in 1987. No action was taken on this inquiry in 1989-90 as a result of legal action. However this action was resolved in June 1990 and the Tribunal commenced a new inquiry in August 1990 to reconsider the matter.

The inquiry directed by the Minister was concerned with film and television co-productions. This was commenced in March 1991 and is to be completed by 30 September 1991.

Of the eight new inquiries commenced this year, five were concerned with the Tribunal's program standards as were six other inquiries which continued from 1989-90.

Of the six requested inquiries which commenced or continued during 1990-91, two arose from applications to vary the P start date required under the children's television standards. One inquiry arose from an application to investigate whether the program *Teenage Mutant Ninja Turtles* was in fact an advertisement. One inquiry arose from an application about the right of reply. One request was for an inquiry regarding the requirements for religious broadcasts and one requested radio program standards for sponsorship announcements.

Of the fourteen inquiries, five had been completed as at 30 June 1991, eight were still in progress and one had been deferred.

MAJOR PROGRAM STANDARDS INQUIRIES AND PROJECTS

Two major Tribunal-initiated program standards inquiries (the programming aspects of the Australian Content on Television Inquiry and the Review of the Children's Television Standards Inquiry) were completed in November 1989. Both inquiries followed from the January 1986 announcement of the Tribunal's Interim Television Program Standards and Advertising Conditions.

In May 1991 the Tribunal published three volumes of *Oz Content*, the report on the Australian Content on Television Inquiry. This is a comprehensive account of the submissions and evidence considered and the conduct of the inquiry dealing with the programming aspects, which lead to the determination of the new Television Program Standard (TPS) 14. The advertising aspects of the Australian Content Inquiry, known as the Foreign Content in Television Commercials (FCTVA) Inquiry, continued during 1990-91. The review of Advertising Time on Television Inquiry also continued during 1990-91.

The other major program inquiry which also concluded in 1989-90 was an inquiry at the instigation of the Minister into the portrayal, presentation and reporting of violence on television. The report for this inquiry was submitted to the Minister on 31 January 1990 and tabled in Parliament on 28 May 1990. Following tabling of the report, the Tribunal undertook to implement its recommendations during 1990-91. This included facilitating the development of an industry wide self-regulatory code for the portrayal of violence on television.

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.

Violence on Television

Inquiry into Violence on Television

An outline of this inquiry and the subsequent recommendations of the report to the Minister were included in the 1989-90 *Annual Report* (pp. 85-88). The Tribunal was directed by the then Minister for Transport and Communications to conduct an inquiry into the portrayal, presentation and reporting of violence on television.

In 1988-89 the inquiry was conducted along three parallel paths. Written submissions relating to the terms of reference were called for in December 1988 and a total of 1114 submissions were received.

The second path centred on research commissioned from the Public Policy Research Centre and its associated company Newspoll in

order to ascertain the extent and level of community concern about violence on television.

The third aspect of the inquiry was background discussion and research held with experts in the field and television industry representatives.

During the year 1989-1990, the inquiry drew to its conclusion. Public conferences were held Australia wide in August and September 1989.

On 31 January 1990 the four volume inquiry report, *TV Violence in Australia*, was submitted to the Minister. The Minister accepted the inquiry's recommendations and the report was tabled in Parliament on 28 May 1990.

The main thrust of the recommendations of the inquiry is an improvement in the public's knowledge about the existing standards and the development of an industry wide self-regulatory code about the presentation of violence.

In March 1991 the Australian commercial television industry launched its code with a public awareness campaign informing viewers of the new code and the existing program classification system.

The Tribunal will review the effectiveness of the code and the campaign and the licensees' adherence to the code will be examined as part of the licence renewal process.

PROGRAM INQUIRIES CONDUCTED IN 1990-91

Review of Advertising Time on Television

In September 1987 the Tribunal decided to repeal the existing Television Advertising Conditions (TACs) governing the length, number and placement of advertisements on television.

A two year trial period without rules was allowed to provide television licensees with the opportunity to experiment with more acceptable patterns of ad/program mix.

Criteria against which the success or failure of this trial period could be measured were established at the time of the 1987 inquiry and included in the report *Advertising Time on Television*. These criteria relate, amongst other things, to the rate of interruption to various categories of program, the need for experimentation in the placement

Advertising Time

and number of interruptions, and the need for more extensive audience surveys.

During the trial the Tribunal conducted major research exercises to assist in the collection of data on actual station practices and viewer attitudes to advertising on television. These have included:

- Analysis of data purchased from Tart Research Pty Ltd. This has provided information on the rate and amount of commercial interruption to programs;
- A survey of audience attitudes to advertising, conducted by Reark Research Pty Ltd in June 1989;
- An assessment of viewer complaints as well as other information gathered as part of the licence renewal process. This has been of assistance in gauging audience reaction to the removal of the advertising time rules.

The results of this research were included in three Information papers, released in November and December, 1989, and in May, 1990.

The Inquiry to review this trial period was opened in October, 1989. Submissions were invited and received from the general public, public interest groups, as well as representatives of the television and advertising industries.

In August 1990, the Tribunal released a Preliminary View paper, outlining its assessment against the criteria for review of the trial period.

It was found that, while reintroduction of the previous regulations was not required, some areas of concern remained. Submissions were again invited and received on the four areas identified. The Tribunal's Proposal paper, released in December 1990, was drafted in response to the comments made in these submissions.

In the Tribunal's proposal it was recommended that television licensees adopt uniform guidelines limiting the amount of non-program matter (that is, advertisements and program promotions) that could be scheduled. The aim of this 'cap' on non-program matter was to provide some assurance or guarantee to the viewing public that there would be no further increases above the levels of non-program matter currently experienced. Various methods were outlined by which the levels of non-program matter could be measured.

Following a public conference held on 20 February 1991, a further round of written submissions was received commenting on the

Tribunal's proposal to set a cap on the amount of non-program matter being scheduled on television.

As at 30 June 1991, the Tribunal was still considering the points raised in these submissions. Tribunal file no. IP/89/182

Australian Content on Commercial Television Inquiry - Foreign Content in Television Advertisements.

The aspects of the Australian content on commercial television inquiry dealing with advertisements were administratively separated from the programming aspects of the inquiry in April 1989. This part of the inquiry was suspended in August 1989 due to resource constraints and was resumed in December 1989. Additional submissions and information to be considered were invited by February 1990.

A total of 33 submissions (plus supplementary submissions) were received in response to the following issues identified in the discussion paper which was released in April 1989:

1. Should the level of Australian content in television advertisements be regulated and, if so, how?
2. What effects if any would removal of the current standards (TPS 18 and TPS 19), regulating production of advertisements in Australia, have upon the use of Australian creative resources in the provision of programs?
3. If the current standards were to be retained should:
 - a) the levels of any of the types of foreign content covered by the standard be altered;
 - b) the sections covering test marketing campaigns be amended or withdrawn;
 - c) advertisements produced in New Zealand continue or cease to count as meeting the standard;
 - d) any other section be amended or redrafted?

A conference was held in Sydney on 26, 27 and 28 June 1990 to discuss these issues. Post-conference proposals were received from major parties to the inquiry.

On 19 December 1990, the Tribunal released its preliminary view of the inquiry. In this paper the Tribunal presented its regulatory objectives for foreign content in television advertisements and a proposal for a new system of regulation which was based on the proposals submitted by parties to the inquiry. The Tribunal proposal aimed at providing a flexible regulatory system which recognised the market reality of global advertising whilst ensuring that the clear

Foreign Content in Television Advertisements

majority of advertisements on television would continue to be Australian.

The Tribunal proposed that 80 per cent of total duration time of all advertisements cleared by the Federation of Commercial Television Stations Commercial Acceptance Division (FACTS CAD) must be Australian. The overseas crew requirements and test market provisions of the standard were made redundant by the proposal. Under the proposed changes animation was to be treated in the same way as any other footage and New Zealand produced advertisements would no longer be considered as 'Australian'.

The Tribunal invited written comment on its preliminary view and scheduled a public conference with the aim of discussing the practical implications of the proposal. The Tribunal received 29 submissions in response. In addition, during 1990, the Tribunal received over 900 form letters, mainly from film technicians, opposing any change to the standard.

At the conference the Tribunal sought, and received, agreement on the future treatment of certain matters currently subject to exceptions under TPS 18 and 19. The Tribunal also indicated that, in order to test the appropriateness of the 80 per cent level, it did not have an in principle objection to the concept of a trial being conducted over a period of 12-18 months, provided that the operational rules and evaluation details were clearly identified prior to its commencement.

Following the release of the Preliminary View, the Tribunal received written comment from parties from New Zealand opposing the suggested change in the treatment of advertisements produced in that country. At the conference the Tribunal heard further oral submissions on this issue. The Tribunal also provided some options for the definition of 'Australian produced advertisement' at the conference and invited further comment on this matter.

The joint production industry submission expressed the view that the discussion of a trial period at the conference amounted to a new proposal and provided a copy of legal advice in support of this opinion. On 15 April 1991 the Tribunal wrote to the parties addressing the points made by the joint industry.

On 5 June 1991, the Tribunal released a Proposal containing a draft standard. The Proposal contained a reconsideration of the earlier preliminary view proposal. Since FACTS CAD clearance has no direct relationship to the transmission of advertisements, the Tribunal now considered that sufficient certainty regarding the level of foreign advertisements appearing on television could only be provided by a system based on broadcast by licensees. The idea of a trial period was also reconsidered. The Tribunal decided against holding a trial since, with the purpose of any such trial being so clearly stated, it

may not have adequately 'tested' the effectiveness of the level in providing a reliable guide to the actual market level.

The Tribunal proposed to determine a new standard which would require that at least 80 per cent of advertisements, including repeats, broadcast by a licensee each week must be Australian. The draft standard included a clear and objective test for 'Australian produced' advertisements. The definition provided certainty of application and ensured that the required 80 per cent of advertisements were produced under Australian creative and administrative control.

Advertisements for imported cinema films, videos, recordings, and live appearances by overseas entertainers were exempt from the draft standard, as were paid community service announcements for organisations with a charitable, public health or educational purpose.

Written comment was invited on the draft standard and a public conference scheduled. In response to initial comment received, the Tribunal wrote to all parties clarifying matters which would be the subject of the conference to be held on 26 July 1991. Tribunal file no. IP/86/11.

Inquiry into Accuracy, Fairness and Impartiality in Current Affairs Programs on Television and Radio.

Accuracy and Fairness

On 5 February 1989, the Tribunal received an application from Australians for Animals (NSW) Inc. to hold an inquiry into whether a new Television Program Standard should be determined to provide the right of reply on commercial television.

The applicant was concerned at not having the right of reply to present an alternative viewpoint when a wildlife issue was presented on commercial television.

The Tribunal accepted the application for an inquiry on 24 February 1989. As reported in the 1989-1990 *Annual Report* (p. 90) the Tribunal decided to extend the issues to include commercial and public radio in March 1990.

In August 1990 the Tribunal decided to extend the inquiry to cover the more general issue of applying the requirements of accuracy, fairness and impartiality to particular programs. This allowed for the consideration of the particular issue of right of reply as one aspect of the general issue of fairness. As such the terms of the inquiry were widened, but the focus was narrowed to an examination of current affairs programs, including interviews and talkback.

The issues were readvertised and further submissions addressing the new issues were called for by 12 October 1990.

The issues being considered in this inquiry are:

1. (a) Whether the Tribunal should determine a new Television Program Standard or Standards or amend current standards to make television current affairs programs subject to:
 - (i) requirements of accuracy, fairness and impartiality similar to the requirements currently applying to news programs pursuant to TPS 15; or
 - (ii) any other requirements designed to ensure accuracy, fairness and impartiality; and
- (b) If so, in what form and manner?
2. (a) Whether the Tribunal should determine a new Radio Program Standard or Standards or amend current standards to make radio current affairs (including interview and talkback) programs subject to requirements of accuracy, fairness and impartiality; and
- (b) If so, in what form and manner?
3. Such matters relevant to the inquiry as the Tribunal sees fit.

In September 1990 the Tribunal released an updated information paper to the inquiry which detailed the background to the inquiry and gave a summary of the submissions received up to that time. As at 30 June 1991, a total of 59 submissions had been received, representing 50 separate groups or individuals, with several submitters presenting supplementary comments at different stages of the inquiry.

Subsequent to the date of this report, a paper setting out two options and seeking comments was released in July 1991.

Tribunal File no. IP/89/48.

ASH Inquiry

Inquiry into Alleged Cigarette Advertising During the 1990 Australian Grand Prix.

In November 1990, the Tribunal decided to initiate an inquiry into broadcast of the 1990 Australian Grand Prix, by stations in the Nine Network, and other regional stations. The purpose of the inquiry was to determine whether the broadcasts contained cigarette advertisements which were not "accidental or incidental" to the broadcast. This is the limitation stipulated by the legislation, which prohibits cigarette advertising.

The inquiry followed representations from the anti-smoking group, Action on Smoking and Health Ltd, (ASH), regarding the Grand Prix broadcast.

The issues being considered in this inquiry are as follows:

1. Whether the telecast of the 1990 Australian Grand Prix, broadcast by TCN and television stations in the Nine Network and some regional stations over the weekend of 3 and 4 November 1990, included matter which is prohibited by s. 100(5A) of the Broadcasting Act, 1942, (the Act), namely an advertisement for, or for the use of, cigarettes, cigarette tobacco or other tobacco products, and if so;
2. Whether the advertising matter broadcast in the program is allowed under s. 100(10) which defines advertisements prohibited by s.100(5A) to exclude 'the broadcasting of matter of an advertising character as an accidental or incidental accompaniment of the broadcasting of other matter in circumstances which the licensee does not receive payment or other valuable consideration for broadcasting the advertising matter', and if not;
3. Whether the licensee of TCN, other Nine Network stations, and the other licensees who broadcast the program, have failed to meet a condition of their licences by broadcasting material prohibited under s. 100 of the Act. If so;
4. Whether action is required by the Tribunal in respect of the licensees who broadcast the material (as set out under items 1 and 2), and if so, what form this action should take;
5. Such other matters as the Tribunal considers relevant to this Inquiry.

Submissions to the inquiry were invited by notices published in January 1991 and 15 submissions were received by the closing date of 27 May 1991.

As part of the inquiry the Tribunal undertook a content analysis of the 1990 Grand Prix broadcast. A research report on the findings was released in May 1991. The report found that tobacco-related images were clearly visible on 653 separate occasions (17 per cent of the time) during the race coverage which lasted 2 hours 43 minutes and 14 seconds.

In June 1991, a technicality meant that the Tribunal was required to terminate the original inquiry and begin a new inquiry. This situation arose from the manner in which minutes of the decision to commence the inquiry were made. All the submissions to the original inquiry were accepted for consideration in the new inquiry.

The inquiry will continue through 1991 with hearings scheduled for August and September 1991. Tribunal File no. IP/91/33.

Film and Television Co- productions

Inquiry into Film and Television Co-productions

On 15 March 1991, the Minister for Transport and Communications directed the Tribunal, pursuant to s. 18 of the Act, to hold an inquiry into matters relating to film and television co-productions.

The Terms of Reference for this inquiry, as set out by the Minister, are:

1. Constraints existing in arrangements for the regulation of commercial television services which may be currently or potentially affecting benefits to the Australian film and television production industry, and to television services, flowing from:
 - productions made under official film co-production treaties;
 - foreign productions made in Australia with Australian participation.

In examining this matter, the Australian Broadcasting Tribunal is to assess the effect of arrangements for the regulation of commercial television services in relation to:

- (a) access for Australian producers to foreign equity;
 - (b) access for official co-productions to government provided assistance in other countries;
 - (c) interaction of Australian technical and creative production personnel with foreign expertise; and
 - (d) price and diversity of programming available to Australian television services.
2. The appropriate means to balance the need to encourage an Australian complexion for television programming in Australia with the Government's objectives for the development of a competitive and viable Australian film and television production industry.

In carrying out this inquiry, the Australian Broadcasting Tribunal will have regard to:

- (a) the Government's objectives for the development of more internationally competitive and export oriented industries in Australia;
- (b) Australia's obligations under international treaties;

- (c) the importance of the Australian film and television production industry as a supplier of television programming in Australia and for the development of video and broadcasting services.

The Australian Broadcasting Tribunal is to report its findings in terms of recommendations to the Minister in relation to paragraph 1 of the Terms of Reference, by 30 June 1991 and in respect of paragraph 2, by 30 September 1991.

The Tribunal's findings in relation to paragraph 1 of the Terms of Reference were presented in the first of the inquiry reports to the Minister.

Comments from the 17 submissions received were presented under four headings: a) legal requirements; b) policy differences; c) financial implications; and d) administrative difficulties. Further matters raised in submissions were discussed under e) constraints, other than regulatory, and f) foreign productions made in Australia.

The Tribunal took into consideration submissions made to the inquiry and research commissioned by the Tribunal and found no evidence of regulatory constraints currently, or potentially, affecting benefits to the Australian film and television production industry, or to television services flowing from official co-productions or foreign productions made in Australia.

There was, however, a perception on the part of some submitters that such regulatory constraints exist. This appeared to arise because of current administrative arrangements and related, non regulatory constraints. The Tribunal has identified these and they will be discussed in detail in the report to follow on paragraph 2 of the Terms of Reference. Tribunal File no. IP/91/16.

Inquiry to determine whether programs broadcast on 2KY by Mr Ron Casey on 4 and 5 June 1990 failed to comply with Radio Program Standard (RPS) 3.

This inquiry commenced on 24 September 1990, following an initial investigation into a possible breach of the terms and conditions of the licence having been brought to the Tribunal's attention by the licensee of Radio Station 2KY.

For reasons of urgency this inquiry was conducted under s. 17C(7) of the Act. A shortened submission period applied.

The issues for this Inquiry were:

Inquiries into compliance with Radio Program Standard 3

- 1) Whether any of the programs broadcast on Radio Station 2KY by Mr Casey on 4 and 5 June 1990 failed to comply with Radio Program Standard 3.

If any of the programs did fail to comply with RPS 3:

- 2) Whether action should be taken by the Tribunal in respect of the licensee of the radio station, Mr Casey, and/or any other person, under any or all of section ss. 85, 99, 101, and 119 of the Broadcasting Act 1942.

Twelve submissions were received to this inquiry, with additional comment on points raised in these submissions being sought and received from the affected parties.

After consideration of the audio tapes of the programs in question that had been supplied by 2KY, and also the written submissions, the Tribunal decided that the programs broadcast by Mr Casey on 4 and 5 June 1990 did not breach RPS 3. It was also decided that no further action on this matter would be taken by the Tribunal in regard to the licensee, Mr Casey, or any other person.

A full account of this inquiry is contained in Report No. IP/90/122, which was released on 2 May 1991.

In June 1991 Mr Stephen Mark, President of the Anti-Discrimination Board of NSW, applied to the Federal Court of Australia to appeal against the Tribunal's decision in this inquiry. This matter is yet to be heard. Tribunal File no. IP/90/122.

Inquiry to determine whether programs broadcast on 2GB by Mr John Laws on 11, 12, 13, 15, 18, 19, 20 and 23 March 1987 failed to comply with Radio Program Standard (RPS) 3.

This inquiry was commenced by the Tribunal on 14 August 1990 following more than two and a half years of legal action arising from an earlier inquiry into this matter and after consideration of the High Court decision in the matter of *Richard John Sinclair Laws v Australian Broadcasting Tribunal* handed down on 28 June 1990.

In November 1987, the Tribunal decided that comments about Aborigines made by Mr Laws on 2GB in March 1987 had been in breach of Radio Program Standard (RPS) 3.

The Tribunal subsequently initiated an inquiry into the exercise of its powers under ss. 85 and 101 of the Act in relation to 2GB and s.119 in relation to Mr Laws.

Mr Laws applied to the Federal Court for review of the Tribunal's decisions that he had breached the standards, and the decision to hold an inquiry. The Tribunal undertook not to proceed with the inquiry until the litigation was resolved.

On 5 August 1988, Morling J. held that there was no obligation on the Tribunal to accord natural justice to Mr Laws in respect of the decisions as to breaches of the standards; it was conducting only a preliminary investigation preceding a formal inquiry into the exercise of its powers under the Act. With regard to the decision to hold an inquiry, his Honour rejected an argument that the Tribunal, because three of its members had decided that breaches had occurred, would be likely to be biased against Mr Laws in the inquiry. The Tribunal, so long as it was made up of different members, could proceed to conduct the inquiry.

On appeal to the Full Federal Court, it was held that the decision as to breaches having occurred was invalid, and the decision to commence the inquiry was void. However the Full Court refused to order that the Tribunal be permanently stayed from holding a fresh inquiry into the alleged breaches.

Mr Laws then applied for special leave to appeal to the High Court on this aspect of the case. The appeal was restricted to the question of whether the Tribunal was biased against Mr Laws because of the terms of its defence filed in defamation proceedings commenced by Mr Laws against the Tribunal and Ms Paramore, the Tribunal's then Director of Programs.

On 28 June 1990 the High Court concluded that Mr Laws was not entitled to an order restraining the Tribunal from holding an inquiry into his broadcasts and ordered that he pay the Tribunal's costs. The appeal was allowed only to the extent that an order was made restraining the Tribunal from holding such an inquiry while the Chairman (Ms O'Connor) or Ms James Bailey were present in their capacity as members of the Tribunal (i.e. on the Division dealing with the inquiry).

When the new inquiry was commenced in August 1990, the Tribunal determined that reasons of urgency existed such that it was in the public interest to conduct the new inquiry under s.17C(7) of the Act to minimise further delay. On 10 September 1990 the Tribunal wrote to all parties to the previous inquiry setting out the issues and seeking any further submissions or comments. The Tribunal also sought comments from Mr Laws and radio station 2GB.

The issues for the inquiry are as follows:

1. Whether any of the programs respectively presented on radio station 2GB by John Laws on 11, 12, 13, 15, 18, 19, 20 and 23

March 1987 failed to comply with Radio Program Standard (RPS) 3.

If any programs did fail to comply with RPS 3:

2. Whether the broadcasts complied with the terms and conditions of the licence as set out in section 99 of the Act; and if so
3. Whether action should be taken by the Tribunal under sections 85, 99, 101, and 119 of the Act.

A news release was issued in September 1990 informing the public that the inquiry had commenced. A submission was received from solicitors, Allen Allen and Hemsley on behalf of Mr Laws and Radio 2UE Sydney Pty Limited. None of the submitters to the previous inquiry raised any objections to their comments being considered in the new inquiry, and some offered further comment.

A decision had not been reached as at 30 June 1991.

Subsequent to the date of this report, on 11 July 1991, the Tribunal decided that the programs broadcast by Mr Laws on Radio Station 2GB on 12, 18 and 20 March 1987 failed to comply with Radio Program Standard 3(b). Tribunal File no. IP/90/111.

Teenage Mutant Ninja Turtles

Inquiry into whether the program *Teenage Mutant Ninja Turtles* is an advertisement - (TPS 22, TACs 2 and 5(a)).

In July 1990, the Australian Council for Children's Films and Television applied to the Tribunal to commence an inquiry into whether the program *Teenage Mutant Ninja Turtles*, (currently being screened by the Seven network, and its affiliated regional stations), is an advertisement for 'Turtle' products.

The issues for this inquiry are:

- 1) Whether the program *Teenage Mutant Ninja Turtles* is actually an advertisement within the meaning of the current standards. If so,
- 2) Whether the licensees have failed to comply with Television Program Standard 22, and Television Advertising Conditions 2 and 5(a) by broadcasting the program *Teenage Mutant Ninja Turtles*. If so;
- 3) Whether action is required by the Tribunal in respect of the licensees who broadcast this program, and if so, what form this action should take;

- 4) Such other matters as the Tribunal considers relevant to this inquiry.

Twenty-seven submissions have been received to this inquiry, from individuals (both adults and children), public interest groups, the toy industry, the Australian screen production industry, Mirage Studios (the US creators of the 'Turtles'), as well as the Australian Television Network and FACTS. As at 30 June 1991 these submissions are still under consideration. Tribunal File no. IP/90/114.

Section 103 - Religious Broadcasts

Religious Broadcasts

In March 1990 the Tribunal received a request from the National Viewers and Listeners Association of WA (the NVLA) for an inquiry into the Directions issued under s. 103 of the Act relating to religious broadcasts.

Due to resource constraints affecting the Tribunal, the inquiry was deferred, initially until 1 August, then to 1 November 1990, and thereafter indefinitely.

Following examination of the NVLA's application the Tribunal decided that this Inquiry should be conducted under Regulation 8 of the Australian Broadcasting Tribunal (Inquiries) Regulations, 1986. The Tribunal considered that sufficient information had been provided in the material the Tribunal had to hand to allow a decision to be made on the issues for this inquiry.

The issues for this inquiry are:

- 1) Whether the Tribunal should issue a Direction under Section 103 of the Broadcasting Act 1942 to ensure that:
 - (i) religious programs are broadcast within certain time bands as determined by the Tribunal;
 - (ii) religious programs include a percentage of time for Divine Worship services.

As at 30 June 1991, the Tribunal had yet to finalise its decision in this inquiry. Tribunal File no. IP/90/57.

**Inquiries to Vary
the Australian
Content (TPS) 14
and the Children's
Television
Standards (CTS)**

Inquiry to clarify aspects of TPS 14 and CTS 3

The Tribunal conducted an inquiry to clarify aspects of the new Australian Content Television Program Standard (TPS) 14 and Children's Television Standard (CTS) 3. This was necessary as the wording of the standards did not necessarily reflect the Tribunal's intention in determining the standard. The purpose of the inquiry was to clarify the Tribunal's intention and to amend the wording of the standards to accurately reflect that intention.

These aspects included:

CTS - the notified children's (C) and preschool (P) periods required under CTS 3;

TPS - the minimum drama/diversity score; definition for Australian Variety and Social Documentary programs required under TPS 14.

Considering the duration and the amount of information gathered in both the children's television standards and Australian content inquiries the Tribunal determined pursuant to s.17C(7) of the Act that it was not practicable to comply with particular requirements of the Australian Broadcasting Tribunal (Inquiries) Regulations.

The Tribunal was satisfied having regard to the decision and reasons already determined for these new standards, that it was not necessary to make any further investigations into any matter relevant to the inquiry.

The Tribunal also took the opportunity to amend the wording of the standards on the basis of 'plain English' drafting for consistency and to reduce the amount of cross-referencing required. A full account of this inquiry is contained in Report No. IP/90/68 released in December 1990.

During 1990-91 a further three inquiries were conducted under Regulation 8 of Australian Broadcasting Tribunal (Inquiries) Regulations to vary the Children's Television Standards. Two were in response to applications to vary the P start date requirement and one was initiated by the Tribunal.

Inquiry into CTS 1 P: Start date

With the introduction of the revised children's television standards from 1 January 1990, the Tribunal introduced a requirement for preschool children's programs shown to meet a licensee's obligation under CTS 3, to be classified by the Tribunal prior to broadcast. Given this was a new requirement of the standards the starting date was determined to take effect from 1 July 1990.

As the assessment of programs submitted for classification was still under consideration as at 1 July 1990 the Tribunal conducted an inquiry and amended the P start date to 1 January 1991. An account of this inquiry was included in the 1989-90 *Annual Report* (p 99).

The Australian Television Network requested a further deferment of the P starting date in order to overcome the difficult production period in their television calendar over December and January. An inquiry was conducted and in deciding to vary the standard the Tribunal took into consideration the ongoing assessment and consultation process for P programs. The starting date was amended to take effect from 1 July 1991. A full account of this inquiry is contained in Report No. IP/90/135 released in October 1990.

Two further requests were made to extend the P start date. NBN Television (Newcastle) sought a deferment to coincide with the start date for aggregation; and the Australian Television Network sought additional time to reapply for P classification.

In deciding to vary the start date again the Tribunal gave due consideration to programs already granted P classification as such programs already granted P classification will continue for five years (the normal duration for classification) from the new P start date of 1 January 1992. A full account of this inquiry is contained in Report No. IP/91/32.

Inquiry into CTS 24 Review of Decisions

The Tribunal decided to initiate this inquiry to vary CTS 24 'Review of Classification Decisions' following legal advice on the appropriateness of an 'internal' review process for Tribunal decisions.

The existing Children's Television Standard (CTS) 24 provides for a review of classification decision for a program if an applicant is dissatisfied with a decision made by the delegate of the Tribunal.

No other Tribunal decision is currently subject to such a review process. The standard avenue for appeal for any and all Tribunal decisions is through the *Administrative Decisions (Judicial Review) Act, 1977* (ADJR Act) and this applies equally to decisions under the Children's Television Standards.

The Tribunal decided to bring the review of decisions made under these standards into line with the practice for other Tribunal decisions. The standards were therefore amended by the deletion of CTS 24. The Tribunal will continue to provide detailed reasons for decisions to refuse classification. A full account of this inquiry is contained in Report No. IP/91/36.

CHAPTER 8

INFORMATION AND ANALYSIS

The Information and Analysis Branch, formerly the Economics and Finance Branch, provides information and analysis relating to the financial, economic, ownership and control, organisational structure, staffing and operational aspects of service areas, services and licensee companies.

The Branch's functions include:

- Analysis and assessment of the financial capability of applicants for radio and television licences, and the commercial viability of the markets concerned. Analysis of licensees' financial performance and capability for licence renewals.
- Provision of advice to the Tribunal on the economic and financial implications for the broadcasting industry of changes in regulations or policies.
- Co-ordination of the collection, development and maintenance of relevant data bases of economic, financial, staffing and operational information relating to individual stations and the industry as a whole.
- Preparation of submissions, background papers and recommendations to the Tribunal in relation to the ownership and control of licences.
- Maintenance of records of the ownership and control of licences and publication of summaries of ownership information.
- Maintenance of the Associated Newspaper Register and administration of the provisions relating to the cross-media ownership rules and registered lenders.
- Compilation and maintenance of socio-economic profiles of licensees' markets.
- Preparation of summaries of financial results of licensee companies for publication.
- Assessment and collection, on behalf of the Commonwealth, of licence fees from commercial licensees.

Financial Data Bases

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 in the public domain. The data in each is based on annual returns and accounts from licensees.

The Commercial Radio Financial Database includes data from 1978-79 to 1989-90. This data is based on information from the old annual return form ABT-11 which is limited to profit and loss figures for the years to 1986-87 and from a revised more comprehensive annual return form from 1987-88.

The Commercial Television Financial Database also includes data from 1978-79 to 1989-90. While data from 1978-79 to 1985-86 is based on the old annual return form ABT-12, data from 1986-87 is more comprehensive because licensees completed a revised annual return.

The Public Radio Financial Database includes data from 1982-83 to 1989-90. However, unlike commercial licensees, public radio licensees were not required to complete a pro-forma annual return before 1988-89. The database before 1988-89 therefore derived from the licensees' annual accounts, which vary in format and accounting practices.

The financial information provided by licensees through their returns is published in the Tribunal's annual *Broadcasting Financial Yearbook*. In separate chapters for commercial television, commercial radio and public radio, the Yearbook provides revenues, expenditure, profitability, balance sheet items and financial ratios for several categories of services. There are also chapters on licence fees, staff of services and population changes in service areas.

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 135 financial analyses for commercial television, commercial radio and public radio licence renewals. The Branch also provided 15 analyses for commercial radio and public radio licence grants.

Stations, Markets and Operations Databases

The Stations, Markets and Operations Section collects and analyses information on the operations, markets and staffing of commercial and public radio and commercial television and on the population characteristics of their defined service areas. The main sources of this information are the Tribunal's Annual Collections of Data,

licensees' applications at the time of licence grants and renewals and staff schedules from licensees' Annual Financial Returns.

In 1990-91, the section produced 193 reports, which included 143 Information Papers for licence renewals, and chapters for the *Broadcasting Financial Yearbook* and *Broadcasting in Australia*.

Fees for licences for commercial radio and television services 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.

Fees for Licences for Commercial Radio and Television Services

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

- a. on 1 January for those services 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 services.

The Radio Licence Fees Act defines gross earnings in relation to a commercial radio service as the gross earnings of the licensee of the service 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 fees 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 service forms part of the gross earnings of the service, to ensure that all income properly attributable to the licensee is included in gross earnings for the purpose of the Acts.

Initial Fees

A fee of \$500 is payable on the grant of a commercial licence. During 1990-91 a total of \$1000 in initial licence fees was collected from licensees for grants of two new commercial radio licences.

Radio

Total licence fees payable by commercial radio services during the period 1 July 1990 to 30 June 1991 based on gross earnings in the previous financial year of \$419 012 000 were \$17 178 000. In the financial year prior to that, total licence fees payable by commercial radio services were \$16 310 000. Total fees payable for 1990-91 were made up as follows:

State/Territory	Licence Fees Payable		Total \$'000
	Capital City \$'000	Other \$'000	
New South Wales and Australian Capital Territory	6254	1330	7584
Victoria	4016	341	4357
Queensland	1668	611	2279
South Australia	1329	57	1386
Western Australia	1296	104	1400
Tasmania and Northern Territory	90	82	172
Australia	14 653	2525	17 178

In addition to the above the Tribunal collected establishment fees and AM/FM conversion fees of \$703 000 during 1990-91.

An establishment fee is payable on the grant of a licence where applications for the licence were invited after 1 March 1987. The fee is calculated by reference to a formula involving the gross earnings and licence fee(s) of the existing licensee(s) in the service area, or involving the population of the service area if there is no existing licensee.

Where applications are invited for a new radio licence to serve substantially the same service area of an existing licensee broadcasting on the AM band, the existing licensee may request the Minister to vary its technical conditions to allow it to broadcast on the FM band. A fee equal to 50 per cent of the amount of the establishment fee for that service area is payable by the licensee to convert from AM to FM.

Establishment and conversion fees during 1990-91 were as follows:

		\$'000
Establishment fee	Geraldton	264
Conversion fee	Hobart	439
Total		703

Television

Total licence fees payable by commercial television services during the period 1 July 1990 to 30 June 1991 based on gross earnings in the previous financial year of \$1 502 591 000 were \$119 448 000. In the financial year prior to that, total licence fees payable by commercial television services were \$104 524 000. Total fees payable for 1990-91 were made up as follows:

State/Territory	Licence Fees Payable		Total \$'000
	Capital City \$'000	Other \$'000	
New South Wales and Australian Capital Territory	37 936	8286	46 222
Victoria	32 183	3604	35 787
Queensland	13 416	3309	16 725
South Australia	8457	306	8763
Western Australia	9974	407	10 381
Tasmania and Northern Territory	-	1610	1610
Australia	101 966	17 522	119 448

On 25 January 1990 regulations under the Television Licence Fees Act were gazetted providing for a rebate of licence fees payable by the licensees of regional commercial television services when these services move to aggregate.

A rebate of 100 per cent applies to eligible licensees for fees due in the first year after the Minister has extended the service area. Rebates of 75 per cent, 50 per cent and 25 per cent respectively apply to licence fees due in each of the next three years.

Four licensees in Approved Market C (Southern NSW) notified the Tribunal in January 1990 that they wished to claim a rebate of licence fees of 100 per cent. CBN, CTC and WIN were allowed rebates

totalling \$3 826 000. The rebate claimed for service RVN Wagga was not allowed, and RVN is pursuing the matter with the Minister.

Financial Results of Commercial Television and Commercial and Public Radio Services

Section 123 of the Broadcasting 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 service as the Tribunal from time to time directs. Section 124A provides that the Tribunal shall assemble information relating to radio and television in Australia.

In general, financial information gathered by the Tribunal is used to assist it in its statutory responsibilities relating to the commercial viability of existing and proposed commercial radio and television services, the financial capabilities of licensees and applicants for licences and the financial implications for licensees of changes in Tribunal Program Standards. The Tribunal has no authority to collect information on licensees' related companies except in relation to licence fees matters. Some licensees use related companies for production and other activities which could affect their profitability.

From 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 allows 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 1988-89 the Tribunal introduced a pro-forma annual return for Australian public radio services.

Commercial Television

A strong increase in broadcasting revenue of \$207.7m (13.4 per cent) to \$1 756.3m in 1989-90 by Australian commercial television services was offset by an increase in operating expenditure of \$285.4m (18.4 per cent). The total loss by commercial television broadcasters rose by 2428.1 per cent to \$80.9m. Capital city services went from a loss of \$51.6m in 1988-89 to a loss of \$136.4m in 1989-90. Non-capital city (other) services maintained profitability, increasing by \$7.1m (14.7 per cent) to \$55.5m. The financial performance of capital city services and other services is summarised below.

	1988-89 (\$m)	1989-90 (\$m)	% of Total	Financial Growth 1989-90(%)
Capital City				
No. of Services	15	15		
Revenue	1222.5	1387.2	79.0	13.5
Expenditure	1274.1	1523.6	82.9	19.6
Profit (loss)	(51.6)	(136.4)	168.6	164.3
Other				
No. of Services	35	34		
Revenue	326.1	369.1	21.0	13.2
Expenditure	277.7	313.6	17.1	12.9
Profit(loss)	48.4	55.5	(68.6)	14.7
Total				
No. of Services	50	49		
Revenue	1548.6	1756.3	100.0	13.4
Expenditure	1551.8	1837.2	100.0	18.4
Profit(loss)	(3.2)	(80.9)	100.0	2428.1

Commercial Radio

For 1989-90 the broadcasting revenue of Australian commercial radio services increased by \$23.1m (5.4 per cent) to \$448.4m but operating expenditure increased by \$41.1m (10.1 per cent) to \$448.3m, leading to a decrease in broadcasting profit from \$18.0m to \$0.1m. The performance of the four market categories is summarised in the following table.

	1988-89 (\$m)	1989-90 (\$m)	% of Total 1989-90	Financial Growth (%)
Capital City FM				
No. of Services	7	7		
Revenue	111.0	118.5	26.4	6.8
Expenditure	89.8	108.6	24.2	20.9
Profit(loss)	21.2	9.9	NM	(53.3)
Capital City AM				
No. of Services	30	30		
Revenue	171.7	175.6	39.2	2.3
Expenditure	183.9	191.8	42.8	4.3
Profit(loss)	(12.2)	(16.2)	NM	32.8
Larger Cities				
No. of Services	35	36		
Revenue	64.4	68.6	15.3	6.5
Expenditure	65.6	71.6	16.0	9.1
Profit(loss)	(1.2)	(3.2)	NM	166.7
Other				
No. of Services	71	74		
Revenue	78.2	85.7	19.1	9.6
Expenditure	67.9	76.3	17.0	12.4
Profit(loss)	10.3	9.4	NM	(8.7)
Total				
No. of Services	143	147		
Revenue	425.3	448.4	100.0	5.4
Expenditure	407.2	448.3	100.0	10.1
Profit(loss)	18.1	0.1	100.0	(99.4)

NM denotes not meaningful.

Public Radio

The public radio financial information for 1989-90 comprises the financial results of 77 public radio services. Two services commenced operations during 1989-90 but as they have yet to lodge their Annual Returns their results are not included. Funding increased by 8.0 per cent from \$12.38m in 1988-89 to \$13.37m in 1989-90. Expenditure increased by 9.9 per cent to \$13.47m from \$12.26m leading to an overall deficit of \$0.10m in 1989-90 compared with a surplus of \$0.12m in the previous year. The following table summarises the growth in funding and expenditure in each category and the resultant surplus or deficit.

	1988-89		1989-90		Financial Growth	
	No of Stns	\$m	No of Stns	\$m	% of Total	1989-90 %
Community	52		52			
Funding		4.22		4.56	34.1	8.1
Expenditure		4.28		4.67	34.7	9.1
Surplus		(0.06)		(0.11)	110.0	83.3
Special Interest	7		7			
Funding		1.76		2.09	15.6	18.8
Expenditure		1.70		1.94	14.4	14.1
Surplus		0.06		0.15	(150.0)	150.0
Educational	11		11			
Funding		4.21		4.36	32.6	3.6
Expenditure		4.20		4.56	33.9	8.6
Surplus		0.01		(0.20)	200.0	NM
Religious	4		4			
Funding		1.23		1.25	9.3	1.6
Expenditure		1.29		1.36	10.1	5.4
Surplus		(0.05)		(0.11)	110.0	120.0
Ethnic	2		2			
Funding		0.78		0.80	6.0	2.6
Expenditure		0.56		0.61	4.5	8.9
Surplus		0.22		0.19	(190.0)	(13.6)
Aboriginal	1		1			
Funding		0.18		0.32	2.4	77.8
Expenditure		0.23		0.33	2.4	43.5
Surplus		(0.05)		(0.01)	10.0	(80.0)
Australia	77		77			
Funding		12.38		13.37	100.0	8.0
Expenditure		12.26		13.47	100.0	9.9
Surplus		0.12		(0.10)	100.0	NM

Figures in brackets denote decline.
 NM denotes not meaningful.

A more comprehensive breakdown of commercial television, commercial radio and public radio financial results is published in the Tribunal's *Broadcasting Financial Yearbook 1989-90*.

Annual Collection of Data

The Annual Collection of Data is an important part of the Tribunal's regulatory processes and provides the Government and the public with annual 'snapshots' of broadcasting licensees' operations between formal public inquiries into grants and renewals of licences.

The Tribunal conducted the third Annual Collection of Data for Commercial Radio in March 1991, and the second Annual Collection of Data for Public Radio in October 1990.

Operations of Commercial Radio services

In March 1991, 148 commercial radio services were surveyed as part of the Annual Collection of Data, compared with 146 in 1989. Of these, 132 were on air 24 hours a day (compared with 124 last year and 115 in 1989).

Adult contemporary and Gold formats remained dominant, with 20 of the major city services playing this format in 1991, the same number as in 1990 (compared with 18 in 1989 and 11 in 1988).

Eleven of the 42 city operators changed their formats (compared with 19 last year, and 23 in 1989) which suggests some stabilisation in the major format moves of the past three years. Among the more significant changes were a continuation of a small trend towards targeting under 18 audiences (with 12 city licensees now playing contemporary music formats), and the strengthening of sport/talk formats (with 13 city licensees playing full sport descriptions and/or a major talk/sport format).

More detailed program format summaries and profiles of services' operations in 1990, including profiles of regional services, will be published in the Tribunal's publication *Broadcasting in Australia*, due for release later in 1991.

Operations of Public Radio services

A total of 85 Public Radio services were surveyed in the Tribunal's second Annual Collection of Data survey held in October 1990 (78 in 1989). Of these, 59 were Community licensees and 26 Special Purpose (55 and 23 respectively in 1989). Only one licensed service, 2HAY, had not commenced providing a service at the date of the survey.

The survey showed that 40 services broadcast 168 hours per week (31 last year); 27 broadcast 120-150 hours per week (33 last year); 14 broadcast 80-120 hours (9 last year); and 4 broadcast 40-80 hours (5 last year).

Program format summaries and profiles of Public Radio services' operations taken from the October 1991 survey will be published in the next edition of the Tribunal's publication *Broadcasting in Australia*.

Staff of broadcasting licensees

Based on the Tribunal's collections, an estimated 11 856 staff were effective full-time employees of commercial and public radio and commercial television services at 30 June, 1990. This is a fall of 1.8 per cent on the previous year's total of 12 072.

Estimated staff numbers, 1990

	FT equivalent staff 1990	% of total	FT equivalent staff 1989	% of total
Comm/1 TV	5233		5473	
Seven Ntwk (est)	2000	16.7	1826	15.1
Total TV	7233	60.9	7299	60.5
Comm/1 radio	4320	36.5	4494	37.2
Public radio	303	2.6	279	2.3
Total	11 856	100.0	12 072	100.0

Commercial Radio

Staff employed by commercial radio fell by 175 (or 3.9 per cent) compared with last year's total. Most jobs were lost in NSW - 123 of the 175. In turn, the majority of these jobs - 102 in all - were in large regional centres which had added almost the same number in the previous year when the new regional FM services started operations.

Commercial Television

The services which responded employed 5 233 staff in 1990 compared with 5 473 in 1989, and 5 445 staff in 1988. Seven network services did not provide data in any of the three years. The following result is based on the above figures and Seven network's staff of around 2000 in 1990 and 1826 in 1989 (*source: Affirmative Action Agency returns 1988,1989 and Licence Renewal Applications 1989; and 1990 estimates derived inferentially from staff salary data in financial returns*).

	1987-88	1988-89	1989-90
Total staff (ABT12)	5545	5473	5233
Seven Ntwk (est)	2300	1826	2000
Adjusted totals	7745	7299	7233

Employment fell by around 1.3 per cent over the year compared with 5.8 per cent in the previous year.

Public Radio

Public radio licensees employed a total of 303 staff at October 1990, compared with 279 in 1989. The Tribunal commenced collecting detailed annual statistics on the staffing of Public Radio services in 1989.

CHAPTER 9

LEGISLATION

The Broadcasting 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).

The Role and Powers of the Minister

The Broadcasting Act provides that the Minister may direct the Tribunal to hold an inquiry into a wide range of matters including any matter relating to the operation of the Act or broadcasting services, see s.18. On 15 March 1991, the Minister directed the Tribunal to hold an inquiry into matters relating to film and television co-productions. For further detail about this inquiry see Chapter 7.

The Minister commences the licence grant process by publishing a notice inviting applications for a licence (ss.82, 82AA, 82AAA) or referring an application for a licence to the Tribunal for determination (ss.82A, 82AB). The Minister determines the service specifications and the technical conditions for every licence and is responsible for the issue of licence warrants which authorise the operation of each radiocommunications transmitter (s.89D).

The Minister and the Tender Board established under the Act are responsible for the conversion of commercial radio licences from the AM to the FM Band as part of the National Metropolitan Radio Plan (ss. 89DAA to 89DAP).

The Minister is responsible for the issue of retransmission and temporary transmission permits (Div.2 of Part IIIB).

Under Part IIIBA (Ownership and Control), the Minister may make certain declarations. These may be, for example, that a pair of licences has a substantial market in common (s.89T); refer to the maximum number of commercial radio licences in a state that a person may hold (s.89U); specify a number as the declared population of Australia (s.91AAD).

The Minister is responsible for the Equalisation of Regional Commercial Television under Part IIIC of the Act. Under this Part, the Minister prepares and publishes a written plan specifying approved markets, aggregation areas, the affected licensees and those licensees eligible for consolidation with one another. Licensees then elect whether they wish to proceed towards aggregation in the approved markets or to provide multi-channel services (MCS) before proceeding to aggregation. Licensees submit an implementation plan and the Minister determines whether or not to approve the plan. Under this Part, the Minister has power to grant, renew, revoke, suspend and attach conditions to an MCS permit.

Licensing

At 30 June 1991, the planning of commercial and public broadcasting services allowed for the grant of eight different types of licence by the Tribunal, including licences for principal services (including remote services), supplementary services, and limited licences.

The Tribunal is responsible for granting and renewing licences, subject to such service specifications as the Minister may determine. The Tribunal is also empowered to renew, transfer, suspend or revoke licences. For the exercise of all these powers, specific criteria are laid down in the Act (ss.80 - 89CC).

Ownership and Control

Part III BA of the Act contains a range of provisions designed to ensure diversity in the ownership and control of commercial broadcasting services. It also provides an approval mechanism for people acquiring or enlarging 'prescribed interests' in broadcasting licences. A person or company holds a prescribed interest if they hold or control a licence, or if they have a shareholding or voting interest above a certain threshold in a company which holds a licence.

The Act limits 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.

With regard 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. 'One licence to a market' rules also apply so that individuals cannot control more than one television licence within the same market, within the same Territory or within Tasmania.

For commercial radio, the 'prescribed interest' rules are:

- (a) a 'one radio licence within a service area' limit, with allowance for up to 30 per cent 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) prohibit 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.

In the area of program regulation, the Act imposes some specific requirements over a range of matters (such as Australian music, religious programs, political and election matter, and cigarette advertising) and confers on the Tribunal the 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).

Programs

In carrying out its functions, the Tribunal is required in many cases to conduct an inquiry before exercising a 'substantive power' (ss.17A-17C(1)). 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 'substantive power' 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*.

Inquiries

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.

Amendments to the Act

Broadcasting Amendment Act 1990 (No. 102 of 1990)

This Act received Royal Assent on 18 December 1990 and commenced on that date.

The effect of this Act is to;

- (i) Clarify the Tribunal's power to hold simultaneous independent/supplementary inquiries for new FM services in regional areas.
- (ii) Increase the powers of the Tribunal where a licensee fails to meet the 'suitability requirements' that apply to a commercial licence, including the power to issue directions to enforce that suitability and to order divestiture by a person of particular interests in a company.
- (iii) Allow sponsorship and community information announcements to be broadcast under temporary test transmission permits in the same way as public licensees can broadcast them.
- (iv) Allow public licensees to broadcast community promotional material.

Broadcasting Amendment Act (No. 2) 1990 (No. 7 of 1991)

This Act received Royal Assent on 8 January 1991 and a number of amende provisions commenced on that date.

The effect of these provisions is to;

- (i) Deem share transactions to be approved by the Tribunal six months after the application for approval is lodged unless the six month period is extended by the Tribunal.
- (ii) Introduce the concept of 'networking agreement', being an agreement that provides for the supply of programs to a licensee. A person is not to be taken to control a licence by reason of a 'networking agreement'.

- (iii) Clarify the definition of actual control of a company.
- (iv) Extend the licence renewal period from three years to a maximum of five years and allow concurrent renewal inquiries with the consent of the licensees.
- (v) Introduce the concept of 'authorised lenders' who are to be disregarded for determining whether the lender is in a position to exercise control of a company.
- (vi) Allow the Tribunal to issue directions at any time to a person who is in a position to control a commercial licence for the purpose of preventing them from doing anything which is likely to have an adverse effect on the ability of the licensee to comply with the conditions of the licence or the operations of the licensee or the selection or provision of programs to be broadcast.

The following provisions commenced on 8 July 1991, subsequent to the date of this report.

- (vii) Provisions changing the prescribed interest definition for television shareholding interests to exclude loan interests and increase the threshold for shareholding interests from 5 per cent to 15 per cent.
- (viii) Provisions changing the share transaction approvals process to require Tribunal inquiry into, and approval of, only those transactions which result in the acquisition of a prescribed interest; in changes in actual control; or in possible breaches of the foreign ownership licence condition.
- (ix) Provisions requiring notification to the Tribunal of persons who come to be in a position to exercise control of a licensee.

Broadcasting (Foreign Ownership) Act 1990 (No. 103 of 1990)

This Act introduced tracing provisions for foreign interests in licensee companies and introduced a minimum 80 per cent Australian directors limit.

It received Royal Assent on 18 December 1990 and commenced on that date, with the exception of the directors limit amendments, which commenced on 22 May 1991.

ABT (Inquiries) Regulations (Amendment) 1991

On 29 November 1991, Regulation 8 was amended to allow Tribunal initiated inquiries to be terminated under this Regulation.

Television Licence Fees Regulations (Amendment) 1991

These regulations were amended on 30 April 1991 to introduce an extended licence fees rebate scheme for licensees in an approved market specified in the Equalisation Indicative Plan, giving eligible licensees a 100 per cent rebate for six years.

Proposed Legislative Amendments

During 1990-91 the Tribunal continued to consult with the Department of Transport and Communications about possible amendments to the Broadcasting Act.

Department of Transport and Communications, Review of the Broadcasting Act

The Department's review of broadcasting regulation continued during 1990-91. As at 30 June 1991, the Minister for Transport and Communications, the Hon. Kim Beazley, had indicated that a new Broadcasting Act was being drafted and should be presented to Parliament during the coming financial year.

Administrative Review Council - Review of Tribunal's Procedures

The Administrative Review Council (ARC) is conducting a review of the Tribunal's procedures. The review, begun by the Department of Transport and Communications into the Australian Broadcasting Tribunal (Inquiries) Regulations 1986, has been subsumed into the ARC review. The ARC retained the Communications Law Centre, University of New South Wales, to prepare a discussion paper for the purposes of the review. This discussion paper was released in February 1991.

CHAPTER 10

REVIEW OF TRIBUNAL DECISIONS

The following is an outline of judgments handed down during the year concerning Tribunal decisions.

Judgements Delivered

1. **ABT v Bond & ors : High Court of Australia, 26 July 1990**

The High Court, in a unanimous judgement, set aside orders of the Full Federal Court relating to the Tribunal's decision that various licensee companies controlled by Mr Alan Bond are not fit and proper persons to hold broadcasting licences.

A summary of the judgement and the course of the inquiry which commenced on 5 February 1988 is set out in *The Bond Inquiry, Final Report* published by the Tribunal in October 1990.

2. **Northern Rivers FM Radio Ltd v ABT : Federal Court, 12 July 1990**

Consent orders were made setting aside the Tribunal's decision to grant an FM licence to serve Lismore and referring the matter back to the Tribunal for further consideration. The licence applicant, Northern Rivers FM, previously ranked second by the Tribunal, then sought orders from the Court preventing the Tribunal member who made the original Lismore decision (Mr Allen) from taking further part in the inquiry. Einfeld J. ordered that Mr Allen should not conduct the new inquiry.

3. **Northern NSW FM Pty Ltd v ABT and Northern Rivers FM Radio Ltd : Full Federal Court, 12 November 1990.**

The above decision was appealed. Their Honours dismissed the appeal and said that 'such a finding imports no criticism whatever of the member who originally constituted the Tribunal but simply recognizes that...justice is in general better seen to be done if the Court or Tribunal is reconstituted for the purposes of the re-hearing.'

4. **Spencer Gulf Telecasters v ABT; Broken Hill Telecasters v ABT : Administrative Appeals Tribunal, 14 December 1990**

These were related applications to the Administrative Appeals Tribunal (AAT) for review of decisions to the Tribunal to grant short licence renewals to two commercial television stations, with conditions requiring them to conduct market research.

Mr Justice Neaves of the AAT set aside the Tribunal's decision and renewed both of the above licences unconditionally until 31 May 1991. The basis for the renewal was that a shortened renewal period

was still necessary and that market research had been carried out by the licensees since the Tribunal's decision and thus licence conditions were now unnecessary.

5. Family Radio Ltd v. ABT and ors : Federal Court, 28 March 1991

On 21 March 1990 an application was filed in the Federal Court by Family Radio Ltd, an applicant for a public radio licence to serve Brisbane. The licence was designated by the Minister as a 'special interest' licence; however the Minister did not specify which special interest was to be served. The Tribunal decided, as a preliminary matter, that the licence should be designated 'Special Interest (Aboriginal)'. Family Radio alleged that this decision was tainted by error of law and failure to accord natural justice. Pincus J. dismissed the application by Family Radio Ltd. Some criticism was made of the Tribunal's procedure but not sufficient to vitiate the decision.

Other Litigation

1. 4AIM Pty Ltd v ABT : Federal Court

On 21 September 1989 4AIM Pty Ltd applied for an order of review of the Tribunal's decision on 25 August 1989 to refuse to grant to a commercial FM radio licence to serve the Townsville area. The matter was listed for hearing on 10-12 September 1990 but the application was discontinued shortly beforehand.

2. Hanor Pty Ltd v ABT : Federal Court

On 13 June 1990 an application was filed by Hanor Pty Ltd, the licensee of 3SR Shepparton, in respect of a decision by the Tribunal not to re-open the Shepparton commercial FM radio licence grant inquiry, which was completed in 1988. Hanor had requested the Tribunal to attach further conditions to the licence held by Goulburn Valley Broadcasters Pty Ltd prior to the commencement of service. The application was discontinued by consent of both parties on 15 August 1990.

3. Nowra FM Pty Ltd v ABT and South Coast and Tablelands Broadcasting Pty Ltd(SCTB) : Federal Court

On 11 May 1990 the Tribunal made a decision to refuse to grant a commercial radio licence to serve the Nowra area (on the grounds of lack of viability) and to grant a supplementary licence to SCTB. Nowra FM sought review of this decision in the Federal Court but on 19 November 1990, by consent of all parties, the application for review was dismissed.

4. Albany FM Pty Ltd v. ABT (No.1): Federal Court

On 19 June 1990, the Tribunal decided to refuse to grant an independent commercial FM radio licence in Albany to the sole applicant, Albany FM Pty Ltd. The Tribunal made its decision in the public interest, having regard to Albany FM's management capability. At the same time, it deferred completion of an inquiry into a supplementary licence application from the incumbent commercial radio broadcaster, Albany Broadcasters Ltd ('ABL'), a subsidiary of the Bell Group, pending resolution of the Allan Bond fitness and propriety issue.

On 9 July 1990, Albany FM applied for a review of these decisions under the AD(JR) Act. On 5 April 1991, this application was dismissed by consent of both parties.

5. Albany FM Pty Ltd v ABT (No. 2) : Federal Court

On 31 October 1990, a second application for an Order of Review under the AD(JR) Act was filed by Albany FM Pty Ltd. The application claimed that, during the Bond Inquiry, the Tribunal failed to decide on the fitness and propriety of Albany Broadcasters Limited, the licensee of 6VA Albany and the applicant for the supplementary radio licence to serve the Albany area. Following the decision of the Tribunal to terminate the supplementary licence inquiry (see Albany FM v ABT (No.3)) orders were made by consent on 6 December 1990 that the application be dismissed.

6. Albany FM Pty Ltd v ABT (No. 3) : Federal Court

Following the decision of the Tribunal to terminate the supplementary licence inquiry on 3 December 1990, a further application for an Order of Review under the AD(JR) Act was filed on 28 December 1990, by Albany FM Pty Ltd, the applicant for an independent licence in the Albany area. The application claimed that during the supplementary licence inquiry, the Tribunal failed to decide on the fitness and propriety of Albany Broadcasters Limited, the licensee of 6VA Albany and the applicant for the supplementary radio licence to serve the Albany area. This matter was dismissed by consent on 5 April 1991.

7. Alice Springs Commercial Broadcasters Pty Ltd (ASCB) v ABT : Federal Court

On 29 October 1990, an application for an Order of Review under the AD(JR) Act was filed by ASCB, the applicant for a supplementary licence in the Alice Springs area. The application was in respect of

decisions by the Tribunal dated 27 September 1990 refusing to grant the supplementary licence and recommending to the Minister that he classify the market as a 'Group D' market for which special measures are appropriate.

The Tribunal discovered in preparation for the hearing of this matter that all parties and the Tribunal had been proceeding under the Broadcasting Act whereas the decision should have been made under the Broadcasting and Television Act. Accordingly, the Tribunal has vacated its decision in this matter and is reconsidering the matter under the correct Act.

8. Murray River FM Pty Ltd v ABT : Federal Court

A decision was made by the Tribunal in this matter on 8 February 1991 not to grant a licence in the Renmark area of South Australia on the basis that the market was not sufficiently commercially viable to support an additional service. On 15 March 1991, an application was lodged by Murray River FM for an Order of Review of the Tribunal's decision in this matter. A notice of discontinuance was lodged by Murray River FM on 28 June 1991.

9. Media World Pty Ltd v ABT : Administrative Appeals Tribunal

On 9 May 1991, an application was filed by Media World Pty Ltd for review of the decision by Mr Wilson, Tribunal member, not to grant C classification to the program, *Adventures of Kythera II*. On 18 June 1991, by consent of the applicant, this matter was removed from the list of matters to be heard.

Litigation on Hand at 30 June 1990

1. Laws v. ABT and Anor. : Supreme Court defamation action.

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 with, amongst other things, 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 1991.

Ombudsman

There were no complaints to the Commonwealth Ombudsman during the year.

CHAPTER 11

PUBLIC INFORMATION

The Publications and Public Relations Branch (formerly the Information and Education Branch) is responsible for :

Public Information

- a) co-ordination and management of the production and commercial marketing of Tribunal publications, including *Broadcasting in Australia*, *Ownership of Australia's Broadcast Media*, *Broadcasting Financial Yearbook*, *ABT Manual*, *ABTEE* and major inquiry reports.
- b) co-ordination of the media liaison needs of the Tribunal including writing and distribution of news releases, handling enquiries from journalists, arranging interviews and press conferences.
- c) co-ordination of the public relations activities of the Tribunal, including the preparation of information brochures on the Tribunal's role and functions.

On 10 June 1991, the Tribunal appointed a Media Consultant to 'establish a professional profile for the Tribunal with national press and electronic media and develop and implement a strategy for continued representation at this high level'. The consultancy is for a maximum period of twelve months.

Broadcasting in Australia

The second edition of this publication, covering the 1989 calendar year, was published in August 1990. The book provides an overview of the broadcasting industry and contains information on television and radio programming, financial results, ownership structures, location of services and lists names, addresses and transmitting frequencies of all broadcasting licensees.

The book sells for \$34.95 and to 30 June had raised \$18 442.

Broadcasting Financial Yearbook

The *Broadcasting Financial Yearbook* contains financial results for commercial television, commercial radio and public radio. Comparative figures for the three metropolitan television networks and the four major radio networks are included. The publication also contains staff numbers of commercial television and radio services and population changes in service areas.

The 1988-89 edition was published in August 1990 and cost \$75. To 30 June it had raised \$10 089. The 1989-90 edition is the third in the series and was launched on 19 June 1991. It sells for \$80 and to 30 June 1991, had raised \$2359.

Publications

Ownership of Australia's Broadcast Media

Ownership of Australia's Broadcast Media contains listings of the major shareholders in companies holding a broadcasting licence and companies publishing major newspapers. It details multiple shareholdings in licensee and publishing companies, licences having a substantial market in common, population reach figures for the major media groups and service area maps for commercial radio and television. It is published quarterly with a yearly subscription costing \$165. At 30 June 1991, the publication had 88 paying subscribers, while in the year to 30 June it had raised \$16 270.

ABTEE

The Tribunal publishes a fortnightly newsletter, *ABTEE*. The newsletter contains information about Tribunal inquiries, litigation summaries, details of new services, changes to call signs, public hearing dates and lists inquiry reports published.

A yearly subscription to *ABTEE* costs \$75 and at 30 June 1991 had 210 paying subscribers. In the year ending 30 June, *ABTEE* raised \$14 886 in revenue.

Australian Broadcasting Tribunal Manual

The *Manual* was published in soft cover book form in December 1990. It was previously available in a ring binder format with periodic updates being issued as required.

The *Manual* contains the Tribunal's program and advertising standards, policy statements, practice notes and forms. The *Manual* costs \$15 and to 30 June had raised \$5772.

Oz Content

Oz Content, the report on the Tribunal's inquiry into Australian content on commercial television, was launched on 8 May 1991.

Volume one contained the Tribunal's decision and reasons, the evolution of the new standard and summaries of submissions. Volumes two and three contained the discussion papers released during the course of the inquiry and research results. The issue of Australian content of television advertisements is still under inquiry and will be the subject of a fourth volume.

The three volume set is priced at \$49.95 with single volumes selling for \$19.95. To 30 June 1991, the publication had raised \$1856.

Two mail order campaigns for Tribunal publications were conducted in 1990-91. In December 1990, a mail out to the 5500 names on the Tribunal's main mailing list was undertaken. The mailout consisted of two items, a four colour flyer on *Broadcasting in Australia 1989* and a monocolour flyer with a brief description and price of each publication and an order form.

In January 1991, a mailout of the same package to over 1000 libraries was undertaken.

An advertisement for publications was placed in a special Media Survey section of the *Financial Review* on 4 June 1991, to coincide with the release of *Oz Content* and the *Broadcasting Financial Yearbook 1989-90*.

An eight page booklet of graphs derived from material in the *Broadcasting Financial Yearbook 1989-90* was produced and, at 30 June, a mailout to previous buyers of the book was scheduled. This subsequently took place in the last week of July.

A publications flyer with a brief description and price of each publication, together with an order form, is updated periodically. This flyer is supplied to people who write or phone to inquire about Tribunal publications. The flyer was designed in house.

Because the Tribunal does not have (and in fact is precluded from operating) a retail facility, the vast majority of publications are distributed by mail.

Media Liaison

A total of 665 media calls were taken and logged by the Publicist in the year ended 30 June. This figure does not include calls taken by the General Manager or, from 10 June 1991, the Media Consultant.

News Releases

A total of 86 news releases were issued in the year to 30 June 1991. A full list of these appears at Appendix D.

Marketing of Publications

Distribution

Public Relations

State Offices

In its role of assembling and disseminating information about broadcasting in Australia, the Tribunal maintained during 1990-91, 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 material. Tribunal publications are also available for sale.

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 its administration. They have an important role in receiving comments and, where necessary, investigating complaints about broadcasting, informing members of the public about the relevant program standards or sections of the Act and passing complaints to the Complaints Unit for investigation.

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.

The state representative in Victoria also has responsibility for Tasmania, and the state representative in South Australia has responsibility for the Northern Territory.

People in remote areas are provided with toll-free telephone numbers for the Sydney head office and the Complaints Unit in Melbourne.

Location of Tribunal's Offices

Sydney Tandem House
(Head Office) 76 Berry Street
NORTH SYDNEY NSW 2060
Telephone (02) 959 7811
Toll free (008) 22 6667
Facsimile (02) 954 4328
DX 10528 NORTH SYDNEY

Melbourne 14th Floor
Marland House
570 Bourke Street
MELBOURNE VIC 3000
Telephone (03) 670 1777
Toll free (008) 33 7417
Facsimile (03) 670 4821

(Toll free number is for complaints from NSW, ACT, NT and Tas. only.)

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 10th Floor
251 Adelaide Terrace
PERTH WA 6000
Telephone (09) 325 7041
Facsimile (09) 221 1631

The Sydney and Melbourne facsimile numbers are connected to the Telecom Faxstream Network.

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

The Library supports the aims of the Tribunal by providing information and reference services to Tribunal officers in Sydney and in the other states. It also makes its resources available to the wider broadcasting community. The year saw a marked increase in the use of the library by students of communication and media studies.

More than 1500 requests for information were received by phone, in writing or in person.

The Library continued to reach a wide reader base through its policy of adding newly acquired material to the National Library's bibliographic database, ABN.

Library

During the year, the transferral of the serials catalogue into the online library catalogue was completed.

All technical operations, including serials acquisitions and circulation, and loans control are now computerised.

The library assumed direct responsibility for the preparation of all its purchase orders. This involved the design of a purchase order form using the library software applicable to other library operations. The library now has the ability to order a great deal of its material by electronic means.

There continued to be strong support for the retrieval of information using the library's remote access data bases.

CD-ROM technology was introduced to the library with the acquisition of a disk containing all Commonwealth legislation and Statutory Rules.

The quarterly *Library Bulletin* and the monthly *Contents Pages* continued to be published and distributed to staff and to interested persons and organisations throughout Australia and overseas.

Freedom of Information

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

Requests Made

At the commencement of the period, two requests were outstanding from the previous period. In July 1990 access was granted to each of these requests; one in full and the other in part.

In the period 1 July 1990 to 30 June 1991 five requests were received (eleven requests in the previous year). Of these two were granted in full and three were granted in part. Payment of the charges for one was outstanding as at 30 June 1991.

The three requests which were granted in part were requests for minutes of the meetings of the Tribunal and Children's Program Committee and records of meetings with outside bodies. Whilst the majority of the minutes were made available, certain parts were exempted, usually under paragraph 43(1)(c), the exemption concerning business or financial interests of individuals or organisations. Exemptions were also claimed under s. 40(1)(a), the exemption concerning tests, examinations or audits of an agency.

The average time taken to notify decisions was 18 days compared with 25 days for last year. The shorter time period came about because most requests were of a routine nature.

The type of information to which access was sought can be categorised as minutes and records of meetings (three requests), documents relating to an inquiry (one request), and documents relating to the assessment of children's programs (one request).

Handling of Requests

No requests were received for remission of the application fee and the charges associated with the requests.

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

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

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

Cost of Freedom of Information

The total cost to the Tribunal for Freedom of Information activities in the period was estimated at \$2185.

A total of \$269.42 was collected and notified, being the amount payable for charges relating to compliance with requests. The applications fees collected amounted to \$150. Staff costs for FOI activities were \$775 which, with 85 per cent overheads of \$659 made a total cost of \$1434 compared with \$3910 last year.

CHAPTER 12

ORGANISATION AND STAFF OF THE TRIBUNAL

Section 15E of the Broadcasting Act provides that the staff of the Tribunal shall be employed under the *Public Service Act 1922*.

The Tribunal's senior staff, as at 30 June 1991, were:

Senior Executive Service

Ms Pat Manser	Acting General Manager
Ms Jennifer Stafford	Director, Licensing Division
Ms Jonquil Ritter	Acting Director, Programs Division

Other Senior Staff

Ms Madeleine Davis	Acting Director, Corporate Services Division
Mr Graeme Haigh	Assistant Director, Secretariat, Executive Division
Mr John Corker	Acting Principal Legal Officer, Executive Division
Mr Donald Robertson	Publicist, Executive Division
Mr John Small	Head, Information Technology, Corporate Services Division
Ms Lesley Osborne	Assistant Director, Grants and Renewals, Licensing Division
Mr Giles Tanner	Acting Assistant Director, Ownership and Control, Licensing Division
Mr Michael Zagame	Assistant Director, Information and Analysis, Licensing Division
Ms Debra Richards	Assistant Director, Standards Inquiries, Programs Division
Mr Nick Herd	Assistant Director, Research and Assessment, Programs Division

At 30 June 1991, a review of the Tribunal's senior staffing structure was being held which was likely to result in a decision not to fill the position of General Manager.

Full details of the staffing structure are shown in Appendix K.

As at 30 June 1991, the Tribunal employed a total of 137 staff. This figure included six statutory office holders (Tribunal Members), 115 permanent officers and 16 temporary employees. Six staff are located in the Melbourne office and there is one representative in Brisbane, Adelaide and Perth. The remainder are located in Sydney. The Tribunal has one part-time officer.

Of the 132 non-SES staff, 73 are women.

Changes in Membership and Senior Staff

At 30 June 1991, all three Senior Executive Service positions were staffed by women.

Mr Timothy O'Keefe

As mentioned in the Tribunal's *Annual Report 1989-90*, Mr Timothy O'Keefe was appointed as a Member of the Tribunal on 30 July 1990 for a period of five years.

Mr Michael Ramsden

On 30 August 1990, Mr Michael Ramsden, Member, was appointed as Acting Vice-Chairman.

During the year, Mr Ramsden acted as Chairman for short periods of time.

Ms Ruth Medd

On 8 February 1991, Ms Ruth Medd, the Tribunal's third General Manager, left the Tribunal to become the Director of the Secretariat of Commonwealth Telecommunications Interim Board Limited, the body which is overseeing the merging of Telecom and OTC.

At its meeting held on 14 February 1991, the Tribunal paid tribute to the extensive contribution Ms Medd had made to the operation of the Tribunal and wished her well in her new career.

Mr Bruce Barbour

Mr Bruce Barbour, who had been Director, Licensing Division since July 1988, left the Tribunal on 22 October 1990 to take up an appointment as a Member of the Administrative Appeals Tribunal.

At its meeting held on 13 November 1990, the Tribunal expressed its gratitude to the contribution Mr Barbour had made to the Tribunal during his period of employment with the Tribunal, and wished him well in his new position.

Ms Joanne Bennett

In November 1990, Ms Joanne Bennett, Executive Officer, Secretariat, resigned from the Tribunal after eighteen years service in the Programs Division and latterly in the Secretariat.

At its meeting held on 13 November 1990, the Tribunal thanked Ms Bennett for her contribution to the Tribunal and wished her well for the future.

Performance Pay

Performance appraisal has commenced for SES staff. To date, no payment has been made.

A review of the Tribunal's Equal Employment Opportunity Plan is underway and should be completed for presentation to the Public Service Commission by August 1991.

Equal Employment Opportunity

The Tribunal continued its ongoing program of identifying and eliminating discriminatory practices and introducing measures which will allow people in target groups equality of employment opportunity. Courses aimed specifically at members of the target groups were offered during the year.

As at 30 June 1991, 55 per cent of the Tribunal's total staff were women, 10 per cent came from a non-English speaking background, 5 per cent suffered a disability and none were of Aboriginal or Torres Strait Islander descent.

The Tribunal is a member of the NSW Joint Agencies Training Committee, a group of small government agencies which have pooled resources in order to offer cost effective training programs to cater for the needs of staff in the agencies. Three or four courses were offered every month during the year on various management and personal development skills.

Training

The Tribunal is also a member of the NSW Staff Developers' Network which organises learning programs on behalf of the Commonwealth Regional Directors' Forum in NSW. Tribunal staff were participants on two of these programs during 1990-91, namely Action Management and the Interchange Program, both of which allowed participants to gain new management skills over a six-month period.

The Tribunal's annual payroll was \$5 108 700. Under the Training Guarantee legislation the minimum training requirement of one per cent was \$51 087. Expenditure by the Tribunal was \$207 652 or 4.07 per cent. During 1990-91 the Tribunal provided funds for extensive training in human resource management skills such as leadership, communication, team building, supervision and stress management as well as computer training. Of the three SES officers, one attended a senior executive skills course and another attended a Senior Executive Management Program (SEMP) course. A staff training and development database was purchased in order to record training expenditure data in a format which complies with the requirements of the Australian Taxation Office. In addition, a second officer was appointed to the Staff Development and Training Section to assist with the workload in the area.

Departmental activities during the year have included temporary transfers, higher duty opportunities and job rotation. Many staff members have also attended seminars and conferences which were not eligible under the Training Guarantee as they did not form part

of a training program. A total of 466 person days were spent on participation by staff in eligible training programs during the year. Twelve staff were approved as students for the academic year 1991 and Tribunal bursaries were offered on a competitive basis to encourage officers to obtain relevant tertiary qualifications.

The Tribunal received \$14 792 of the Government's Middle Management Development Program (MMDP) funds and will receive approximately the same amount during the next two years. The 1990-91 MMDP funds were expended on specific management skills training in addition to the Tribunal's regular training activities.

Interchange Scheme

The New South Wales Commonwealth Regional Directors Interchange Program commenced in May 1991. One Tribunal officer participated in this program and commenced a placement with another department in Sydney. He is from a non-English speaking background. Three officers from other Commonwealth departments commenced placements at the Tribunal on the same interchange program. Two are women.

Industrial Democracy

In accordance with industrial democracy principles, staff and union representation continued on various Tribunal committees. The Consultative Council met regularly to consider matters identified in the legislation. Specific interest sub-committee meetings were also held to look at occupational health and safety and equal employment opportunity issues.

The Tribunal's first Industrial Democracy Plan was ratified in 1987 and a review completed in 1989. A further review will be undertaken during the second half of 1991.

As part of the Tribunal's educative strategy in the Industrial Democracy Plan, staff were encouraged to attend skills courses such as negotiation, communication, assertiveness and leadership.

Office Structures Implementation

The Office Structures Implementation (OSI) process commenced in 1989. All branches had completed their workshop sessions by the end of 1990. Proposals were presented to the OSI Steering Committee for consideration and reorganisation of staff structures in a number of areas has been implemented as a result.

Participative work design remained an ongoing process for the benefit of both staff and management within the Tribunal.

Occupational Health & Safety

The Tribunal continued to promote and maintain a high degree of health, safety and well-being for all staff through the Occupational

Health & Safety Sub-committee, which aims to prevent accidents and ill-health caused by working conditions.

Formal agreements on technological change, occupational health and safety and occupational rehabilitation were ratified by staff and management during the year.

Attention was focussed on the prevention of occupational overuse injuries, office safety, emergency evacuation procedures and elimination of sexual harassment. The concentration on training, seminars and information dissemination has considerably reduced the number of cases of Occupational Overuse Syndrome in particular. Further eye-testing was carried out and first-aid officers and fire wardens have undergone required training.

The Tribunal holds regular consultative meetings with industry, interest and consumer groups. Through such consultative processes the Tribunal facilitates participation in decision making about appropriate Tribunal activities by those individuals and groups who may be affected by the Tribunal's decisions.

Social Justice

Many of the processes carried out within the Tribunal involve the public, notably,

- attitudinal research
- the public inquiry mechanism
- the complaints process
- the educational and informational program of visits, talks and media contacts.

The views of various 'publics' are sought in particular circumstances. For example, where the renewal of a licence is being assessed, the community to whom the licensee delivers the service is asked for its views. This may include seeking out the views of target audiences, such as migrants or Aborigines.

In addition, the public inquiry process aims to enhance fair access to broadcasting services by:

- encouraging public submissions and requiring licensees to take account of them;
- encouraging public attendance and participation at hearings and conferences by advertising them prominently in the local press;
- ensuring hearings are held where possible in the major centre of the licensee's community;
- placing up-to-date copies of inquiry files in accessible locations; and
- placing emphasis during inquiries on signal reception difficulties within licensees' designated service areas.

Individual participation in decision making is encouraged through the Tribunal's emphasis, when considering the grant or renewal of public radio licences, on the level of community participation in the operations of the licensee and the selection and provision of programs.

Policies such as aggregation of commercial television services in country areas have been the subject of attitudinal research. Public perceptions have been assessed, both generally and in the context of licence renewals. The results of these emphases are to require licensees to provide a greater range of choice for residents in rural areas together with specific attention to the needs of special groups.

Achievement of a fair distribution of economic resources (broadcasting licences) is aided by the Tribunal's emphasis on licensing new public radio broadcasters.

Outcome

During the year the Tribunal conducted a conference on the theme 'Deregulation In Step with the World' which generated a great deal of interest from all sectors in the community.

The Tribunal publication *Broadcasting in Australia* has been designed, priced and distributed so as to be accessible to a wide audience.

The Tribunal continued to have a high public profile in 1990-91, issuing 86 news releases and, in the six months to 30 June 1991, logging over 500 calls from the media. Information requests were received from legal firms, stockbrokers, industry associations, other government organisations, academics, students and members of the public.

A Tribunal-managed toll-free number, instituted to allow complaints from listeners and viewers in New South Wales, the ACT, Northern Territory and Tasmania to be received by the Melbourne-based Complaints Section at no cost to the complainant, continued to be heavily utilised throughout the year.

Free copies of all Tribunal publications were provided to State libraries and free copies of the Tribunal's newsletter, *ABTEE*, were provided to all State and municipal libraries on request.

The production of multilingual versions of Tribunal information pamphlets was investigated, but no firm decision had been taken at 30 June 1991. Discussions were held with the Telephone Interpreter Service (TIS) of the Department of Immigration, Local Government and Ethnic Affairs about providing copies of the pamphlets to the TIS and directing people with non-English speaking backgrounds to contact TIS as required.

Tribunal computing is done on IBM and compatible standalone personal computers, and most Members and staff of the Tribunal are equipped with PCs. A local area network has been installed in Head Office and is being extended to make internal data bases more accessible to users and to provide services such as electronic mail. The Tribunal's older PCs are being phased out as the network is extended.

Information Systems

Amendments to the ownership and control provisions of the Broadcasting Act required major changes to the computer system which is used to monitor compliance with those provisions. New data bases developed in 1990-91 included a data base of inquiry reports and an enhanced data base of current inquiries.

Efficiencies and streamlining of administrative and financial activities were introduced with the development of various internal computerised databases, the introduction of the Commonwealth Managers's Toolbox and a review of the Tribunal's Chart of Accounts and Resource Attribution procedures.

Financial Management

An internal review of the Tribunal's establishment was carried out and staffing and administrative costs continued to be monitored on a monthly reporting basis.

During the year the Tribunal further developed its assessment of fraud risk. The major area of review concerned 'sensitivity of information' and in this regard a number of measures were introduced to minimise the potential for fraud through insider trading. Steps were also taken to increase the security of Tribunal property.

Fraud Control

Instances of loss are reported to the police and investigated internally to determine whether fraudulent action has occurred. Arrangements for fraud control are reviewed regularly.

No instances of fraud were identified during 1990-91.

No insurable or manageable claims or losses occurred during the year.

Claims and Losses

The Tribunal's consultants, KPMG Peat Marwick, continued to monitor the Tribunal's financial and personnel management as part of the annual internal audit process. Recommendations from a General Ledger and Purchase Cycle audit were implemented and further audits undertaken on the Payroll, Income Cycle (including Licence fees, Government Appropriations and Cash Receipts), Fixed Assets and Petty Cash.

Internal Audit

A comprehensive review of the EDP systems for the whole of the Tribunal was also undertaken by Peat Marwick and covered policies and procedures, access controls, and planning for continuity of EDP operations. A final report is still to be issued.

Capital Works Management

During 1990-91 the Tribunal undertook no major capital works.

Purchasing

Implementation of the government's purchasing reforms continued in 1990-91.

During the year the Tribunal did not gazette invitations for offers nor did it notify in the Gazette details of contracts arranged. The nature of the Tribunal's activities generally requires the purchase of standard items most of which are available under period contract.

External Scrutiny

Reports By The Auditor General

In the Auditor General's Report No. 20, 1990-91 it was stated that the Tribunal's systems and procedures could be relied upon to produce accurate and reliable information.

Impact Monitoring

Environment Matters

Since November 1990 all staff have actively participated in a Tribunal-initiated office paper recycling scheme which resulted in approximately 10 tonnes of paper being recycled. Staff are also encouraged to reuse 'waste' paper.

Public Duty and Private Interest Guidelines

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

Privacy Act

During the year, the Tribunal's obligations under the *Privacy Act 1988* were explained to new staff at induction courses.

All Tribunal application forms which may require details which could be regarded as personal information to be provided to the Tribunal in the exercise of its functions under the Broadcasting Act, indicate that unless a request is made for restricted access, that information will be placed on a public file.

As at 30 June 1991, the Privacy Contact Officer was developing a training program to familiarise staff of the Tribunal with the requirements of the Privacy Act and their obligations under it.

During the year, relevant information was provided to the Privacy Commissioner for inclusion in the *Personal Information Digest* which is published by his office.

No complaints relating to privacy, in terms of the Privacy Act, were received during the year.

The Auditor-General's Certification of the Tribunal's financial statement appears in Appendix M.

**Financial
Statement**

APPENDICES

APPENDIX A

MEETINGS ADDRESSED BY TRIBUNAL MEMBERS 1990-91

16.7.90

The Acting Chairman addressed the Ashfield Probus Club.

28/29.8.90

The Acting Chairman addressed the Pay TV Forum organised by the Australian Investment Conference in Sydney.

11.9.90

Mr Wilson addressed Business and Information Studies students at the University of Technology, Sydney.

24.9.90

Mr Wilson addressed members of the Vaucluse Probus Club.

14.10.90

The Acting Chairman addressed the sixtieth FARB Annual Convention in Melbourne.

17.10.90

Mr Wilson addressed the 1990 Television and Radio Industry Conference.

30.10.90

The Acting Chairman addressed the Australian Churches Media Association in Sydney.

7.11.90

The Acting Chairman addressed the Federal ALP Caucus sub-committee - Working Group on Media Broadcasting.

14.11.90

The Acting Chairman addressed the Federal ALP Caucus sub-committee - Working Group on Media Broadcasting.

26.11.90

Mr Wilson addressed LAPID (an organisation for people with poor vision).

12.2.91

Ms Brooks addressed the Federal ALP Caucus sub-committee - Working Group on Media Broadcasting.

14.3.91

The Acting Chairman addressed the Royal Institute of Public Administration in Sydney.

9.4.91

Mr Wilson addressed the Dover Heights Probus Club.

13.5.91

The Acting Chairman addressed Government Studies students at the University of Sydney.

27.5.91

Mr Wilson addressed Graduate Diploma and Masters Program students at the University of Technology, Sydney.

25.6.91

Ms Brooks addressed the International Advertising Association in Sydney.

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.

Subject to certain conditions, the official minutes of Tribunal meetings and records of meetings with outside bodies such as the industry bodies are available in each of the Tribunal's offices, in the Department of Transport and Communications (Broadcasting Policy Branch) in Canberra, the State Reference Library in Darwin and the State Library of Tasmania in Hobart. Access to the records of other meetings is available through the provisions of the Freedom of Information Act 1982.

Consultation: Meetings with Outside Persons and Bodies

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

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

South Australian, Western Australian and Northern Territorian Commercial Television Licensees	9.7.90
South Australian Production Industry	10.7.90
South Australian, Western Australian and Northern Territorian Commercial Radio Licensees	10.7.90
South Australian and Western Australian Public Radio Licensees	10.7.90
Federation of Australian Radio Broadcasters (FARB)	27.7.90
Public Broadcasting Association of Australia (PBAA)	2.8.90
Federation of Australian Commercial Television Stations (FACTS)	8.8.90
Media and Communications Council (MACC)	3.10.90
PBAA	9.10.90
7, 9, 10 Networks - Violence Code	11.10.90
FACTS	29.10.90
FARB	5.11.90
Australian Association of National Advertisers (AANA)	9.11.90
Progressive Radio Association (PRA)	27.11.90
MACC	17.12.90

TWT Limited	11.1.91
MACC	5.2.91
FACTS	6.2.91
PBAA	13.2.91
FARB	26.2.91
Provisional Liquidator for 3XY/3BAY	27.3.91
Queensland Satellite Television (QQQ)	27.3.91
Imparja Television Pty Ltd	18.4.91
Advertising Federation of Australia (AFA)	30.4.91
AANA	2.5.91
PRA	3.5.91
Queensland and Northern NSW Public Radio Licensees	16.5.91
Queensland and Northern NSW Commercial Radio Licensees	17.5.91
Queensland Production Industry	17.5.91
Queensland and Northern NSW Commercial Television Licensees	17.5.91
Official Liquidator, Radio 3XY Pty Ltd, and Representatives from Boyd House and Partners, and Sly and Weigall	31.5.91
FACTS	4.6.91
AWA Media Pty Ltd	5.6.91
MACC	5.6.91
PBAA	11.6.91

APPENDIX C

PUBLIC INQUIRY REPORTS PUBLISHED DURING 1990-91

Reports are ranked state by state and alphabetically in call sign order, where appropriate. Metropolitan licences are ranked ahead of regional licences, and television is ranked ahead of radio.

FILE NO.	TITLE	REPORT DATE
88/175/IL	ATN Sydney - Licence Renewal	31/5/91
88/176/IL	TCN Sydney - Licence Renewal	31/5/91
88/215/IL	TEN Sydney - Licence Renewal	31/5/91
87/44/IO	TCN, GTV, QTQ, STW, 2UE, 3AK, 6AM, 6PM, 6GE, 6KA, 6KG, 6NW, 8DN - Consolidated Press Holdings, Telecasters North Queensland/Bond Group - Share Transaction	25/6/91
91/31/IO	TCN, GTV, QTQ, TNQ, STW, 2UE, 3AK, 6AM, 6PM, 6BY, 6GE, 6KA, 6KG, 6NW, 6VA, 6WB, 8DN - Bond Group - Share Transactions	21/6/91
90/ 96/IO	BKN, GTS - Spencer Gulf Telecasters/JM Sturrock Pty Ltd - Share Transaction	9/5/91
89/195/IO	NBN Newcastle - NBN Enterprises Pty Ltd/Washington H Soul Pattinson - Share Transaction	11/6/91
89/197/IL	NBN Newcastle - Licence Renewal	11/6/91
91/34/IO	RVN, AMV -Riverina & North Eastern Victoria Television Pty Ltd/Ramcorp Ltd - Share Transaction	6/6/91
88/216/IL	ATV Melbourne - Licence Renewal	31/5/91
88/177/IL	GTV Melbourne - Licence Renewal	15/2/91
88/174/IL	HSV Melbourne - Licence Renewal	31/5/91
90/6/IL	AMV Upper Murray - Licence Renewal	14/12/90
90/92/IO	BCV, GLV, STW - Sunraysia Television Ltd/Sabtel Pty Ltd - Share Transaction	24/8/90
90/145/IO	STV, VTV, TVT - ENT Limited/AMP Society - Share Transaction	16/11/90

FILE NO.	TITLE	REPORT DATE
90/160/IO	STV, VTV, TVT - ENT Ltd/Commercial Union Assurance Co of Australia Ltd - Share Transaction	20/12/90
90/79/IL	DDQ, SDQ Regional Queensland - Licence Renewal	24/4/91
90/80/IO	ITQ Mount Isa - Mount Isa Television Pty Ltd/Telecasters North Queensland Ltd - Share Transaction	13/11/90
88/200/IO	RTQ Rockhampton - Rockhampton Television Pty Ltd/WIN Properties Ltd - Share Transaction	19/10/90
89/8/IL	SES Mt Gambier - Licence Renewal	24/9/90
90/86/IO	RTS Renmark - Riverland Television Pty Ltd/The Murray Pioneer Pty Ltd, P Taylor - Share Transaction	30/4/91
90/144/IO	RTS, SES - South East Telecasters Ltd/National Australia Financial Management Ltd - Share Transaction	23/11/90
86/529/IL	STW, TVW Perth - Licence Renewal	20/5/91
89/111/IO	STW Perth - Swan Television & Radio Broadcasters Ltd/Sunraysia TV Ltd - Share Transaction	17/12/90
90/84/IO	TNT, 3AW - Tricom Television Pty Ltd, Tricom Radio Holdings Pty Ltd/Southern Cross Communications Ltd - Share Transaction	20/7/90
90/134/IO	NTD Darwin - Channel 8 Darwin Holdings Pty Ltd/K H Warriner - Share Transaction	8/5/91
90/162/IO	RCTS - Imparja Television Pty Ltd/Aboriginal & Torres Strait Islander Commission - Share Transaction	7/2/91
91/6/IO	2CH Sydney - AWA Ltd/Capita Financial Group Ltd - Share Transaction	1/2/91
89/188/IL	2DAY, 2MMM, 3FOX, 3MMM, 4MMM, 5SSA, 6NOW - Capital Cities Commercial FM Stations - Licence Renewal	17/10/90
89/203/IO	2GB, 2CA, 2ROC, 4BH, 5DN - Sonance Ltd, Queensland Radio Ltd/Tora Bran Nominees Pty Ltd, WM Cassidy, Suncorp Insurance & Finance - Share Transaction	13/12/90
90/148/IO	2MMM, 2EC, 3MMM, 3CAT, 4MMM, 4GGG, 5AD, 5SE, 6NOW - Hoyts Media Ltd/Eurolynx Ltd, Heine Finance Holdings Pty Ltd - Share Transaction	3/12/90

FILE NO.	TITLE	REPORT DATE
90/146/IO	2UE Sydney - Radio 2UE Sydney Pty Ltd/Kimshaw Pty Ltd - Share Transaction	18/6/91
89/160/IL	2WS Sydney - Licence Renewal	19/12/90
90/163/IO	2AD, 2MO, 2RE, 2TM, 4WK - Broadcast Amalgamated Ltd/ L D Higginbothom - Share Transaction	2/5/91
88/136/IO	2AY, 2GN, 3MP, 3BO, 4CA, 4HI, 4LG, 4MK, 4TO, 6KY- Universal Broadcasters Pty Ltd, AWA Radio network/Wesgo Communications Pty Ltd, Central Coast Broadcasting - Share Transaction	16/11/90
90/97/IO	2EC Bega - Hoyts Media Ltd/Zamopress Pty Ltd - Licence Transfer	18/7/90
90/161/IO	2GN Goulburn - Radio 2GN Pty Ltd/Wesgo Communications - Share Transaction	2/1/91
90/32/IL	2GZ Orange - Licence Renewal	9/10/90
89/209/IO	2GZ, 2RG, 4RR - Stylore Pty Ltd, Nessian Pty Ltd, Aymjit Pty Ltd, Liangrove Pty Ltd, Broadcast Media Group Pty Ltd/PY & WJ Gerahty, Broadcast Media Group Pty Ltd, Broadcast Media Management Pty Ltd, WR & JM Gamble, L Brook Fitzsimmons - Share Transaction	10/5/91
89/168/IL	2KA Penrith - Licence Renewal	25/9/90
89/170/IL	2LF Young - Licence Renewal	3/8/90
90/150/IO	2LT Lithgow - Mid West Radio Ltd/Pax Pasha Pty Ltd, Roger Denis Colman - Share Transaction	18/12/90
90/151/IO	2LT Lithgow -Mid West Radio Ltd/Midwest Radio Network Pty Ltd - Share Transaction	18/12/90
90/110/IL	2MC Kempsey - Licence Renewal	14/6/91
91/13/IL	2NCR Lismore - Consent To Exercise The Powers or Authorities Granted by 2NCR Licence	28/3/91
89/158/IL	2NM Muswellbrook - Licence Renewal	4/10/90
89/119/IL	2NUR Newcastle - Licence Renewal	21/11/90

FILE NO.	TITLE	REPORT DATE
89/207/IO	2NX Newcastle - Hunter Broadcasters Pty Ltd/Snowy Mountains Radio Pty Ltd, West Coast Broadcasters Pty Ltd, D & S Woulleman-King - Share Transaction	7/6/91
90/55/IL	2NX Newcastle - Licence Renewal	7/6/91
90/38/IL	2ST Nowra - Licence Renewal	14/11/90
90/89/IO	3AK Melbourne - Actraint No. 93 Pty Ltd/P Corso - Share Transaction	8/8/90
91/17/IO	3AK Melbourne - Actraint No. 93 Pty Ltd - Application to Participate In The Benefits of the Licence	6/5/91
90/93/IL	3CR Melbourne - Licence Renewal	26/10/90
89/44/IL	3GCR Churchill - Licence Renewal	6/8/90
91/3/IL	3PBS Melbourne - Inquiry as to Whether the Licensee Failed to Comply with Licence Conditions	3/5/91
90/116/IO	3BAY Geelong - GLFM Pty Ltd/Votrait No 378 Pty Ltd, WT Cook, J Green, JL Atanaskovic - (Provisional Clearance)	14/9/90
91/29/IO	3BAY Geelong - GLFM Pty Ltd/Actraint No. 116 Pty Ltd - Licence Transfer	12/6/91
90/88/IO	3CV Maryborough - Fobike Pty Ltd/Colin Cameron - Share Transaction	20/7/90
91/25/IO	3CV Maryborough - Central Victorian Radio Ltd/Cameron Broadcasting Services - Share Transaction	3/5/91
89/185/IL	4ZZZ Brisbane - Licence Renewal	12/7/90
88/56/IO	4AM Mareeba - Northern Radio Pty Ltd/FNR Investments Pty Ltd - Share Transaction	13/11/90
91/4/IO	4CA,4MK,4TO - Greater Cairns Radio Ltd, Townsville Broadcasters Ltd/Trans Media Holdings Pty Ltd, Greater Cairns Radio Ltd - Share Transaction	3/6/91
90/78/IO	4CC Gladstone - Capricorn Broadcasters Pty Ltd/Maranoa Broadcasting Co Ltd - Share Transaction	24/10/90
90/61/IO	4CC, 4ZR - Maranoa Broadcasting Co Ltd/Alan Berry, Robert Bruce Coomber Graham - Share Transaction	5/7/90

FILE NO.	TITLE	REPORT DATE
90/87/IO	4GC, 4LM - North West Broadcasters Pty Ltd/G T Schmid - Share Transaction	20/7/90
89/97/IL	4RO Rockhampton - Licence Renewal	12/7/90
89/71/IL	4RR Townsville - Licence Renewal	10/5/91
89/72/IL	4TTT Townsville - Licence Renewal	26/6/91
89/73/IL	4TO Townsville - Licence Renewal	19/6/91
89/100/IL	4VL Charleville - Licence Renewal	21/12/90
89/117/IO	4VL Charleville - Concept Service Mart Pty Ltd/Douglas Charles Price - Share Transaction	21/12/90
89/96/IL	4ZR Roma - Licence Renewal	25/10/90
89/12/IL	5RM Renmark - Licence Renewal	17/8/90
90/42/IL	6GL Perth - Licence Renewal	20/12/90
90/49/IO	6KY Perth - 6KY Pty Ltd/JMB Pty Ltd - Share Transaction	8/7/90
88/105/IL	6NR Perth - Licence Renewal	21/9/90
90/101/IL	6PR Perth -Perth Western Broadcasting Service - Licence Renewal	6/5/91
88/ 57/IO	6PR Perth - Lewara Pty Ltd, Western Broadcasting Services Pty Ltd/Totalisator Agency Board of Western Australia, Lewara Pty Ltd - Share Transaction	19/10/90
91/8/IL	6UVS Perth - Universities Radio Ltd, Perth Participation in the Benefits of the Licence	25/6/91
90/121/IO	6AM Northam - Consolidated Broadcast System (WA)/Radio 6AM Pty Ltd - Licence Transfer	21/9/90
90/47/IL	6BY Bridgetown - Licence Renewal	6/8/90
88/219/IO	6BY, 6NA, 6TZ - Radio West Broadcasters, Elldale Pty Ltd, Grangeridge Nominees Pty Ltd/John K Watts Enterprises, Charles Hop Pty Ltd, Karant Pty Ltd - Share Transaction	8/8/90
89/22/IL	6CI Collie - Licence Renewal	6/8/90
90/124/IO	6LN Carnarvon - Carnarvon Commercial Broadcasters Pty Ltd/ Dorset Nominees - Share Transaction	22/11/90

FILE NO.	TITLE	REPORT DATE
91/9/IO	6LN Carnarvon - Carnarvon Commercial Broadcasters/Dorset Nominees Pty Ltd - Share Transaction	11/3/91
89/21/IL	6NA Narrogin - Licence Renewal	
89/25/IL	6TZ Bunbury - Licence Renewal	6/8/90
89/136/IO	6VA - Albany Broadcasters/Belcap Investments Pty Ltd - Licence Transfer	21/8/90
89/22/IL	6WB Katanning - Licence Renewal	6/8/90
90/48/IL	6WB Katanning - Licence Renewal	6/8/90
91/7/IO	7TTT Hobart - Southern Tasmania FM Radio/Island State Commercial Union Co-operative Ltd - Share Transaction	7/3/91
90/36/IL	7AD Devenport - Licence Renewal	6/3/91
90/35/IL	7BU Burnie - Licence Renewal	6/3/91
90/37/IL	7SD Scottsdale - Licence Renewal	6/3/91
89/206/IO	7XS Queenstown - 7XS Pty Ltd/XS West Pty Ltd - Licence Transfer	8/10/90
91/10/IO	7XS Queenstown - XS West Pty Ltd/ML & SN Adermann - Share Transaction	19/4/91
89/121/IL	8CCC-Alice Springs - Licence Renewal	20/7/90
90/71/IL	Sydney Public Radio (Ethnic) - Licence Grant	14/3/91
90/131/IL	Port Macquarie - Public Radio Licence Grant	30/4/91
90/117/IL	Radio Nambucca - Public Radio Licence Grant	8/05/91
90/98/IL	Mildura - Public Radio Licence Grant	20/3/91
88/197/IL	Renmark - Public Radio Licence Grant	8/2/91
89/16/IL	Renmark - Supplementary Radio Licence Grant	8/2/91
89/127/IL	Perth - Public Radio (Print Handicapped) Licence Grant	19/4/91

APPENDIX D

NEWS RELEASES ISSUED DURING 1990-91

Number	Date	Subject
NR25/1990	2.7.90	TRIBUNAL AMENDS STARTING DATE FOR P PROGRAM CLASSIFIED CHILDREN'S PROGRAMS
NR26/1990	5.7.90	BROADCASTING TRIBUNAL TO EXAMINE RIVERLAND RADIO
NR27/1990	5.7.90	BROADCASTING TRIBUNAL COMES TO ADELAIDE
NR28/1990	6.7.90	TRIBUNAL APPOINTS PRODUCER TO CHILDREN'S PROGRAM COMMITTEE
NR29/1990	19.7.90	3XY UNDER REVIEW BY BROADCASTING TRIBUNAL
NR30/1990	26.7.90	BROADCASTING CONFERENCE TO EXAMINE MAJOR POLICY CHANGE
NR31/1990	26.7.90	TRIBUNAL INQUIRIES INTO 3WRB WESTERN SUBURBS, MELBOURNE
NR32/1990	31.7.90	'MARBLE GUN' INCIDENT, TRIBUNAL COMPLETES INVESTIGATION
NR33/1990	6.8.90	TEENAGE MUTANT NINJA TURTLES
NR34/1990	7.8.90	TRIBUNAL COMPLETES INVESTIGATION INTO COMMENTS BY HOWARD SATTLER
NR35/1990	10.8.90	TEN LICENCE RENEWAL INQUIRY RESUMES
NR36/1990	17.8.90	TRIBUNAL TO EXAMINE OPERATIONS OF 6PR PERTH
NR37/1990	21.8.90	TRIBUNAL PUBLISHES SECOND BROADCASTING FINANCIAL YEARBOOK
NR38/1990	23.8.90	DEREGULATION OF TV ADVERTISING WORKS SAYS TRIBUNAL
NR39/1990	23.8.90	BOND INQUIRY - DIRECTION HEARING
NR40/1990	28.8.90	STRINGENT CONDITIONS FOR GOULBURN PUBLIC BROADCASTER
NR41/1990	30.8.90	SYDNEY/MELBOURNE COMMERCIAL TELEVISION LICENCE RENEWALS HEARINGS DEFERRED

Number	Date	Subject
NR42/1990	5.9.90	TELEVISION AGGREGATION PLEASES VIEWERS
NR43/1990	7.9.90	CANCELLED - NR45/1990 REPLACES
NR44/1990	7.9.90	CHANGE OF CONTROL OF 3BAY GEELONG
NR45/1990	10.9.90	BRIEFING TO LAUNCH BROADCAST SUMMIT
NR46/1990	14.9.90	TRIBUNAL ACTS TO PROTECT NETWORK TEN SERVICES
NR47/1990	14.9.90	TRIBUNAL UPDATE
NR48/1990	17.9.90	INQUIRY INTO 2GB BROADCASTS
NR49/1990	17.9.90	CHILDREN'S GROUP ASK FOR INQUIRY
NR50/1990	19.9.90	AUSTRALIAN BROADCASTING TRIBUNAL CHIEF ENDORSES VIABILITY OF COMMERCIAL TELEVISION DURING LAUNCH FOR MAJOR CONFERENCE ON DEREGULATION
NR51/1990	21.9.90	TRIBUNAL TO EXAMINE COMMENTS MADE ON 2KY BY RON CASEY
NR52/1990	27.9.90	TRIBUNAL TO CONSIDER TERMINATING BOND INQUIRY
NR53/1990	28.9.90	NO NEW FM RADIO LICENCE FOR ALICE SPRINGS, TRIBUNAL DECIDES
NR54/1990	11.10.90	APPOINTMENT OF TRIBUNAL STATE REPRESENTATIVE FOR SA
NR55/1990	12.10.90	TIME FOR RADIO TO BITE THE BULLET, SAYS TRIBUNAL CHAIRMAN
NR56/1990	17.10.90	TRIBUNAL CONCLUDES BOND INQUIRY
NR57/1990	25.10.90	TRIBUNAL RELEASES FINANCIAL RESULTS FOR AGGREGATED MARKET
NR58/1990	9.11.90	BROADCASTING TRIBUNAL SEEKS SUBMISSIONS TO TNQ INQUIRY
NR59/1990	9.11.90	TRIBUNAL MOVES TO FINALISE NINE NETWORK LICENCE RENEWALS
NR60/1990	13.11.90	TRIBUNAL ACCEPTS ASH COMPLAINT

Number	Date	Subject
NR61/1990	20.11.90	TOBACCO ADVERTISING - TRIBUNAL TO INQUIRE INTO GRAND PRIX TELECAST
NR62/1990	21.11.90	TRIBUNAL ISSUES DIRECTIONS TO PRIME TV LICENSEES
NR63/1990	23.11.90	TRIBUNAL TO INQUIRE INTO FITNESS OF EDMUND ROUSE
NR64/1990	17.12.90	ADVERTISING TIME ON TELEVISION
NR65/1990	19.12.90	FOREIGN CONTENT OF TELEVISION ADVERTISEMENTS
NR1/1991	9. 1.91	3AK AIRTIME DEAL - BROADCASTING TRIBUNAL SEEKS DETAILS
NR02/1991	25. 1.91	DID GRAND PRIX TELECAST CONTAIN TOBACCO ADVERTISING? BROADCASTING TRIBUNAL ANNOUNCES ISSUES FOR INQUIRY
NR03/1991	6. 2.91	THIRTEEN PER CENT INCREASE IN COMMERCIAL TELEVISION REVENUE
NR04/1991	6. 2.91	AMENDMENT TO NEWS RELEASE 3/1991 - THIRTEEN PER CENT INCREASE IN COMMERCIAL TELEVISION REVENUE
NR05/1991	11. 2.91	RENMARK SA RADIO DECISION BY TRIBUNAL
NR06/1991	19. 2.91	TRIBUNAL DELAYS DECISION ON CHANNEL NINE SYDNEY LICENCE
NR07/1991	5. 3.91	PUBLIC HEARING INTO FITNESS OF ENT LTD
NR08/1991	5. 3.91	REVENUE GROWTH SLOWS FOR COMMERCIAL RADIO
NR09/1991	7. 3.91	THE ELECTRONIC MEDIA - FINANCIAL WOES - WHAT ROLE THE REGULATOR
(This release was prepared by the Royal Australian Institute of Public Administration and distributed by the Tribunal.)		
NR10/1991	14. 3.91	TRIBUNAL CHAIRMAN ADVOCATES WHOLESALE REFORM OF BROADCASTING
NR11/1991	15. 3.91	TRIBUNAL GRANTS PUBLIC ETHNIC RADIO LICENCE TO SERVE SYDNEY
NR12/1991	18. 3.91	TRIBUNAL TO HOLD CONFERENCE IN GOULBURN

Number	Date	Subject
NR13/1991	19. 3.91	TRIBUNAL WELCOMES COMMERCIAL TV VIOLENCE CODE
NR14/1991	19. 3.91	TRIBUNAL CO-PRODUCTIONS INQUIRY
NR15/1991	20. 3.91	PUBLIC HEARING INTO PROPOSED 3AK/BERT NEWTON DEAL
NR16/1991	20. 3.91	MILDURA TO GET NEW RADIO SERVICE
NR17/1991	3. 4.91	PUBLIC HEARING INTO ACQUISITION OF 8DN DARWIN
NR18/1991	4. 4.91	PUBLIC HEARING INTO SALE OF RADIO 2UE
NR19/1991	4. 4.91	TRIBUNAL TO RESUME 3AK HEARINGS
NR20/1991	23. 4. 91	PERTH TO GET NEW RADIO SERVICE
NR21/1991	24. 4.91	6UVS PUBLIC HEARING
NR22/1991	2. 5.91	TRIBUNAL FINDS NO BREACH OF STANDARDS IN 2KY BROADCASTS
NR23/1991	2. 5.91	PORT MACQUARIE TO GET NEW RADIO SERVICE
NR24/1991	6. 5.91	TRIBUNAL RELEASES RESEARCH ON 1990 GRAND PRIX TELECAST
NR25/1991	8. 5.91	AUSTRALIAN CONTENT - TV COMPLIES WITH NEW TRIBUNAL STANDARD
NR26/1991	8. 5.91	TRIBUNAL 'OZ CONTENT' INQUIRY REPORT LAUNCHED
NR27/1991	9. 5.91	BRISBANE TELEVISION PUBLIC HEARINGS
NR28/1991	9. 5.91	TRIBUNAL RELEASES SURVEY OF TV AND MOVIE CO-PRODUCTIONS
NR29/1991	14. 5.91	TRIBUNAL CLEARS WAY FOR RESUMPTION OF 6UVS SERVICE
NR30/1991	16. 5.91	CHILDREN'S PROGRAM COMMITTEE RELEASES GUIDE TO CHILDREN'S PROGRAM CRITERIA
NR31/1991	16. 5.91	RADIO ADVERTISING REVENUE FALLS IN MARCH 1991 QUARTER
NR32/1991	20. 5.91	TRIBUNAL RESUMES INQUIRIES INTO SEVEN NETWORK

Number	Date	Subject
NR33/1991	23. 5.91	TRIBUNAL REFERS SEVEN NETWORK CONCERNS TO MINISTER
NR34/1991	27. 5.91	TRIBUNAL TO EXAMINE NINE NETWORK - REGIONAL RELATIONSHIP
NR35/1991	29. 5.91	URGENT HEARING FOR 3BAY GEELONG
NR36/1991	31. 5.91	TCN NINE LICENCE RENEWED FOR FIVE YEARS
NR37/1991	31. 5.91	TRIBUNAL WELCOMES NEW ARRANGEMENTS FOR SEVEN NETWORK
NR38/1991	5. 6.91	AUSTRALIAN CONTENT OF TV ADS - TRIBUNAL ISSUES DRAFT STANDARD
NR39/1991	7. 6.91	CHILDREN'S TV PROCEDURES IMPROVED
NR40/1991	7. 6.91	RE-START FOR GRAND PRIX INQUIRY
NR41/1991	19. 6.91	ABT WARNING ON AVOIDANCE SCHEMES
NR42/1991	19. 6.91	TV AND RADIO PROFITS SLUMP
NR43/1991	20. 6.91	TRIBUNAL NOT TO REVOKE GOULBURN PUBLIC RADIO LICENCE
NR44/1991	21. 6.91	URGENT HEARING FOR 3XY MELBOURNE
NR45/1991	26. 6.91	TRIBUNAL GRANTS NEW FM LICENCE FOR DARWIN

APPENDIX E

SUMMARY OF COMPLAINTS

The following is a summary of complaints received by the Tribunal and the major areas of concern for complainants.

TELEVISION	Number	% of all television
Comments (other than complaints) - about aspects of television.	1337	44.82
Major areas of concern -		
content of television advertisements generally	344	11.53
amount of advertising (since trial de-regulation)	65	2.18
promotions for programs (TPS 12)	162	5.43
program scheduling arrangements	142	4.79
Complaints referred to industry for comment -		
found in breach	1	0.03
no breach found	62	2.08
outstanding	251	8.41
Complaints referred to industry for information		
no breach found	1332	44.65
TOTAL	2983	100.00
Major areas of concern -		
content of television programs generally	906	30.37
amount of advertising (since trial de-regulation)	116	3.89
promotions for programs (TPS 12)	366	12.28
program scheduling arrangements	235	7.88
COMMERCIAL RADIO	Number	% of all commercial radio
Comments (other than complaints)	36	10.94
Major areas of concern -		
alleged breaches of the Broadcasting Act	8	2.43
offensive matter (e.g. bad taste)	25	7.60
prohibited matter (RPS 2,3)	19	5.78

Complaints referred to industry for comment - no breach found	36	10.94
outstanding	39	11.85
Complaints referred to industry for information no breach found	131	39.82
TOTAL	329	100.00
Major areas of concern - offensive matter	103	31.30
prohibited matter (RPS 2,3)	65	19.76
alleged breaches of the Broadcasting Act	34	10.33

PUBLIC RADIO	Number	% of all public radio
Comments (other than complaints)	14	22.58
Major area of concern - alleged breaches of the Broadcasting Act	5	8.06
Complaints referred to industry for comment - no breach found	8	12.90
outstanding	19	30.65
Complaints referred to industry for information no breach.	21	33.87
TOTAL	62	100.00
Major areas of concern - alleged breaches of the Broadcasting Act	28	45.15
offensive matter (e.g. bad taste)	5	8.06

This is a summary. A full list of complaints by type is available from the Tribunal. A more detailed summary will be included in *Broadcasting in Australia*.

APPENDIX F

REPORT TO THE TRIBUNAL BY THE CHILDREN'S PROGRAM COMMITTEE

The Children's Program Committee has continued to encourage quality and diversity in children's programming, and is now beginning to see some of the positive results flow from the introduction of the new Children's Television Standards (CTS) on 1 January 1990. Evidence of this is seen in some outstanding drama for children, some new non-drama programs, and quality product from overseas. Programs worthy of note during the past year include the Australian drama programs - *Round The Twist*, *Ratbag Hero*, *The Girl From Tomorrow*, and the overseas programs - *Kelloggs Animation Anthology (Magic Mirror Segments)*, *The Challengers*, *The Storyteller*.

The Committee continues to emphasise its objective that children should have regular access to quality television programs made specifically for them, including Australian drama and non-drama programs.

Apart from the regular workload of assessments considered at its monthly meetings, the Committee met with a large number of producers and writers of children's programs, representatives of industry associations such as the Australian Writers Guild, and with representatives of commercial television networks. These meetings were held during scheduled Committee sittings and at other times, accommodating production schedules. The meetings provided the opportunity for detailed discussion of specific applications, and the assessment and classification process. The Committee also provided a number of applicants with informal feedback on programs prior to a formal application for classification.

The Committee held its March 1991 meeting in Adelaide and invitations were extended to regular applicants from South Australia and Western Australia. The Chairperson and Deputy Chairperson made a special visit to Perth in May 1991 to meet with producers, writers, community groups, and other interested parties. This visit was arranged in the knowledge that many producers or prospective producers of children's programs are not able to visit Sydney where the Committee holds its regular meetings. It is hoped that a visit to Perth will become an annual event.

The Committee continued to devote a substantial amount of time to assessment of preschool programs. To assist in this task, the Committee engaged specialist consultants to provide additional advice on current issues in learning, development stages and education curriculum for preschool age children. To date, of the six applications received, the Committee has recommended that P classification be granted to three programs (two Australian produced, one from overseas).

The Committee held eleven meetings during the year, and its assessment workload continued to increase in comparison with previous years (93 applications in 1988-89, 105 in 1989-90, 175 in 1990-91). In addition to the work associated with preschool programs, new drama and non-drama program applications, there were also large numbers of applications for renewal of

programs previously classified in the 18 months following 1 July 1984, which was the implementation date of the first Children's and Preschool Children's Television Standards.

In response to requests from applicants, the Committee developed the information paper, *Children's Television - the Tribunal's Standards: Criteria for a Children's Program*. This paper reflects the Committee's experience in assessing programs under the CTS criteria, and is intended to assist producers and writers of children's programs.

The Committee provided input to a review of the operation of the classification process. Matters considered by the review included the membership of the Committee, frequency of meetings, and staff support and resources. (The determinations of the Tribunal on these matters is set out under the section 'Children's Television Programs' in Chapter 6 of this Report).

The Committee maintained a close interest in relevant Tribunal inquiries and contributed to the 'Review of Advertising Time on Television' inquiry.

In the period 1 July 1990 to 30 June 1991, the Committee considered 175 applications for classification, and recommended that:

3	be classified P
9	be classified Provisional C
51	be classified C
17	be classified C Australian Drama
93	be refused classification (including 33 applications for renewal of classification)
—	
173	total (2 were withdrawn by the applicants)

A list of programs classified P, C or C Australian Drama in this period appears in Appendix G.

APPENDIX G

PROGRAMS CLASSIFIED C OR C AUSTRALIAN DRAMA 1990-91

- (*) denotes Australian C Drama program
 (R) denotes Renewal
 ! 'EBU' denotes programs from the 'European Broadcasting Union [program] Exchange for Children'

Programs are contributed by participating nations (including Australia), in various genres e.g. drama

TITLE	APPLICANT
THE ADVENTURES OF BLACK BEAUTY (R)	Australian Television Network
THE ADVENTURES OF COMMANDER CRUMBCAKE	Field Associates
ALMOST PARTNERS (Wonderworks)	Australian Television Network
AND THE CHILDREN SHALL LEAD (Wonderworks)	Australian Television Network
THE BOLLO CAPER	Australian Television Network
THE BOY WHO LOVED TROLLS (Wonderworks)	Australian Television Network
BLOCK BUSTERS (Series 1)	Fremantle International
BUSHBEAT (Series 2)	Queensland Television
CANTERVILLE GHOST (Wonderworks)	Australian Television Network
CARTOON ALL STARS TO THE RESCUE	Australian Television Network
THE CHALLENGERS	Australian World Entertainment
THE COLOURED PENCILS (*)	Network Ten Australia
COUGAR (R)	Australian Television Network
CRAGGAUNOWEN MUSEUM - 1989 EBU	
DOCUMENTARY (!)	Nine Network
THE CUP - 1989 EBU DRAMA (!)	Nine Network
DANIEL AND THE TOWERS (Wonderworks)	Australian Television Network
DOUBLE DARE (Series 5)	Network Ten Australia
DOUBLE DARE (Series 6)	Network Ten Australia
DR FAD	Network Ten Australia
EUREEKA'S CASTLE	Nickelodeon (USA)
FAMILY TREE (*) (R)	Network Ten Australia
FROG (Wonderworks)	Australian Television Network
GET ENERGIZED	Broadcom Australia
GOODSPORTS (Series 1)	Tasmanian Television
GOPHERS	NDB Pictures (UK)
THE GREAT GILLY HOPKINS (R)	Australian Television Network
HALF WAY ACROSS THE GALAXY AND TURN LEFT (*)	
HAPPY NEW YEAR - CHARLIE BROWN	Crawfords
HOBOKEN CHICKEN CONSPIRACY (Wonderworks)	Nine Network
HOME AT LAST (Wonderworks)	Australian Television Network
IT'S FLASHBEAGLE - CHARLIE BROWN	Australian Television Network
KELLOGGS ANIMATION ANTHOLOGY (MAGIC MIRROR)	Nine Network
	Australian Television Network

KELLY (*)	Westbridge Productions
LONESTAR KID (Wonderworks)	Australian Television Network
MARICELLA (Wonderworks)	Australian Television Network
MIGHTY PRAWNS (Wonderworks)	Australian Television Network
MIRACLE AT MOREAUX (Wonderworks)	Australian Television Network
THE MIRACULOUS MELLOPS (*)	Millenium Pictures Pty Ltd
THE MOUSE - 1989 EBU DRAMA	Nine Network
NASA SPACE STATION - CHARLIE BROWN (R)	Nine Network
NATIONAL HORSE RACING MUSEUM - 1989 EBU DOCUMENTARY	Nine Network
THE NEW ADVENTURES OF BLACK BEAUTY	Fremantle International
NOTORIOUS JUMPING FROG OF CALAVERAS COUNTY (R)	Australian Television Network
NOW YOU SEE IT (Series 6)	Fremantle International
NOW YOU SEE IT (Series 7)	Fremantle International
OWL TV (Series 1)	Effie Holdings Pty Ltd
OWL TV (Series 2)	Effie Holdings Pty Ltd
OWL TV (Series 3)	Effie Holdings Pty Ltd
PUGWALL'S SUMMER (*)	LJ Productions
RATBAG HERO (*)	Ratbag Hero Productions
THE ROGUE STALLION (*)	Grundy Organisation
RUNAWAY ISLAND (*) (R)	Australian Television Network
SATURDEE (*) (R)	LJ Productions
THE SECRET CODE (*)	Robert Eichenberger
THE SHOW WITH THE MOUSE	Kennedy White Pty Ltd
SNOOPYS GETTING MARRIED - CHARLIE BROWN (R)	Australian Television Network
SOVEREIGN HILL GOLD MINING MUSEUM - 1989 EBU DOCUMENTARY	Australian Television Network
SPACE KNIGHTS (*)	South Pacific Pictures
THE STORYTELLER	Network Ten Australia
THE STORYTELLER - GREEK MYTHS	Roadshow TV / Disney UK
TAIL OF A TIGER (*) (R)	Australian Television Network
TIMELESS TALES (3 stories)	Southern Star International
TOMORROW'S END (*)	Film Australia
TRIPODS (Series 2) (R)	Australian Television Network
TUKIKI AND HIS SEARCH FOR A MERRY CHRISTMAS (R)	Australian Television Network
WALKING ON AIR (Wonderworks)	Australian Television Network
WRIGHT BROTHERS AT KITTYHAWK - CHARLIE BROWN	Nine Network

PROGRAMS CLASSIFIED P 1990-91

HERE'S HUMPHREY	NWS-9 Adelaide(Southern Television)
MOTHER GOOSE STORIES	Network Ten Australia
MULLIGRUBS	Network Ten Australia

APPENDIX H

CONSULTANCY SERVICES

Twenty three consultants were engaged during the year at a total cost of \$433 160. Of this, \$185 375 was spent on research surveys. Major consultancy engagements were as follows:

CONSULTANT	COST (\$)	PURPOSE
AC Nielsen	19 708	Subscription to ratings
AGB McNair	38 375	1990 TV and radio audience surveys
AGB McNair	17 815	1991 TV and radio audience surveys
A-M Nicholson	7859	'Deregulation' conference - publicity
Broad Oaks	26 500	'Deregulation' conference - Productions facilitation
Deloitte Ross Tomatsu	12 500	Review of financial capability criteria
Deloitte Ross Tomatsu	8000	Review of TV licences' annual return
Entertainment inquiry	3700	Information for Co-productions Business Review
Frank Small and Associates	58 000	Survey of television attitudes in northern NSW prior to aggregation
H & J Nash Enterprises	30 450	Organisation of 'Deregulation' conference
H & J Nash Enterprises	3750	Organisation of 'Seminars'
Hands-On Systems	5000	Installation of LAN
Harris, Ward and Crossman	3720	Accounting advice
KPMG Peat Marwick	37 955	Internal audit service
Nonchalant Nominees	5460	Ownership and Control Database development
Phoenix Contracting	58 205	Ownership and Control Database development
Quadrant Research Services	46 550	Surveys of public attitudes on broadcasting issues
Retter Marketing	20 690	'Deregulation' conference - marketing

CONSULTANT	COST (\$)	PURPOSE
Sanders Information Management Services	3870	Software evaluation - Tribunal Decisions Database
Systematics	18 620	Development of database of Tribunal decisions
Other consultancies	6433	

APPENDIX I

LICENCE GRANTS AND RENEWAL REPORTS PUBLISHED DURING 1990-91

Licence Grants

Report no.	Title	Date of Report
90/71/IL	Sydney - Public Radio (Ethnic)	14/3/91
90/117/IL	Nambucca Shire - Public Radio	8/5/91
90/131/IL	Port Macquarie - Public Radio	30/4/91
90/98/IL	Mildura - Public Radio	20/3/91
88/197/IL	Renmark - Independent Commercial Radio	8/2/91
89/16/IL	Renmark - Supplementary Commercial Radio	8/2/91
89/127/IL	Perth - Public Radio (Print Handicapped)	19/4/91

Licence Renewals - Television

Report no.	Title	Date of Report
88/176/IL	TCN Sydney	31/5/91
89/197/IL	NBN Newcastle	11/6/91
88/177/IL	GTV Melbourne	15/2/91
90/6/IL	AMV Upper Murray	14/12/90
90/79/IL	DDQ-SDQ Queensland	24/4/91
89/8/IL	SES Mt Gambier	24/9/90
86/529/IL	STW Perth	20/5/91

Licence Renewals - Commercial Radio

Report no.	Title	Date of Report
89/188/IL	2DAY Sydney	17/10/90
89/188/IL	2MMM Sydney, 3 FOX Melbourne, 3MMM Melbourne, 4MMM Brisbane, 5SSA Adelaide, 6NOW Perth	17/10/90
89/160/IL	2WS Sydney	19/12/90
90/32/IL	2GZ Orange	9/10/90
89/168/IL	2KA Penrith	25/9/90
89/170/IL	2LF Young	3/8/90
90/110/IL	2MC Kempsey	14/6/91
89/158/IL	2NM Muswellbrook	4/10/90
90/55/IL	2NX Newcastle	7/6/91
90/38/IL	2ST Nowra	14/11/90
89/ 97/IL	4RO Rockhampton	12/7/90
89/ 71/IL	4RR Townsville	10/5/91
89/ 73/IL	4TO Townsville	19/6/91
89/100/IL	4VL Charleville	21/12/90
89/ 96/IL	4ZR Roma	25/10/90
89/12/IL	5RM Renmark	17/8/90
90/42/IL	6GL Perth	20/12/90
90/101/IL	6PR Perth	6/5/91
90/47/IL	6BY Bridgetown	6/8/90
89/ 22/IL	6CI Collie	6/8/90
89/21/IL	6NA Narrogin	6/8/90
89/ 25/IL	6TZ Bunbury	6/8/90
90/48/IL	6WB Katanning	6/8/90
90/36/IL	7AD Devonport	6/3/91
90/35/IL	7BU Burnie	6/3/91
90/37/IL	7SD Scottsdale	6/3/91
89/206/IL	7XS Queenstown	8/10/90

Licence Renewals - Public Radio

Report no.	Title	Date of Report
89/119/IL	2NUR Newcastle	21/11/90
90/93/IL	3CR Melbourne	26/10/90
84/311/IL	3MBS Melbourne	1/1/91
89/44/IL	3GCR Churchill	6/8/90
89/185/IL	4ZZZ Brisbane	12/7/90
89/ 72/IL	4TTT Townsville	26/6/91
88/105/IL	6NR Perth	21/9/90
89/121/IL	8CCC Alice Springs	20/7/90

APPENDIX J

SHARE TRANSACTIONS - 1990-91

Licence(s) affected/Company in which interest acquired or increased/Company or person acquiring or increasing shareholding.	File no.	Decision Date
TCN, GTV, QTQ, STW, 2UE, 3AK, 6PM, 6AM, 6GE, 6KA, 6KG, 6NW, 8DN - Consolidated Press Holdings, Telecasters North Queensland/Bond Group	87/44/IO	25/6/91
TCN, GTV, QTQ, TNQ, STW, 2UE, 3AK, 6PM, 6AM, 6BY, 6GE, 6KA, 6KG, 6NW, 6VA, 6WB, 8DN - Bond Group	91/31/IO	21/6/91
BKN - Spencer Gulf Telecasters/JM Sturrock Pty Ltd	90/96/IO	9/5/91
NBN - NBN Enterprises Pty Ltd/Washington H Soul Pattinson	89/195/IO	11/6/91
RVN, AMV - Riverina & North Eastern Victoria Television Pty Ltd/Ramcorp Ltd	91/34/IO	6/6/91
BCV, GLV, STW - Sunraysia Television Ltd/Sabtel Pty Ltd	90/92/IO	24/8/90
STV, VTV, TVT - ENT Ltd/AMP Society	90/145/IO	16/11/90
STV, VTV, TVT - ENT Ltd/Commercial Union Assurance Co of Australia Ltd	90/160/IO	20/12/90
ITQ - Mount Isa Television Pty Ltd/Telecasters North Queensland Ltd	90/80/IO	13/11/90
RTQ - Rockhampton Television Pty Ltd/WIN Properties Ltd	88/200/IO	19/10/90
RTS - Riverland Television Pty Ltd/The Murray Pioneer Pty Ltd, P Taylor	90/86/IO	30/4/91
RTS, SES - South East Telecasters Ltd/National Australia Financial Management Ltd	90/144/IO	23/11/90
STW - Swan Television & Radio Broadcasters Ltd/Sunraysia TV Ltd	89/111/IO	17/12/90
TNT, 3AW - Tricom Television Pty Ltd, Tricom Radio Holdings Pty Ltd/Southern Cross Communications Ltd	90/84/IO	20/7/90
NTD - Channel 8 Darwin Holdings Pty Ltd/K H Warriner	90/134/IO	8/5/91

Licence(s) affected/Company in which interest acquired or increased/Company or person acquiring or increasing shareholding.	File no.	Decision Date
RCTS - Imparja Television Pty Ltd/Aboriginal & Torres Strait Islander Commission	90/162/IO	7/2/91
2CH - AWA Ltd/Capita Financial Group Ltd	91/6/IO	1/2/91
2GB, 2CA, 2ROC, 4BH, 5DN - Sonance Ltd, Queensland Radio Ltd/Tora Bran Nominees Pty Ltd, WM Cassidy, Suncorp Insurance & Finance	89/203/IO	13/12/90
2MMM, 2EC, 3MMM, 3CAT, 4MMM, 4GGG, 5AD, 5SE, 6NOW - Hoyts Media Ltd/Eurolynx Ltd, Heine Finance Holdings Pty Ltd	90/148/IO	3/12/90
2UE - Radio 2UE Sydney Pty Ltd/Kimshaw Pty Ltd	90/146/IO	18/6/91
2AD, 2MO, 2RE, 2TM, 4WK - Broadcast Amalgamated Ltd/L D Higginbotham	90/163/IO	2/5/91
2AY, 2GN, 3MP, 3BO, 4CA, 4HI, 4LG, 4MK, 4TO, 6KY- Universal Broadcasters Pty Ltd, AWA Radio network/Wesgo Communications Pty Ltd, Central Coast Broadcasting	88/136/IO	16/11/90
2GN - Radio 2GN Pty Ltd/Wesgo Communications Ltd	90/161/IO	2/1/91
2GZ, 2RG, 4RR - Stylore Pty Ltd, Nessian Pty Ltd, Aymjit Pty Ltd, Liangrove Pty Ltd, Broadcast Media Group Pty Ltd/PY & WJ Gerahty, Broadcast Media Group Pty Ltd, Broadcast Media Management Pty Ltd, WR & JM Gamble, L Brook Fitzsimmons	89/209/IO	10/5/91
2LT - Mid West Radio Ltd/Pax Pasha Pty Ltd, Roger Denis Colman	90/150/IO	18/12/90
2LT -Mid West Radio Ltd/Midwest Radio Network PtyLtd	90/151/IO	18/12/90
2NX - Hunter Broadcasters Pty Ltd/Snowy Mountains Radio Pty Ltd, West Coast Broadcasters Pty Ltd, D & S Woulleman-King	89/207/IO	7/6/91
3AK - Actraint No. 93 Pty Ltd/P Corso	90/89/IO	8/8/90
3BAY - GLFM Pty Ltd/Votraint No 378 Pty Ltd, W T Cook, J Green, J L Atanaskovic (Provisional Clearance)	90/116/IO	14/9/90
3CV - Fobike Pty Ltd/Colin Cameron	90/88/IO	20/7/90

Licence(s) affected/Company in which interest acquired or increased/Company or person acquiring or increasing shareholding.	File no.	Decision Date
3CV - Central Victorian Radio Ltd/Cameron Broadcasting Services	91/25/IO	3/5/91
4AM - Northern Radio Pty Ltd/FNR Investments Pty Ltd	88/ 56/IO	13/11/90
4CA, 4MK, 4TO - Greater Cairns Radio Ltd, Townsville Broadcasters Ltd/Trans Media Holdings Pty Ltd, Greater Cairns Radio Ltd	91/4/IO	3/6/91
4CC - Capricorn Broadcasters Ltd/Maranoa Broadcasting Co Ltd	90/78/IO	24/10/90
4CC, 4ZR - Maranoa Broadcasting Co Ltd/Alan Berry, Robert Bruce Coomber Graham	90/61/IO	5/7/90
4GC, 4LM - North West Broadcasters Pty Ltd/G T Schmid	90/87/IO	20/7/90
4VL - Concept Service Mart Pty Ltd/Douglas Charles Price	89/117/IO	21/12/90
6KY - 6KY Pty Ltd/JMB Pty Ltd	90/49/IO	8/7/90
6PR - Lewara Pty Ltd, Western Broadcasting Services Pty Ltd/Totalisator Agency Board of Western Australia, Lewara Pty Ltd	88/ 57/IO	19/10/90
6BY, 6NA, 6TZ - Radio West Broadcasters, Elldale Pty Ltd, Grangeridge Pty Ltd/John K Watts Enterprises, Karant Pty Ltd, Charles Hop Pty Ltd	88/219/IO	8/8/90
6LN - Carnarvon Commercial Broadcasters Pty Ltd/Dorset Nominees	90/124/IO	22/11/90
6LN - Carnarvon Commercial Broadcasters/Dorset Nominees Pty Ltd	91/9/IO	11/3/91
7TTT - Southern Tasmania FM Pty Ltd/Island State Credit Union Cooperative Society Ltd	91/7/IO	7/3/91
7XS - 7XS Pty Ltd/XS West Pty Ltd	89/206/IO	8/10/90
7XS - XS West Pty Ltd/ML & SN Adermann	91/10/IO	19/4/91

APPENDIX K

FREEDOM OF INFORMATION SECTION 8 STATEMENT

The *Freedom of Information Act 1982* (the FOI Act) requires Commonwealth Government agencies to make available information about their organisation, functions and operations, and about rules and practices which are used in making decisions which affect people.

Section 8 of the FOI Act requires each agency to publish detailed information about the way it is organised, its powers, the kinds of decisions made, arrangements for public involvement in the work of the agency, documents held by the agency and how these can be accessed by the public.

This statement is correct as at 30 June 1991 and replaces the statement published in the Tribunal's 1989-90 *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 Vice-Chairman, 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 an Acting Chairman, an Acting Vice-Chairman and four Members.

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 holding office and decisions are determined by a majority of the votes of the members present. The chairman of the meeting has 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.

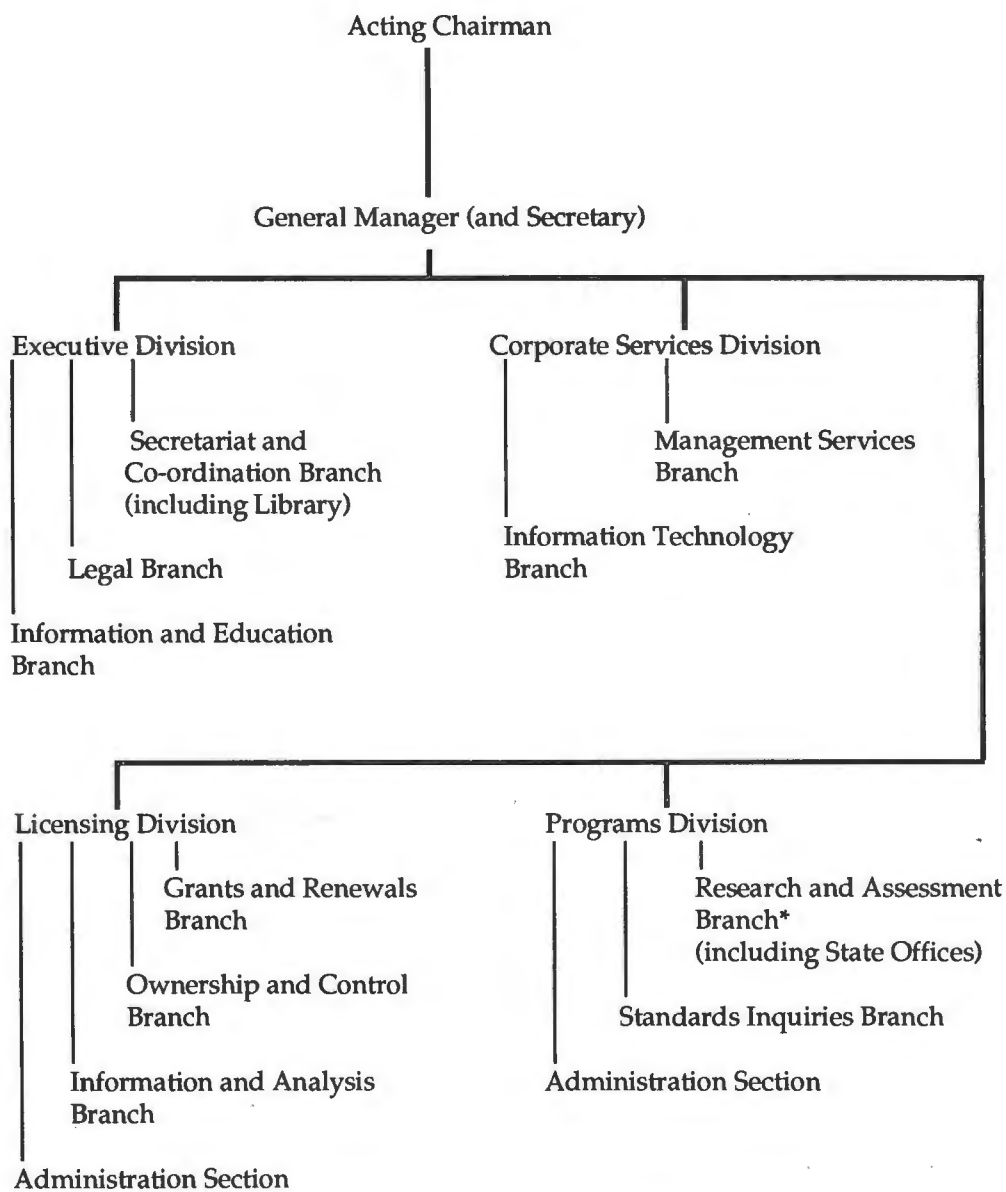
For the purpose of appointment and employment of staff in accordance with the provisions of the Public Service Act 1922, the Chairman has the powers of a Secretary of a department for the branch of the Australian Public Service comprising the staff of the Tribunal.

Staff of the Tribunal

As can be seen from the organisation chart on the following page (Table 1), the staff of the Tribunal is organised on a divisional basis. The Central Office is primarily located in Sydney, where the Members are located, with the Complaints Section of the Programs Division being co-located in Melbourne with the Victorian State Office. The Tribunal also has a state office in each other mainland capital city. Tasmanian and Northern Territory interests are handled by the Victorian and South Australian offices respectively.

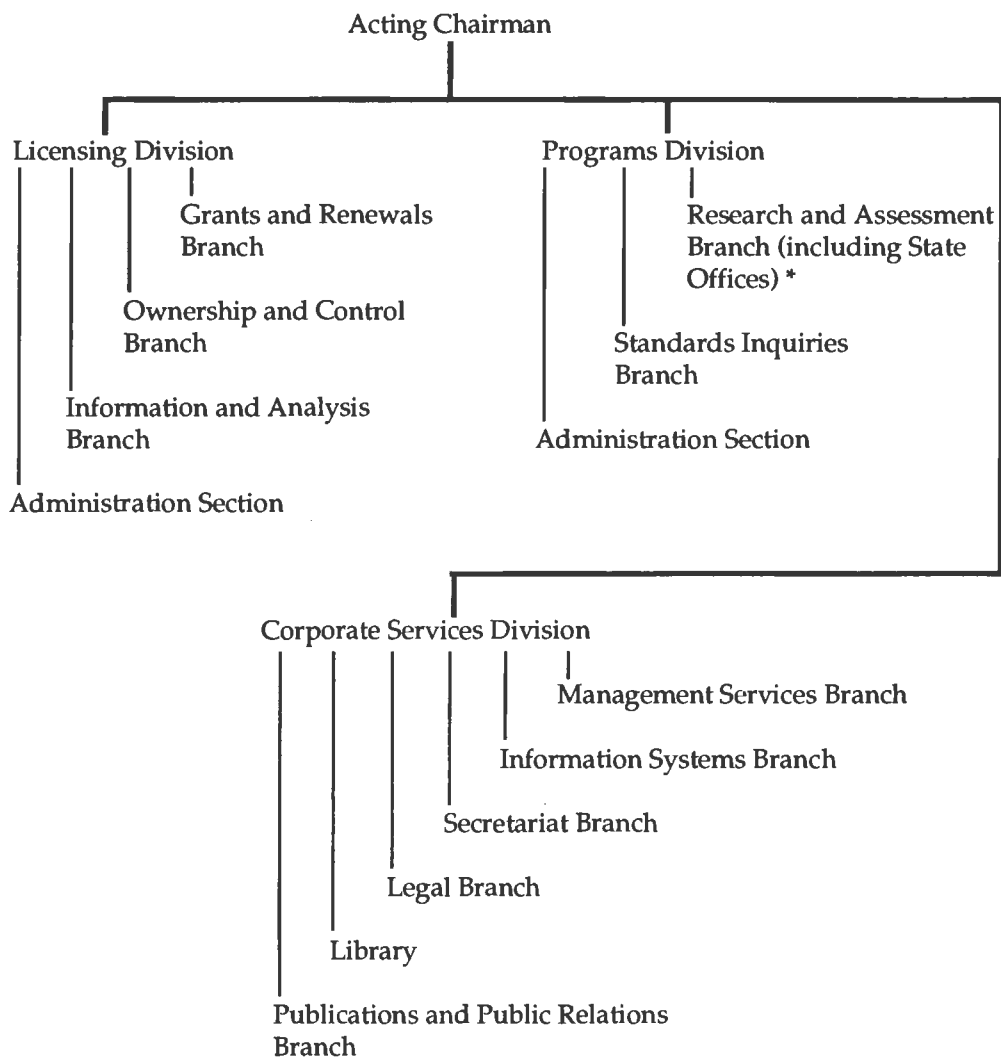
At 30 June 1991, the Tribunal had almost completed a review of its structure. The revised structure is likely to be as shown in Table 2.

Table 1



* part located in Melbourne

Table 2



* part located in Melbourne

FUNCTIONS

The Tribunal

Grants, renews, suspends, revokes, imposes conditions upon 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 radio and television, and remote television licences.

Determines program (including advertising) standards to be observed by licensees of commercial, remote, supplementary and public radio and television services.

Determines the hours during which programs may be broadcast by licensees.

Consults representatives of radio and television services about the two preceding items.

Holds inquiries as provided by the Act and the Australian Broadcasting Tribunal (Inquiries) Regulations 1986 (the Regulations) or as directed by the Minister under section 18 of the Act, and publishes reports in relation to those inquiries.

Assembles information about broadcasting in Australia and makes it available to the Minister and the public, either by sale or free of charge subject to any directions which it may give about restricted access.

Appoints, subject to the approval of the Minister, advisory committees.

Implements the provisions of the Act and the program standards 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 and groups direct and manage various work activities. Ad hoc working parties are established from time to time to deal with specific tasks.

EXECUTIVE DIVISION

Comprises the Legal Branch, the Secretariat and Co-ordination Branch (including the Library and the personal staff of the Members and General Manager) and the Information and Education Branch.

Legal Branch

Undertakes research, and provides legal advice about and interpretations 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, instructs the Australian Government Solicitor and represents the Tribunal in matters involving or affecting the Tribunal in the Tribunal's inquiries or other litigation.

Maintains contact with the Department of Transport and Communications on legislative matters.

Monitors and reviews, as necessary, Tribunal procedures.

Drafts Policy Statements, Practice Notes and Commentaries.

Supervises the administration of the FOI Act as it affects the Tribunal and requests for information under that Act.

Secretariat and Co-ordination Branch

Secretariat Section

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.

Co-ordinates policy decisions of the Tribunal and other related agencies and maintains a database for such decisions.

Co-ordinates matters related to the FOI Act.

Maintains records of press articles, and 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 Standards, Policy Statements, Practice Notes and other information about the Tribunal.

Prepares speeches for Members of the Tribunal.

Records Management Section

Maintains registry services, including filing systems, distribution of correspondence and archiving of Tribunal files other than inquiry files.

Maintains quality of data in database of Tribunal decisions.

Executive Support Section

Provides secretarial, research and administrative support to Members.

Provides secretarial and administrative support to the General Manager.

Provides reception and switchboard services.

Library

Maintains the library service including the provision of library services to the general public and researchers on matters relating to broadcasting. The library contains comprehensive material on all aspects of broadcasting and has access to several on-line databases. 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.

Information and Education Branch

Co-ordinates material for inclusion in the annual report and other Tribunal publications, and undertakes final preparation of those publications.

Co-ordinates the marketing of 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.

The Tribunal was revising its structure as at 30 June 1991. It is likely that the Executive Division will be merged with the Corporate Services Division early in July 1991.

CORPORATE SERVICES DIVISION

Management Services Branch

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 about personnel, staff development and training, accommodation and office services.

Develops, implements, monitors and reviews, as necessary, personnel, finance, accounting and purchasing procedures as well as Equal Employment Opportunity (EEO), Industrial Democracy (ID) and Occupational Health and Safety (OH & S).

Maintains contact with Commonwealth Departments, the Public Service Commission and the Auditor-General's Office on financial, personnel, staff development and general administrative matters including EEO, ID and OH & S.

Information Systems Branch

Promotes the effectiveness and efficiency of the Tribunal's operations through the use of information technology.

LICENSING DIVISION

The Licensing Division comprises the Grants and Renewals Branch, the Ownership and Control Branch and the Information and Analysis Branch and an Administration Section.

Grants and Renewals Branch

Undertakes inquiries into the granting and renewal of licences and makes arrangements for the conduct of these inquiries.

Undertakes inquiries into the revocation, suspension and imposition of conditions on licences.

Arranges for the publication of notices including the invitation of submissions and notices of conferences and hearings; 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, about grant and renewal inquiries conducted by the Tribunal.

Ownership and Control Branch

Undertakes inquiries into matters about 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, about ownership and control inquiries conducted by the Tribunal.

Prepares submissions and recommendations to the Tribunal about ownership and control of licences.

Prepares parts of background papers for licensing inquiries.

Information and Analysis Branch

Analyses and assesses the financial capability of applicants for radio and television licences, and the commercial viability of the markets concerned.

Analyses licensees financial performance and capability for licence renewals.

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, financial, staffing and operational information about individual radio and television services and the industry as a whole.

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 about the cross-media ownership rules and registered lenders.

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.

Maintains licensing information and statistics about all commercial and public services; responsible for all matters of a licensing nature that need to be dealt with outside the inquiry process.

Administration Section

Provides support for the Division in relation to the conduct of public inquiries including travel arrangements and publication of inquiry reports.

Maintains report on current status of all Tribunal inquiries.

Administers the budget allocation for the Division, and attends to the purchasing and stock-taking needs of the Division.

Arranges the archiving of public inquiry documentation.

PROGRAMS DIVISION

Standards Inquiries Branch

Undertakes public inquiries (either by application, as directed by the Minister, or initiated by the Tribunal) into matters about the making of, and amendment to, program standards (including advertising standards) and to consider possible breaches of the terms and conditions of licences and makes arrangements for the conduct of these inquiries.

Provides policy advice and information on current programming issues to the Tribunal relevant to its standards-making powers.

Arranges for the publication of notices including the invitation of submissions; provides information to parties to inquiries and the public.

Processes applications for inquiries and examines and analyses submissions and other relevant information.

Drafts program standard inquiry reports and arranges for the printing and release of the final reports to parties and the public.

Consults and liaises with other government agencies, industry organisations and public interest groups on procedural and policy matters about program standards.

Drafts Program Standards, including Advertising Standards.

Maintains all inquiry documents, including inquiry files about program standards inquiries.

Administers the operations of the Children's Program Committee.

Research and Assessment Branch

Develops procedures to assess compliance with the Tribunal's program and advertising standards.

Advises the Tribunal on the compliance with program and advertising standards.

Analyses and reports on overall programming practices and performance of licensees.

Advises the Tribunal about 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 about broadcasting as required by the Tribunal in the exercise of its functions.

Evaluates research, surveys etc. relevant to broadcasting undertaken by licensees, and other organisations in Australia and overseas.

Prepares reports on research for publication generally.

Maintains contact with other research organisations.

Assembles and provides information about broadcast programming in Australia as required under section 124 of the Act.

Administers the provisions of the Act about the broadcasting of election advertisements.

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 including the presentation of speeches on the role and functions of the Tribunal.

Prepare correspondence including replies to the public in accordance with agreed policy.

Assist with the conduct of public inquiries.

Visit licensees' premises and prepares 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 requested by Central Office.

Administration Section

Provides support for the Division about the conduct of public inquiries including travel arrangements and publication of inquiry reports.

Administers the budget allocation for the Division, and attends to the purchasing and stock-taking needs of the Division.

Arranges the archiving of public inquiry documentation.

POWERS

The Tribunal has a range of powers relating to

- (a) the grant, renewal, transfer, 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 and remote television 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 1991, 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, three of whom are drawn from the public (including the chairman), three from the television and advertising industries and one from the independent production 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 for another term. In making appointments to the committee, the Tribunal selects persons with known experience in matters about 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 and P, Provisional C and Provisional C and C Australian drama classification.
- (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 s. 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 about 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 was amended in 1985 to provide for the holding of area inquiries by the Tribunal. However the Tribunal is unable to hold an area inquiry until the Government proclaims a commencement 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.

CATEGORIES OF DOCUMENTS

Documents held by the Tribunal may be available for public access, subject to ss. 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 s. 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)
- | free of charge to particular persons or groups who participate in a particular inquiry

Category	Location	Documents	Availability
Legislative regulatory	All offices	Enactments Television Program Standards Television Advertising Conditions Children's Television Standards Radio Program Standards Radio Advertising Conditions Policy Statements Practice Notes Commentaries	# ~ (AGPS) * # * # * # * # * # * # * # * #
	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	* #
Meetings	All offices	Minutes of Tribunal meetings	# ^ (subject to any deletions based on exemptions criteria in the FOI Act)
	All offices	Records of meetings with regular outside bodies (GPC)	# ^
	Sydney office	Agenda papers of Tribunal 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	* ~(T) * #*
	Sydney office	Tribunal's mailing lists Publications: 'Broadcasting in Australia' 'Ownership of Australia's Broadcast Media' quarterly subscription 'Broadcasting Financial Yearbook' 'Manual'	 ~(T, AGPS) ~(T) ~(T) ~(T)
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 State office	Relevant inquiry files as required by the Regulations Public inquiry exhibits including applications, 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)	# ^!

Licensing

All offices	Transcripts of the relevant State inquiries Reports and Decisions of public inquiries	# -(CRS) # -(T)
Sydney	Public inquiry records office files, Policy and procedural files, Register of documents received, Register of reports	
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 radio and television services and public radio services Registers of approvals for the acquisition or increase of prescribed interests - commercial radio and television services Individual station files about transactions, licence transfers or leasing or licences Reports on licensing matters about the grant, renewal, suspension or revocation of licences Annual Collection of Data for public and commercial radio services - records of operations (held on computer.) Records of commencement of operations and licence periods for individual stations and related correspondence Records of notifications to, and payment by, licensees in relation to licence fees Records of memoranda and articles of association	~(T)

Programs

All offices
and at the
hearing or
conference
of the
inquiry

All offices

Melbourne
office

Sydney
office

of licensee companies,
statutory declarations etc.
Policy and procedure files
Register of applications
for registration of
registered lenders

Register of registered
lenders
Register of applications
received in relation to
share transactions
Register of applications
received for approved
investor certificates
Associated Newspaper
Register

Public inquiry files on
Program (including
Advertising) Standards

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

Written and telephoned
complaints and comments
from the public about
broadcasting programs and
advertising

Reports by the Commercial
Acceptance Division of
the Federation of
Australian Commercial
Television Stations

^

^ |

#

**Sydney
office**

**Correspondence on:
sponsorship announcements
on public radio stations**

**Sydney
office**

**Ministerial representations
on program and advertising
matters**

**Sydney
office**

**Records, including discussion
papers about the revision of
program and advertising standards**

**Information submitted by
broadcasting services about
the Australian content of
programs, children's
programs, and religious
programs**

**Statistical and other
reports containing
information about
program and advertising
matters**

**Reports on program matters
about the grant, renewal, suspension
or revocation of licences
Station program and reports
of operations files**

**Details, including reports,
of research undertaken or
commissioned, and
evaluations of research
undertaken by other
organisations**

**Records, reports and
information papers on
Australian and overseas
broadcasting**

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 FOI Act can be examined. Documents may also be examined in the State offices by prior arrangement.

Requests for access under the FOI Act must be in writing and addressed to 'The FOI Co-ordinator' and be accompanied by an application fee (currently \$30) or a request for remission of the fees and charges (see sections 30A and 30 of the FOI Act). 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 FOI Co-ordinator
Australian Broadcasting Tribunal
76 Berry Street
North Sydney NSW 2060

or

PO Box 1308
North Sydney NSW 2059

Tel.(02) 959 7811
Facsimile (02) 954 4328
(FaxStream)

DX 10528 North Sydney

or to the Tribunal's offices at

Fourteenth Floor
Marland House
570 Bourke Street
Melbourne VIC 3000
Tel.(03) 670 1777
Facsimile
(03) 670 4821 (FaxStream)

Third Floor
70 Light Square
Adelaide SA 5000
Tel.(08) 231 1454
Facsimile
(08)2311452

Eighth Floor
444 Queen Street
Brisbane QLD 4000
Tel.(07) 832 4702
Facsimile
(07) 832 1623

Tenth Floor
251 Adelaide Terrace
Perth WA 6000
Tel.(09) 325 7041
Facsimile
(09) 221 1631

Under the procedures operating in the Tribunal for the handling of FOI requests, in some instances the FOI Co-ordinator 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 (s. 15(2)) or if the request requires a substantial and unreasonable diversion of resources (s. 24(1)); or
- (c) for notification of charges and deposit, if necessary, including a discussion of charges remission.

As at 30 June 1991, those who have been authorised to grant access under section 23 of the FOI Act were the following

Director, Licensing Division - licensing, ownership and control and associated matters

Director, Programs Division - program and advertising matters

Director, Corporate Services Division - personnel, financial and staffing matters

Principal Legal Officer - matters associated with the Broadcasting Act and litigation relating to the Tribunal.

Executive Officer (Children's Program Committee) - children's matters

Those who have been authorised to refuse access or make deletions to documents were the Chairman and the General Manager.

The Chairman is the Reviewing Officer, who may delegate those functions to the Vice-Chairman or a Member.

As at 30 June 1991, the Tribunal was reviewing the list of authorised persons and a decision was expected to be made in early July 1991.

APPENDIX L

INDEX TO GUIDELINES

The guidelines refer to the numbered requirements contained in the *Guidelines for the Preparation of Departmental Annual Reports*, Department of the Prime Minister and Cabinet, April 1991.

01	p.vii	35	.a	p.131
02	p.vii		b	p.131
03	not included		c	p.131
04	not applicable		d	not applicable
05	p.iii	36		p.129
06	p.188	37		not included
07	p.vi	38		p.131
08	a p.13	39	a	p.132
	b not included		b	i p.132
09	pp.133-4			ii not included
10	p.169		c	not included
11	pp.169-70		d	i p.132
12	pp.108-10			ii not included
13	pp.108-10	40		p.130
14	not applicable	41		p.132
15	pp.108-10	42		pp.132-3
16	not applicable	43		not included
17	not applicable	44		pp.192-211
18	not applicable	45	a	p.135
19	not applicable		b	not specified
20	not applicable		c	p.135
21	not applicable	46		p.135
22	not applicable	47	a	not applicable
23	not applicable		b	not applicable
24	not applicable		c	not applicable
25	pp.119-20		d	not applicable
26	chapters 4,5,6,7,8,10		e	not applicable
27	chapters 4,5,6,7,8,10	48	a	p.135
28	pp.133-4		b	p.135
29	not specified	49		not applicable
30	a p.129	50		p.136
	b p.129	51		not specified
	c p.129	52		not specified
	d p.129	53		pp.162-3
	e p.129	54		not specified
31	a p.129	55	a	pp.162-3
	b p.129		b	pp.162-3
	c not applicable		c	pp.162-3
	d not included		d	not included
32	p.132	56		not included
33	p.130	57		not specified
34	not applicable	58		not applicable

59		not applicable
60		p.136
61		not included
62		not included
63		not included
64		not applicable
65		not applicable
66		not applicable
67	a	p.116
	b	not specified
68		not specified
69		not applicable
70		not specified
71		not applicable
72		not applicable
73		pp. 169-89
74		p.136
75		not applicable
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80		not specified
81		not specified
82		not applicable
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84		not applicable
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86		not applicable
87		not applicable
88		not applicable
89		not applicable
90		not applicable

APPENDIX M



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**AUSTRALIAN BROADCASTING TRIBUNAL
AUDIT REPORT ON FINANCIAL STATEMENTS**

I have audited the financial statements of the Australian Broadcasting Tribunal for the year ended 30 June 1991 in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. The statements comprise:

- . statement of financial position;
- . statement of activity;
- . statement of sources and applications of funds;
- . statement of capital accumulation;
- . certificate to the financial statements, and
- . notes to and forming part of the financial statements.

In accordance with sub-section 28(2) of the Broadcasting Act 1942, I now report that the attached statements are in agreement with the accounts and records of the Tribunal, and in my opinion:

- (i) the statements are based on proper accounting records;
- (ii) the statements show fairly the financial transactions for the year ended 30 June 1991 and the state of affairs of the Tribunal at that date;
- (iii) 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 Broadcasting Act 1942; and
- (iv) the statements are in accordance with the Guidelines for Financial Statements of Commonwealth Entities which require compliance with the Statements of Accounting Concepts and applicable Accounting Standards.

A.M. Thompson
Executive Director
Australian National Audit Office
Sydney

25 October 1991

AUSTRALIAN BROADCASTING TRIBUNAL
CERTIFICATE TO THE FINANCIAL STATEMENTS

In our opinion,

- (a) the statements show fairly the operating surplus of the Tribunal for the financial year ended 30 June 1991;
- (b) the statements show fairly the state of affairs of the Tribunal as at 30 June 1991;
- (c) the statements show fairly the sources and applications of funds during the financial year ended 30 June 1991.

The statements have been made out in accordance with the Guidelines for Financial Statements of Commonwealth Entities issued by the Minister for Finance.

This statement is made in accordance with the resolution of the Tribunal and is signed for and on behalf of the Members by:



P B Westerway
Chairman



Michael Ramsden
Acting Vice Chairman

Signed at Sydney, NSW this twenty-fourth day of October 1991

AUSTRALIAN BROADCASTING TRIBUNAL

**Statement of Activity
For the Year Ended 30 June 1991**

	1990-91		1989-90	
	\$	\$	\$	\$
OPERATING REVENUE				
Parliamentary appropriations (Note 2)	9,381,000		9,207,000	
Interest	121,141		65,126	
Sale of Publications	96,115		69,950	
Sponsorship TV 2000 Conference (Note 3)	-		107,500	
Sponsorship Deregulation Conference (Note 3)	30,500		-	
Conference Fees TV 2000 (Note 3)	-		70,368	
Conference Fees Deregulation Conference (Note 3)	79,645		-	
Miscellaneous Revenue (Note 4)	<u>122,944</u>		<u>11,642</u>	
Total Operating Revenue	9,831,345		9,531,586	
OPERATING EXPENSE				
Salaries and Allowances (Note 5)	5,076,714		4,618,093	
Overtime	36,990		27,243	
Office Rental and Room Hire (Note 11)	1,406,779		1,419,103	
Consultancy Fees, Contract Research and Computer Services	688,665		385,502	
Travelling and Subsistence	480,128		383,895	
Incidentals (Note 6)	467,130		478,961	
Office Requisites, Equipment, Stationery, Printing and Library	391,022		405,019	
Postage, Telephones and Telegrams	225,895		263,645	
Legal Fees	200,242		331,799	
Loss on disposal of Non-current assets	22,232		15,049	
Minor Assets (Note 1 (b))	125,990		171,702	
Repairs and Maintenance	<u>43,679</u>		<u>23,487</u>	
Total Operating Expense	9,165,466		8,523,498	
OPERATING SURPLUS OR (DEFICIT) BEFORE UNFUNDED CHARGES	665,879		1,008,088	
Aggregate amount of unfunded charges (Note 7)	459,756		81,825	
OPERATING SURPLUS OR (DEFICIT)	206,123		926,263	
Accumulated deficits at beginning of financial year	(771,724)		(1,697,987)	
RETAINED SURPLUS OR (ACCUMULATED DEFICITS) AT THE END OF FINANCIAL YEAR	(565,601)		(771,724)	

The accompanying notes form an integral part of these financial statements.

AUSTRALIAN BROADCASTING TRIBUNAL

Statement of Financial Position
as at 30 June 1991

	1990-91		1989-90	
	\$	\$	\$	\$
CURRENT ASSETS				
Cash	609,313		64,047	
Receivables (Note 10)	14,678		9,111	
Other (Note 11)	<u>172,352</u>		<u>182,965</u>	
Total Current Assets		796,343		265,123
NON-CURRENT ASSETS				
Property, plant and equipment (Note 12)	<u>1,035,377</u>		<u>856,063</u>	
Total Non-Current Assets		<u>1,035,377</u>		<u>856,063</u>
TOTAL ASSETS		1,831,720		1,112,186
CURRENT LIABILITIES				
Creditors (Note 13)	672,961		267,653	
Leases (Note 14)	19,354		19,806	
Provisions (Note 15)	<u>694,695</u>		<u>627,537</u>	
Total Current Liabilities		1,387,010		914,996
NON-CURRENT LIABILITIES				
Leases (Note 16)	62,439		85,946	
Provisions (Note 17)	<u>630,094</u>		<u>565,189</u>	
Total non-Current Liabilities		692,533		651,135
TOTAL LIABILITIES		2,079,543		1,566,131
NET ASSETS		<u>(247,823)</u>		<u>(453,945)</u>
EQUITY				
Capital (Note 22)		317,778		317,778
Retained surpluses or (accumulated deficits)		<u>(565,601)</u>		<u>(771,723)</u>
Total Equity		<u>(247,823)</u>		<u>(453,945)</u>

The accompanying notes form an integral part of these financial statements.

AUSTRALIAN BROADCASTING TRIBUNAL

**Statement of Capital Accumulation
For the Year Ended 30 June 1991**

	1990-91	1989-90
	\$	\$
Balance at beginning of financial year	317,778	317,778
Balance at end of financial year (Note 22)	317,778	317,778

The accompanying notes form an integral part of these financial statements.

AUSTRALIAN BROADCASTING TRIBUNAL

**Statement of Sources and Application of Funds
For the Year Ended 30 June 1991**

	1990-91		1989-90	
	\$	\$	\$	\$
SOURCES OF FUNDS				
Funds from Operations				
INFLOWS OF FUNDS FROM OPERATIONS:				
Interest	121,141		65,126	
Parliamentary appropriations	9,381,000		9,207,000	
Proceeds from sale of non-current assets	19,970		-	
Other revenue	<u>323,847</u>		<u>259,460</u>	
		9,845,958		9,531,586
OUTFLOWS OF FUNDS ON OPERATIONS				
(* see reconciliation below)		<u>9,180,079</u>		<u>8,378,117</u>
		665,879		1,153,469
REDUCTION IN ASSETS				
Current Assets:				
Cash	-		64,810	
Other	<u>10,613</u>		<u>-</u>	
		10,613		64,810
NON-CURRENT ASSETS:				
Property, plant and equipment	<u>36,845</u>		<u>-</u>	
		36,845		-
INCREASE IN LIABILITIES				
Current Liabilities:				
Creditors	<u>405,308</u>		<u>-</u>	
		405,308		-
NON-CURRENT LIABILITIES:				
Creditors	-		39,593	
Other	<u>-</u>		<u>28,399</u>	
		-		67,992
TOTAL SOURCES OF FUNDS		<u><u>1,118,645</u></u>		<u><u>1,286,271</u></u>

	1990-91		1989-90	
	\$	\$	\$	\$
APPLICATIONS OF FUNDS				
Increase in Assets				
CURRENT ASSETS:				
Cash	545,266		-	
Receivables	10,129		1,670	
Other	<u>-</u>		<u>133,663</u>	
		555,395		135,333
NON-CURRENT ASSETS:				
Property, plant and equipment	<u>539,291</u>		<u>266,188</u>	
		539,291		266,188
REDUCTION IN LIABILITIES				
CURRENT LIABILITIES:				
Creditors	-		884,750	
Leases	<u>452</u>		<u>-</u>	
		452		884,750
NON-CURRENT LIABILITIES:				
Leases	<u>23,507</u>		<u>-</u>	
		<u>23,507</u>		<u>-</u>
TOTAL APPLICATIONS OF FUNDS		1,118,645		1,286,271

* Reconciliation of operating result with funds from operations:

	1990-91	1989-90
	\$	\$
Operating surplus or (deficit)	206,122	926,263
Aggregate unfunded charges (Note 7)	459,757	81,825
Net book value of written off property, plant and equipment purchased for less than \$1,000	<u>-</u>	<u>145,381</u>
	<u>665,879</u>	<u>1,153,469</u>

The accompanying notes form an integral part of these financial statements.

AUSTRALIAN BROADCASTING TRIBUNAL

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 1991

1. Statement of Significant Accounting Policies

The following summary explains the significant accounting policies which have been adopted in the preparation of the Accounts.

(a) General basis of accounting

The financial statements have been prepared on an accrual basis and take into account historical cost principles. The form of the financial statements and the Notes to and forming part of the financial statements are in accordance with the Guidelines for Financial Statements of Commonwealth Entities, which were revised in June 1991. The accounting practices adopted by the Tribunal are in accord with the accounting standards issued by the Australian Accounting Bodies.

The accounting policies adopted in the preparation of the financial statements are consistent with those applied in the preceding year.

(b) Non-current assets

Property, plant and equipment is shown at cost less accumulated depreciation.

Items purchased for less than \$1,000 are expensed.

(c) Depreciation

Depreciation is provided on all fixed assets and is calculated on a straight line basis at rates which provide for the cost to be written off over the anticipated economic lives of the assets.

Gains and losses on disposal of assets arising in the ordinary course of business are taken into account in determining the operating surplus or (deficit) for the year.

Leasehold improvements are capitalised and are amortised over the unexpired period of the lease including the period of the lease option as it was always intended that the option be exercised.

Non-current assets purchased during the year have been depreciated from the month of purchase.

(d) Leased Assets

Assets acquired under finance leases are included as property, plant and equipment in the Statement of Assets and Liabilities. Finance leases effectively transfer from

the lessor to the lessee substantially all the risks and benefits incidental to ownership of the leased property. Where assets are acquired by means of finance leases, the present value of the minimum lease payments is recognised as an asset at the beginning of the lease term and amortised on a straight line basis over the expected useful life of the leased asset. A corresponding liability is also established and each lease payment is allocated between the liability and interest expense.

Operating lease payments, where the lessors effectively retain substantially all of the risks and benefits of ownership of the leased items, are charged to expense in equal instalments over the lease term.

(e) Provision for Employee Benefits

Provision is made in the financial statements for obligations in respect of long-service leave, having regard to actual experience of employee departures and periods of service and for annual leave entitlements not taken at balance date. Provisions are calculated using current salary levels.

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.

(f) Segmental Reporting

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.

(g) Trade Debtors

Bad debts are expensed as they become known.

2. Items of revenue and expense

	1990-91	1989-90
	\$	\$
Items credited as revenue:		
Parliamentary Appropriations:		
Appropriation Act No 1 Div 664.1	9,381,000	9,207,000
Interest	121,141	65,126
Items charged as expense:		
Finance charges relating to finance leases	22,212	11,095
Loss on disposal of non-current assets	22,232	15,049
Rental expense on operating leases	1,155,051	1,027,652

3. 'Deregulation - In Step With The World' Conference - Fees and Sponsorship

The Tribunal conducted a conference, 'Deregulation - In Step With The World', in 1990-91 which attracted revenue both in sponsorship and conference fees. The Department of Finance approved the use of this revenue to partly offset the full costs associated with the conduct of the conference. Revenue disclosed in the Statement of Activity is gross revenue. The costs of the Conference are included as Operating Expense.

4. Miscellaneous Revenue

'Miscellaneous Revenue' in the Statement of Activity comprises the following:

	1990-91	1989-90
	\$	\$
Refunds of moneys paid in former years	110,339	3,346
Profit on the sale of non-current assets	5,357	1,589
Officer contributions towards private vehicles	4,685	3,176
Other revenue	<u>2,563</u>	<u>3,531</u>
Total Miscellaneous Revenue	<u>122,944</u>	<u>11,642</u>

5. Emoluments of Members and Associate Members

Salaries and allowances includes expenses of \$600,653 (\$560,549 in 1989-90) 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.

Salary Band	1990-91	1989-90
	No of Members	No of Members
\$ 10,000 - \$ 19,999	-	1
\$ 20,000 - \$ 29,999	-	3
\$ 70,000 - \$ 79,999	1	4
\$ 80,000 - \$ 89,999	3	1
\$ 90,000 - \$ 99,999	1	1
\$110,000 - \$119,999	1	-

For 1990-91 the Member who appears in Band \$70,000 - \$79,999 was appointed during the financial year. For 1989-90 Members falling within bands \$0,000 to \$59,999 are either Associate Members, or Members who have been appointed or who have resigned within the financial year.

6. Incidentals

In 1990-91 the major expense components included as Incidentals were:

Component Expenses	1990-91	1989-90
	\$	\$
Advertising	124,562	179,996
Staff Development & Training	75,454	56,486
Compensation	48,637	53,399
Sitting fees	36,035	32,281
Hospitality	27,674	34,143
Freight	22,497	27,230

7. Aggregate amount of unfunded charges

Unfunded charges comprise:

	1990-91	1989-90
	\$	\$
Long Service Leave (see Note 8)	75,471	(32,445)
Recreation Leave and Leave Loading (see Note 9)	56,592	(36,336)
Depreciation (see Note 1(c))	204,734	174,190
Amortisation of Leasehold Improvements (see Note 1(c))	103,902	82,536
Amortisation of Leased Equipment (see Note 1(d))	14,495	17,702
Doubtful Debts	4,562	-
3% Superannuation Benefit	-	<u>(123,822)</u>
Total	459,756	81,825

8. Provision for Long Service Leave

Provision is made for the Tribunal's estimated liability 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.

9. Provision for Recreation Leave and Leave Loading

Provision is made for the Tribunal's estimated liability for the annual leave and leave loading 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 Leave Loading.

10. Receivables (Current)

	1990-91	1989-90
	\$	\$
Trade debtors	11,462	3,736
Less: Provision for doubtful debts	<u>4,562</u>	<u>-</u>
	6,900	
Interest receivable	<u>7,778</u>	<u>5,375</u>
Total Receivables	14,678	9,111

11. Other (Current)

	1990-91	1989-90
	\$	\$
Prepayments	172,352	182,965

In the 1989-90 financial statements office rental amounting to \$93,125 was incorrectly identified as a prepayment. In 1990-91 this is included in operating expense.

12. Property, plant and equipment

	1990-91	1989-90
	\$	\$
COMPUTER EQUIPMENT		
At Cost	1,093,846	697,514
Accumulated Depreciation	<u>490,482</u>	<u>342,526</u>
	603,364	354,988
FURNITURE AND FITTINGS		
At Cost	166,683	134,228
Accumulated Depreciation	<u>92,524</u>	<u>66,662</u>
	<u>74,159</u>	<u>67,566</u>
OFFICE MACHINES AND EQUIPMENT		
At Cost	102,111	60,704
Accumulated Depreciation	<u>33,464</u>	<u>31,179</u>
	<u>68,647</u>	<u>29,525</u>
MONITORING AND ALLIED EQUIPMENT		
At Cost	42,088	48,827
Accumulated Depreciation	<u>32,213</u>	<u>30,538</u>
	<u>9,875</u>	<u>18,289</u>
LEASEHOLD IMPROVEMENTS		
At Cost	622,673	596,829
Accumulated Amortisation	<u>391,848</u>	<u>287,946</u>
	<u>230,825</u>	<u>308,883</u>
LEASED EQUIPMENT		
At Cost	73,274	105,629
Accumulated Amortisation	<u>24,767</u>	<u>28,817</u>
	<u>48,507</u>	<u>76,812</u>
TOTAL PROPERTY, PLANT AND EQUIPMENT		
At Cost	2,100,675	1,643,731
Provision for depreciation and amortisation	<u>1,065,298</u>	<u>787,668</u>
Total written down amount	<u>1,035,377</u>	<u>856,063</u>

13. Creditors (Current)

	1990-91	1989-90
	\$	\$
Trade Creditors	672,961	267,653

14. Leases (Current)	1990-91	1989-90
	\$	\$
Lease liability	19,354	19,806
15. Provisions (Current)	1990-91	1989-90
	\$	\$
Provision for long service leave	102,574	92,008
Provision for recreation leave	<u>592,121</u>	<u>535,529</u>
	<u>694,695</u>	<u>627,537</u>
16. Leases (Non-current)	1990-91	1989-90
	\$	\$
Lease liability	62,439	85,946
17. Provisions (Non-current)	1990-91	1989-90
	\$	\$
Provision for long service leave	630,094	565,189

18. Superannuation

Tribunal Members and staff contribute to either the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme, which provide pension, lump sum and other benefits. Under both schemes there exists an employer component which is funded direct from the Treasury.

Members and staff of the Tribunal are also covered by the provisions of the *Superannuation Benefit Act 1988* which provides for additional superannuation benefits averaging 3% of salary. Tribunal-funded contributions are paid to the Retirement Benefits Office which is liable for payment of the 3% superannuation benefits.

One Member of the Tribunal contributes to a private superannuation scheme administered by AMP. In this instance the Tribunal funds the employer contribution as well as the 3% superannuation benefit.

19. Auditors' Remuneration

During 1990-91, the Tribunal was provided with services without charge from the Australian National Audit Office for auditing of the accounts. Had the Tribunal been charged, the services would have amounted to \$51,700.

20. Commitments for expenditure not brought to account

Operating Lease Commitments:

	1990-91	1989-90
	\$	\$
Not later than 1 year	1,142,598	1,129,368
Later than 1 year and not later than 2 years	938,579	1,124,483
Later than 2 years and not later than 5 years	<u>47,482</u>	<u>959,514</u>
TOTAL	<u>2,128,659</u>	<u>3,213,365</u>

Finance Lease Commitments:

	1990-91	1989-90
	\$	\$
Not later than 1 year	36,362	34,577
Later than 1 year and not later than 2 years	36,362	29,596
Later than 2 years and not later than 5 years	<u>45,022</u>	<u>49,523</u>
Minimum lease payments	117,746	113,696
Deduct: Future finance charges	<u>35,953</u>	<u>36,343</u>
TOTAL	<u>81,793</u>	<u>77,353</u>

21. Contingent Liabilities

From information currently available it is estimated that the Tribunal's liability for ongoing legal fees is \$60,000. 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.

22. Capital Accumulation

In accordance with the Guidelines for Financial Statements of Commonwealth Entities issued by the Minister for Finance in June 1991, the Statement of Capital Accumulation balance only includes those amounts provided in Appropriation Act No 2 and Appropriation Act No 4.

23. Licence Fees

Moneys received by the Tribunal in respect of broadcasting and television licence fees are not reflected in the financial statements because the Tribunal only acts as an agent for the Minister for Transport and Communications in so far as the billing and collection of licence fees is concerned. Payments received by the Tribunal's Sydney Office are forwarded to the Department of Transport and Communications.

Licence fees receivable during 1990-91 amounted to \$136,664,102 (\$117,801,479 in 1989-90) comprising \$119,487,537 (\$101,455,554) in television licence fees and \$17,176,565 (\$16,345,925) in radio licence fees. \$19,824,622 of television licence fees and \$983,423 of radio licence fees remained unpaid as at 30 June 1991.

During the year \$15,746 was refunded as overpaid radio licence fees and \$476 was refunded as overpaid television licence fees. In addition, \$6,963,229 was granted in the form of an aggregation rebate under the Television Licence Fees Regulations.

Establishment fees for the grant of FM licences totalled \$264,442 and Licence Conversion fees for existing AM services converting to FM amounted to \$438,639. Initial licence fees receivable on the grant of a licence were \$1,500.

24. Members

The following persons held the position of Member or Associate Member of the Australian Broadcasting Tribunal throughout the financial year ended 30 June 1991.

P Westerway (Acting Chairman)	Appointed	4 October 1988
M Ramsden (Acting Vice Chairman)	Appointed	26 September 1988
K Wilson	Appointed	1 December 1987
B Allen	Appointed	26 April 1988
S Brooks	Appointed	1 August 1988
T O'Keefe	Appointed	30 July 1990

25. Insurance

Consistent with Commonwealth Government policy the Tribunal acts as its own insurer. Losses are expensed as incurred.

26. Recasting of Previous Year's Figures

In some instances previous year's figures have been recast in order to conform with the current year's revised format of the financial statements. However, this was not resource effective in the case of the Statement of Sources and Applications of Funds.

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