

AUSTRALIAN BROADCASTING TRIBUNAL

ANNUAL REPORT 1984 - 85

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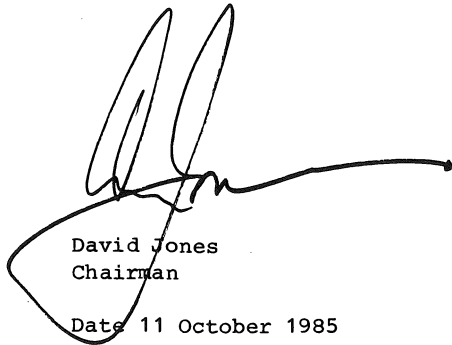
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The Honourable, the Minister for Communications

In conformity with the provisions of section 28 of the Broadcasting and Television Act 1942, I have pleasure in presenting the Annual Report of the Australian Broadcasting Tribunal for the period 1 July 1984 to 30 June 1985.



David Jones
Chairman
Date 11 October 1985

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AUSTRALIAN BROADCASTING TRIBUNAL

THE YEAR IN REVIEW

Introduction

The Tribunal is conscious of the desire of the Parliament that annual reports of statutory authorities and government agencies be relevant and informative. For example, the Senate Standing Committee on Education and the Arts has pointed out that good annual reports contribute significantly to the public's understanding of the achievements and difficulties of agencies. In preparing this Report the Tribunal has endeavoured to meet this objective by concentrating on the main activities that occurred during the year and providing as much information as possible about them.

The purpose of this section of the Report is to outline the aims and objectives of the Tribunal in the performance of its functions and to review briefly the principal matters that have impacted and continue to impact upon the Tribunal's performance of its functions. Although many of the matters are discussed elsewhere in the Report, the Tribunal believes that their review in this context should assist the public's understanding of the Tribunal's current role and functions the difficulties it faces in performing that role and functions and steps that might be taken to improve its efficiency and effectiveness.

It needs to be said at the outset that this has been a year when the Tribunal's resources have been stretched to the limit in endeavouring to meet its responsibilities under the Broadcasting and Television Act 1942 ('the Act'). This has inevitably placed considerable pressure and strain on the staff and members. The Tribunal would like to place on record its appreciation of the endeavour and dedication of its staff, especially the positive way in which they have responded to these pressures and the additional demands that have been imposed upon them during the course of the year. The Tribunal would also like to acknowledge the understanding shown by the Minister of the pressures on the Tribunal during the course of the year.

The Establishment of the Tribunal

Before discussing the role and functions of the Tribunal it is necessary to make some reference to its original establishment. The Tribunal grew out of the Green Report and a public and industry concern for more effective broadcasting administration in Australia. The Tribunal was established with the intention that it would provide an independent administrative structure to regulate the broadcasting industry and which would allow a significant degree of public and industry participation in the development of broadcasting. Another objective was that the Tribunal's activities would, as far as possible, be conducted in public and that it would make its decisions after following a process designed to enable the fullest involvement of members of the public and of the industry being regulated.

However, the effectiveness of an organisation is governed by its charter. In the Tribunal's case, this means the Act. Unfortunately, the legislation has prevented the expectations of improved broadcasting administration from being fully realised. Although there was a radical change in the policy of broadcasting regulation and administration there was not a comparable change to the legislation. Rather, the new policy was implemented by welding the concept of a public inquiry on to the existing provisions. Not surprisingly, this has created difficulties and frustrations for the Tribunal, the industry and the public. The Tribunal's efficiency, effectiveness and credibility has been affected by the inadequacies of the legislation. The amendments made to the Act during the year are therefore welcomed, particularly those effecting the uniform inquiry process recommended by the Administrative Review Council in early 1981. It will be important that the operation of this new process is monitored and corrective action taken where necessary to ensure that the process meets the objectives.

The Tribunal's performance has also been affected by the way in which it was established. There was no transition or settling in period. It would appear that insufficient consideration was given to the structure and staff required to best carry out the new functions. The position was exacerbated by the fact that the Tribunal's predecessor (Australian Broadcasting Control Board) was based in Melbourne and the Tribunal members were based in Sydney. This resulted in a split head office and has prevented the integration of all head office functions in the one office. This unplanned establishment has increased the difficulties of planning for a re-organised structure which will enable the Tribunal best to carry out its functions and contributed to the slow progress that has been made on that project.

The Role and Functions of the Tribunal

The role and functions of the Tribunal can be broadly summarised as follows:

- (a) Licensing Function: to grant, renew, suspend and revoke licences and approve changes in ownership and control of licences.
- (b) Legislative Function: to determine and enforce standards and conditions relating to programs and advertisements.
- (c) Information Function: to assemble and disseminate information relating to radio and television in Australia.
- (d) Ministerial Inquiries: to inquire into and report on matters relating to radio or television that are referred by the Minister. There have been a number of major references. Although they have stretched the Tribunal's resources they have also enabled the Tribunal to increase its experience and expertise and broaden its knowledge of the broadcasting system and the policy issues that need to be addressed.

It is important to recognise that the Minister has the responsibility under the Act to plan the development of radio and television services in Australia. Nevertheless, the Tribunal has found itself increasingly drawn into planning and engineering issues in the performance of its licensing functions. This is because of the requirement that the Tribunal consider on the grant of a licence whether a licence of the kind contemplated by the Minister should be granted (s.83(6)(d) of the Act). As discussed later, a recent interpretation of this provision by the Federal Court can place the Tribunal in the position on the grant of a licence of 'second-guessing' the Minister's planning and engineering decisions. This runs counter to the general scheme of the legislation and can result in considerable delay and expense in the provision of new services.

Aims and objectives

Arising out of the performance of its functions the Tribunal has identified some general aims and objectives to guide it in its operation.

The Tribunal's aims and objectives are as follows:

- (a) Establish, maintain and develop a regulatory environment which encourages the provision of high quality broadcasting services to the Australian public.
- (b) Develop regulatory policies based on an informed appreciation of public needs and interests and of the needs of an efficient and viable industry.
- (c) Regulatory practices should be monitored for their effectiveness and be capable of adapting in response to community changes and developments in the industry.
- (d) In order to add to Tribunal decision making, improve the Tribunal's collection and analysis of broadcasting information.
- (e) In order to promote and contribute to public debate on the Australian broadcasting system and to foster public participation in the development of that system, improve the dissemination of broadcasting information by the Tribunal to the public and to the industry.
- (f) In order to facilitate public participation in Tribunal decision making, improve public understanding of the Tribunal's role and function and of its inquiry process.
- (g) Formulate clearly established decision-making processes and develop procedures which are time and cost effective.
- (h) Identify inadequacies in broadcasting and related legislation and report on appropriate improvements.

- (i) Establish an efficient and cost-effective organisation and management structure.

Development and Application of Policy

This is an example of the Tribunal's implementing its aims and objectives. In carrying out its functions and making decisions the Tribunal often has to exercise a discretion given to it by the legislature. It therefore has to determine a consistent administrative policy that it should properly follow in the exercise of the discretions that it has been given, and then apply that policy to the circumstances of a particular case. The Tribunal sees the determination and consistent application of such administrative policy as being critical to its effectiveness and credibility as a regulatory authority. This objective is reflected in its decisions, reports and other publications. An important initiative is the publication of formal policy statements. These statements, which are now contained in a Manual that was published this year, formally state the administrative policy or principles that the Tribunal will apply in important areas. In some cases they set out policy that has been initially articulated in particular inquiry reports. In others they follow a process of public and industry input in response to a draft or a discussion paper. To the extent that resources permit, the Tribunal will continue to publish policy statements covering the areas where it has a major discretion.

The Impact of Commonwealth Administrative Law

The new Commonwealth administrative law introduced in the 1970s has had a marked effect on the Tribunal's performance of its functions. It consists principally of the following Acts: the Administrative Appeals Tribunal Act 1975; the Ombudsman Act 1976; and the Administrative Decisions (Judicial Review) Act 1977 ('AD(JR) Act'). These Acts have the broad effect of subjecting most important decisions made by the Tribunal to one, two, or even three tiers of outside examination by judges and lawyers. The Tribunal welcomes review of its decisions directed to ascertaining whether it has correctly applied the law. However, the new Commonwealth administrative law has 'side effects' which are apparent to members of the Tribunal, and no doubt to members of other Commonwealth authorities.

The Broadcasting and Television Act contains many difficult and subtle balances of substantive and procedural factors. The Tribunal, within the limits of its resources of time, staff and facilities, must address those balances and translate them into practical reality. For example, the provisions of the Act impose upon the Tribunal a plethora of directions in the conduct of inquiries:

- (a) Act without regard to legal forms and solemnities.
- (b) Make a thorough investigation.
- (c) Do all such things as are necessary or expedient for the expeditious and just hearing of the Inquiry.

- (d) Ensure that every person having an interest in proceedings is given a reasonable opportunity to present his case.
- (e) Act fairly and impartially and observe the rules of natural justice.

Experience has demonstrated that these directions are productive of considerable difficulty in their practical application, particularly in their interaction with the fixed licensing criteria expressed in the Act. The effect of the new Commonwealth administrative law has been to make the process of inquiry and decision-making by the Tribunal more elaborate and formal. The interactions, ramifications and applications of the provisions of the Broadcasting and Television Act now applying are a fertile source for litigation. Tribunal actions and decisions are frequently challenged in court by those with the economic resources to do so. The result is inevitable concentration of the Tribunal's scarce public resources on a small number of issues and inquiries. Inquiries must be conducted, and reports and other documents must be written, in a manner and form that creates a suitable record for judicial and other review. What ever the policy objectives of the current scheme, in practical reality the Tribunal no longer has the flexibility to direct its resources to the areas which it would judge to be the most critically important to broadcasters and the community.

The Tribunal's concern about some aspects of the AD(JR) Act is illustrated by its experience with its inquiry into the grant of a third commercial television licence for Perth. The hearing, which involves three Tribunal members, commenced in December 1984 and is likely to continue into 1986. A significant cause of delay and expense in the inquiry has been the use of the AD(JR) Act as a means of obtaining judicial review of decisions made by the Tribunal during the course of the inquiry and before its completion (interlocutory decisions). Since the beginning of this year, eleven actions arising in the course of the inquiry have been decided by the Federal Court. In general, the Perth inquiry litigation indicates the need to consider appropriate limits on the use of the AD (JR) Act in interlocutory proceedings. These matters have been raised with the Minister and the Administrative Review Council. The latter is currently conducting a review of the AD(JR) Act.

In this context it is also necessary to make brief reference to some implications of the judgment of Forster J of 26 June 1985 in TVW Enterprises Ltd and Another v Australian Broadcasting Tribunal and Others (TVW Case). The judgment dealt with ten applications for judicial review of decisions of the Tribunal made in the early weeks of the Perth television grant inquiry. Although a number of challenges to the lawfulness and conduct of the inquiry have now been rejected by the Federal Court, some points on which Forster J held against the rulings of the Tribunal can be expected to lead to a significant protraction of contested or 'adversarial' inquiries, especially inquiries into the grant of new licences. The relevant points fall into four areas of judicial interpretation of the Act: cross-examination; early (or interlocutory)

judicial review of continuing Tribunal inquiries; planning and technical decisions; and the prospective commercial viability of the station for which a licence is sought.

The recent amendments to the Act to introduce new procedures should help to overcome some of the problems that have arisen. Nevertheless, the Tribunal has drawn the matter to the attention of the Minister and suggested that the amendments should be reviewed in the light of the judgment to ensure that the intention behind them will be carried into effect. For example, if the interpretation set out in the TVW case is later held to govern the scheme introduced by the 1985 amendments, so as to require the Tribunal to conduct hearings and permit participation on the scale the judgment envisages under the current inquiry provisions, there is the prospect of: a further reduction in the speed of introduction of new services; more member and staff resources for the Tribunal; or abolition of some classes of public inquiry; and perhaps a combination of all three.

Operational Difficulties

The Tribunal has specific statutory duties to perform. For example, it must renew licences, grant licences and approve changes in ownership of licences. On the other hand, as the expansion of radio and television services gathers pace the volume of work coming to the Tribunal is increasing. This volume is being further increased by the volatility of the ownership of the commercial television industry and to a lesser extent the commercial radio industry. There is also a need to ensure that the standards and conditions applicable to programs and advertisements are relevant to today's broadcasting system and the community it serves. Although it has attempted to do so as much as possible, the Tribunal's ability to prioritize its tasks to produce the most efficient work flow is limited.

However, the Tribunal is not equipped with the resources necessary to meet these demands. It is more than a matter of increasing the number of staff to cope with an expanding work load. The Tribunal understands that government is constrained in the resources that it can allocate to organisations like the Tribunal. There is therefore a need to ensure that the organisation is structured and staffed in a way that best lends itself to the efficient performance of its functions. Mention has already been made of the fact that the Tribunal took over much of the structure and procedures of the Australian Broadcasting Control Board, which operated in a very different environment. The experience of the Tribunal, particularly in recent times, is that being structured and organised under the Public Service Act does not appear to allow it to be able to meet the demands and challenges which it now faces. Rather, such arrangements appear to be designed for a large government department; whereas the Tribunal is a small, specialist statutory authority with comparatively little processing type work. What the Tribunal needs is a flexible staff structure and operational environment which can respond to the demands of particular projects in an area of rapid technological, economic and legal change. Inevitably, this raises the issue of the extent to which the Tribunal should be governed by the Public Service Act and related requirements. It is an issue that warrants serious consideration.

The demands and resource limitations have inevitably resulted in a number of problems. These have been exacerbated by the severe depletion in member and staff resources caused by the long running Perth inquiry. The following are some of the problems that have resulted:

- . Decisions and reports often take months rather than weeks to be finalised after the completion of hearings.
- . The Tribunal has been able to make little progress in its review of Television Advertising Time Standards following the release of a proposal in November 1983.
- . The Tribunal has been able to make only limited progress on the review of the Television Program Standards which was commenced in 1981. This includes an identification of current standards that are clearly redundant or can be easily simplified or reduced without raising any serious policy issues.
- . Hearings for the grant of new licences have had to be deferred for many months.
- . The Tribunal has been able to make little progress in its review of the Australian content rules for television since the release of a discussion paper in 1983.
- . Work on reorganisation of the Tribunal's staff structure and resources has proceeded very slowly.
- . It has not been possible to establish an adequate system for performing the function conferred by s.16(1)(h) of the Act namely the assembly and distribution of information relating to radio and television.
- . Despite assistance from consultants only limited progress has been made in the review of the requirements relating to the provision by licensees of financial information regarding the operation of stations.

Conclusion

Notwithstanding the difficulties that have been discussed, the Tribunal believes that much has been achieved during the year. These achievements are reviewed elsewhere but it is appropriate to briefly refer to some of them. In July 1984 the Tribunal's report on Satellite Program Services (SPS) was delivered to the Minister. The report fully reviewed the development of the commercial television system and the future directions that the system might take with the introduction of the Australian Satellite System (Aussat). In June 1985 the Tribunal's First Report on Remote Commercial Television Services (RCTS) was delivered to the Minister. This report laid out the major policies applicable to RCTS and the criteria against which applicants for those licences would be measured.

It also recommended the grant of the first RCTS licence for the Western Region. Both reports are of strategic importance to the extension of commercial television in the satellite age. Last year the Tribunal reported the introduction of an Australian children's drama quota to commence in the 1984/85 year. The Tribunal is pleased to report that all stations met the quota (8 hours) during the year with either 'series' form or 'one-off' programs of high quality. As a result Australian children were able to experience drama programs, specifically catering for their needs, such as the Henderson Kids (Ten Network) and Zoo Family (Nine Network). During the year the Tribunal conducted 101 public inquiries into a wide range of matters. This reflects an increased level of activity to the previous year.

It is hoped that the above review will assist understanding of the Tribunal's role and functions and the problems it faces in carrying them out efficiently and effectively. The Tribunal has also set out some general aims and objectives it has identified in the performance of its functions. The Tribunal's desire is to be able to fully realise them.

PART ONE

INTRODUCTION

LEGISLATION

1. The Tribunal is established by section 7 of the Broadcasting and Television 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, establishes and defines the functions of the Special Broadcasting Service.

2. The remaining part of the Act of concern to the Tribunal provides a framework for the planning and regulation of broadcasting services in Australia. The responsibility for planning the development of broadcasting services, and the determination of standards and practices for the technical equipment used and its operation, lies with the Minister for Communications (section 111C of the Act). At 30 June 1985, the planning of commercial and public broadcasting services could culminate in the grant of one of fourteen types of licence, including licences for principal stations, supplementary services, translator stations, repeater stations and community television aerial systems. It is the responsibility of the Tribunal to grant and renew licences, subject to such technical specifications as the Minister may determine. The Tribunal is also empowered to suspend or revoke licences. For the exercise of all these powers, specific criteria are laid down in the Act (sections 83, 86 and 88).

3. Part IV of the Act contains a range of complex provisions designed to ensure diversity in the ownership and control of commercial broadcasting and television services. The Act limits the number of 'prescribed interests' in licences which may be held by any person. In simple terms, a person may hold prescribed interests in no more than two commercial television station licences, or eight commercial broadcasting station licences (sections 90C, 92). Limits are placed also on the extent of foreign shareholdings, direct or indirect, in licensee companies and a foreign person may not exercise control of a licensee. (sections 90G, 92D). Most changes in the ownership or control of stations, by way of a licence transfer or transactions in shares directly or indirectly affecting a licensee company, are subject to the approval of the Tribunal (sections 89A, 90J, 90JA, 92F, 92FAA).

4. In the area of program regulation, the Act imposes some specific requirements in respect of a range of matters (such as Australian music, political and election matter, and cigarette advertising) and confers on the Tribunal power to determine Standards for programs and advertisements on commercial stations (sections 16, 99 and 100); give directions concerning sponsorship announcements on public stations (section 111BA); and regulate a range of other activities and arrangements affecting programming (Part V of the Act).

5. In carrying out its functions, the Tribunal is required in many cases to conduct public inquiries before reaching decisions; in other cases, the Tribunal may decide that a public inquiry, although not required, is desirable (section 18). The Act contains a range of provisions covering the conduct of inquiries, and the rights of persons to participate in such inquiries (Part II Division 3 of the Act).

6. There were two important amending Acts during the year. The Broadcasting and Television Amendment Act 1984 (No 163 of 1984; Royal Assent on 25 October 1984) implemented some of the recommendations of the Administrative Review Council (see below) relating to the constitution of the Tribunal at inquiries, and made a number of other amendments. The major innovations were the following:

- (a) Decisions arising from a Tribunal inquiry are to be made by the Division of the Tribunal which conducts the inquiry, subject to certain qualifications. Previously, decisions had to be made by a quorum of the Tribunal which may have included members who had taken no part in the inquiry itself;
- (b) Cross-media ownership was specifically introduced as a criterion in deciding whether the Tribunal should decide to grant a supplementary licence or recommend that the Minister invite applications for an independent licence;
- (c) If a licence renewal inquiry is to result in a licence period expiring before a decision is made, the licence remains in force until such time as the Tribunal makes its decision;
- (d) The Tribunal is empowered to allow translator stations operated under a single supplementary licence to commence service on different dates;
- (e) Voting interests are defined in the Act and brought under the share transaction approval regime in sections 90J/90JA and 92F/92FAA, and a minor loophole in the ownership provisions was closed;

The ownership and control amendments were deemed to take effect on 19 July 1984. The new Divisional arrangements applied to all Divisions constituted on or after 1 December 1985.

7. The Broadcasting and Television Amendment Act 1985 (No 66 of 1985; Royal Assent on 5 June 1985) enacted the most significant changes to the Act since 1981. Most of these will come into force on 1 January 1986. The major changes are as follows:

- (a) The Act is converted from a "technology-based" licensing system to a "service-based" licensing system; that is, a licence will not be granted for the operation of a station, but for the operation of a service (which may be provided by one or more stations);
- (b) Technical aspects of a service will be contained in a "licence warrant" issued by the Minister to a licence holder;

- (c) The new inquiry procedures for the Tribunal based on the recommendations of the Administrative Review Council are partially implemented, with most of the remaining aspects of the inquiry process to be covered by regulations made under the Act;
- (d) Provision is made for the conduct of "area inquiries" into, among other things, the adequacy and comprehensiveness of services in an area defined by the Tribunal;
- (e) New classes of "remote licences" are introduced to provide a service to currently underserved regions via the Aussat satellites; the licences are to be granted in accordance with recommendations made by the Tribunal in inquiries during 1985 conducted at the direction of the Minister, and the Tribunal is empowered to make Orders relating to their ownership and control;
- (f) Provision is made for different (local) programs to be transmitted by different stations under a single service licence, with Tribunal permission;

The Amendment Act also makes a number of smaller amendments to the Act, and repeals, reorganises or renumbers several other provisions. A notable change is to the terminology of the Act, with one result being that, from 1 January, the principal Act will be known as the Broadcasting Act 1942. Associated amendments to other Acts were made by the Broadcasting and Television (Consequential Amendments) Act 1985 (No 67 of 1985). In his Second Reading Speech on the Bill, the Minister foreshadowed further legislation in the Budget Sittings of Parliament, 1985, dealing with the Tribunal's program standards powers.

8. Other minor amendments of the Act were made by the Statute Law (Miscellaneous Provisions) Act (No 1) 1984 (No 72 of 1984) and the Statute Law (Miscellaneous Provisions) Act (No 2) 1984 (No 165 of 1984). These amendments repealed a number of obsolete ownership and control provisions, and made other minor changes as a result of revised Public Service arrangements.

9. Other Acts of relevance to the Tribunal are the Broadcasting Stations Licence Fees Act 1964, and the Television Stations Licence Fees Act 1964, which specify the annual licence fee payable by commercial radio and television stations, on a sliding scale related to 'gross earnings' of the station. The Tribunal administers this legislation, including the assessment and collection of licence fees, on behalf of the Minister for Communications. These Acts were both amended in the course of the year (by Acts Nos 68 and 69 of 1985) as a result of changes to the licensing system made by the Broadcasting and Television Amendment Act 1985.

10. The Radiocommunications Act 1983 and its associated Acts have yet to be proclaimed. It is implicit in the Broadcasting and Television Amendment Act 1985 that the Radiocommunications Act will be proclaimed before 1 January 1986. As noted in the Tribunal's 1983-84 Annual Report, the Radiocommunications Act will replace the Wireless Telegraphy Act 1905 and the Regulations under that Act. The Radiocommunications (Transitional

Provisions and Consequential Amendments) Act 1983 will also be proclaimed before 1 January 1986, and will insert the new Part IA into the Broadcasting and Television Act.

DELEGATIONS

11. Section 15D of the Act provides for delegations by the Tribunal as follows:

- 15D. (1) The Tribunal may, either generally or as otherwise provided by the instrument of delegation, by writing under its common seal, delegate to a Member any of its powers under this Act, other than this power of delegation and its power to hold inquiries.
- (2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Tribunal.
- (3) A delegation under this section does not prevent the exercise of a power by the Tribunal.

12. In accordance with these provisions, decisions on matters which the Tribunal considers can be undertaken outside formal meetings have been made by a delegated Member.

13. With the increase in membership of the Tribunal the instrument of delegation has been extended to include all Members and to extend matters handled under delegation significantly.

14. An important operational decision by the Tribunal was to move to the management of various major activities by committees comprising Members and senior staff.

15. Committees have been established to deal with plans and policies; legal affairs; program content; Tribunal operations; public inquiries and meetings with outside bodies; ADP activities; research and library needs and public affairs. There are also ad-hoc committees dealing with special projects relating to cigarette advertising, the review of the television standards relating to Australian content, advertising time standards, religious programs, classification, alcohol advertising and the review of the radio standards. Participation by Tribunal Members in these Committees is on a rotational basis.

POWERS AND FUNCTIONS OF THE TRIBUNAL

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

17. 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 Communications).

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

16. (1) The functions of the Tribunal are:
- (a) to grant, renew, suspend and revoke licences;
 - (b) to authorise transactions in relation to licences under section 89A;
 - (c) to grant approvals and give directions under Divisions 2 and 3 of Part IV in relation to the ownership and control of licences;
 - (d) to determine the standards to be observed by licensees in respect of the broadcasting and televising of programs;
 - (e) to determine the conditions subject to which advertisements may be broadcast or televised by licensees;
 - (f) to determine the hours during which programs may be broadcast or televised by licensees;
 - (g) to hold inquiries as provided by this Act or as directed by the Minister under section 18, and to publish reports in relation to those inquiries;
 - (h) to assemble information relating to broadcasting and television in Australia under section 106A; 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), (e) and (f) in relation to broadcasting stations, the Tribunal shall consult representatives of those stations.
- (3) In this section, except so far as the contrary intention appears, "licence" has the same meaning as in Part IIIB.

RESPONSIBLE MINISTER

19. The Minister responsible for administration of the Broadcasting and Television Act is the Minister for Communications, the Honourable Michael John Duffy.

MEMBERSHIP OF THE TRIBUNAL

20. The Act provides that the Tribunal shall consist of a Chairman, Vice-Chairman and at least one but not more than six other Members.

21. The Members of the Tribunal are:

David Jones	Chairman
	Appointed for a period of five years from 1 July 1980. Reappointed for a period of two years from 1 July 1985.
Kenneth Archer	Vice-Chairman
	Appointed from 1 January 1983 until expiration of existing term on 18 February 1986.
Catharine Weigall	Member
	Appointed for a period of five years from 17 April 1980. Reappointed for a period of five years from 17 April 1985.
Mark Armstrong	Member
	Appointed for a period of five years from 18 July 1983.
Ray Watterson	Member
	Appointed for a period of five years from 26 September 1983.
Julie James-Bailey	Member
	Appointed for a period of five years from 31 January 1984.
Russel Perry	Member
	Appointed for a period of five years from 14 May 1984.

ORGANISATION AND STAFF OF THE TRIBUNAL

22. The express Tribunal powers conferred by many sections of the Act, mentioned in paragraph 18 of this Report, are accompanied by the incidental and implied powers necessary for their exercise. As with many similar institutions, exercise of these incidental and implied powers occupy much of the working time of the Tribunal. Examples of such powers are:

communication with broadcasters and the public; analysis of policy; research and acquisition and allocation of resources to different projects.

23. Section 15E of the Act confers on the Chairman of the Tribunal certain powers concerning the employment of staff by the mechanism of deeming him to be a Secretary of a Department of the Australian Public Service, and by deeming the staff of the Tribunal to be a Department. This mechanism does not in law or in practice make the Tribunal a Department. The Tribunal is an independent statutory corporation consisting of all its Members, including the Chairman and Vice-Chairman (see section 8 of the Act). The Members have equal powers, except for a few matters expressly mentioned in the Act. The powers of the Tribunal as a corporation include the incidental and implied powers already mentioned, and not merely the bare express powers. Individual Members or committees of Members are often authorised by the Tribunal to implement Tribunal decisions or to oversee particular areas of activity on behalf of the Tribunal, but that does not derogate from the ultimate authority of the Tribunal itself over all its activities.

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

Executive Division

Secretary's Division

- . Secretariat and Public Relations Branch
- . Management Services Branch
- . ADP Services Branch
- . Children's Program Branch

Public Inquiry and Licensing Division

- . Public Inquiry Branch
- . Licensing Branch
- . Program Branch

Program Services Division

- . Research Branch

State Office Division

25. The Tribunal's senior executive staff are:

A S Wilson	Acting Secretary
J G Quaine	Director Program Services Division
M J Hanna	Acting Director Public Inquiry and Licensing Division

26. The average staffing through the financial year was 117.83 and the operative staff as at 30 June 1985 numbered 128 (69 males and 59 females). 74 staff are in Sydney (Head Office), 47 are in Melbourne (Part Head Office and part Victorian State Office) and the remaining 7 work in State Offices.

27. With regard to the review of the staffing structure mentioned in its previous report, the Tribunal is currently developing a proposal for review by an external management consultant. In the meantime, some essential adjustments to structure and relocation of management services functions from Melbourne to Sydney have begun, with the agreement of affected staff and unions. Pending the outcome of the complete review the Tribunal has sought approval to increase its staffing level in 1985-86 by 12 positions to cope with a significant increase in workload. (The Tribunal was informed after 30 June 1985 that the Government had increased the average operative staffing level of the Tribunal by 11 positions).

EQUAL EMPLOYMENT OPPORTUNITY IN THE AUSTRALIAN BROADCASTING TRIBUNAL

28. The Tribunal has appointed an Equal Employment Opportunity Co-ordinator to organise an EEO program by 1 October 1985, in accordance with the provisions of the Public Service Act. A policy statement has been issued to staff, and an EEO Sub-Committee, with Member, staff and union representation, has been formed to prepare specific action plans.

29. Equal Employment Opportunity provisions in the Public Service Reform Act 1984 set out the Government's commitment to the principle of equality of opportunity in relation to all employment matters in the Australian Public Service. In keeping with this principle, the Tribunal is developing an EEO Program which will ensure that discriminatory practices are identified and eliminated. The Program will introduce measures which will allow people in the designated groups equality of employment opportunity.

30. Although many discriminatory practices, such as the barrier to the permanent employment of married women, have been abolished, women, migrants, Aborigines and those with disabilities still occupy, in the main, positions in the lower grades and within a restricted range of occupations in the Tribunal. This points to waste of the full potential of staff. The EEO Program will contain measures designed to encourage the utilisation of the skills and experiences of all staff, benefitting not only the individuals concerned, but also leading to more efficient use of the pool of available skills. Such measures must, of course, be consistent with the merit based system of selection.

31. The Secretary is the Senior Executive Responsible for EEO with responsibilities for overseeing the development, implementation and review of the EEO Program: a responsibility shared with all managers and supervisors.

32. The Program will be developed by the EEO Co-ordinator assisted by a Contact Officer in Melbourne.

33. An EEO Sub-Committee, which includes representatives from staff associations, has been established to develop, implement and review the Program and to ensure that staff have opportunities to put their views throughout all stages of the development, implementation and review of the EEO Program.

34. The EEO Program will cover all aspects of personnel administration including recruitment, selection, promotion, staff development and the application of conditions of service. Quantitative and other indicators will be included to assist in assessing the effectiveness of the Program.

INDUSTRIAL DEMOCRACY

35. In accordance with the principles of industrial democracy, the Tribunal has adopted a policy of ensuring staff and union representation on various decision making committees, such as the Operations Committee, and at Tribunal meetings. In addition, several specific interest sub-committees have been formed to address such matters as Occupational Health and Safety, Equal Employment Opportunity and Accommodation.

INFORMATION AND PUBLIC RELATIONS ACTIVITIES

36. The heavy demands on the Tribunal's staff and resources produced by the Tribunal's workload of inquiries and hearings during 1984-85 have been reflected in an increase in demand for information about the organisation and nature of the Tribunal.

37. The Tribunal publishes a fortnightly newsletter, "abtee", which contains information on legal matters affecting the Tribunal, hearing dates, Tribunal news releases, and other items of relevance.

38. It is available from the Tribunal, by writing to the Public Relations Officer, Australian Broadcasting Tribunal, PO Box 1308, North Sydney NSW 2060.

39. Information about the Tribunal is also available from the Tribunal's State Offices.

STATE OFFICES

40. The Tribunal has a State office in each State capital city other than Sydney.

41. The State Representatives are an important point of public contact for the Tribunal, and the Tribunal intends in future to include a report on each office's activities in its Annual Report.

Melbourne

42. The State Representative in Melbourne, David McKelvey, is involved in a number of program services functions, and oversees the reporting of the four remaining State Representatives.

Brisbane

43. There have been many changes in the shareholdings of radio and television stations throughout Queensland in the last year. The three Brisbane commercial television stations changed hands and there have been major share transaction public inquiries in the cases of QTQ and TVQ. Of note also have been major sales of equity in the Queensland regional television stations. Considerable interest has been shown in the proposed supplementary licences, particularly for the near Brisbane coastal regions. Many enquiries have been received regarding the possibility of obtaining licences for public broadcasting stations throughout the State. Continuing interest has been communicated by the public in the content of radio, and particularly, television programs. The Queensland State Representative is Bill Gibson.

Perth

44. The Tribunal's activities in Western Australia have been dominated by the demands of the inquiry into the grant of a third commercial television licence for Perth. This has created special problems with accommodation. Media reporting of the inquiry has led to heightened public awareness of the Tribunal and its functions, with a resultant increase in the numbers of public enquiries and comments. The West Australian representative is Bernie Doyle.

Tasmania

45. In early May 1984 the Tribunal appointed Mick Trimmer as its new State representative in Tasmania. Mr Trimmer spent the preceding 6 years with the Department of Communications working in the area of broadcasting policy.

46. Following Mr Trimmer's appointment, steps have been taken to provide at the office a library and resource centre which, when complete, will provide an appropriate place for interested organisations or persons to study or browse through the many publications of the Tribunal and other material relating to broadcasting.

South Australia

47. The Tribunal's South Australian office moved, at the end of March 1985, to the present location in North Unley pending a possible move to a site nearer the central business district. This would make the office more accessible to members of the public, including students, who wish to make use of the Tribunal's information facilities. The need for such a function was demonstrated by requests for press access to advance copies of the decision and reasons for renewal of licences for the Adelaide television

stations, which involved a six-month reduction in licence period for one of them (ADS-7). (See paragraph 183). The South Australian State Representative is Allan Biggs.

LOCATION OF TRIBUNAL'S OFFICES

48. Tribunal offices are located at:

Sydney (Head Office)	153 Walker Street North Sydney NSW 2060 or PO Box 1308 North Sydney NSW 2060 Telephone (02) 922 2900 Telex 126683 Vocadex (02) 922 2484 DX 10528 NORTH SYDNEY
Melbourne (including State Office)	Marland House 570 Bourke Street Melbourne VIC 3000 Telephone (03) 602 0151 Telex 32844 Vocadex (03) 67 4821
Brisbane	Suite 14B 339 Coronation Drive Milton QLD 4064 Telephone (07) 371 2277 Telex 41569
Adelaide	35 King William Road Unley SA 5061 Telephone (08) 373 0022 Telex 88015
Perth	251 Adelaide Terrace Perth WA 6000 Telephone (09) 325 7041 Telex 93254
Hobart	11th Floor, AMP Building 86 Collins Street Hobart TAS 7000 Telephone (002) 345 388 Telex 58133

Accommodation in North Sydney

49. As foreshadowed in the previous Annual Report, the Tribunal's lease for its present accommodation expired in March 1985.

50. A new lease has been negotiated for accommodation in Tandem House, Berry Street, North Sydney. This will provide the Tribunal with an efficient workplace, and which will meet the diverse needs of its many activities.

51. The move to Tandem House is expected to be made in the second half of 1985.

RETIREMENT OF MR B J CONNOLLY

52. Mr B J Connolly, Secretary of the Tribunal, retired from the Australian Public Service on 23 November 1984. Mr Connolly's public service career began in the Postmaster-General's Department in 1943 and, apart from a three-year period with the Royal Australian Navy, continued in administrative posts with various communications-related bodies until his retirement. He joined the staff of the Australian Broadcasting Control Board in 1957 and was appointed Secretary of the Board in 1973. He was appointed Secretary of the Tribunal shortly after its creation in 1977.

53. The Tribunal wishes to record its appreciation of Mr Connolly's dedicated and loyal service to the Tribunal, and to the Control Board before it, and to wish him well for a long and happy retirement.

FINANCIAL ACCOUNTS OF TRIBUNAL

54. Under section 28 of the Act, the report and financial statements of the Tribunal, together with the report of the Auditor-General as to those statements, are required to be laid before each House of the Parliament. The statements are prepared on an accrual basis in such form as the Minister for Finance approves. A statement of the financial accounts of the Tribunal from 1 July 1984 to 30 June 1985 together with the report of the Auditor-General, appear as Appendix F of this report.

PART TWO

OPERATIONAL REPORT

OVERVIEW

55. This section of the Annual Report incorporates general statements about the discharge of statutory functions, about the powers of the Tribunal and its achievements during 1984-85.

56. More detailed statements of the work carried out by each Division of the Tribunal will be found in the sections dealing with, for example, Public Inquiries and Licensing, and Program Services.

57. One of the most significant features of the year has been the amount of litigation involving Tribunal decisions and functions. Even a cursory examination of the section titled "Review of Tribunal Decisions" (see paragraphs 70-103), will give an indication of the number and variety of actions.

58. This has had far-reaching implications for the Tribunal's operations both in terms of the administration of the Tribunal's powers and functions, and of its staffing and resources.

59. It has meant, among other things, a much higher public profile for the Tribunal, and there is no indication of any likely decrease in demands for information about the Tribunal's functions and operations.

60. During 1984-85 the Tribunal held public hearings for 101 inquiries, including those into the grant of a third commercial television licence for Perth, the recommendations to grant a licence for Australia's first remote commercial television service (to Western Australia) and the renewal of major metropolitan commercial television licences in Adelaide, Sydney and Melbourne.

61. Some of these inquiries, such as that in Perth, have run far longer than anticipated and this too represents a considerable drain on staff and resources.

62. Again this year considerable time has been spent on share transaction and licence transfer inquiries (see paragraphs 114-118). Many of these inquiries have extensive Member involvement, and in the case of the Perth licence grant inquiry for example, it has meant the exclusive participation of three Members in one inquiry, often for weeks at a time.

63. The Tribunal published only one Policy Statement during 1984-85, POS 09, dealing with the concept of a Fit and Proper Person. Work has continued on other statements, dealing with such matters as the issuing of supplementary licences, comparative grants, and public broadcasting sponsorship announcements. Two Practice Notes were issued, PRN 05 dealing with the Grant of Supplementary Licences and PRN 06 dealing with Investigation and Determination of Breaches of the Broadcasting and Television Act - Program and Advertising Standards and Other Licence Conditions.

64. The Tribunal's Manual was published during 1984-85, in an effort to help the broadcasting industry and the public understand the role, standards, procedures and policies of the Tribunal. Copies have been distributed to all licensees, various groups which deal regularly with the Tribunal, public libraries and tertiary institutions.

65. The Tribunal will provide regular updates for the Manual, and has waived copyright to encourage the widest possible circulation of information.

66. The most controversial of the Tribunal's Standards activities of 1984-85 involved the release of proposed draft standards on the advertising of alcohol on television. The proposed standards deal with the times of telecast of advertisements for alcoholic liquor, while the content of those would continue to be governed by a voluntary industry code (see paragraph 221).

67. Following the release of the proposal, the Tribunal held a number of useful meetings with representatives of the broadcasting and alcoholic beverages industries and other interested groups. The new standards were not completed during 1984-85.

68. The process of reviewing the standards for television and radio has continued. However, staff constraints and the outcome of several legal challenges (see paragraphs 79-88) has forced the deferral of work on some standards. In September 1984 the Tribunal announced that its review of the Australian content standards would be deferred until the 1985-86 financial year and would be dependent on obtaining sufficient resources for it to proceed.

69. Work by the Tribunal's Status of Women Committee has also been deferred indefinitely, because of the increasing commitments in other areas of staff and Members involved.

REVIEW OF TRIBUNAL DECISIONS

(1) OMBUDSMAN

Mildura News Group

70. As noted in paragraphs 63-64 of the Tribunal's 1983-84 Annual Report, the Mildura News Group (MNG) complained to the Ombudsman after its failure to obtain a test transmission permit from the Tribunal for a period commencing 3 March 1981. Following a report by the Ombudsman critical of the Tribunal's handling of this application, MNG wrote to the Ombudsman arguing that the Tribunal should compensate for losses incurred. In its last Annual Report, the Tribunal noted that it had decided that no ex gratia payment was warranted in the circumstances. Following further correspondence between the Tribunal and the Ombudsman, the Tribunal reconsidered its decision and, after taking into account all the circumstances, decided to make an ex gratia payment of \$1,000 as recommended by the Ombudsman.

(2) ADMINISTRATIVE APPEALS TRIBUNAL

A. Actors Equity Freedom of Information Appeal

71. As reported at paragraph 69 of the Tribunal's 1983-84 Annual Report, Actors Equity Association of Australia lodged an application for review by the Administrative Appeals Tribunal (AAT) of the Tribunal's decision on 30 May 1983 to refuse access, under the Freedom of Information Act 1982 (FOI Act), to certain financial information collected by the Tribunal from the 14 mainland metropolitan commercial television licensees. In refusing access, the Tribunal relied on section 43 of the FOI Act (the business affairs exemption). The full text of the Tribunal's decision appears at Appendix K to the 1982-83 Annual Report. The Australian Consumers Association (ACA) was joined in the action on the side of Actors Equity. The Federation of Australian Commercial Television Stations (FACTS) was also joined and opposed release of the information.

72. A preliminary action concerning a claim for exemption under section 38 of the FOI Act (the secrecy exemption) was decided by the AAT on 7 May 1984. That decision is noted in the Tribunal's 1983-84 Annual Report. The case remained to be settled on the section 43 exemption. FACTS also sought to rely on section 45 (the breach of confidence exemption), which was expressly disallowed by the Tribunal. The matter was heard in September and November 1984, and the AAT (Deputy President Todd, Mr G D Grant and Mr Renouf) gave its decision on 29 March 1985, affirming the Tribunal's original decision that the documents were exempt under section 43. It accepted that

"... the cumulative effect of the information that could be gained from the ABT-12s, if disclosed and placed alongside other information, would be considerable. That cumulative effect would be available mainly to other licensees and to other organisations who are either directly competing with the licensees or are already otherwise involved in the field of business in question and have interests in it. This is because of the other information, and of the techniques of analysis, available to them. The effect is the same as with all intelligence gathering, namely that a person already much 'in the know' can gain a great deal from apparently small items of information, or even from generalised information, if it is put together in an orderly fashion with what is already known."

73. Equity argued that the evidence of the witnesses called by FACTS to demonstrate the harm that would be suffered by release of the ABT-12s was opinion unsupported by facts. The AAT noted this argument and said:

"The fact is however that in relation to s.43(1)(c)(i) ... we are in the field of predictive opinion. The question is whether there is a reasonable expectation of adverse effect. It is to that question that the witnesses' evidence had to be directed, and their assertions are incapable of proof in the ordinary way. What there must be is a foundation for a finding that

there is an expectation of adverse effect that is not fanciful, imaginary, or contrived, but rather is reasonable, that is to say based on reason, namely 'agreeable to reason; not irrational, absurd or ridiculous' (Shorter Oxford Dictionary) ... But in truth the evidence given here was, for all its inevitable reliance on what we have called predictive opinion, really all one way. The only evidence called to counter that presented by FACTS was that given by Dr Brown. It of course consisted no less of predictive opinion than did that of the witnesses called by FACTS."

74. The AAT went on to find that licensees would be affected adversely in respect of their lawful business, commercial or financial affairs by disclosure of the ABT-12s, and then said:

"The remaining question is whether the adverse effect that we have found could reasonably be expected to flow from disclosure of the ABT-12s should be regarded as unreasonable. On the face of it, in the present context, it would seem almost axiomatic that such effect would be unreasonable. But the argument was put for Actors' Equity that disclosure would or could be for the common advantage of the licensees which supply the ABT-12s...

The answer to this argument is that the effect of acceptance of it would be that it would be appropriate for all in business to be reduced to the lowest common denominator. The essence of the character of the industry is competition, and it is in our view not the intended function of the FOI Act to change the character of a field of commerce by intrusion into it of principles of disclosure that the Act has laid down in relation to the supply to the community of information held by government."

The AAT went to find that exemption under s.43(1)(c)(i) had been made out "by a fairly substantial margin" and added the following post script:

"There can of course be little doubt that at some stage in the future release of information contained in the particular ABT-12s sought could not reasonably be expected to have an adverse effect, or that if there should be an adverse effect such would not be unreasonable. At what point in time claims of the expectation of such an effect would have to be held not to be reasonable, or that such effect would not be unreasonable, we are unable to say."

75. However, the AAT pointed out that the FOI Act did not stand alone in this context, and that the ABT was obliged to make information available under s.106A in circumstances which would not be prejudicial to the interests of any person.

76. Having upheld exemption under s.43, the AAT found it unnecessary to consider whether it was open to it to consider exemption under s.45 (which had not been claimed by the ABT). The AAT added:

"We note however Mr Simos' [for FACTS] submission that the provisions of s.58 would have permitted us to consider that ground of exemption, a submission which may satisfy the doubts expressed in the concluding sentence of paragraph 9 [of the reasons for decision]."

B. Trans-West Telecasters Pty Ltd

77. On 9 July 1984, the Tribunal renewed the licence for commercial television station GSW Mount Barker and the licence for its associated translator station in Albany for a period of one year. In October 1984, Trans-West Telecasters Pty Ltd (Trans-West) applied to the Administrative Appeals Tribunal (AAT) for an extension of time to lodge an application for review of the renewal decision. The AAT then sent the Tribunal a notice under s.29(11) of the Administrative Appeals Tribunal Act 1975 requiring the Tribunal to lodge the relevant documents under s.37 of that Act.

78. In a letter dated 7 November 1984, the Tribunal drew the attention of the AAT to s.119A of the Broadcasting and Television Act, which lists the kinds of Tribunal decisions which may be reviewed by the AAT. The decision in question in this case fell under s.119A(1)(d), i.e. "a decision However, s.119A(2) stated that an application under s.119A(1)(d) may be made only by or on behalf of the licensee. In this case the licensee was Golden West Network Ltd, a company unrelated to Trans-West. As at 30 June 1985, no further action had been taken on the matter, although it had not been formally discontinued by Trans-West.

(3) HIGH COURT OF AUSTRALIA AND FEDERAL COURT OF AUSTRALIA

A. Herald-Sun TV Pty Ltd and Ors

79. As reported in the 1983-84 Annual Report, Herald-Sun TV Pty Ltd and fourteen other commercial television licensees sought orders of review under the Administrative Decisions (Judicial Review) Act 1977 (AD(JR) Act) relating to aspects of the Children's Television Standards (CTS) determined by the Tribunal on 27 March 1984. The matter was heard in the Federal Court by Wilcox J who dismissed the application on 19 July 1984. Wilcox J said that it was not necessary that standards should contain no element of subjective judgment; further, having regard to the scope and purpose of the legislation, he said that a standard which imposed a system of pre-classification was valid. The applicants then appealed to the Full Federal Court, and the matter was heard in September 1984 before McGregor, Davies and Morling JJ. The grounds of the appeal were confined to argument over the requirement in the CTS that C programs be pre-classified by the Tribunal. By a majority (Morling J dissenting), the Full Court dismissed the application on 14 December 1984. All three judges agreed on s.16 of the Act as being the source of the Tribunal's power to make standards. The majority judges came to slightly different conclusions about how the 'C' classification system could be justified under the standards-making powers. McGregor J thought that s.17 gave the Tribunal power to require prior classification of programs governed by standards made under s.16. He also

considered it arguable that the classification system was supportable as a standard by virtue of s.16(1)(f). Davies J did not think that s.16(1)(d) alone could support the classification system, but held that the combination of s.16(1)(d) and (f) would support it. He made no reference to s.17. Morling J directed his attention to CTS 3(2)(b) and said that, in his view, it did not prescribe standards, but restricted the right of a licensee to transmit a program that meets all the requirements of CTS 2. Insofar as this amounted to a general power of censorship, it was not authorised by the Act. However, Morling J quoted Wilcox J's remarks about the scope and purpose of the Act with approval.

80. The applicants then sought special leave to appeal to the High Court of Australia, which was granted on 15 February 1985. The case was heard by the Full Court (Gibbs CJ, Mason, Wilson, Deane and Dawson JJ) on 21 May 1985. In a unanimous judgment delivered orally at the conclusion of the hearing, the Court allowed the appeal and quashed CTS 3(2)(b), 8, 9(2), 9(3), 10, 13(1), 13(4), 13(5) and 33. The Court noted that the critical provision under challenge was CTS 3(2)(b); the other challenged standards were in issue only insofar as they were dependent on CTS 3(2)(b). The Court said that in promulgating CTS 3(2)(b) the Tribunal had primarily relied on its power "to determine the standards to be observed by licensees in respect of the broadcasting or televising of programs": see s.16(1)(d) of the Act. Their Honours referred to the ordinary meaning of the word "standard" and said:

"a standard ... must fix the quality or nature of the program in such a way that both the licensee required to observe the standard and the court or other body called upon to decide whether it has done so can determine whether the program answers the criteria set by the standard. That is not to say that the test should be entirely objective, for it may involve questions of taste, but it does mean that the standard is to be found in the determination itself. The power to fix a standard which is to be generally applied is quite different from a power to decide ad hoc from case to case, whether a particular program may be televised. A power of the latter kind is not a power to fix standards."

The Court also said that there was nothing in the other provisions of the Act to imply that this kind of classification was authorised. In particular, the power could not be found under s.16(1)(f) which enabled the Tribunal to "determine the hours during which programs may be broadcast or televised by licensees".

B. Saatchi & Saatchi Compton (Vic.) Pty Ltd

81. As reported at paragraph 106 of the Tribunal's 1983-84 Annual Report, the 'Ghost Crewing' Inquiry was adjourned pending the resolution of a challenge by Saatchi & Saatchi Compton (Vic.) Pty Ltd (Saatchi). In an application under the AD(JR) Act, Saatchi had challenged the power of the Tribunal to conduct the inquiry into whether certain British Airways advertisements were produced in accordance with the Tribunal's Standards governing Australian content, found in paragraph 39 of the Television Program Standards (TPS 39) and Tribunal Circular Letter T.10. The case was

heard by Beaumont J in September 1984. Saatchi argued that the manner of production of an advertisement, and specifically the location of the production, was not a matter which fell within the power to determine "standards" for the purposes of s.100(4) of the Act.

82. In his judgment of 23 November 1984, Beaumont J concurred with the argument put by Saatchi. He said that the power to make advertising standards must come from s.100(4), and in that having regard to both the ordinary meaning of the term "standards" and this particular context, it was the quality of the product, rather than its quantity, which was the subject matter of the Tribunal's power under s.100(4). His Honour said:

"... in my view, in the exercise of its power under s.100(4), the Tribunal may regulate the content of the advertised material in terms of its quality in the sense of what is regarded as socially desirable or acceptable."

Accordingly, Beaumont J. said that it must follow that because TPS 39 did not purport to deal with the quality of the finished advertisement, but rather with matters such as location of production and employment, it was invalid. However, his Honour went on to say that it may well be open to the Tribunal to place a specific condition on a licence in similar terms to paragraph 39.

83. Beaumont J also rejected the Tribunal's submission that a "standard" was not necessarily something fixed or certain. He said that this was the question for determination in Herald-Sun and did not arise in this case. Nor, in his view, did it assist the Tribunal to argue that the standard did no more than fix a minimum goal. He concluded that it was one thing to prescribe a minimum quality for a product, but it was a different thing to restrict the location of its production. Finally, two other contentions of the Tribunal were rejected. The first was that Saatchi was seeking review too late because the relevant Standards were determined at least as long ago as 1970. The second was that the proceedings sought to challenge a decision that was in effect "legislative" rather than "administrative" in character. Beaumont J said that the conduct of the Tribunal was "continuing conduct", in the sense that it was asserting the power to enforce its purported determination of Standards pursuant to s.100(4). The fact that an inquiry was underway and there was a summons to an employee of the applicant to produce certain documents relating to the inquiry led His Honour to the conclusion that the conduct was of an administrative character, and was reviewable under the AD(JR) Act. On 30 November 1984, Beaumont J declared that the relevant Standards were invalid and quashed them.

84. The Tribunal appealed to the Full Federal Court against the decision of Beaumont J. The matter was heard in February 1985, before Bowen CJ, Fox and Wilcox JJ. On 13 June 1985, by a majority (Wilcox J dissenting), the Court dismissed the appeal. The Chief Judge, Sir Nigel Bowen, said that the Act charged the Tribunal with the function of determining the standards to be observed by licensees in respect of the televising of programs (which, in his opinion, included advertisements), and determining the conditions subject to which advertisements may be televised by licensees. The Tribunal had the power, for the purposes of exercising these functions, to do such things as it thought fit, including

the issuing of statements or circular letters laying down rules dealing with relevant matters. The principal difficulty here was the form of the Tribunal's decision. His Honour cited the decision of the High Court in the Herald-Sun case, and said that the power to determine standards

"... does not extend to the regulation of circumstances connected with the production of a program, where those circumstances are not intrinsically related to the nature of the end product. [TPS 39 and T.10] require the production of advertisements in Australia subject to certain qualifications but in no way is this related in terms to the quality or nature of the advertisement produced. It was argued that para.39 and T.10 were directed to the Australian character of advertisements. But the thrust of the documents is towards the use of Australian people and resources and the encouragement of Australian industry and talent in the production of advertisements and not towards the nature of the end product. In my view para 39 and T.10, however admirable may be their purpose, do not lay down standards in respect of the televising of advertisements."

85. The Chief Judge said that much of the material in TPS 39 and T.10 could have been framed so as to fall within an exercise of the power under s.16(1)(e) and s.17. The question was then whether this power had been exercised. TPS 39 was framed as a Standard. His Honour said that the wording under T.10 may not be inappropriate to the exercise of power under s.16(1)(e) and s.17, but the "rules" are presented as a detailed working out of the general principle laid down in the Standards. He concluded:

"In my opinion, where an administrative body which states it is exercising a particular power in laying down a general rule lacks power on the stated ground, but could have laid down the rule validly under another head of power, it would generally be wrong for a court to uphold the rule as if it had been made under the unstated head of power, particularly where the consequences for the citizen of each exercise of power are different."

Bowen CJ did not think that T.10 was uncertain and agreed with Wilcox J on that point. He said, in conclusion, that declarations of invalidity were appropriate and sufficient and set aside the other orders made by Beaumont J.

86. Fox J referred to use of the words "standards" and "conditions" in the Act and said that "for its purposes the two words have distinct meanings and point to distinct functions". What was critical was the way a recipient of TPS 39 and T.10 (taking them together) would have seen the matter. His Honour said there was little doubt that it would have been thought that they were intended to provide standards, and it was not open to the Tribunal to justify its "standards" by reference to the function and power respecting "conditions". This would

"... not only be unfair and unreasonable, but would tend to undermine the efficacy of the prescription itself."

Fox J said that quite a portion of what was in T.10 did not constitute "standards" as that term had been construed by the High Court. The power to determine standards was a power to establish firm guidelines concerning what was or was not to be shown on television having regard to the acceptability of the presentation and its impact on viewers. His Honour added that the standard as determined may have to

"... touch directly on some matters immediately antecedent to presentation ... Just how far the Tribunal can go cannot be stated in the abstract. One notes in passing that it was thought desirable, if not necessary, to give it, separately, the function of determining hours of telecasting."

Fox J agreed with the orders proposed by the Chief Judge.

87. Wilcox J considered the legislative history of the provisions giving the former Australian Broadcasting Control Board, and then the Tribunal, power to regulate programs and advertisements, and said that it was clear that the power now in s.16(1)(e) was supported by duty on licensees in s.100(4). It did not matter that TPS 39 was called a "standard" rather than a "condition", given the confusion of terminology in the Act itself. His Honour said the situation was not one where the Tribunal was seeking to rely on a power other than the one expressly specified when its decision was made. Even if this distinction had been valid in relation to TPS 39, the arguments based on it lost their force once T.10 was published since it aptly referred to "rules" rather than "standards". Wilcox J added that there was also no uncertainty in the operation of the rules.

88. The Tribunal decided that it would not lodge a further appeal from this decision, in the light of Ministerial statements that the Government intended to introduce amendments in the Budget Sittings of Parliament to clarify the Tribunal's powers with respect to Australian production.

C. Young & Rubicam Coudrey Pty Ltd

89. Following the decision of Beaumont J in the Saatchi case, Young & Rubicam Coudrey Pty Ltd (Y & RC) produced a television commercial for Volvo motor cars which contained more than 20% overseas content. This commercial was allocated a FACTS CAD acceptance number, and bookings were made with a number of television stations for transmission of the advertisement. On 6 February 1985, the Tribunal informed all television stations by telex that, in its opinion, the commercial did not comply with TPS 39 and Circular Letter T.10, and that if the commercial was televised by the station, the matter would be considered at the next licence renewal, taking into account paragraph 3.4 of Practice Note PRN 06. In a subsequent telex, the Tribunal clarified the position, emphasising that it was a matter for each licensee whether or not the commercial was shown pending the resolution of the Tribunal's appeal in the Saatchi case.

90. Y & RC sought interlocutory orders from the Federal Court under the AD(JR) Act restraining the Tribunal from taking any action to prevent the transmission of the Volvo commercial. The matter came before Morling J as a matter of urgency on 8 February, and His Honour dismissed the application.

He noted that the judgment of Beaumont J correctly stated the law at that time, and that even if the decision were to be reversed on appeal, it was unthinkable that the Tribunal would take action against a licensee acting in the meantime in accordance with Beaumont J's declaration of the law. His Honour said that if the Tribunal had been threatening sanctions against licensees who transmitted the commercial he would have been minded to grant interlocutory relief, but that in the light of the Tribunal's second telex, he should not find that any threat to television stations existed.

D. Amalgamated Television Services Pty Ltd

91. In June 1984, the Tribunal decided that an advertisement for Visionhire, which incorporated footage from the American television program 'Get Smart', did not comply with TPS 39 and Circular Letter T.10. On 17 August 1984, Amalgamated Television Services Pty Ltd, licensee of commercial television station ATN-7 Sydney, lodged an application under the AD(JR) Act seeking a review of the Tribunal's decision. The application was adjourned by consent until the completion of the Saatchi case. At 30 June 1985, the matter had not been settled.

E. Benson & Hedges Company Pty Ltd and Others

92. Appendix P of the Tribunal's 1983-84 Annual Report contains a number of Tribunal decisions specifying that certain advertisements and programs breached s.100(5A) of the Act, which forbids advertisements for, or for the smoking of, cigarettes or cigarette tobacco. Four of those decisions (appearing on pages 251, 253-254, 256, and 257-259 of the 1983-84 Report) were the subject of applications under the AD(JR) Act by The Benson & Hedges Company Pty Ltd, Rothmans of Pall Mall (Aust.) Ltd, the Australian Ballet and the NSW Rugby League. The cases came before Fox J in the Federal Court in September 1984. On 10 October 1984, Fox J gave his decision, which dismissed three of the applications with costs and dismissed the other in part and upheld it in part, with costs to be shared.

93. In his introductory remarks, Fox J referred to the Tribunal's Policy Statement POS 07:

"The policy statement (POS 07) was intended to be informative and instructive and the Tribunal has in it attempted to express at some length and in some detail the meaning of the various provisions of sub-ss.100(5A) and 100(10). This and associated documents show how the Tribunal understands and will apply those provisions. Such a meritorious approach to the discharge of its functions should not be met with carping or captious criticism."

Fox J. then considered the general question of the meaning of "advertisement" and said that he did not believe that s.100 was only concerned with advertisements provided for in a consensual arrangement between television licensee and advertiser. His Honour noted that the policy was to ban the transmission of cigarette advertisements, and pointed

out that two of the cases showed how there could be mutually advantageous arrangements through third parties without there being an agreement directly between the seller of cigarettes and the licensee.

Fox J said that a precise or comprehensive definition of "advertisement" could not be arrived at, but the one in POS 07 could be taken as a fair working definition, despite the fact that in a particular case it may be found imperfect.

94. His Honour then dealt with the particular cases. He concluded that the Tribunal's decisions in relation to the three advertisements (i.e. 'Aussie Assault', 'Field of Battle' and Australian Ballet '1984 Season') did not disclose any error of law. In relation to the Tribunal's decision on the coverage by ATN Sydney of the 1982 NSW Rugby League Grand Final, his Honour noted that the Tribunal had treated the dance display as a separate matter from the match itself, and agreed with the principles applied by the Tribunal and the conclusion it had reached. However, Fox J found that the Tribunal's decision on the match itself was ambiguous. It was not clear whether the decision was that the whole screening offended against the Act, or whether particular, but unspecified parts of it did. He concluded that one part of the decision was that the whole screening of the match offended against the Act, the particular advertising segments not being an incidental or accidental accompaniment to the other matter. Fox J then considered the Tribunal's test for 'incidental' advertising, and noted that the formulation adopted by the Tribunal could lead into error. His Honour concluded that "the decision, so far as it related to the whole match, was erroneous in law, in that it proceeded according to a wrong test and in reliance on some unsound reasoning. It would not seem to be supported by the facts. I have already commented on the test stated. It was also erroneous to base a decision on reasons (a) and (c) [i.e. the deliberate placement of signs around the field, and the fact that such signs could be avoided, as evidenced by the 1983 coverage]. The question posed by the subsections involves an objective assessment of the meaning and effect conveyed by screen and sound (these being taken in context) and not an examination of preliminary actions, or what might have been avoided."

95. The unsuccessful applicants then appealed to the Full Federal Court. The hearing before Bowen CJ, Toohey and Wilcox JJ was in February 1985, and on 20 March 1985, the Court upheld the decision of Fox J and ordered that the appellants pay the Tribunal's costs. The Court considered the argument of the appellants that the Tribunal's test for determining the meaning of advertisement was wrong in law. The Court referred to the decision of Gibbs J in Deputy Commissioner of Taxation v Rotary Offset Press Pty Ltd (1971) 45 ALJR 518 (approved, on appeal, by the Full High Court) and said that the "approach taken in that case is equally apposite to a decision by the Tribunal" relating to s.100(5A). The Court went on to say:

"That issue is to be objectively determined; the question being whether the material, on its face and without reference to the actual intentions of those concerned with its production and transmission, appears to be designed or calculated to draw public attention to, or to promote the sale or use of, cigarettes or to promote the practice of smoking. It does not matter that some part or

parts of the total material do not, in itself or in themselves, answer the description of an advertisement for cigarettes or for smoking. The question is to be determined by reference to the nature of the material, considered as a whole..

As Gibbs J made clear, material which otherwise answers the description of being "advertising material" ... does not lose its character as such merely because it is calculated to serve other purposes as well. Advertisements are often designed to entertain or to amuse, sometimes to instruct. Material does not cease to be an advertisement of a relevant type simply because it is calculated to achieve such ends or because some viewers may value it more for these qualities than for its commercial message "

96. The Court did not agree with the suggestion that an advertisement had to expressly refer to cigarettes, cigarette tobacco or smoking for it to be covered by s.100(5A). It was true that the more explicit the reference, the more readily the fact-finding body might conclude that the material was an advertisement for cigarettes, but, the Court said,

methods of human communication are almost infinitely various, and often extremely subtle. A word, a picture, or a fragment of music may be capable of conveying a message, through association of ideas, to an informed audience. For example, an advertising jingle may have become so well known to the people of a particular place, or perhaps of a particular generation, that its presentation to those people - even without words or pictorial matter - is likely to cause all or many of those people instantly to bring to mind the product with which it has become associated."

The Court emphasised, however, that not every use of a jingle or corporate name would constitute an advertisement for the product; it all depended on the circumstances of the particular case. In particular, the Court agreed with the comments of Moffitt P in *ex parte Tziniolis* (1959) 76 WN (NSW) 680, that advertisements are "primarily concerned with the impression or inference that will be gained by the average reader or observer who will not be expected to have any special or technical knowledge of the subject matter of the advertisement".

97. The Court then dealt with the meaning of the word "for" in s.100(5A), and noted that Parliament was concerned not to prohibit the transmission of material designed to persuade viewers against the use of cigarettes. The Court went on to consider whether the word "advertisement" applied only where the licensee received some payment or reward. While noting that the ordinary meaning of the word may, or may not, be used to refer only to material transmitted for reward, the Court said that in this case, "there is little room for doubt" that payment was not essential. This was clear from the words of s.100(10).

98. Similarly, there was no necessity that there should be any consensual arrangement between licensee and advertiser. The Court added that in these cases the relevant cigarette manufacturer "actively promoted the transmission of the relevant material and that the relevant television licensees, directly or indirectly, accepted that material for transmission". The Court referred to various agreements which outlined the roles played by the advertisers. In particular, the Court referred to the agreement between the Australian Ballet and The Benson & Hedges Company, which provided for the termination, with a proportionate reduction in the sponsorship fee, in the event of legislation which banned or restricted the Australian ballet from accrediting The Benson & Hedges Company sponsorship in promotional literature or media advertising. The Court said that, given the agreed minimum expenditure on advertising (equal to three-quarters of the sponsorship fee), it was clear that television advertising was contemplated, and that in placing material with the stations, the Ballet was acting on behalf of Benson & Hedges as well as itself.

99. The Court then considered each of the decisions appealed against and concluded that neither the Tribunal nor Fox J had erred in law.

F. Canberra Stereo Public Radio Inc.

100. On 1 February 1985, the Tribunal decided to grant a Category S public radio licence, to serve Canberra and environs, to Canberra and District Racing and Sporting Broadcasters Ltd (CDRSB). An application under the AD(JR) Act was lodged by Canberra Stereo Public Radio Inc. (CSPR), one of the unsuccessful applicants for the licence. The matter came before Sheppard J in the Federal Court on 9 May 1985. CSPR argued that CDRSB was ineligible to hold the licence because s.81(4) of the Act prevents a licence being held by a corporation "the objects of which include the acquisition of profit or gain for the benefit of its individual members". It was argued that "objects" should be given a wide meaning, and that in this case the wider objects of CDRSB included increased attendance at racing and trotting meetings, leading to a corresponding increase in turnover for the clubs which were members of CDRSB.

101. Sheppard J gave his decision on 5 June 1985 and, in essence, agreed with the arguments advanced by CSPR. He equated "objects" with "purposes" and said that the evidence established that CDRSB's prime purpose in seeking the licence was to foster racing in the ACT, and that increased attendance at race meetings would have the consequence of increasing revenue to the ACT Gaming and Liquor Authority and the racing clubs. This offended against s.81(4) of the Act, even though the benefit accrued directly to the members of CDRSB and not to the station first. He quashed the Tribunal's decision and ordered it to reconsider the matter according to the law as he had declared it.

102. An appeal to the Full Federal Court was lodged by CDRSB on 24 June 1985.

G. The Perth Inquiry Cases

103. In late 1984, the Tribunal began a public inquiry into the grant of a third commercial television station licence in Perth, Western Australia. By 30 June 1985, that inquiry had resulted in a total of 12 applications,

under the AD(JR) Act and the general law, being decided by the Federal Court. These cases covered a broad range of procedural matters of considerable importance.

(4) ADMINISTRATIVE REVIEW COUNCIL REPORTS

104. As noted in previous Annual Reports, the Administrative Review Council produced two reports covering the Tribunal's inquiry procedures and rights of review under the Act: see 1980-81 Annual Report, p.28, and 1982-83 Annual Report, p.11. The Tribunal largely supported the Council's recommendations relating to its procedures, but opposed the recommendations proposing more extensive rights of review of Tribunal decisions. The report on Tribunal procedures is now being implemented to a large degree by recent amending legislation and regulations to be drafted (see para 6 above). The new legislation also picks up the 'area inquiry' concept supported by the Tribunal in its last Annual Report. The report on rights of review has been referred by the Government back to the Administrative Review Council for further consideration. For reasons discussed earlier in this Report the Tribunal maintains its position that review by the Administrative Appeals Tribunal of Tribunal decisions is not appropriate.

105. The Administrative Review Council is also currently engaged in a review of the Administrative Decisions (Judicial Review) Act. In October 1984, the Tribunal lodged a submission with the Council on aspects of the AD(JR) Act which concerned it. The Tribunal's more recent experience in Perth has confirmed some of the views in that submission, and a supplementary submission expanding on certain points is to be lodged with the Council.

PROPOSED LEGISLATIVE AMENDMENTS

106. In the course of 1984-85, the Tribunal has continued to maintain close contact with the Department of Communications about possible amendments to the Act. Some of its suggestions listed in the 1983-84 Annual report have since been implemented. Those outstanding from last year are:

- (a) amendment of section 106 to permit greater flexibility for licensees in changing accounting periods;
- (b) amendment of section 116 to make the blackout requirements self-executing;
- (c) amendment of sections 90K and 92FA to confirm the power of the Tribunal to approve variations in memoranda and articles of association of licensee companies where changes are purported to be made before approval is obtained;
- (d) amendment of section 11 to permit the appointment of associate members for specific short periods irrespective of any particular inquiry;

ADDENDA

To follow G. The Perth Inquiry Cases (follows page 26)

PERTH INQUIRY
SCHEDULE OF LITIGATION

As at 30 June 1985, a total of twelve applications had been decided by the Federal Court in the course of the inquiry into the grant of a third commercial television licence for Perth. The details of each are set out below:

1. TVW Enterprises Ltd v ABT (No. 1): No. WAG 12 of 1985.
Toohey J; 8 February 1985.

Subject: Application under AD(JR) Act challenging ABT decision that Perth Television Ltd (PTL) was a person "directly concerned in the proceedings", on the ground that PTL was not incorporated at the time its application for the licence was lodged.

Decision: Application dismissed.

Reasons: On its proper construction, the application was not made by PTL, but by John Pye as chairman of a group of sponsors whose proposal was that a licence be granted to PTL which was then in the course of incorporation. The application made it clear that it was PTL for which a licence was sought but that the company had not yet come into existence. There is nothing in s.82 of the Act which confines applications by "interested persons" to those submitted by corporations. It is only the grant of a licence that is confined to corporations under s.81(3). When PTL was incorporated it became a person directly concerned in the proceedings.

[NOTE: An appeal was lodged to the Full Federal Court by TVW, but was withdrawn shortly before hearing.]

2. TVW Enterprises Ltd v ABT (No. 2): No. WAG 33 of 1985.
Forster J; 26 June 1985.

Subject: Application under general law for declarations and injunctions on grounds that inquiry was commenced without jurisdiction because names and addresses of all persons who lodged applications were not made available in accordance with s.82(2).

Decision: Application dismissed.

Reasons: The Tribunal had discharged its statutory obligation under s.82(2) of the Act to make available names and addresses of applicants for the licence by offering the applications themselves for public inspection. It was not an unreasonable burden on an interested member of the public to have to read through the application document to find out the name and addresses of the applicant. The Tribunal made a mistake in announcing that PTL was an applicant in a press release and a notice, but it was not under any obligation to issue such announcements. It was not necessary to decide whether the requirement in s.82(2) was mandatory (as claimed by TVW) or directory.

111. The types of information to which access was sought can be categorised as minutes or records of meetings (33); application of, or compliance with, program and advertising standards (5); legal opinions (2); administrative (2); financial (1); licensing (1); public inquiry (1); personnel (1); other (1).

112. Access was refused in one case because the information sought related to the financial results of a radio station, being a document relating to business affairs (section 43(1)(c)(i)) and in another, because no document existed. Access was also refused to two documents which formed part of multiple requests (recorded as "granted in part"). These were the record of a meeting, the release of which would have been contrary to the public interest (section 36(1)); and a letter from a television licensee which the licensee contended was an exempt document under section 43.

There were no applications in the period for internal review of decisions.

Handling of Refusals

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

114. No complaints were lodged with the Ombudsman on action taken in relation to requests, and no applications were made to the Administrative Appeals Tribunal ("AAT") for reviews of decisions. However, on 29 March 1985 a decision was handed down by the AAT on the application for review, lodged in September 1983, by Actors Equity of Australia and the Public Interest Advocacy Centre (on behalf of the Australian Consumers' Association) of decisions not to release certain financial information relating to metropolitan and regional television stations. The AAT upheld the Tribunal's decision. For further details see paragraphs 71-76.

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

Costs of Freedom of Information

115. The total cost to the Tribunal for freedom of information activities in the period was about \$16,000.

116. A total of \$738.25 was received (part notified in 1983-84), and a total of \$658.15 was notified, being the amounts payable for the processing of requests. Two requests for waiver of fees totalling \$42.20 were received and granted, one on public interest grounds and the other on grounds of financial hardship. Outstanding fees as at 30 June 1985 totalled \$107.25

117. Action has not been taken to establish a staff position to enable an officer to perform, as a principal activity, the duties associated with freedom of information because it could not be justified in the light of the Tribunal's available resources.

Internal Procedures

118. The FOI Co-ordinator processes requests, refers them to appropriate branches for handling, monitors progress and reports to the monthly meetings of the Tribunal on the status of requests and other matters related to freedom of information. The Principal Executive Officer (Legislation) has responsibility to oversee the requirements of the FOI Act.

119. One innovation in information-handling associated with freedom of information was introduced in the period.

120. During 1984-85 the Tribunal took steps to widen its consultation process. The resulting increase in meetings and the fortnightly publication of a list of the meetings generated additional requests from the industry bodies, for access to the records of those meetings. There also followed a proposal by a public interest group that the official minutes of the Tribunal and the records of its meetings with outside bodies be placed on a public file for examination, free of charge.

121. The Tribunal thus decided in October 1984 that its official minutes and the records of its general periodic consultation meetings with the bodies with which it is required to consult, would be made available in the Head Office Library (later extended to the Tribunal's State Offices). Deletions from the minutes are made and claims for confidentiality by the bodies are determined, in accordance with the exemption provision of the FOI Act.

122. In announcing these access arrangements, the Tribunal emphasised that they do not prevent formal requests for access under the FOI Act by way of supply of copies, in accordance with the provisions of the FOI Act, by those who do not wish to avail themselves of the arrangements. Similarly, normal provision of the FOI Act apply to those who, having examined the minutes of records, wish to take advantage of the appeal provision of the FOI Act. Such requests continue to be subject to the normal FOI fees.

123. The industry bodies have continued to make formal requests for copies of the minutes and the records of meetings in which they have a particular interest. However, public interest groups and researchers have begun to take advantage of the "open access" arrangements, especially in the Tribunal's Sydney Library.

Staff Training and Development in Relation to FOI

124. No instruction courses were offered in the period, and no courses are considered necessary in the immediate future. Two officers other than the Co-ordinator and the Principal Executive Officer (Legislation) attended a course arranged by the Public Service Board as part of the Administrative Review Training Program, which included matters related to FOI.

Delegations

125. Those authorised to grant or refuse access are the following:

Chairman	Principal Officer
Secretary	Authorised to grant access to a document with exempt material deleted, or to refuse access.

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

Director, Public Inquiry and Licensing Division	Public inquiry and licensing matters
Director, Program Services Division	Program and advertising matters
Assistant Secretary	Personnel and staffing
Executive Officer, Children's Program Committee	Children's programming matters

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

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

129. The changes to the arrangements since the period reported on in the 1983-84 Annual Report are the result of staff re-organisation within the Tribunal.

PART THREE

PUBLIC INQUIRIES AND LICENSING ACTIVITIES

RADIO AND TELEVISION SERVICES IN OPERATION SINCE 1954

130. Radio and television services in operation in each year since 1954 are shown in the following table:

At 30 June	Radio				Radio Translator			Television			Tele- vision	Total ser- vices
	Nat	Com	Public	SBS	Com	Public	SBS	Nat	Com	SBS	re- p- eater	
1954	46	106										152
1955	50	106										156
1956	53	107										160
1957	55	108						2	4			169
1958	56	108						2	4			170
1959	57	108						2	4			171
1960	57	108						6	10			181
1961	60	110						6	10			186
1962	61	110						6	20			197
1963	62	110						10	22			204
1964	65	110						18	24			217
1965	65	111						24	30		3	233
1966	69	111						34	39		2 13	265
1967	70	111						38	41		9 19	288
1968	73	114						39	42		12 24	304
1969	73	114						39	45		22 32	325
1970	74	114						41	45		33 40	347
1971	75	116						48	46		36 43	8 372
1972	80	118						52	48		38 50	10 396
1973	82	118						53	48		46 55	10 412
1974	81	118						72	48		47 55	8 429
1975	84	118						84	48		53 57	10 454
1976	91	120						84	48		60 60	10 473
1977	94	123						85	50		69 65	10 496
1978	93	125				2		85	50		75 80	10 520
1979	93	128	19	2(a)	3			85	50		81 85	11 557
1980	98	128	26	2	4		2	85	50		89 96	11 591
1981	105	134	28	2	6		2	85	50	2	133 102	12 661
											(b)	
1982	110	135	30	2	9		2	86	50	2	164 110	9 709
1983	120	137	38	2	12		2	84	50	2	191 121	1 9 769
											(c)	
1984	126	137	50	2	15	1	2	84	50	3	206 131	4 9 820
1985	133	137	53	2	17	5	2	84	50	5	232 143	9 11 883

- (a) Special Broadcasting Service - stations previously licensed under the Wireless Telegraphy Act 1905.
- (b) Satellite fed and link fed remote area television services introduced.
- (c) Includes national television translator stations licensed under the Broadcasting and Television Act 1942.

131. In addition to the abovementioned national broadcasting stations there were, at 30 June 1985, national high frequency stations operating at five centres. They are intended in the main to provide a service for listeners in the more remote parts of Australia.

132. The table also excludes high frequency stations of Radio Australia used to broadcast Australian programs to overseas countries.

PUBLIC INQUIRIES

133. Section 18(1) of the Broadcasting and Television Act generally empowers the Tribunal, "if it thinks fit", to hold public inquiries into particular matters. Under s.18(2), the Minister can direct the Tribunal to hold an inquiry into a specified matter. Other provisions of the Act require the Tribunal to hold an inquiry before reaching a particular decision (see ss. 83, 86, 89, 89A, 90JA and 92FAA). Policy Statement POS 08 outlines the factors which the Tribunal takes into account when deciding whether to conduct an inquiry (other than one directed by the Minister).

134. During 1984-85 the Tribunal conducted 101 public inquiries, into a wide range of matters. While this was less than the previous year total of 155, in fact it reflects an increased level of activity, representing 126 "inquiry sitting days" (116 for 1983-84).

135. As well, the number of inquiries for which more than one Member formed the Division was significantly higher than for 1983/84, resulting in 288 "Member sitting days" for 1984-85. The need to have more than one Member on a Division arises from the legislation (in the case of the renewal of metropolitan commercial licences) and from the complexity of the matters the subject of the inquiry (eg. the Perth commercial television licence grant inquiry and the RCTS inquiry).

136. Three inquiries in particular were of lengthy duration. They were:
- the Perth commercial television licence grant - 3 Members, 32 sitting days
 - the RCTS inquiry (western zone only) - 3 Members, 22 sitting days
 - the TVQ Brisbane share transaction inquiry - 3 Members, 8 sitting days

Additional sitting days for each of these inquiries are scheduled for 1985-86.

137. The smaller number of inquiries overall resulted from the Tribunal determining more licensing matters "administratively" (ie. without a public hearing), in cases where there was no significant issue or evidence which was the subject of serious dispute. In addition, very often two or more matters were considered contemporaneously, leading, in one case for example, to nine licences being granted as a result of 2 inquiries.

138. Details of the types of public inquiries conducted are provided in the following table:

	1984-85	1983-84
Grant of commercial radio station licences	1(a)	1
Grant of commercial radio translator station licences	-	5
Grant of public radio station licences	7(b)	2
Grant of public radio translator station licences	5	-
Grant of commercial television station licences	1(a)	-
Grant of commercial television translator station licences	2(c)	-
Renewal of commercial radio station licences	9	44
Renewal of commercial radio translator station licences	2(d)	5
Renewal of public radio station licences	13	5
Renewal of commercial television station licences	12(f)	23
Renewal of commercial television translator station licences	28(e)(f)	53
Renewal of television repeater station licences	6	-
Ownership and Control matters	14(g)	13
Section 18(1) inquiries	-	2
Section 18(2) inquiries	1(a)	2
	<u>101</u>	<u>155</u>

(a) not concluded at 30 June 1985

(b) 8 licences granted as a result of 7 inquiries (2 licences considered contemporaneously)

(c) 9 licences granted as a result of 2 inquiries (8 licences considered contemporaneously)

(d) held contemporaneously with inquiries into renewal of parent station licences

- (e) all except one (ITQ) were held contemporaneously with inquiries into renewal of parent station licence
- (f) decisions on the renewal of 8 parent station licences and 24 associated translator station licences had not been made as at 30 June 1985
- (g) includes one licence transfer joined to licence renewal inquiry (3CV)

SECTION 18 INQUIRIES

139. Two inquiries initiated by the Tribunal in 1983-84 remained deferred during 1984-85, and two inquiries were conducted at the direction of the Minister.

Australian Music Inquiry

140. As was mentioned in the previous annual report (paragraphs 97-103), the Tribunal expected to publish by the end of 1984 its decision and report on its inquiry into Australian music broadcast by commercial and public radio stations. However the decision and report were deferred because of successful challenges to the legal validity of relevant Tribunal program standards (see paragraphs 81-88). Completion of the inquiry awaits the passage of foreshadowed amending legislation by Parliament. Legislative proposals are currently being considered by the Government.

"Ghost Crewing" Inquiry

141. As indicated in the previous annual report (paragraphs 104-106), the advertising agency Saatchi and Saatchi Compton (VIC) Pty Ltd had challenged in the Federal Court the legal validity of the inquiry and the Tribunal's Australian content standards for advertisements. On 23 November 1984 Justice Beaumont declared that Paragraph 39 of the Standards was invalid. On 13 June 1985 this declaration was upheld by the Full Federal Court on appeal. Further particulars are contained in the section of this Report dealing with litigation (see paragraphs 81-88).

Satellite Inquiry

142. The Tribunal's report on Satellite Program Services (SPS) was delivered to the Minister on 16 July 1984. See paragraphs 107 - 118 of the 1983-84 annual report for background information. A summary of the Tribunal's findings follows.

143. In evaluating the impact of satellite-delivered television program services on the future development of commercial television it was necessary for the Tribunal to have close regard to established and endorsed government policies.

144. These were considered to be:

- (a) To maximise diversity of choice in radio and television services, so that all Australians have access to as wide a range of services, as possible; to bring a similar range of entertainment and information through broadcasting services to

all Australians, especially those currently without any or with inadequate services;

- (b) To maintain the viability of the broadcasting system;
- (c) To encourage an Australian look for television and radio by maintenance of an appropriate Australian content level and by fostering an Australian production industry;
- (d) To provide broadcasting services relevant and responsive to local needs; and
- (e) To discourage concentration of media ownership and control of stations.

145. It was the view of the Tribunal that tensions existed in stated policy arising from the likely extension of television services which would be made possible by satellite program services. Further, it was found that the present system of commercial television was structurally imbalanced with the Sydney and Melbourne stations having a dominant role and degree of influence within the Australian commercial television system.

146. The Tribunal considered the problems of imbalance could not be overcome by detailed regulation or by imposing restrictions on networking. Rather, structural imbalance could only be corrected by structural change. In the Tribunal's view the commercial television system and the ownership and control rules that support that structure, required, in the national interest a Parliamentary review.

147. In summary, the Tribunal identified the following matters that lead it to this conclusion:

- Planning for the future must proceed on the basis of three commercial channels ultimately being available to all communities.
- More opportunities should be created for companies in centres such as Brisbane, Adelaide, Perth, Newcastle, Wollongong, Canberra, Townsville, Tasmania and regional and rural areas to play a prominent role in commercial television.
- In the current commercial television system a dominant influence is exercised by the licensees of the Sydney and Melbourne stations. Those licences are held by four company groups which also control a number of radio stations and hold extensive interests in the print media in Australia.
- That dominant influence will be extended and strengthened if additional regional commercial television stations are established, in conjunction with the satellite distribution of programming and advertising material, based on the current structure of the system.
- The resulting market and power structure will remain in place for the foreseeable future.

- The extension of commercial networking in Australia is inevitable and has compelling economic advantages.
- It does not accord with established broadcasting policy that the licensees of the Sydney and Melbourne stations should have a dominant influence and economic ascendancy over the commercial television networks, and consequently a dominant influence within the commercial television system as a whole. It follows that any extension of that dominance and ascendancy would not accord with established policy.
- Diversity in control and influence of metropolitan networks is necessary if there is to be more balanced influence over the commercial television system as a whole.
- The extension, utilising the satellite, of commercial television to regional areas based upon the current structure of regional markets and the ownership and control rules that support them, will inevitably create tensions with policies of viability, local relevance and autonomy, and maximising competition in markets.
- Regulation of the conduct of individual television licensees will not alter the imbalance within the system.

148. Nevertheless the Tribunal did conceptualise a further structure which could accommodate the extension of services through the use of the satellite and at the same time preserve the essential features of Australia's commercial television system, allow the development of the beneficial aspects of television networking and avoid further concentration of influence upon the system.

RCTS Inquiry

149. On 31 October 1984 the Minister for Communications directed the Tribunal to hold an inquiry and make recommendations on the grant of four Remote Commercial Television Service (RCTS) licences, one for each of the following areas:

- New South Wales, Victoria and Tasmania (south-east zone)
- Queensland (north-east zone)
- South Australia and the Northern Territory (central zone)
- Western Australian (western zone)

150. Nine applications and 44 submissions were received. The Tribunal was directed to report firstly on the 2 applications for the western zone. Public hearings were held in Sydney on 1 February, in Perth from 20 February to 1 March and again in Sydney from 19 March to 4 April 1985. Evidence was heard from 40 witnesses representing 20 organisations. Two and a half thousand pages of transcript were recorded. The Tribunal's report on the western zone was delivered to the Minister on 27 June 1985. A summary of the Tribunal's findings follows.

151. The first part of the RCTS First Report lays out the major policies of RCTS and the criteria against which applicants for these licences were to be measured. The second half looks specifically at the western zone applicants.

152. The First Report provides a technical and historical account of the satellite system to be installed. Specific attention is paid to the capacity of the B-MAC technology and the means of reception. A comparative analysis of the costs to consumers of the RCTS proposal and a proposed national beam operation (as proposed by the major networks) shows that the national beam solution could be as much as \$106 million more expensive for the consumer than the RCTS spot beam solution.

153. The report established a context against which RCTS as a system of commercial television could be considered. The demographics of the service area, the lifestyle of remote area dwellers and the diversity of interests and special needs of remote area populations were examined.

154. The 1985 amendments to the Broadcasting and Television Act provided for the licensing of RCTS services. A major difference between a remote licence and other commercial television licences concerns the licensee's obligation to provide adequate technical coverage of the service area. The holder of a remote licence will generally discharge its obligations with respect to an adequate coverage of its community (forming part of its undertaking to provide an adequate and comprehensive service) by providing such facilities as are nominated in the licence warrant, notwithstanding that a substantial proportion of the community may need to install additional reception and retransmission facilities at its own expense to obtain that service.

155. The primary emphasis of the Government's policy is to ensure that remote area residents receive at least one commercial television service. To maximise this policy the Government has not equated an RCTS licence to a commercial licence in terms of the current provisions of the Act. The provisions of the Amendment Act provide for Tribunal discretion and the power to issue orders on ownership and control matters in relation to remote licences. The Tribunal believes a flexible approach should be adopted which takes account of a number of conditions determining the extent of concentration that is or would be present in a particular case and whether that is contrary to the Government's policy objectives.

156. The financial implications of RCTS are examined in detail. While an RCTS licence may not be immediately profitable the Tribunal recognises that applicants for the licence would wish to take a strategic position within the industry at this time of technological change.

157. A satellite based system RCTS does have some additional equipment costs which a terrestrial television services does not incur. These include earth station costs and the cost of retransmission sites the licensees are to install. The major cost factor which sets RCTS apart from equivalent sized television markets served by terrestrial means is the lease of the 30 watt transponder. These costs result from the commercial operation of Aussat and more than any other factor impinge on the profitability of RCTS licences.

158. While advertising will be the main source of income at least initially, the B-MAC capability of RCTS opens up other possibilities. Costs could be defrayed by the selling back of the radio, data and teletext capacity to Aussat, or alternatively the licensees could develop these resources themselves. The delivery of programs to existing licensees could be a major source of revenue in the north-east and south-east zones.

159. The report examines the background to programming practices in Australian television, present policy and future programming strategies and their likely impact on program scheduling for RCTS. The program needs of special interest groups in the remote area (such as Aboriginal and Islander populations, and educational needs) are examined.

160. There is often a major conflict between the need to spend money on hardware as against software (ie. program material). This is especially so in the case of RCTS and could have some impact on the production of programs for RCTS audiences. Local production and local input to RCTS are emphasised.

161. The two applicants for the western zone licence were Regional Television Western Australia Pty Ltd (now Golden West Satellite Communications Pty Ltd) sponsored by Golden West Network, licensee of BTW-3 Bunbury and GSW-9 Southern Agricultural; and Remote Television Service (WA) Pty Ltd, a consortium comprising Swan Television and Radio Broadcasters Limited (STW-9 Perth) and Mid-Western Television Pty Ltd (VEW-8 Kalgoorlie). Both applications were measured against the criteria laid out in the first half of the report.

162. In terms of the legislative requirements, they were both found to be "fit and proper" persons, to have the financial, technical and management capabilities necessary effectively to operate the licence, and satisfy the minimum requirements regarding an adequate and comprehensive service. However, in most areas the Tribunal concluded that RTWA was the better applicant, and accordingly the Tribunal decided to recommend that the licence be granted to RTWA.

LICENCE GRANTS

163. During the year, the Tribunal held inquiries as required by section 83(1) of the Act into the grant of the following licences:

Commercial radio stations

Port Lincoln, SA

Commercial television stations

Perth, WA (continuing)

Commercial television translator stations

ATN, TCN, TEN, NBN Gosford, NSW
GMV Mansfield, VIC

Public radio stations

Canberra, ACT (category 'S')
Alice Springs, NT (category 'S')
Woomera, SA (category 'C')
Launceston, TAS (categories 'C' and 'S')
Great Lakes, NSW (category 'C')
Taree, NSW (category 'C')
Bordertown, SA (category 'C')

Public radio translator stations

2MCE Orange, NSW
Santa Teresa, NT
Ali Curung, NT
Hermannsburg, NT
2MWM Manly, NSW

Decision on grant not made as at 30 June 1985

164. In the 1983-84 Annual Report it was reported that decisions were pending on the grant of licences to serve the Bowen, Airlie Beach and Cannonvale, and Coffs Harbour areas, and that inquiries into the grant of licences to serve the Gosford-Wyong and Canberra areas would be held during 1984-85. These matters were completed during the year and details of the decisions made are as follows.

Bowen and Airlie Beach

165. The Tribunal decided on 18 February 1985 to grant commercial radio translator licences to Radio 4AY Pty Ltd for the Bowen area; and to Barrier Reef Broadcasting Pty Ltd for the Airlie Beach and Cannonvale area. (Report 269/84 G[R])

Coffs Harbour

166. The Tribunal decided on 7 September 1984 to grant to Commercial Radio Coffs Harbour Limited a licence for a commercial radio station to serve the Coffs Harbour area, and to refuse to grant licences for commercial radio translator stations to serve the same area (Report 268/84 GT[R]). As reported in the 1983-84 report, the Tribunal conducted a consolidated hearing into the licence grants during 1983.

Gosford/Wyong

167. In the 1983-84 report, it was reported that the full hearing of the inquiry into the grant of licences for twelve commercial television translator stations to serve the Gosford-Wyong area of NSW was expected to commence during August 1984. Applications had been lodged by the licensees of the commercial television stations serving Sydney and Newcastle. The hearing was held in Sydney on 28 August 1984. Prior to the hearing, the Tribunal was informed by the Minister for Communications that the Sydney stations had expressed concern that proceeding with the four translators to be located at Saratoga could preclude immediately available improvements to Sydney commercial television coverage in the Palm Beach, Brooklyn and

adjacent areas. Accordingly, engineering studies into this matter had been initiated. The Minister also told the Tribunal that, subject to the outcome of those investigations, it might be appropriate for the Tribunal not to proceed with the Saratoga translators but for him to call instead for applications for translators involving alternative conditions which maximise the number of people able to achieve improved reception of the Sydney television services.

168. On the basis of the Minister's advice, and information provided by the Department of Communications representatives at the hearing, the Tribunal decided to defer consideration of the Saratoga translators pending the outcome of the engineering feasibility studies. The Tribunal also decided to grant licences for two commercial television translator stations, to be located at Gosford Trig Station and Wyrabalong Trig Station, to the licensees of each of ATN-7, TCN-9 and TEN-10 Sydney and NBN-3 Newcastle (Report 267/84 G[T]).

Canberra

169. On 1 February 1985, following a public inquiry, the Tribunal decided to grant a Category S public radio licence to serve the Canberra area, to Canberra and District Racing and Sporting Broadcasters Limited. There were four applicants for the licence. The inquiry was the first occasion on which the Tribunal had to consider the grant of a category S public radio licence in a non-metropolitan area and was also the first occasion on which the Minister had invited applications for a category S licence in an area already being served by a category C public radio station.

170. Canberra Stereo Public Radio Inc, one of the unsuccessful applicants for the licence, appealed against the Tribunal's decision to the Federal Court. On 5 June 1985 Justice Sheppard set aside the Tribunal's decision on the basis that Canberra and District Racing and Sporting Broadcasters Limited was ineligible to hold the licence under sub-section 81(4) of the Act.

171. Canberra and District Racing and Sporting Broadcasters Limited appealed to the full Federal Court against Justice Sheppard's decision on 24 June 1985. The hearing of the appeal is expected shortly.

Perth

172. In May 1984 the Minister for Communications invited applications for, and submissions relating to, the grant of a licence for a third commercial television station to serve the Perth metropolitan area. In response to the Minister's invitation four applications and ten submissions were lodged with the Tribunal. One applicant subsequently withdrew.

173. At a preliminary hearing held in Perth in December 1984 the Tribunal granted party status to eight organisations including the licensees of the existing commercial television stations in Perth. In February 1985 the Tribunal began in Perth the main hearing into the grant of the licence.

174. The inquiry has been the subject of many Federal Court actions (see paragraph 103) which have contributed significantly to the length and complexity of the proceedings. The inquiry has also imposed considerable strain on the Tribunal's resources, involving three of the Tribunal's seven Members almost full time on the matter. At the date of this report the hearing had occupied a total of 32 sittings days. It is anticipated that the hearings will not conclude before the end of 1985.

Launceston

175. The hearings of the inquiries into the grant of two public radio station licences (C and S) to serve Launceston, were held on 7, 8 and 9 August 1984. The Tribunal received an application for each of the two licences - for the C licence: Launceston Community FM Group Inc; and for the S licence: Launceston Christian Broadcasters Inc.

176. The inquiries were the first in which the Tribunal had to consider the contemporaneous grant of two public radio licences to serve the same area outside the mainland capital cities. Each licence was granted on 10 May 1985 to expire on 31 March 1989. (Report 292/84 G[R])

Supplementary licences

177. Under section 82A of the Act, the licensees of certain commercial radio and television stations may lodge applications with the Minister for the grant of a supplementary licence. A supplementary licence entitles the licensee to provide an FM radio or television service additional to that provided under the existing licence.

178. The Minister has referred four applications to the Tribunal for inquiry under the Act. These applications relate to the Mildura and Canberra areas. Sunraysia Broadcasters Pty Ltd, the licensee of 3MA Mildura, has applied for the grant of a supplementary radio licence. In Canberra, Capital City Broadcasters Pty Ltd and Macquarie Broadcasting Holdings Ltd, the licensees of 2CC and 2CA respectively, have applied for supplementary radio licences. Australian Capital Television Pty Ltd, licensee of CTC-7 Canberra, has applied for a supplementary television licence. The Tribunal has decided to hold inquiries into these matters in Mildura and Canberra during 1985-86.

LICENCE GRANTS WITHOUT INQUIRIES

179. In a number of cases, the Tribunal exercised its discretion under section 83(2) of the Act and considered applications for the grant of licences without holding public inquiries:

Commercial television translator stations

- * TNQ Stuart, Qld
- GMV Yea, VIC
- GMV Bonnie Doon, VIC
- ATV, GTV HSV Ferntree Gully, Upwey and Selby, VIC

- * TVT Crotty Camp, TAS
- GTW Mullewa, WA
- * BTW Kojonup, WA

National television translator stations

- * Ngukurr, NT
- * Hope Vale, Qld
- * Wujal Wujal, Qld
- * Burdekin Falls, Qld
- * Warburton, WA
- * Wiluna, WA
- * Crotty Camp, TAS
- * Goldsworthy, WA
- * Shay Gap, WA

Community television aerial systems

Hornsby, NSW

(* Self Help Television Reception Scheme)

180. On 5 December 1983, the Tribunal decided to grant two television repeater station licences to Phosphate Mining Company of Christmas Island Limited to serve the immediate environs of Christmas Island in the Indian Ocean (Report No. 187/83 G[T]). This information was inadvertently omitted from the last Annual Report.

LICENCE RENEWALS

181. Licences renewed during the year pursuant to section 86 of the Act without being the subject of a public inquiry were:

Commercial radio stations

2LM Lismore, NSW
 2NZ Inverell, NSW
 4BC Brisbane, Qld
 4BH Brisbane, Qld
 4KQ Brisbane, Qld
 4GG Gold Coast, Qld
 7HO Hobart, TAS
 7QT Queenstown, TAS

Commercial television translator stations

ITQ Mary Kathleen, Qld

Television repeater stations

GEMR-9 Groote Eylandt, NT

Public radio stations

4MBS Brisbane, Qld
7HFC Hobart, TAS

Community television aerial systems

CTAS Balmoral, NSW
CTAS Koala Welcome Inn, NSW*
CTAS Newport, VIC*
CTAS Richmond, VIC*

(* Renewed pursuant to s.33 of the Broadcasting and Television Amendment Act 1977)

182. Particulars of public inquiries into the renewal of licences conducted during the year are set down below:

Commercial radio stations

7HT Hobart, TAS
6KA Dampier/Karratha/Roebourne, WA and translators (contemporaneous)
6NW Port Hedland, WA
2RE Taree, NSW
2AD Armidale, NSW
2TM Tamworth, NSW
4BK Brisbane, Qld
4IO Brisbane, Qld
3CV Maryborough, VIC (and contemporaneous licence transfer inquiry)

Public radio stations

6NEW Newman, WA
8TOP Darwin, NT
2MBS Sydney, NSW
2CBA Sydney, NSW
2SER Sydney, NSW
2MCE Bathurst, NSW
2XX Canberra, ACT
3MBS Melbourne, VIC
2NCR Lismore, NSW
2ARM Armidale, NSW
8CCC Alice Springs, NT
4EB Brisbane, Qld
7THE Hobart, TAS

Commercial television stations and translators (contemporaneous inquiries)

ADS-7 Adelaide, SA
NSW-9 Adelaide, SA
SAS-10 Adelaide, SA
TVT-6 Hobart, TAS
TNT-9 Launceston, TAS
#* ATN-7 Sydney, NSW

#* TCN-9 Sydney
#* TEN-10 Sydney, NSW
GSW-9 Southern Agricultural, WA
ATV-10 Melbourne, VIC
GTV-9 Melbourne, VIC
HSV-7 Melbourne, VIC

Television repeater stations

CKWR-10 Koolan Island, WA
CKWR-11 Cockatoo Island, WA
HTWR-7 Mount Tom Price, WA
HTWR-7 Mount Nameless, WA
HTWR-11 Paraburdoo, WA
NEWR-9 Newman, WA

* Preliminary hearings only.

Decisions on the renewal of these licences had not been made as at
30 June 1985.

183. Pursuant to sub-section 87(3) of the Act, which was introduced by the Broadcasting and Television Amendment Act 1984, where the Tribunal has commenced an inquiry into the renewal of a licence but has not made a decision before the end of the period specified in the licence, the licence continues in force until the Tribunal renews, or refuses to renew, the licence. This occurred, for example, in the case of the Adelaide commercial television stations. The Tribunal therefore needed to consider when the term of each renewed licence should commence. The Tribunal decided to renew the licences for the Adelaide stations for periods beginning on the date of the renewal decision (i.e. 27 March 1985) rather than the date occurring at the end of the period specified in each licence (1 December 1984). It was felt that the date of the renewal decision was the one envisaged by the Act.

Renewals for less than maximum term

184. All licences were renewed for the maximum period of three years, with the exception of the following:

- Television repeater stations CKWR-10 and 11; HTWR-7, 9 and 11; and NEWR-9. Licences renewed for a period of one year to 31 August 1985. (Report Nos 238 - 240/84 R[T])
- Commercial television translator station ITQ-10 Mary Kathleen. Licence renewed for two years to 31 July 1986. (Report No 265/84 R[T])
- Public radio station 8CCC Alice Springs. Licence renewed for one year to 14 January 1986. (Report No 294/84 R[R])
- Commercial television station ADS-7 Adelaide and associated translator station. Licences renewed for two years and six months to 26 November 1987. (Report No 308/84 R[T])

Television repeater station GEMR-9 Groote Eylandt. Licence renewed for a period of one year to 30 November 1985. (Report No 312/84 R[T])

185. The decision to renew the ADS-7 Adelaide licence for two years and six months, rather than three years, was a significant one. Faced with challenges at the inquiry into the renewal of its licence, particularly with regard to the provision of an adequate and comprehensive service to children and the hearing-impaired members of the Adelaide community, the licensee was unable to demonstrate to the Tribunal that the programming decisions it had taken during the licence period under review were based on any cogent understanding of the needs and interests of the community it is licensed to serve. The Tribunal found that the licensee had not been sufficiently active in researching the needs and interests of the Adelaide community, nor had it devoted sufficient resources to that end. Most importantly, the licensee failed to demonstrate adequately to the Tribunal an appropriate program decision-making process, and in particular a clear relationship between its information gathering processes, its information analysis processes and its programming decisions. In the light of these findings, the Tribunal was not convinced that the licensee had provided an adequate and comprehensive service during the period under review. Consequently, the Tribunal decided to renew the licence for less than the maximum three year term.

186. The Tribunal's reasons for renewing the other licences for less than the maximum term are explained in the relevant reports on the inquiries.

187. The considerations the Tribunal will generally take into account in deciding whether the circumstances justify a renewal of a licence for less than three years are set about in Policy Statement POS 05, 'Renewal of a Licence for Less Than The Maximum Period'.

CURRENT LICENCES

188. As at 30 June 1985, there were 474 licences, within the meaning of section 80(1) of the Act, as follows:

TYPE OF LICENCE	* NO. ISSUED
Commercial radio station	137
Commercial television station	50
Commercial radio translator station	18
Commercial television translator station	154
National television translator station	34
Public radio station	53
Public radio translator station	5
Television repeater station	11
Licence to which section 130A applies (CTAS)	12
TOTAL	474

* Includes licences for stations which have not yet commenced service.

189. Details of the shareholding structure of individual licensees are contained in a separate publication provided by the Tribunal.

190. The distribution of licences is shown in the following table:

STATES/TERRITORIES	CAPITAL CITIES	COUNTRY AREAS	TERRITORIES	TOTAL
<u>Commercial radio stations</u>				
Australian Capital Territory	-	-	2	2
New South Wales	9	34	-	43
Victoria	10	14	-	24
Queensland	6	23	-	29
South Australia	5	5	-	10
Western Australia	5	14	-	19
Tasmania	2	6	-	8
Northern Territory	-	-	2	2
AUSTRALIA	37	96	4	137
<u>Commercial television stations</u>				
Australian Capital Territory	-	-	1	1
New South Wales	3	11	-	14
Victoria	3	6	-	9
Queensland	3	8	-	11
South Australia	3	3	-	6
Western Australia	2	4	-	6
Tasmania	1	1	-	2
Northern Territory	-	-	1	1
AUSTRALIA	15	33	2	50
<u>Commercial radio translator stations</u>				
Australian Capital Territory	-	-	-	-
New South Wales	-	6	-	6
Victoria	-	-	-	-
Queensland	-	8	-	8
South Australia	-	-	-	-
Western Australia	-	3	-	3
Tasmania	-	-	-	-
Northern Territory	-	-	1	1
AUSTRALIA	-	17	1	18
<u>Commercial television translator stations</u>				
Australian Capital Territory	-	-	1	1
New South Wales	3	40	-	43
Victoria	-	21	-	21
Queensland	-	46	-	46

STATES/TERRITORIES	CAPITAL CITIES	COUNTRY AREAS	TERRITORIES	TOTAL
South Australia	3	5	-	8
Western Australia	-	17	-	17
Tasmania	-	18	-	18
Northern Territory	-	-	-	-
AUSTRALIA	6	147	1	154
<u>National television translator stations</u>				
Australian Capital Territory	-	-	-	-
New South Wales	-	2	-	2
Victoria	-	1	-	1
Queensland	-	19	-	19
South Australia	-	-	-	-
Western Australia	-	6	-	6
Tasmania	-	1	-	1
Northern Territory	-	-	5	5
AUSTRALIA	-	29	5	34
<u>Public radio stations</u>				
Australian Capital Territory	-	-	1	1
New South Wales	12	11	-	23
Victoria	3	4	-	7
Queensland	3	4	-	7
South Australia	4	2	-	6
Western Australia	2	1	-	3
Tasmania	2	1	-	3
Northern Territory	-	-	3	2
AUSTRALIA	26	23	4	53
<u>Public radio translator stations</u>				
Australian Capital Territory	-	-	-	-
New South Wales	1	1	-	2
Victoria	-	-	-	-
Queensland	-	-	-	-
South Australia	-	-	-	-
Western Australia	-	-	-	-
Tasmania	-	-	-	-
Northern Territory	-	-	3	3
AUSTRALIA	1	1	3	5

STATES/TERRITORIES	CAPITAL CITIES	COUNTRY AREAS	TERRITORIES	TOTAL
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Television repeater stations

Western Australia	-	6	-	6
Northern Territory	-	-	3	3
Christmas Island	-	-	2	2
AUSTRALIA	-	6	5	11

Community television aerial systems

Australian Capital Territory	-	-	-	-
New South Wales	6	-	-	6
Victoria	2	1	-	3
Queensland	1	-	-	1
South Australia	1	-	-	1
Western Australia	-	1	-	1
Tasmania	-	-	-	-
Northern Territory	-	-	-	-
AUSTRALIA	10	2	-	12

LICENCE TRANSFERS

191. During the year, approval was granted for the transfer of licences, pursuant to section 89A of the Act, for commercial radio and television stations as follows:

STATION	FROM	TO
2BH Broken Hill*	Radio Broken Hill Pty Ltd	Far West Radio Pty Ltd
2GF Grafton*	Amalgamated Wireless (Australasia) Ltd	Westlawn Investment Co. Pty Ltd
3CV Maryborough*	Regional Communications Pty Ltd	Central Victoria Radio Pty Ltd
3MP Mornington Peninsula/Frankston	Mornington Peninsula Broadcasters Ltd	Amalgamated Wireless (Australasia) Ltd
3TR Sale	Southern Cross Communications Ltd	Victorian Broadcasting Network (1983) Pty Ltd

STATION	FROM	TO
4AY Ayr	Radio 4AY Pty Ltd	Macquarie Broadcasting Holdings Ltd
6KY Perth	Swan Television and Radio Broadcasters Ltd	Amalgamated Wireless (Australasia) Ltd

Commercial television station licence

BCV Bendigo	Southern Cross Communications Ltd	Victorian Broadcasting Network (1983) Pty Ltd
GLV Latrobe Valley	Southern Cross Communications Ltd	Victorian Broadcasting Network (1983) Pty Ltd

(* a public inquiry was held)

CHANGES IN OWNERSHIP OR CONTROL

192. The legislative scheme established by the 1981 amendments to the Broadcasting and Television Act is a highly complex and detailed one. Notices of applications, or the applications themselves, must be lodged in a particular form and accepted by the Tribunal before transactions take place. Applications must be lodged by "prescribed parties" and "other parties" to the transaction. Once a transaction has occurred the Tribunal considers all the relevant applications in terms of the criteria exhaustively defined in the Act. Where it is warranted, a public inquiry will be held into a transaction. Non-compliance with the procedural aspects of the scheme is frequent and, while it does not affect Tribunal approval of a transaction, results in a large volume of correspondence between the Tribunal and parties.

193. There were 124 applications lodged by "prescribed parties" during the year (158 in 1983-84). This number is several times greater when the applications by "other parties" are included. The more important transactions which were approved by the Tribunal during the year are listed at Appendix A.

194. Important transactions which were under consideration by the Tribunal at 30 June 1985 are as follows:

CBN Central Tablelands Area/
CWN Central Western Slopes Area*

"The Examiner" Executives Provident Fund Management Company acquired 674,784 (14.31%) stock units, of which 311,100 (6.20%) were subsequently sold to Roslyndale Securities Pty Ltd (S M Gazal). The remaining shares were later sold on market to

various other parties. Roslyndale Securities Pty Ltd acquired 1,356,939 (27.05%) stock units, including the 311,100 shares referred to above.

QTQ Brisbane*

Fairlanes (WA) Pty Ltd (Alan Bond) acquired all the 6,054,400 shares.

TVQ Brisbane*

Wilkinsons Timber Industries Pty Ltd acquired all of the 2,000,000 issued shares in Universal Telecasters Qld Ltd (Qintex Ltd, C C Skase). These shares were subsequently acquired by a subsidiary company, Wilkinsons Television Pty Ltd.

* a public inquiry was held

195. In addition, in May 1985 Rupert Murdoch announced he proposed to become a US citizen following the proposed acquisition of the Metromedia Inc broadcasting group in the USA. The News Corporation Ltd, in which Mr Murdoch is a major shareholder, holds prescribed interests in the licences for commercial television stations TEN Sydney and ATV Melbourne and commercial radio stations 3FOX Melbourne and 4AM Atherton-Mareeba. The News Group announced that the group would be restructured to ensure that the licensee companies continued to comply with the foreign shareholding limitations contained in the Broadcasting and Television Act. The Tribunal has received a number of applications from the group concerning this matter..

REGISTERED LENDER INQUIRY

196. Under section 91C of the Broadcasting and Television Act a person's loan interest in a television licensee company can be disregarded 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.

197. During the year the Tribunal held an inquiry into the status of Westpac Banking Corporation as a registered lender, as Westpac may, under another provision of the Act (s.92B), be deemed to be in a position to exercise control of TVW Enterprises Ltd (TVW Perth) or South Australian Telecasters Ltd (SAS Adelaide). The Tribunal had not finalised its consideration of the matter by 30 June 1985.

OPERATION OF STATIONS

198. At 30 June 1985, the following stations were, pursuant to section 89A of the Act, being operated by persons other than the licensee:

STATION	LICENSEE	OPERATING COMPANY
<u>Commercial radio stations</u>		
2CH Sydney	Council of Churches in NSW Broadcasting Co Pty Ltd	Amalgamated Wireless (Australasia) Ltd
3KZ Melbourne	The Industrial Printing and Publicity Co Ltd	3KZ Radio Pty Ltd (Subsidiary of licensee company)
3XY Melbourne	Station 3XY Pty Ltd	Radio 3XY Pty Ltd (Subsidiary of licensee company)

Commercial television stations

NIL

Television repeater stations

CKWR Koolan Island	BHP Minerals Ltd	Mining Television Network Pty Ltd
CKWR Cockatoo Island	BHP Minerals Ltd	Mining Television Network Pty Ltd
HTWR Mount Tom Price	Hamersley Iron Pty Ltd	Mining Television Network Pty Ltd
HTWR Mount Nameless	Hamersley Iron Pty Ltd	Mining Television Network Pty Ltd
HTWR Paraburdoo	Hamersley Iron Pty Ltd	Mining Television Network Pty Ltd
NEWR Newman	Mt Newman Mining Co Pty Ltd	Mining Television Network Pty Ltd
GEMR Groote Eylandt	Groote Eylandt Mining Co Pty Ltd	Mining Television Network Pty Ltd

BROADCASTING OF POLITICAL MATTER

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

200. During the year a general election was held on 1 December for the House of Representatives and half of the Senate, and on 2 March a general election was held for the State of Victoria. In addition, twelve by-elections were held for State Parliaments in five States.

201. In all cases the Tribunal, as provided by section 116(4) of the Act, required the licensees of stations whose programs were ordinarily received in the parts of Australia to which the elections related to refrain from broadcasting election advertisements in relation to those elections from midnight on the Wednesdays next preceding the polling-days to the close of the polls. The Tribunal's Policy Statement, POS 02, outlines the principles the Tribunal applies in determining whether broadcast matter is an 'election advertisement' for the purposes of section 116(4) of the Act.

202. Following the promulgation of the Commonwealth Electoral Legislation Amendment Act 1983 on 21 February 1984, responsibility for the collection of details of time occupied by political matter on radio and television stations during election periods passed from the Tribunal to the Australian Electoral Commission in respect of all Federal elections. Similar legislation was introduced into, but not passed by, the Victorian Parliament during the Spring session of 1983.

MEMORANDUM AND ARTICLES OF ASSOCIATION OF LICENSEE COMPANIES

203. During the past year, pursuant to the provisions of sections 90K(1) and 92FA(1) of the Act, approval was granted for a number of changes of varying nature in the Memoranda and Articles of Association of licensee companies.

FINANCIAL RESULTS - COMMERCIAL RADIO AND TELEVISION STATIONS

204. The following particulars have been extracted from accounts submitted by the licensees of commercial radio and television stations in accordance with the provisions of section 106 of the Broadcasting and Television Act (excluding 3CR Melbourne). The tables show the financial results from the operation of such stations during the past five years for radio stations and three years for television stations. Metropolitan and country station results are detailed for 1983-84 only. Arising from an examination by the Tribunal during the past year of information provided by licensees, it has become more apparent that the figures may not totally reflect the results of the broadcasting activities of the industry. This is due largely to the widely varying accounting practices adopted by licensee companies. The Tribunal intends to discuss this matter with licensees in the forthcoming year.

205. Consistent with other Tribunal Reports, new formats have been introduced which distinguish between station and non-station operations.

206. To obviate any possible confusion which might arise from the introduction of the revised formats, it is to be noted that Advertising Revenue figures are gross receipts prior to the deduction of allowable Accredited Agency Commissions. These Commissions are included under Operating Expenditure figures outlined in the tables.

207. The "other" revenues from station operations include receipts from such items as hire of facilities, sale of programs to other stations, production of advertisements and generally from other activities relating to the broadcasting of other matter by stations.

208. Non-operating Profit or Loss included in the tables under non-radio or non-television operations cover amounts derived (or lost) from sources such as dividends on portfolio investments, interest, rent and other sundry activities of the station.

209. Part of other revenues included under Radio or Television Operations and all of non-operating profit or losses detailed in the tables, relate to amounts derived by licensees which do not form part of the 'gross earnings' of stations for licence fee purposes. In some cases, these additional amounts form a significant source of revenue for licensee companies.

210. To preserve aspects of confidentiality in the publication of financial results, the aggregate amounts only of those items which do not form part of the 'gross earnings' of stations for licence fee purposes, have been noted below each table.

RADIO

FINANCIAL YEAR	1979-80	1980-81	1981-82	1982-83	1983-84
Number of stations					
(a) in operation	127	133	134	136	136
(b) making a profit	98	96	106	113	111
(c) showing a loss	29	37	28	23	25
<u>Radio Operations</u>	\$	\$	\$	\$	\$
Advertising Revenue	134,252,664	158,105,506	185,797,096	212,541,400	246,617,881
Other	2,056,990	2,495,186	3,357,698	4,064,158	6,555,832
Total Operating Revenue	136,309,654	160,600,692	189,154,794	216,605,558	253,173,713
Total Operating Expenditure	116,735,038	140,670,361	162,334,877	186,912,496	219,251,862
Total Operating Profit (Loss)	19,574,616	19,930,331	26,819,917	29,693,062	33,921,851
<u>Non Radio Operations</u>					
Total non-operating profit (loss)	3,835,800	4,003,633	7,635,697	4,723,748	6,549,863
<u>Net Result</u>					
(a) before tax; after licence fee	23,410,416	23,933,964	34,455,614	34,416,810	40,471,714
(b) after tax; after licence fee	12,102,202	10,878,616	19,661,324	19,548,769	23,531,713

Licence fees paid by stations are given in paragraph 220.

211. The financial results of the seven metropolitan commercial FM radio stations which submitted accounts for the first time in 1980-81 are included in the above table.

212. Revenue, other than amounts forming part of the 'gross earnings' of stations for licence fee purposes totalled \$8,768,726 during 1983-84.

213. Details of aggregate financial results by State for metropolitan and country stations for 1983-84 were as follows:

METROPOLITAN

	NSW	VIC	QLD	SA	WA & TAS	TOTAL
Number of stations						
(a) in operation	9	9	6	5	7	36
(b) making a profit	8	6	5	4	4	27
(c) showing a loss	1	3	1	1	3	9*
<u>Radio Operations</u>						
Advertising Revenue	\$ 56,130,629	\$ 41,167,102	\$ 19,549,658	\$ 17,825,398	\$ 17,651,100	\$ 152,323,887
Other Total Operating Revenue	1,885,479	1,445,662	968,199	423,812	535,012	5,258,164
Total Operating Revenue	58,016,108	42,612,764	20,517,857	18,249,210	18,186,112	157,582,051
Total Operating Expenditure	49,580,229	37,227,302	17,446,286	19,035,973	16,301,362	139,591,152
Total Operating Profit (Loss)	8,435,879	5,385,462	3,071,571	(786,763)	1,884,750	17,990,899
<u>Non Radio Operations</u>						
Total Non-Operating Profit (Loss)	676,022	1,208,071	410,638	515,175	293,118	3,103,024
<u>Net Result</u>						
(a) before tax; after licence fee	9,111,901	6,593,533	3,482,209	(271,588)	2,177,868	21,093,923
(b) after tax; after licence fee	4,824,203	3,759,017	1,846,815	126,813	1,232,050	11,788,898

* The total revenue of the nine metropolitan radio stations making a loss represented 15.2% of aggregate revenue of metropolitan radio stations. Six metropolitan stations reported losses in 1982-83.

Revenue, other than amounts forming part of the 'gross earnings' of stations for licence fee purposes totalled \$4,712,922 during 1983-84.

COUNTRY	NSW & ACT	VIC	QLD	SA & NT	WA & TAS	TOTAL
<u>Number of stations</u>						
(a) in operation	36	14	23	7	20	100
(b) making a profit	33	13	18	7	13	84
(c) showing a loss	3	1	5	-	7	16*
<u>Radio Operations</u>						
	\$	\$	\$	\$	\$	\$
Advertising						
Revenue	43,676,223	13,271,804	23,517,723	4,704,639	9,123,605	94,293,994
Other	712,603	154,808	193,065	44,952	192,240	1,297,668
Total Operating Revenue	44,388,826	13,426,612	23,710,788	4,749,591	9,315,845	95,591,662
Total Operating Expenditure	37,840,280	10,614,293	18,810,359	4,024,997	8,370,781	79,660,710
Total Operating Profit (Loss)	6,548,546	2,812,319	4,900,429	724,594	945,064	15,930,952
<u>Non Radio Operations</u>						
Total Non-Operating Profit (Loss)	706,579	1,845,354	466,011	40,386	388,509	3,446,839
<u>Net Result</u>						
(a) before tax; after licence fee	7,255,125	4,657,673	5,366,440	764,980	1,333,573	19,377,791
(b) after tax; after licence fee	4,062,412	3,464,534	2,890,379	435,284	890,206	11,742,815

* The total revenue of the sixteen country radio stations making a loss represented 7.2% of aggregate revenue of country radio station. Seventeen country stations reported losses in 1982-83.

Revenue, other than amounts forming part of the 'gross earnings' of stations for licence fee purposes, totalled \$4,055,804 during 1983-84.

TELEVISION

FINANCIAL YEAR	1981-82	1982-83	1983-84
<u>Number of stations</u>			
(a) in operation	50	50	50
(b) making a profit	45	46	47
(c) showing a loss	5	4	3
<u>Television Operations</u>			
	\$	\$	\$
Advertising revenue	638,449,672	710,745,605	852,466,964
Other	82,922,601	94,030,931	113,487,575
Total Operating Revenue	721,372,273	804,776,536	965,954,539
Total Operating Expenditure	614,328,613	725,983,690	855,650,992
Total Operating Profit (Loss)	107,043,660	78,792,846	110,303,547
<u>Non Television Operations</u>			
Total Non-Operating profit (loss)	829,343	11,271,369	5,745,219
<u>Net Result</u>			
(a) before tax;	107,873,003	90,064,215	116,048,766
after licence fee			
(b) after tax;	65,651,556	51,327,339	67,907,748
after licence fee			

Licence fees paid by stations are given in paragraph 221.

Revenue, other than amounts forming part of the 'gross earnings' of stations for licence fee purposes, totalled \$112,383,160 during 1983-84.

214. Details of aggregate financial results by State for metropolitan and country television stations for 1983-84 were as follows:

METROPOLITAN

	NSW	VIC	QLD	SA	WA & TAS	TOTAL
Number of stations						
(a) in operation	3	3	3	3	3	15
(b) making a profit	3	3	3	3	3	15
(c) showing a loss	-	-	-	-	-	-
<u>Television Operations</u>						
	\$	\$	\$	\$	\$	\$
Advertising Revenue	255,271,069	209,056,557	82,991,002	64,668,996	68,372,598	680,360,222
Other	51,483,496	25,301,608	1,515,570	4,089,631	23,858,133	106,248,438
Total Operating Revenue	306,754,565	234,358,165	84,506,572	68,758,627	92,230,731	786,608,660
Total Operating Expenditure	287,798,285	220,880,365	73,793,137	60,160,760	80,366,120	722,998,667
Total Operating Profit (Loss)	18,956,280	13,477,800	10,713,435	8,597,867	11,864,611	63,609,993
<u>Non Television Operations</u>						
Total Non-Operating Profit (Loss)	(515,137)	1,228,804	222,579	1,248,245	16,227	2,200,718
<u>Net Result</u>						
(a) before tax; after licence fee	18,441,143	14,706,604	10,936,014	9,846,112	11,880,838	65,810,711
(b) after tax; after licence fee	10,456,544	9,952,061	6,178,755	5,636,369	7,136,852	39,360,581

Revenue, other than amounts forming part of the 'gross earnings' of stations for licence fee purposes, totalled \$105,811,754 during 1983-84.

COUNTRY	NSW & ACT	VIC	QLD	SA & NT	WA & TAS	TOTAL
Number of stations						
(a) in operation	12	6+	8	4	5	35
(b) making a profit	11	6	8	4	3	32
(c) showing a loss	1	-	-	-	2	3*
<u>Television Operations</u>						
	\$	\$	\$	\$	\$	\$
Advertising Revenue	79,101,713	32,617,650	36,606,447	8,394,012	15,386,920	172,106,742
Other	2,703,615	1,059,446	1,792,579	442,527	1,240,970	7,239,137
Total Operating Revenue	81,805,328	33,677,096	38,399,026	8,836,539	16,627,890	179,345,879
Total Operating Expenditure	60,915,666	26,157,108	23,908,950	7,275,908	14,394,693	132,652,325
Total Operating Profit (Loss)	20,889,662	7,519,988	14,490,076	1,560,631	2,233,197	46,693,554
<u>Non Television Operations</u>						
Total Non-Operating Profit (Loss)	560,579	359,570	1,405,910	644,110	574,332	3,544,501
<u>Net Result</u>						
(a) before tax; after licence fee	21,450,241	7,879,558	15,895,986	2,204,741	2,807,529	50,238,055
(b) after tax; after licence fee	12,448,237	4,426,942	8,968,483	1,468,088	1,235,417	28,547,167

* The total revenue of the three stations making a loss represented 9.4% of aggregate country television station revenue.

+ Includes AMV Albury.

Revenue, other than amounts forming part of the 'gross earnings' of stations for licence fee purposes, totalled \$6,571,406 during 1983-84.

FEEs FOR LICENCES FOR COMMERCIAL RADIO AND TELEVISION STATIONS

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

216. Both Acts were amended in 1983 to introduce new scales of annual licence fees and to increase the previous ceiling on fees rates for larger commercial radio stations from 5.0 per cent to 5.5 per cent and for larger commercial television stations from 7.5 per cent to 8.0 per cent of annual 'gross earnings'.

217. Under the Acts a fee based on a percentage of the gross earnings of the station to which the licence relates is payable on the anniversary of the date of commencement of the licence. The fees payable are calculated according to formulae contained in the legislation.

218. The Broadcasting Stations Licence Fees Act defines gross earnings in relation to a commercial radio station as meaning the gross earnings of the licensee of the station from the broadcasting of advertisements or other matter. The Television Stations Licence Fees Act defines gross earnings for television as those from the televising of advertisements or other matter but excludes revenue from the production and recording on photographic film of matter consisting wholly of an advertisement.

219. Section 7 of the Acts empower the Minister to form an opinion as to whether an amount earned by a person other than the licensee of a station forms part of the gross earnings of the station, to ensure that all income properly attributable to the licensees is included in gross earnings for the purposes of the Acts. However, as a result of a Federal Court action brought by Amalgamated Television Services Pty Ltd in 1984, no one is empowered by the licence fees legislation or any other Act to obtain the relevant information to enable the Minister to form the requisite opinions. As indicated in the 1983-84 Annual Report, the Tribunal raised the need for possible amendment of the legislation with the Minister and the Department of Communications, because of the revenue implications.

Radio

220. Total licence fees payable by commercial radio stations during the period 1 July 1984 to 30 June 1985 based on total gross earnings in the previous financial year of \$233,719,869 were \$5,901,048. In the financial year prior to that, total licence fees payable by commercial radio stations were \$4,546,347. Total fees payable for 1984/85 were made up as follows:

STATE/TERRITORIES	Licence Fees Payable		
	Metropolitan \$	Country \$	Total \$
New South Wales and Australian Capital Territory	2,108,319	615,161	2,723,480
Victoria	1,314,278	152,292	1,466,570
Queensland	468,666	329,493	798,159
South Australia and Northern Territory	434,006	45,317	479,323
Western Australia and Tasmania	350,622	82,894	433,516
Australia	4,675,891	1,225,157	5,901,048

Television

221. Total licence fees payable by commercial television stations during the period 1 July 1984 to 30 June 1985 based on gross earnings of \$783,059,949 in the previous financial year were \$53,356,643. In the financial year prior to that total licence fees payable by television station licensees were \$43,799,204. Total fees payable for 1984-85 were made up as follows:

STATE/TERRITORIES	Licence Fees Payable		
	Metropolitan \$	Country \$	Total \$
New South Wales and Australian Capital Territory	18,502,645	3,469,506	21,972,151
Victoria	15,292,096	1,211,126	16,503,222
Queensland	5,110,882	1,264,420	6,375,302
South Australia and Northern Territory	5,752,245	154,346	3,906,591
Western Australia and Tasmania	4,108,066	491,311	4,599,377
Australia	46,765,934	6,590,709	53,356,643

PERMITS FOR TEST TRANSMISSIONS

222. Section 126 of the Broadcasting and Television Act empowers the Tribunal to grant test transmission permits. The criteria which the Tribunal applies in granting these permits are set out in Policy Statement POS 01. A Practice Note, PRN03, explains the procedures adopted in considering applications for permits.

223. During the year ended 30 June 1985 a total of 206 test transmission permits were granted, including 88 permits to organisations associated with the development of public or commercial radio stations. The remaining 118 permits were granted to existing licensees of commercial radio and

television stations in relation to testing of new technical facilities and new translator services. Ninety-three permits for test transmissions were issued during the 1983-84 financial year.

ALLOCATION OF CALL SIGNS

224. As reported in paragraph 150 of the Annual Report for 1979-80, the Tribunal co-ordinates the allocation of call signs for radio and television stations through an ad hoc committee for the making of recommendations to the Minister. The Tribunal undertakes the necessary administrative arrangements involved in connection with the committee.

225. The following call signs were allocated by the Minister during 1984-85.

LOCATION OF STATION	LICENSEE/AUTHORITY	CALL SIGN
Alice Springs, NT (Public-FM)	Central Australian Aboriginal Media Association (Aboriginal Incorporation)	8KIN
Cairns, QLD (Public-FM)	Cairns Community Broadcasters Incorporated	4CCR
Coffs Harbour, NSW (Commercial-AM)	Commercial Radio Coffs Harbour Limited	2CS
Woomera, SA (Public-FM)	Woomera Access Radio Incorporated	5RRR

PART FOUR

PROGRAM SERVICES ACTIVITIES

PROGRAM AND ADVERTISING STANDARDS

Radio

226. In July 1981 the Tribunal determined revised standards for radio programs and advertising. The Broadcasting Program Standards are applicable to licensee of both commercial and public radio stations, where as the Broadcasting Advertising Standards apply only to commercial radio stations.

227. S16(2) of the Act requires the Tribunal to consult with representatives of licensees with regard to the determination of program and advertising standards. During the year, the Tribunal continued its consultation with the Federation of Australian Radio Broadcasters and the Public Broadcasting Association of Australia on a further revision of the Broadcasting Standards. These discussions have revealed that a number of amendments may be required in the light of developments in broadcasting operations and changes in community attitudes and law. The Tribunal anticipates that a notice of proposed determination of standards will be published for public comment by October 1985. Any comment received will be considered by the Tribunal prior to making a final determination of revised Standards.

228. In addition to the general review of the Broadcasting Standards, the Tribunal is conducting an inquiry into the proposed repeal of Broadcasting Program Standard 3, which requires stations to broadcast Australian music performances for at least 20 per cent of the time occupied by music. Hearings of the inquiry were conducted during late 1983 through to June 1984. At the date of this report, the Tribunal had not completed its consideration of the complex issues involved in this matter. A detailed report on the inquiry is currently in preparation and the Tribunal hopes to publish its Report and Decision by the end of 1985.

229. Public radio stations may broadcast sponsorship announcements, but are prohibited under the Act from broadcasting advertisements. In April 1981 the Tribunal determined directions for sponsorship announcements pursuant to S111BA of the Act. The Tribunal is continuing its review of the sponsorship directions with the view to issuing a policy statement designed to clarify the application of the directions. Following consultation with the Public Broadcasting Association of Australia the Tribunal anticipates that a draft policy statement will be issued for comment by September 1985.

Television

230. Since 1982, the Tribunal has been conducting an ongoing review of the Television Program and Advertising Standards which apply to commercial television stations. Because the standards are of great importance to the public and the industry, the process of review is of necessity both thorough and painstaking. In most cases it involves a careful examination of the issues, the publication of a discussion paper, the consideration of

submissions, in response to the discussion paper, the issue of a proposed determination of new standards with a full report on the review including the Tribunal's reasons for the determination.

231. In October 1984 the Tribunal issued a notice of proposed determination of standards for the advertising of alcoholic liquor on television. The proposed standards deal with the times of telecast of advertisements for alcoholic liquor, while the content of these advertisements would continue to be governed by a voluntary industry code (Alcoholic Beverages Advertising Council Voluntary Code of Advertising Alcoholic Beverages). The proposed standards would limit the telecast of alcohol advertisements to 'AO' time, permit corporate identification of advertisers at other time except children's 'C' time and remove the prohibition of alcohol advertisements on Sundays, Good Friday and Christmas Day. These proposals were developed from information provided in 254 submissions received in response to the Tribunal's discussion paper 'Alcohol Advertising on Television' released in 1982, and other material gathered by the Tribunal. Following responses to the notice of proposed determination of standards, the Tribunal is continuing to consult with representatives of the alcoholic beverages and advertising industries.

232. The Tribunal is continuing the process of review of other areas of the television standards as expeditiously as its limited staff resources will permit. In September 1984 the Tribunal announced that its review of the television Australian content standards would be deferred until the 1985-86 financial year because of limited staff and financial resources and a significant increase in commitments in other areas of the Tribunal's operations. Additional background research and analysis of submissions received in response to Tribunal discussion papers on other television standards areas proceeded within the constraint of available staff resources. The Tribunal would hope that it will be in a position to allocate staff resources to the review of standards during 1985-86 but this is very much dependent on other priorities.

COMMENTS AND COMPLAINTS ABOUT PROGRAMS AND ADVERTISING

233. As part of its responsibilities in regard to the determination of standards and to overseeing compliance with these by stations, the Tribunal receives comments and complaints from the public. All such representations are considered, investigated where necessary, and provided with a written response.

234. On 20 December 1984 the Tribunal issued a practice note entitled "Investigation and Determination of Breaches of the Broadcasting and Television Act 1942, Program and Advertising Standards, and other Licence Conditions." The practice note outlines the procedures the Tribunal follows in handling possible breaches of the Act, Standards and licence conditions which come to the Tribunal's attention and are relevant to the exercise of one of its powers under the Act.

235. In cases where complaints or comments do not concern an issue for which the Tribunal has responsibility the Tribunal informs the complainant accordingly and refers the complaint to the relevant licensee for information.

236. When complaints are received, and it is considered that evidence exists that a possible breach of the Act, Standards or other Licence Condition may be involved, the Tribunal informs the relevant person (usually the licensee) of the precise nature of the complaint and provides relevant material in support, including a copy of the written complaint or notes recording the complaint if it was received orally. If the initial response from the relevant licensee indicates that no breach has occurred both the licensee and the complainant are informed accordingly and the matter proceeds no further. Where the Tribunal decides that further consideration is necessary it will inform the relevant licensee that it wishes to investigate the matter further and will provide to the licensee any additional material which is relevant. The licensee will be given the opportunity for the matter to be dealt with in one of the following ways:-

- (a) on the basis of written submissions;
- (b) on the basis of oral submissions (with any additional evidence to be submitted to the Tribunal in writing beforehand);
- (c) at a scheduled inquiry into a licence renewal, licence transfer of share transaction;
- (d) at an inquiry initiated especially to determine the matter (including an inquiry into revocation or suspension of a licence).

237. In most cases where the Tribunal's investigations have proceeded this far the licensee in question has opted for the matter to be dealt with on the basis of written submissions.

238. If the Tribunal decides, outside a public inquiry, that a breach has occurred the licensee is given the opportunity, at licence renewal, to make submissions concerning the weight the Tribunal should place on the breach in the context of the overall performance of the station.

239. Where the Tribunal is satisfied that a breach has occurred as a result of a reasonable mistake, or other circumstances beyond the control of the licensee, the breach will only be raised at a subsequent renewal inquiry if it is one of a number of such breaches.

240. The Tribunal makes available to relevant radio, television and advertising industry organisations, and to certain other bodies, monthly summaries of comments and complaints it receives about program or advertising matters.

241. During 1984-85 the Tribunal received a total of 1302 comments or complaints about these matters. After allowing for the fact that complaints or comments were made not only by individuals, but also by family groups or on behalf of several people, it is estimated that some 60 per cent of complaints were males and 40 per cent females.

242. The tables which follow provide an indication of the nature and number of written complaints and comments received during 1984-85 concerning differing aspects of television and radio programs or advertising. The table has been divided into three sections in order to

differentiate between comments about aspects of radio and television (Section 1); complaints that may have had justification and were referred to stations or industry bodies for comment (Section 2); and complaints which did not appear to be justified and, where appropriate, were referred to the stations or industry bodies for information (Section 3).

243. As stated above, in all cases representations were considered and a written response provided. A written reply was also forwarded in cases where persons lodged complaints by telephone and wished to be informed of the outcome of the Tribunal's investigations.

244. Of the 1302 comments or complaints received during 1984-85 (1270 in 1983-84) about 27 per cent (42 per cent in 1983-84) were such as to possible involve a breach of the Act or the Tribunal's Program or Advertising Standards and therefore warranted being taken up with the station or industry body concerned. Some 4 per cent (6 per cent in 1983-84) of all complaints were found to involve such a breach, although at the time of preparation of this report some 26 complaints which may involve breaches of the Act or Standards had yet to be determined fully.

245. Although the vast majority of comments and complaints did not involve breaches of the Act or the Standards, the Tribunal recognises that the views expressed by the persons concerned are sincerely held. The Tribunal accepted these views as contributions towards its review of the standards and stations were notified so that they would be aware of the response of some members of the public to their programming.

COMPLAINTS AND COMMENTS - TELEVISION AND RADIO STATIONS

1 July 1984 - 30 June 1985

SUBJECT	SECTION 1	SECTION 2	SECTION 3	NO.	% OF ALL
A. TELEVISION: General					
Bad Taste (sex, violence, moral standards, etc)	2	2	90	94	7.2
Sex or Indecency (specific programs)	1	1	15	17	1.3
Violence (specific programs)	-	2	11	13	1.0
Language (including blasphemy)	-	10	27	37	2.8
Unsuitable promotions or advertisements (in programs outside family and children's time)	-	4	47	51	3.9
News and Current Affairs - taste, violence	1	23	54	78	6.0
- biased or misleading	-	12	12	24	1.9
Sporting Programs - too many	-	-	22	22	1.7
- too few (includes inadequate coverage)	-	1	43	44	3.4
Repeats and poor programs generally	-	-	11	11	0.9
Station's performance	1	8	20	29	2.2
Objections to can- cellation or change in timeslot of programs	-	-	16	16	1.2
Discrimination - racism	-	1	15	16	1.2
- sexism	1	-	4	5	0.4
Miscellaneous	15	19	64	98	7.5
	21	83	451	555	42.6

SUBJECT	SECTION 1	SECTION 2	SECTION 3	NO.	% OF ALL
B. TELEVISION:					
Advertising					
High Sound Level	-	-	24	24	1.9
Excessive Amounts	1	76	54	131	10.1
Taste and Safety Aspects	-	14	61	75	5.9
Discrimination					
- racism	-	1	3	4	0.3
- sexism	-	6	19	25	1.9
Intimate Products	-	-	12	12	0.9
Alcoholic Liquor	9	1	11	21	1.6
Miscellaneous	3	28	24	55	4.2
	13	126	208	347	26.7

SUBJECT	SECTION 1	SECTION 2	SECTION 3	NO.	% OF ALL
C. TELEVISION: Family and Children's Time					
Unsuitable programs or advertisements	-	37	23	60	4.6
Promotional material for adult programs televised during family and children's viewing times	-	16	12	28	2.2
Miscellaneous	13	1	3	17	1.3
	13	54	38	105	8.1

SUBJECT	SECTION 1	SECTION 2	SECTION 3	NO.	% OF ALL
D. COMMERCIAL RADIO					
Advertising content	-	4	11	15	1.2
Taste or offence	-	17	70	87	6.6
Quality of programs	-	-	2	2	0.2
Unsuitable recordings	-	4	4	8	0.6
Bias in news and current affairs	-	2	7	9	0.7
Irregularities in talkback programs	-	6	41	47	3.6
Station's performance	-	-	5	5	0.4
Discrimination					
- racism	-	6	15	21	1.6
- sexism	-	2	2	4	0.3
Alcohol Advertising	-	-	3	3	0.2
Miscellaneous	-	7	19	26	2.0
	-	48	179	227	17.4

SUBJECT	SECTION 1	SECTION 2	SECTION 3	NO.	% OF ALL
E. PUBLIC RADIO					
Taste or offence	-	16	10	26	2.0
Unsuitable recordings	-	7	-	7	0.5
Discrimination					
- racism	-	-	2	2	0.2
- sexism	-	-	-	-	0.0
Sponsorship announcements	-	19	2	21	1.6
Miscellaneous	-	4	8	12	0.9
	-	46	22	68	5.2
TOTALS	47	357	898	1302	100.0

246. The main causes of complaint or comment during 1984-85 were the amount of advertising or other non-program matter on television (10.1 per cent of all complaints or comments), general objection to the standard of television programs eg. too much sex or violence (7.2 per cent), matters concerning taste or offence in commercial radio programs (6.6 per cent), matters concerning taste or violence in television news programs (6.0 per cent), and matters concerning the content of television advertisements (5.9 per cent).

247. Most complaints about the amount and distribution of television advertising related to high rating Australian drama mini-series. This may be attributed to the presence in the audience for these programs of a larger than normal proportion of viewers who usually view the programs of the National network. Compared with 1983-84 there was a decrease of some 30 per cent in the number of complaints or comments received about taste or offence in commercial radio programs, however these continued to be a significant cause for complaint or comment to the Tribunal. The greater number of complaints received in this category concerned talk-back programs with unsuitable language, objections to discussions of a sexual nature and innuendo in banter by announcers being most often mentioned. Items in early evening television news programs showing tragic events, both locally and overseas, produced a considerable number of complaints.

248. Complaints and comments received about programs of the National Service (the ABC) and Special Broadcasting Service (the SBS) are not shown in the tables. These were referred for attention to the Australian Broadcasting Corporation or to the Special Broadcasting Service, each of which is an autonomous statutory authority responsible for its own programming.

STATISTICAL ANALYSIS OF TELEVISION PROGRAMS

249. The analysis of television programs which is set out in Appendix B is based on a sample coverage of ten weeks during 1984 of programs televised by commercial stations, the Special Broadcasting Service and a sample station of the national network.

250. Details of commercial television programs are derived from data supplied regularly by each station, while details of Channel 0/28 programs and national television programs are obtained from information supplied by the Special Broadcasting Service and the Australian Broadcasting Corporation. For the purpose of the analysis the programs are those of all metropolitan stations, twenty-five provincial commercial stations and, in the case of the national service, those of ABV Melbourne. These are considered to be reasonably representative of the commercial, special broadcasting and national television services.

251. The tables show the composition of programs under four headings:

Table 1 Analysis of television programs by categories:
 metropolitan and provincial stations.

Table 2 Analysis of television programs by time periods:
 metropolitan and provincial stations.

Table 3 Television programs of Australian origin. Analysis by categories: metropolitan and provincial stations.

Table 4 Average yearly amount of time devoted to particular categories (shown in hours): all metropolitan commercial, national and SBS stations.

252. The figures in Table 3 are based on the actual duration of Australian programs. They do not take into account the credit loading allowed to commercial stations for certain types of program matter in calculating their performance towards meeting the Tribunal's requirements for the Australian content of television programs. The table shows the distribution of types of Australian programs both as percentages of all programs of Australian origin and as percentages of all programs televised.

253. At the foot of each column in Tables 1 and 3, a conversion factor is shown to enable calculations of the time occupied by programs in each category.

254. Definition of program categories - the statistical system is based on a number of program categories. These are set out below:

Drama:

Adventure	Drama with the main focus on action. Includes such themes as science fiction and espionage.
Crime and suspense	Programs in dramatic form concerned with crime and its detection. Includes court room drama and plays in which suspense is predominant, with or without a crime element.
Domestic and comedy	Programs in dramatic form dealing with domestic life or family relations, and those whose main purpose is to induce laughter.
Western	Programs in dramatic form utilising 'Western' settings.
Period	Programs in dramatic form set in a past era. Does not include programs whose main theme is other than the historical element.
Miscellaneous	Programs in dramatic form which do not fall specifically under other headings.

Light entertainment:

Cartoons	Matter predominantly in the form of animation or puppetry.
Music programs	Programs in which currently popular music or music of the 'evergreen' type is the predominant element.
Personality programs	Programs containing items generally handled by a compere. Includes quizzes, panel games and interviews where the emphasis is on displaying the subject rather than serious discussion.
Talent Programs	Programs concentrating on competition generally at an amateur level in any field of entertainment.
Variety	Programs containing a mixture of comedy, music, dancing, gags and patter, by professional or amateur talent, where the element of competition is not predominant.
Sports:	Simultaneous or delayed presentation of competitive sports, sporting previews, news and talks and demonstrations of sporting techniques.
News:	Programs reporting on current or recent happenings. Includes newsreels, reports on weather and essential services.
Children:	
Kindergarten	All kindergarten sessions conducted by qualified staff.
Other	Other programs which generally include a variety of items directed to or presented for children.
Family activities:	Programs concerned with family activities and hobbies and the family as users of consumer goods and services.

Information: Programs of a descriptive type, concerning agriculture, industry, travel, nature and science etc, also historical and biographical programs.

Current affairs: Programs dealing with social and economic problems of modern society. Includes news commentaries which deal with the subject matter 'in depth'.

Political matter: Programs concerning Australian Federal or State elections and by-elections and special statements of importance by political leaders.

Religious matter: All programs originated by recognised religious bodies.

The arts: Programs concerning the graphic arts; reading of prose and poetry; literary and other art criticism; ballet and music of lasting value.

Educational:

Formal	Programs of formal instruction at all levels which are specifically related to a recognised course of study.
Other	Programs of educational intent which are not directly related to a specific course of study.

Advertising and other non-program matter have been included as part of the program in which they occur.

FILM CENSORSHIP AND CLASSIFICATION OF PROGRAMS

255. Under a longstanding ministerial arrangement, all imported television program material and Australian films produced outside the control of stations are classified by the Film Censorship Board in accordance with the Television Program Standards. The classification used are as follows:

'G'	Unrestricted for television
'PGR'	Parental Guidance Recommended - Not recommended for children (under thirteen), may not be

miscellaneous corporations, such as Regional Television Australia, pending consideration of the long term situation. On 7 May 1985 the Chief Censor told the networks that although the Board's resource problems had not been resolved, the Board would continue to examine and classify 15 hours per week per network for the time being.

262. The Tribunal, as the authority for hearing appeals against decisions of the Film Censorship Board on the classification of imported television program material, considered a number of appeals during the year. The decisions reached were as follows:

TITLE AND CLASSIFICATION AGAINST WHICH APPEAL LODGED	DESCRIPTION	TRIBUNAL DECISION
FEATURE FILMS AND TELEMOVIES		
FRIDAY THE 13TH ('Not Suitable for Television')	Modified version of former 'R' certificate cinema film	Appeal dismissed
FADE TO BLACK ('Not Suitable for Television')	Certified 'M' for cinema release	Appeal dismissed The Tribunal is of the view that with some reconstruction, the film may be acceptable for television.
*AMERICAN WEREWOLF IN LONDON ('Not Suitable for Television')	Modified version of former 'M' cinema certificate film	Appeal dismissed
THE CLINIC ('Not Suitable for Television')	Modified version of former 'R' certificate cinema film	Appeal upheld. Classified TV 'AO' not to be televised before 9:30pm.
48 HOURS ('Not Suitable for Television')	Modified version of former 'R' certificate cinema film	Appeal upheld. Classified TV 'AO'
SCREWBALLS ('Not Suitable for Television')	Modified version of former 'M' certificate cinema film	Appeal dismissed

* Further modified and passed by the Film Censorship Board.

TITLE AND CLASSIFICATION
 AGAINST WHICH APPEAL
 LODGED

DESCRIPTION

TRIBUNAL DECISION

FIRE IN THE STONE
 ('PGR')

Film initially accorded a 'C' drama classification by the Tribunal based on the advice of the Children's Program Committee. The Film Censorship Board gave the film a 'PGR' classification based on elements of coarse language, restrained violence, implications of racism and sexual innuendo in dialogue.

Appeal upheld. Classified 'C' drama and for film censorship purposes it is classified as 'G' suitable for general exhibition.

DOCUMENTARY AND
 OTHER PROGRAMS

Anti Drink Driving and Drug Abuse Community Service Announcements featuring footage from GREMLINS cinema film ('PGR')

Appeal upheld. Classified 'G' only to be televised between 5pm and 6am the following day. Not to be televised before 5pm.

MUSIC/COMEDY CLIPS

OBSCENE PHONE CALL
 ('PGR')

One clip

Appeal dismissed

SPEWING
 ('PGR')

One clip

Appeal rejected and original decision of Film Censorship Board overturned. Video clip classified 'AO' subject to the removal of one segment referring to Greek babies with is not suitable for television

AUDIENCE INFORMATION

263. The Tribunal subscribes to the reports produced by McNair Anderson Associates Pty Ltd commissioned by the licensees. These reports provide the Tribunal with valuable information about the composition of audiences, the audience shares achieved by stations, and the ratings of programs.

Radio

264. The following table shows, for the seven largest Australian cities, the overall shares of audience for stations during the three years 1984, 1983 and 1982:

AVERAGE OVERALL SHARES OF AUDIENCE - MAJOR CITIES

		1984	1983	1982
		%	%	%
SYDNEY	2CH	12	12	12
	2GB	9	9	8
	2KY	7	7	7
	2SM	10	7	8
	2UE	12	11	14
	2UW	6	8	12
	2WS	10	10	9
	2DAY	8	8	6
	2MMM	11	9	8
	2BL	5	6	7
	2FC	2	2	3
	2JJJ	4	3	2
	Other AM	4	4	1
	Other FM	2	1	2

Based on an average of the four McNair Anderson Surveys conducted each year.

MELBOURNE	3AK	12	12	11
	3AW	14	12	12
	3DB	6	5	7
	3KZ	13	12	11
	3MP	7	8	9
	3UZ	4	9	10
	3XY	10	11	12
	3EON	11	9	7
	3FOX	9	8	7
	3LO	8	8	8
	3AR	3	3	3
	Other AM	2	2	1
	Other FM	2	2	2

Based on an average of the four McNair Anderson surveys conducted each year.

BRISBANE	4QR	10	10	11
	4QG	4	3	3
	4BC	12	13	13
	4BH	17	19	20
	4BK	7	7	8
	4IO	14	14	15
	4KQ	15	16	16
	4MMM	16	15	10
	Other AM	2	2	1
	Other FM	3	2	2

Based on an average of the three McNair Anderson surveys conducted each year.

ADELAIDE	5CL	3	3	3
	5AN	7	7	8
	5DN	20	22	20
	5KA	18	20	10
	5AD	11	14	30
	5AA	18	15	14
	5SSA	20	15	13
	Other AM	*	*	1
	Other FM	2	2	2

Based on an average of the three McNair Anderson surveys conducted each year.

PERTH	6IX	11	11	16
	6KY	11	13	14
	6PM	23	22	19
	6PR	15	16	17
	6NOW	21	19	16
	6WF	11	13	13
	6WN	3	3	3
	Other AM	2	1	*
	Other FM	2	2	2

Based on an average of the four McNair Anderson surveys conducted during 1984 and 1983 and the three surveys conducted during 1982.

NEWCASTLE	2HD	26	24	20
	2NC	12	14	12
	2NX	30	30	31
	2KO	25	26	29
	2NA	2	2	2
	Other AM	3	3	3
	Other FM	2	2	2

Based on an average of the two McNair Anderson surveys conducted each year.

CANBERRA	2CA	16	25	27
	2CC	52	38	37
	2CN	20	24	24
	2CY	5	6	6
	Other AM	3	3	3
	Other FM	4	5	4

Based on the one McNair Anderson survey conducted each year.

*Less than 1%

Television

265. The following table shows the average weekly time spent viewing television. The figures have been calculated from McNair Anderson reports for all surveys conducted during 1984:

AVERAGE WEEKLY TIME SPENT VIEWING TELEVISION, 1984

	ALL PEOPLE	MEN 18+	WOMEN 18+	TEENS 13-17	CHILDREN 5-12	HOUSE WIVES	AVERAGE NO. OF VIEWING HOURS/HOME
	hrs min	hrs min	hrs min	hrs min	hrs min	hrs min	hrs min
SYDNEY	20 20	19 58	23 45	17 55	17 08	24 16	33 57
MELBOURNE	20 29	20 18	23 49	18 44	17 23	24 20	34 10

266. The following tables show programs most popular with adults and with children. They are based on the first three audience measurements of the year in Sydney and Melbourne. The information is published with the permission of McNair Anderson Associates Pty Ltd.

MOST POPULAR PROGRAMS - ALL PEOPLE

FEBRUARY-JUNE 1985

SYDNEY

PROGRAM	STATION	RATING	**MAXIMUM AUDIENCE
Potential Number of Audiences			
(1)* 60 MINUTES	TCN9	33	740,000
(2)* A COUNTRY PRACTICE	ATN7	31	708,000
(3) GEORGE AND MILDRED	ATN7	29	667,000
(4)* WILLESEE	TCN9	29	662,000
(5) 10 SUNDAY MOVIE	TEN10	29	647,000
(6)* TERRY WILLESEE TONIGHT	ATN7	27	615,000
(7) ME AND MY GAL	ATN7	26	601,000
(8)* 9 NEWS, SPORT AND WEATHER	TCN9	26	584,000
(9) FAWLTY TOWERS	ABN2	26	557,000
(10)* NEC BIG GAME	TEN10	26	556,000

The following mini-series and specials gained ratings in excess of 30 points:

	STATION	RATING
LACE	ATN7	36
*RUGBY LEAGUE- STATE OF ORIGIN MATCH	TCN9	35
*CRICKET- WORLD SERIES CUP	TCN9	32
*RUGBY LEAGUE- NATIONAL PANASONIC CUP FINAL	TEN10	31
*THE FLYING DOCTORS	TCN9	31
*BOXING- WORLD BANTAMWEIGHT CHAMPIONSHIP	TCN9	31

MELBOURNE

PROGRAM	STATION	RATING	**MAXIMUM AUDIENCE
Potential Number of Audiences			
(1)* 60 MINUTES	GTV9	36	743,000
(2) 10 SUNDAY MOVIE	ATV10	33	741,000
(3)* A COUNTRY PRACTICE	HSV7	30	655,000
(4)* SALE OF THE CENTURY	GTV9	28	685,000
(5)* EYEWITNESS NEWS	ATV10	27	538,000
(6)* IT'S A KNOCKOUT	ATV10	26	682,000
(7)* WILLESEE	GTV9	26	540,000
(8)* 9 NEWS, SPORT AND WEATHER	GTV9	25	521,000
(9) 9 SUNDAY MOVIE	GTV9	24	480,000
(10) FAWLTY TOWERS	ABV2	23	471,000

The following mini-series and specials gained ratings in excess of 30 points:

	STATION	RATING
*THE COWRA BREAKOUT	ATV10	43
*THE FLYING DOCTORS	GTV9	34
*THE 1985 TV WEEK LOGIE AWARDS	ATV10	34
LACE	HSV7	31

* Australian

** This figure is the largest audience achieved by each program in the three surveys conducted between February and June 1985.

267. The following tables show the programs most viewed by 5 to 12 year old children in Sydney and Melbourne.

MOST POPULAR PROGRAMS - CHILDREN 5-12 YEARS
 FEBRUARY-JUNE 1985

PROGRAM	STATION	**MAXIMUM AUDIENCE CHILDREN 5-12	% OF ALL CHILDREN 5-12 YEARS
SYDNEY - Potential number of 5-12 year olds: 422,000			
(1)* IT'S A KNOCKOUT	TEN10	139,000	33
(2) THE CARTOON CONNECTION	ATN7	132,000	31
(3)* YOUNG TALENT TIME	TEN10	101,000	24
(4) INSPECTOR GADGET	ABN2	96,000	23
(5)* A COUNTRY PRACTICE	ATN7	93,000	22
HI HELLO SHOW CARTOONS	ATN7	93,000	22
(7) GIMME A BREAK	ATN7	87,000	20
(8)* SONS AND DAUGHTERS	ATN7	85,000	20
(9) FAMILY TIES	ATN7	83,000	19
THE A -TEAM	TEN10	83,000	19
GEORGE AND MILDRED	ATN7	83,000	19

*Australian

MELBOURNE - Potential number of 5-12 year olds: 414,000

(1)* YOUNG TALENT TIME	ATV10	132,000	32
(2)* IT'S A KNOCKOUT	ATV10	109,000	26
(3)* STAR SEARCH	ATV10	88,000	21
(4) THE A-TEAM	ATV10	84,000	20
(5) THE WONDERFUL WORLD OF DISNEY	HSV7	83,000	20
(6) EARLY MORNING CARTOONS	HSV7	82,000	19
(7)* A COUNTRY PRACTICE	HSV7	81,000	19
(8) FAMILY TIES	HSV7	78,000	18
(9) SCARECROW AND MRS KING	ATV10	75,000	18
GILLIGAN'S ISLAND	ATV10	75,000	18

*Australian

**This figure is the largest audience achieved by each program in the three surveys conducted between February and June 1985.

MOST POPULAR PROGRAMS
 4-5PM MONDAY TO FRIDAY - CHILDREN 5-12 YEARS
 FEBRUARY-JUNE 1985

PROGRAM	STATION	**MAXIMUM AUDIENCE CHILDREN 5-12 YEARS	% OF ALL CHILDREN 5-12 YEARS
SYDNEY - Potential number of 5-12 year olds: 422,000			
(1)* PLAYSCHOOL	ABN2	44,000	10
(2)* NOW YOU SEE IT/LITTLEST HOBO	ATN7	40,000	9
(3)* WOMBAT	ATN7	37,000	8
(4)* MR SQUIGGLE	ABN2	35,000	8
(5)* OSSIE OSTRICH VIDEO SHOW	TCN9	30,000	7

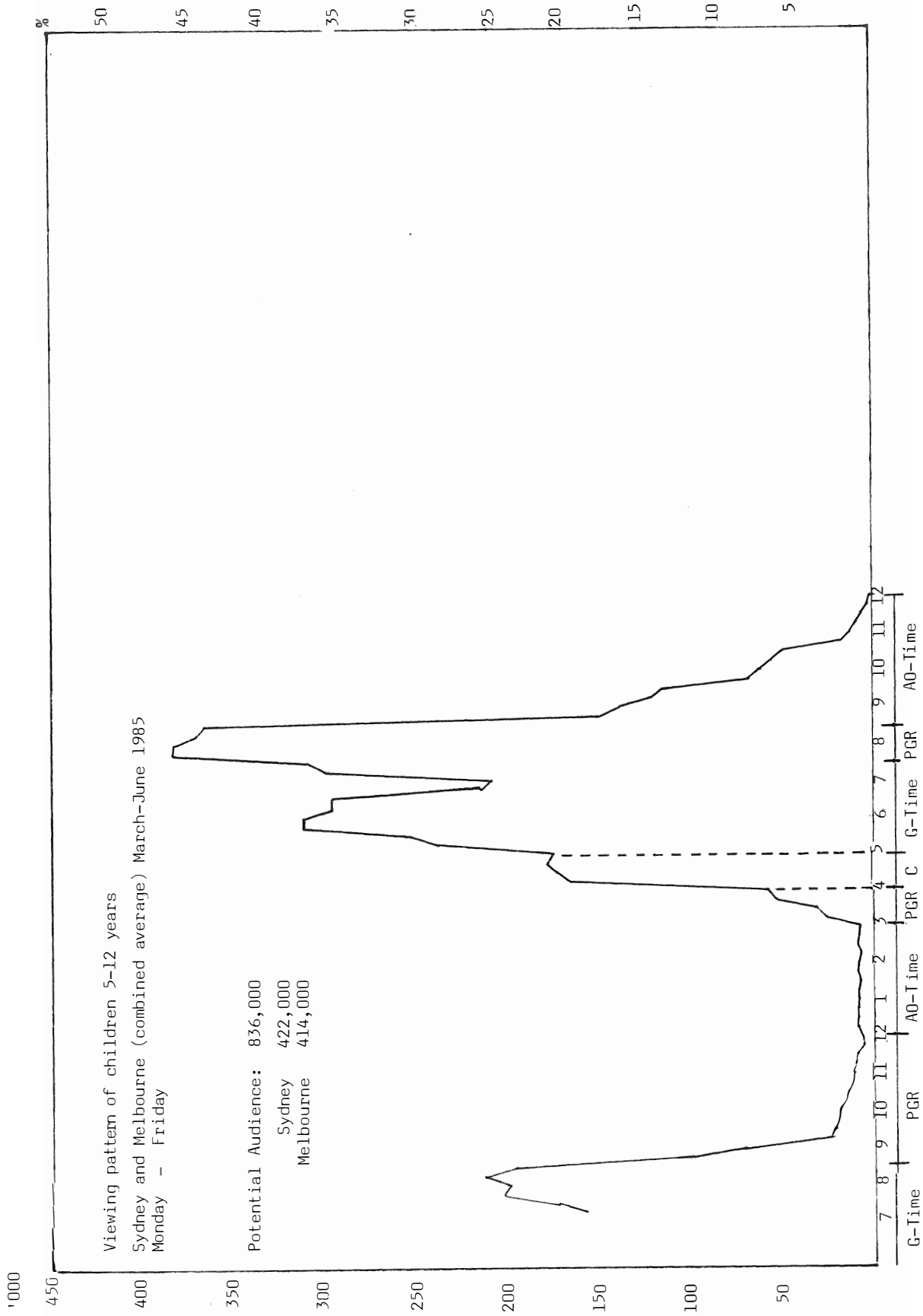
MELBOURNE - Potential number of 5-12 year olds: 414,000

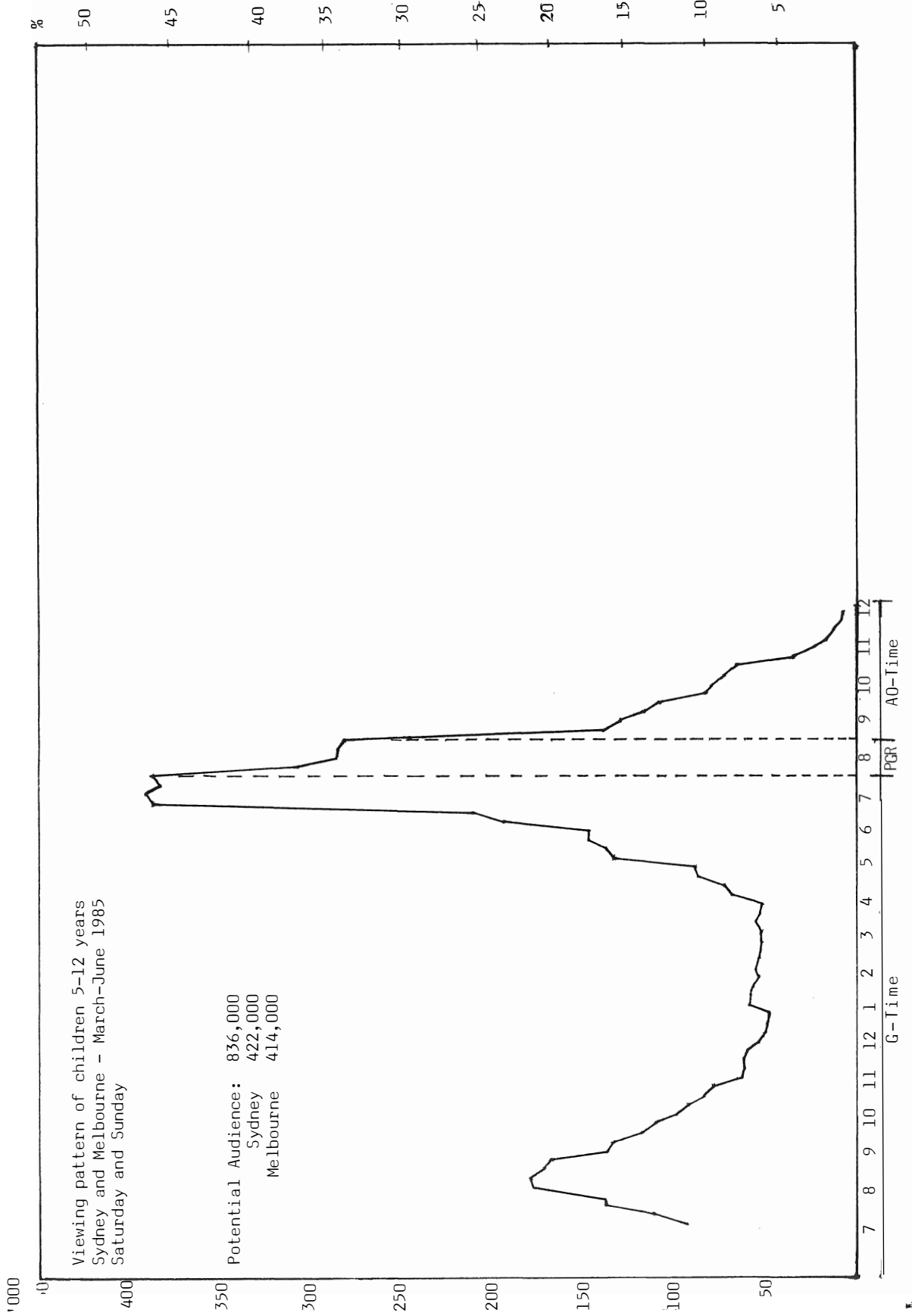
(1)* OSSIE OSTRICH VIDEO SHOW	GTV9	50,000	12
(2)* SKIPPY	GTV9	38,000	9
(3)* PLAYSCHOOL	ABV2	37,000	8
(4) THE YEARLING	HSV7	34,000	8
(5)* WOMBAT	HSV7	31,000	7

*Australian

**This figure is the largest audience achieved by each program in the three surveys conducted between February and June 1985.

268. The following graphs show viewing by 5 to 12 year old children on weekdays and weekends in relation to program classification times (combined figures for Sydney and Melbourne are shown). McNair Anderson Associates Pty Ltd surveys No.2 and No.3 of 1985 were used as source material.





HOURS OF OPERATION

269. On 28 November 1983, the Tribunal issued Policy Statement POS 04 dealing with Hours of Service, which outlines the policy criteria for permanent variations to hours of service and a general determination for temporary extensions of hours of service by licensees of commercial and public broadcasting stations and commercial television stations.

270. The effect of the general determination is that licensees may, subject to certain conditions, exceed their approval basic hours of service without seeking prior approval from the Tribunal.

Radio

271. Thirty three commercial and public stations permanently increased transmission hours and seventeen stations reduced hours during the year. Numerous temporary increases in hours of service were effected by licensees to enable the coverage of special events of national or local interest.

272. The 86 stations operating continuously were:

2AY Albury
2CBA, 2CH, 2DAY, 2GB, 2KY, 2MBS, 2MMM, 2SER, 2SM, 2UW and 2WS Sydney
2CA and 2CC Canberra
2GF Grafton
2GO Gosford
2HD and 2KO Newcastle
2KA Katoomba
2LM and 2NCR Lismore
2MC Kempsey
2MW Murwillumbah
2NX Bolwarra
2OO and 2WL Wollongong
2ST Nowra
2TM Tamworth
2WG Wagga Wagga

3AK, 3AW, 3CR, 3DB, 3EON, 3FOX, 3KZ, 3RRR, 3UZ and 3XY Melbourne
3MP Mornington Peninsula/Frankston
3BA Ballarat
3BO Bendigo
3GL Geelong
3MA Mildura
3TR Sale

4BC, 4BH, 4BK, 4IO, 4KQ, 4MMM and 4ZZZ Brisbane
4AK Oakey
4AY Ayr
4CR Cairns
4CD Gladstone
4GC Charters Towers
4GR Toowoomba
4GY Gympie

4MK Mackay
4RO Rockhampton
4SS Nambour
4TO Townsville

5AA, 5AD, 5DN, 5KA, 5MMM and 5SSA Adelaide
5AU Port Augusta
5MU Murray Bridge
5PI Crystal Brook
5RM Renmark
5SE Mount Gambier

6IX, 6KY, 6NOW, 6PM and 6PR Perth
6NEW Newman

7HO and 7HT Hobart
7EX and 7LA Launceston

8DN Darwin

Television

273. There were permanent or long-term increases in the hours of operation of 31 stations, while three stations reduced hours of operation and 16 stations remained unchanged.

274. TCN Sydney, GTV Melbourne, BTQ and QTQ Brisbane, NSW Adelaide and STW Perth operated a continuous service throughout the year.

275. From December 1984, BTQ in Brisbane began taking a news oriented program on satellite from the United States between midnight and 6.00am. ATN Sydney, ADS Adelaide and HSV Melbourne now take the same service. There are currently no Australian content requirements operating in this period (ie. midnight to 6.00am). The Tribunal will be addressing this matter as part of its Australian content survey.

276. TCN Sydney, GTV Melbourne, BTQ and QTQ Brisbane, NWS Adelaide and STW Perth, are the only stations operating a continuous service.

AUSTRALIAN CONTENT

277. 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.

278. Section 114(2) requires licensees of radio stations to broadcast the works of Australian composers for not less than 5 per cent of the time occupied by the broadcasting of music. In addition, section 83(5) of the Act requires licensees to give a written undertaking to, inter alia, 'encourage the provision of programs wholly or substantially produced in Australia, and use, and encourage the use of, Australian creative resources in, and in connection with, the provision of programs'.

Radio

279. Program Standard 3 of the Tribunal's Broadcasting Program Standards, determined under section 16 of the Act, requires of radio stations that:

'A licensee shall ensure that not less than 20 per cent of the time occupied in the broadcasting of music each day by a licensee shall consist of performances by Australians.'

280. The current method of assessing compliance by stations with the Australian music requirements is based on information supplied by mainland metropolitan commercial stations during twelve sample weeks each year and by other commercial stations and public radio stations during four sample weeks. These periods are those used by the Australasian Performing Right Association Limited in assessing royalties to be paid to composers whose works have been broadcast.

281. The following tables show for each station the extent to which it complied with each of the two requirements, based on the sample information supplied:

BROADCASTING OF AUSTRALIAN MUSIC
COMMERCIAL RADIO STATIONS 1984/85

STATION	AUSTRALIAN COMPOSITIONS	AUSTRALIAN PERFORMANCES		
		LOCAL	OVERSEAS (Limited to 1%)	TOTAL
	%	%	%	%
Metropolitan				
2CH	6.0	23.5	1.0	24.5
2DAY	16.0	21.6	1.0	22.6
2GB	18.0	23.1	4.3	24.1
2KY	10.6	22.4	1.5	23.4
2MMM	23.1	24.9	3.9	25.9
2SM	22.6	24.7	0.6	25.3
2UE	17.6	22.7	2.6	23.7
2UW	14.6	20.9	1.9	21.9
2WS	16.2	23.4	1.6	24.4
3AK	5.3	20.1	0.5	20.6
3AW	28.1	33.0	3.6	34.0
3CR	43.4	68.9	3.2	69.9
3DB	20.2	27.3	1.7	28.3
3EON	21.8	26.4	1.1	27.4
3FOX	16.1	19.9	0.7	20.6
3KZ	17.9	23.6	0.9	24.5
3MP	15.1	22.8	1.8	23.8
3UZ	13.6	24.6	1.8	25.6
3XY	20.0	20.4	0.4	20.8
4BC	17.1	23.8	2.1	24.8
4BH	10.1	27.3	3.0	28.3
4BK	16.4	25.6	2.3	26.6
4IO	23.5	23.7	0.3	24.0
4KQ	14.0	25.9	1.7	26.9
4MMM	27.0	30.6	1.5	31.6
5AA	12.2	25.2	0.4	25.6
5AD	19.7	25.0	2.1	26.0
5DN	17.7	25.3	1.9	26.3
5KA	22.2	19.8	3.5	20.8
5SSA	22.9	23.6	3.9	24.6
6IX	14.4	17.6	2.6	18.6
6KY	8.5	20.3	2.9	21.3
6NOW	21.3	25.2	2.3	26.2
6PM	24.7	22.6	3.3	23.6
6PR	14.8	21.6	3.4	22.6
7HO	20.9	20.7	1.9	21.7
7HT	30.0	34.5	1.6	35.5

STATION	AUSTRALIAN COMPOSITIONS	AUSTRALIAN PERFORMANCES		
		LOCAL	OVERSEAS (Limited to 1%)	TOTAL
	%	%	%	%
Country				
2AD	26.6	31.8	1.8	32.8
2AY	21.6	23.0	1.0	24.0
2BE	25.8	28.9	1.0	29.9
2BH	19.5	26.9	0.2	27.1
2BS	24.7	25.6	1.3	26.6
2CA	17.0	23.6	2.8	24.6
2CC	23.5	24.1	1.9	25.1
2DU	19.7	22.6	0.9	23.5
2GF	22.7	26.8	1.3	27.8
2GN	25.3	25.7	2.7	26.7
2GO	21.9	25.5	1.6	26.5
2GZ	25.5	30.1	1.8	31.1
2HD	16.0	26.6	0.4	27.0
2KA	18.8	19.6	2.6	20.6
2KO	19.1	22.6	2.1	23.6
2LF	20.9	24.1	1.8	25.1
2LM	22.6	26.4	1.6	27.4
2LT	21.3	23.8	1.9	24.8
2MC	21.5	22.9	1.8	23.9
2MG	28.4	31.3	2.0	32.3
2MO	24.5	26.9	0.2	27.1
2MW	26.1	27.4	0.9	28.3
2NM	22.4	23.5	0.7	24.2
2NX	22.9	23.0	0.8	23.8
2NZ	20.4	27.3	0.4	27.7
2OO	20.0	19.0	2.6	20.0
2PK	25.2	29.2	1.0	30.2
2QN	22.8	25.0	0.9	25.9
2RE	23.6	26.7	2.0	27.7
2RG	30.3	32.3	2.2	33.3
2ST	20.4	23.2	2.7	24.2
2TM	35.1	46.0	1.3	47.0
2VM	36.6	37.2	0.3	37.5
2WG	19.5	22.0	1.1	23.0
2WL	22.0	26.4	1.3	27.4
2XL	29.2	29.2	0.7	29.9
3BA	21.6	25.8	1.1	26.8
3BO	18.3	21.0	1.8	22.0
3CS	22.8	24.8	3.1	25.8
3CV	20.3	25.1	3.6	26.1
3GL	23.4	24.4	3.5	25.4
3HA	22.3	27.5	-	27.5
3MA	23.5	26.7	1.6	27.7
3NE	28.7	31.7	0.6	32.3
3SH	17.7	19.5	2.8	20.5

STATION	AUSTRALIAN COMPOSITIONS	AUSTRALIAN PERFORMANCES		
		LOCAL	OVERSEAS (Limited to 1%)	TOTAL
	%	%	%	%
3SR	37.2	35.5	1.7	36.5
3TR	19.2	23.1	0.4	23.5
3UL	19.6	27.4	1.1	28.4
3WM	23.7	25.6	2.1	26.6
3YB	21.7	24.2	1.4	25.2
4AK	17.6	21.6	3.1	22.6
4AM	17.4	23.8	1.7	24.8
4AY	22.6	24.4	2.4	25.4
4BU	22.1	26.6	1.7	27.6
4CA	24.1	24.2	2.6	25.2
4CD	16.3	22.1	0.4	22.5
4GC	24.1	26.9	2.9	27.9
4GG	18.0	20.2	2.0	21.2
4GR	22.6	29.4	2.8	30.4
4GY	22.2	25.4	1.6	26.4
4HI	23.7	25.5	1.9	26.5
4KZ	21.1	24.6	0.4	25.0
4LG	23.4	26.6	1.7	27.6
4LM	18.0	21.0	3.5	22.0
4MB	21.5	25.2	2.8	26.2
4MK	20.2	21.0	1.4	22.0
4RO	16.3	24.0	0.5	24.5
4SB	18.1	23.6	1.3	24.6
4SS	23.0	30.0	1.1	31.0
4TO	20.9	23.6	1.6	24.6
4VL	26.5	28.6	2.2	29.6
4WK	21.7	27.1	0.3	27.4
4ZR	23.9	29.5	2.3	30.5
5AU	23.0	23.8	0.9	24.7
5MU	19.9	19.1	2.0	20.1
5PI	22.2	27.4	1.8	28.4
5RM	22.2	23.7	2.2	24.7
5SE	19.3	22.2	1.3	23.2
6AM	22.8	21.6	2.0	22.6
6BY	23.0	26.3	0.1	26.4
6CI	22.0	24.6	1.5	25.6
6GE	21.9	25.2	0.6	25.8
6KA	28.5	31.9	3.3	32.9
6KG	20.1	24.9	0.4	25.3
6LN	29.6	31.6	4.2	32.6
6MD	22.5	27.6	2.3	28.6
6NA	22.3	24.7	1.7	25.7
6NW	27.7	31.7	2.8	32.7
6SE	22.0	21.0	1.4	22.0
6TZ	22.1	24.6	1.5	25.6
6VA	21.1	23.3	0.4	23.7
6WB	21.2	22.4	1.2	23.4

STATION	AUSTRALIAN COMPOSITIONS	AUSTRALIAN PERFORMANCES		
		LOCAL	OVERSEAS (Limited to 1%)	TOTAL
	%	%	%	%
7AD	22.4	24.3	2.6	25.3
7BU	19.7	23.1	1.7	24.1
7EX	25.9	26.1	1.7	27.1
7LA	22.0	22.2	3.7	23.2
7QT	23.4	26.6	2.4	27.6
7SD	6.4	22.7	0.3	23.0
8DN	19.0	19.6	1.0	20.6
8HA	26.6	31.0	2.4	32.0

PUBLIC RADIO STATIONS

STATION	AUSTRALIAN COMPOSITIONS	AUSTRALIAN PERFORMANCES		
		LOCAL	OVERSEAS (Limited to 1%)	TOTAL
	%	%	%	%
2AAA	25.2	37.5	2.4	38.5
2ARM	27.2	36.6	4.2	37.6
2BBB	29.1	41.1	2.4	42.1
2BCR	25.0	33.7	3.7	34.7
2CBA	9.1	38.1	2.4	39.1
2CHY	25.5	26.1	2.7	27.1
2GLF	25.9	32.2	1.1	33.2
2MBS	10.3	26.6	2.0	27.6
2MCE	32.3	41.8	3.8	42.8
2MWM	32.5	45.6	3.6	46.6
2NBC	33.1	59.1	1.4	60.1
2NCR	31.7	42.1	2.3	43.1
2NSB	15.0	42.7	4.1	43.7
2NUR	24.3	34.1	3.1	35.1
2RDJ	17.6	30.5	1.6	31.5
2REM	21.9	37.6	2.6	38.6
2RES	16.1	28.3	1.9	29.3
2RRR	30.8	40.6	3.8	41.6
2RSR	41.5	44.8	2.7	45.8
2SER	52.4	62.5	2.1	63.5
2VTR	26.6	42.7	1.0	43.7
2WEB	29.1	37.4	2.7	38.4
2XX	31.8	43.0	1.4	44.0

STATION	AUSTRALIAN COMPOSITIONS	AUSTRALIAN PERFORMANCES		
		LOCAL	OVERSEAS (Limited to 1%)	TOTAL
	%	%	%	%
2YOU	20.4	34.2	3.8	35.2
3CCC	40.2	61.4	2.4	62.4
3GCR	39.4	48.4	5.4	49.4
3MBR	29.3	49.6	2.0	50.6
3MBS	8.2	23.5	4.3	24.5
3PBS	34.0	40.6	1.9	41.6
3RPC	17.5	27.2	2.7	28.2
3RRR	21.9	26.0	2.4	27.0
4CRB	13.2	33.7	0.8	34.5
4DDB	33.4	70.7	6.8	71.7
4EB	11.5	18.6	3.3	19.6
4MBS	8.8	34.4	4.3	35.4
4TTT	24.3	32.5	1.6	33.5
4ZZZ	39.6	42.1	5.7	43.1
5EBI	20.3	34.0	1.2	35.0
5GTR	28.9	42.8	2.7	43.8
5MMM	35.4	41.6	2.9	42.6
5PBA	24.7	39.5	2.2	40.5
5RRR	24.9	31.7	5.6	32.7
5UV	16.7	30.6	1.2	31.6
6NEW	24.0	31.9	2.3	32.9
6NR	18.7	29.2	2.6	30.2
6UVS	17.7	28.5	2.3	29.5
7HFC	7.0	31.2	1.1	32.2
7RGY	20.0	29.9	2.2	30.9
7THE	28.8	34.5	1.6	35.5
8CCC	30.6	40.6	2.3	41.6
8KIN	50.8	61.7	0.8	62.5
8TOP	21.7	29.7	3.3	30.7

282. The above table shows that two stations - 6IX Perth (18.6%) and 4EB Brisbane (19.6%) - on the basis of averages of results for sample periods, failed to meet the Tribunal's performance requirement over the full statistical year. Stations 2MMM Sydney, 2KA Katoomba, 2OO Wollongong, 3XY Melbourne, 3BO Bendigo, 4AY Ayr, 5KA Adelaide, 5MU Murray Bridge and 6SE Esperance, although meeting both requirements on average over the full year, failed to meet the Tribunal's performance requirement for one or more individual sample weeks during the year. In the case of 4AY the Tribunal found that a prima facie breach had occurred which would be considered at the station's next licence renewal review. In the case of the other stations, action was proceeding at the time of preparation of this report.

283. The following table shows the extent to which radio stations have broadcast Australian music compositions and Australian music performances over the past seven years. The Table is based on information supplied to the Tribunal by stations as discussed earlier.

YEAR	ABC	COMMERCIAL		PUBLIC	
		Average all stations	Number below percentage	Average all stations	Number below percentage
	%	%		%	
AUSTRALIAN COMPOSITIONS					
1978-79	10.90	18.19	Nil	18.60	1
1979-80	10.04	18.59	Nil	18.80	1
1980-81	11.70	18.40	Nil	18.40	1
1981-82	12.00	18.20	Nil	22.40	1
1982-83	13.60	18.90	Nil	22.50	1
1983-84	13.10	20.50	Nil	21.70	Nil
1984-85	-	19.00	Nil	25.00	Nil
AUSTRALIAN PERFORMANCES					
1978-79	NA	25.82	1	28.80	1
1979-80	NA	26.13	Nil	31.60	4
1980-81	NA	26.20	Nil	32.90	4
1981-82	NA	25.90	2	36.90	3
1982-83	NA	26.40	Nil	36.10	2
1983-84	NA	26.50	Nil	36.80	Nil
1984-85	NA	25.40	1	38.30	1

Television

284. The requirements for Australian content of television programs derive from the provisions of paragraph 25 of the Television Program Standards. These state that licensees shall comply with requirements specified by the Tribunal from time to time concerning the proportion of time to be occupied by programs of Australian origin and the nature of such programs.

285. Specific requirements currently in operation oblige stations to televise Australian programs so as to:

- (a) meet a points target equal to their hours of transmission.
- (b) meet a quota of 104 hours of first-release Australian drama between 6.00pm and 10.00pm; and
- (c) televise four 'big-budget specials' in the form of variety spectacles or one-shot drama.

286. During the year, stations provided the Tribunal with weekly logs showing the programs they presented in accordance with these requirements.

287. The following table shows results for all commercial stations for the period 1 July 1984 to 29 June 1985. The results apply to programs televised between 6.00am and 12.00 midnight.

AUSTRALIAN CONTENT OF TELEVISION PROGRAMS
 STATISTICAL YEAR 1984-85
 1 JULY 1984 TO 29 JUNE 1985

STATION	TARGET POINTS One point per hour of transmission	ACTUAL POINTS (includes bonus points for extra drama programs)	FIRST RELEASE AUSTRALIAN DRAMA (1800-2200hrs)	'SPECIALS' REQUIREMENT	% AUSTRALIAN CONTENT		
					0600-2400 hrs	1800-2200 hrs	1600-2200 hrs
Minimum requirements		104 hpa	Four				
<hr/>							
Metropolitan Stations							
ATN	6519.5	11134.0	222	15	4	50.1	50.5
TCN	6552.0	14346.5	104	45*	8	50.3	47.9
TEN	6499.5	12582.0	178	45	9	43.8	46.0
ATV	6549.0	13563.0	198	45	9	43.3	44.8
GTV	6552.0	14189.0	107	45*	8	48.5	47.0
HSV	6209.5	10752.5	263	45	5	52.8	52.8
BTQ	6355.0	11118.0	269	45	5	48.4	55.9
QTQ	6552.0	14874.0	105	30*	8	53.3	57.5
TVQ	6276.0	12488.5	180	00	9	43.7	45.2
ADS	6201.0	9920.0	241	30	4	47.2	54.8
NWS	6528.0	13440.0	106	15	9	50.4	45.0
SAS	6360.5	13117.0	171	30	10	46.8	43.5
STW	6552.0	15389.0	123	15	7	51.9	55.6
TVW	6301.5	10761.0	265	30	11	42.3	50.6
TVT	6248.5	15792.0	193	15	8	60.0	57.4
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Country Stations							
BKN	4084.5	12848.5	190	00	14	59.8	54.6
CBN/CWN	6020.5	15305.0	143	00	10	58.1	49.8
CTC	6251.0	17079.0	199	30	14	58.8	51.0
MTN	6022.0	15111.0	143	00	10	57.9	50.0
NBN	6174.0	13674.5	208	30	7	53.7	54.4
NEN/ECN	5660.5	14070.5	172	45	11	57.4	56.8
NRN/RTN	5646.0	13533.5	168	45	12	54.8	55.5
RVN	5961.0	14978.0	205	45	15	56.2	48.0

STATION	TARGET POINTS One point per hour of transmission	ACTUAL POINTS (includes bonus points for extra drama programs)	FIRST RELEASE AUSTRALIAN DRAMA (1800-2200hrs)	'SPECIALS' REQUIREMENT	% AUSTRALIAN CONTENT		
					0600-2400 hrs	1800-2200 hrs	1600-2200 hrs
Minimum requirements			104 hpa	Four			
Country Stations (cont'd)							
WIN	6382.5	15535.5	276	15	10	57.9	57.2
AMV	5954.0	14890.0	205	45	15	56.4	48.2
BCV	6260.0	17085.5	214	45	14	59.0	56.5
BTW	6283.5	15461.0	252	45	14	57.2	59.6
GLV	6260.0	17083.0	214	45	14	59.0	56.5
GMV	6246.5	16430.5	261	45	16	62.3	60.1
STV	6260.0	17079.5	214	45	14	59.0	56.5
DDQ	5655.0	13471.0	166	45	9	54.3	54.8
FNQ	5221.0	12732.0	220	15	10	53.8	55.9
ITQ	3316.0	9564.5	230	30	8	61.3	51.5
MVQ	4857.5	15110.0	281	45	8	58.6	57.3
RTQ	5168.5	15789.5	167	30	12	63.1	52.9
SDQ	5657.0	13471.5	166	45	9	54.2	54.8
SEQ	5557.0	14866.0	188	15	12	56.8	56.4
TNQ	5221.0	12732.5	220	15	10	53.8	55.9
GTS	4084.5	12937.5	190	00	14	60.1	62.3
RTS	3965.0	9768.5	255	00	9	54.3	59.3
SES	5266.5	12740.0	223	30	15	54.6	56.4
BTW/GSW	5389.0	15551.0	206	00	13	58.7	58.4
GTW	3414.0	7657.5	273	15	12	52.7	55.8
VEW	5020.5	15254.0	262	30	16	67.6	62.9
TNT	6270.5	15837.5	184	30	9	60.1	57.6
NTD	3879.5	10932.0	304	45	13	55.5	51.4

* INCLUDES OFF PEAK DRAMA

288. The table shows that all stations met the requirements over the full year.

289. Due to the failure of the Australian drama series POSSESSION to attract viewers the Nine Network stations TCN, GTV and QTQ applied to reschedule the program outside prime time and have these programs off-peak presentations credited towards the Tribunal's requirement for 104 hours per year of first run peak-time Australian drama. The Tribunal approved the use of 20 hours of first-run, off-peak episodes of POSSESSION towards the quota under the terms of its Circular Letter T2 of 22 March 1977. The stations satisfied the criteria in Circular T2 which provides for approval where:

- (i) the series was designed for peak time transmission;
- (ii) the episodes concerned are first release;
- (iii) a substantial number of episodes, covering say two rating periods, have been televised already between 6.00pm and 10.00pm; and
- (iv) that relevant rating information is included with the station's application for consideration of the matter by the Tribunal.

290. The proportions of time occupied by Australian programs for all metropolitan stations, all country stations and all stations combined was as follows:

	0600-2400	1800-2200	1600-2200
	%	%	%
Metropolitan stations	48.8	50.2	56.1
Country stations	57.7	55.2	62.5
All stations	54.3	53.5	60.3

291. The position over the past five years for all stations combined was as follows:

(a) 0600-2400 (overall)	1980-81	1981-82	1982-83	1983-84	1984-85
	%	%	%	%	%
	49.9	48.0	49.3	51.2	54.3

(b) 1800-2200 (peak-time)	1980-81 %	1981-82 %	1982-83 %	1983-84 %	1984-85 %
	48.5	50.2	51.8	52.1	53.5
(c) 1600-2200	1980-81 %	1981-82 %	1982-83 %	1983-84 %	1984-85 %
	54.1	53.0	55.2	55.2	60.3

292. The following programs approved as "big-budget specials" were used by stations to meet the requirement of four such programs per year:

Drama

All the Rivers Run (opening episode)
 And Where Lies the Justice
 Bodyline (opening episode)
 Cowra Breakout (opening episode)
 Danny's Egg
 Death Train
 Demolition
 Dismissal, The (opening episode)
 Eureka Stockade (opening episode)
 Five Mile Creek (opening episode)
 For the Term of His Natural Life (opening episode)
 Flying Doctors, The (opening episode)
 Glass Babies (opening episode)
 Greed- The Mr Asia Connection
 Henderson Kids, The (opening episode)
 High Country
 I Can't Get Started
 Image of Death
 Last Bastion, The (opening episode)
 Lawrence of Arabia - The Master Illusionist
 Matthew and Son
 Night Nurse
 Possession (opening episode)
 Return to Eden (opening episode)
 Roses Bloom Twice
 Sara Dane (opening episode)
 Silent Reach (opening episode)
 Skin Deep
 Super Sleuth
 Under Capricorn (Opening episode)
 Waterfront (opening episode)
 Water Under the Bridge (opening episode)
 Weekly's War
 Zoo Family (opening episode)

Other

Australia Day Concert
Australia Naturally - Series II
Bill Wannan's Mysterious Australia
Boy George and Culture Club Live in Concert
Great Moscow Circus on Ice
Hollywood Celebrates the Olympics
Human Face of China
Julie Anthony's Gold Coast Special
Logies '85
Marching Koalas - California Here We Come
Most Beautiful Girl in the World Pageant
1984 AFI Awards
1985 Miss Australia Quest
Paul Hogan's England II
Prime Ministers, The
Russian Ice Spectacular with Torvill and Dean
Victoria's 150th Anniversary: A Celebration Gala

293. The Tribunal has had representations from the production industry about the interpretation of the Tribunal's rules defining Big Budget Specials. This matter was also raised in submissions to the Sydney television licence renewal inquiry and the Tribunal is drafting a Practice Note to clarify the situation.

RELIGIOUS PROGRAMS

294. Under section 103 of the Act licensees are required to broadcast or televise divine worship or other matter of a religious nature during such periods as the Tribunal determines and, if the Tribunal so directs, to do so without charge. In its Radio Program Standards (August 1981) the Tribunal has determined that each commercial or public radio station licensee should broadcast free of charge at least one hour per week of matter of a religious nature. Under these Standards, endorsed by the Federation of Australian Radio Broadcasters and the Public Broadcasting Association of Australia, licensees may decide the type and manner of presentation of religious matter to be presented and allocate time in accordance with the particular religious needs of the communities they serve. It is the responsibility of the licensee to assess the nature of these needs and to determine how they may be met through radio broadcasting. Information, provided to the Tribunal for the purpose of its periodical reviews of the licences of stations, indicates that radio stations are complying with the requirement.

295. In the case of commercial television stations, the standards which apply to the televising of religious matter without charge are those determined by the former Australian Broadcasting Control Board (ABCB) in 1970. These standards have continued to be administered by the Tribunal under the transitional provisions of the Broadcasting and Television Amendment Act 1976. Under these standards licensees are normally required to allocate time for the televising of religious matter, without charge, to the extent of at least one per cent of the normal weekly hours of service, with a minimum of 30 minutes each week. Lesser amounts may be televised in

special circumstances by mutual agreement between the licensee and representatives of the religious organisations in the area concerned.

296. As part of its general review of the Television Program Standards, the Tribunal issued a discussion paper on the subject of the Standard applying to the televising of religious matter without charge. The paper, which was issued during 1983, was prepared by staff of the Tribunal. It set out details of the history of the standard in its present form, including the recommendations for change which had been made by the former ABCB Advisory Committee on Religious Programs and by the Tribunal, following its 1977 inquiry into self regulation for broadcasters. The paper canvassed the range of options available to the Tribunal pursuant to its powers under section 103 of the Act. The Tribunal, as in the case of all standards, will issue a draft standard for comment before it reaches its concluded decision on the revised standard. As stated earlier, constraints on the Tribunal's staff resources have delayed the completion of the review of this standard.

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

298. It is appropriate to note that many commercial television station licensees, in addition to televising religious matter under the above provisions, also accept and televise religious programs under sponsorship arrangements. The majority of these programs are produced in the United States of America and are provided by local agencies of the production organisation concerned.

ADVERTISING

299. Although sample basic data was collected from television stations it has not been possible, due to constraints on staff resources, to analyse and present it in report form as in past years. The Tribunal is investigating an alternative method of surveying this aspect of station operations.

PROGRAM RESEARCH

300. During 1984-85, in accordance with Tribunal priorities and constraints on staff numbers, the Research Branch underwent a reorientation in activities and a significant loss of staff. As a result, while the collection of statistics and information on social implications of broadcasting has continued, original field research will not be conducted on a full-time continuous basis.

301. The following projects were completed during the year:-

- . "Young Australians and Music". A report of this study of the responses of young people aged 12-20 years to various aspects of music was completed and is available from the Tribunal. It covered tastes, preferences, use of radio and television music programs, with special reference to young people's awareness of the diversity of music available to them and of popular music performed by Australian artists. Two types of investigation were involved: first, an exploratory stage of group discussions which obtained in-depth reactions to music, then a field survey in Melbourne involving interviews with 666 young people selected by means of a scientifically designed sample.

The study is expected to provide information of relevance to the Tribunal's review of the requirement relating to the Australian content of music on radio. It will also form the Australian contribution to an internationally-based comparative study titled "International Communication and Youth Cultures", being co-ordinated by the University of Oregon, U.S.A. This will involve studies from over 20 countries and will throw light on the manner in which internationally distributed music is perceived by young people in relation to music of their own countries. In addition, the study is the Tribunal's contribution to International Youth Year.

- . A study of production of various types of television material and the availability to independent production houses of facilities and staff was completed. The project was designed to provide basic information as background to the Tribunal's review of its requirements for the Australian content of commercial television. The report is available from the Tribunal.
- . A detailed submission was prepared to the Senate Select Committee on Video Material which was inquiring into the operation of laws regulating the classification of video material. The submission included information on the issue of television and violence and took into account earlier studies by the Tribunal on the knowledge, understanding and use made by the public of the television program classification system. The report is available from the Tribunal.
- . The content of programs televised during sample periods in the year was analysed as part of a continuing study. The analysis covered commercial television stations, a representative ABC television station, and the multicultural television station Channel 0/28. Detailed tables are shown at Appendix
- . The Tribunal subscribes to the audience measurement surveys of McNair Anderson Associates Pty Ltd. By permission of the company, the collection of surveys in the Tribunal's Melbourne office was open for private study by bona fide researchers.

Research Branch Staff addressed students and community groups on matters relating to broadcasting and television. Students, teachers and other interested people were helped by the Branch in their inquiries about aspects of television and research.

CHILDREN'S TELEVISION

302. Under the requirements contained in the revised Children's Television Standards effective 1 July 1984 stations are required to televise between the hours of 4.00pm and 5.00pm each weekday a minimum of five hours per week of programs which meet the criteria for 'C' children's material.

303. Provisions also exist in the Standards for 'C' programs pre-empted by live coverages of sport and other events to be re-scheduled at other suitable times. During March of each year stations are required to provide to the Tribunal a report detailing variations in 'C' time in the preceding twelve months.

304. Reports received from stations for the period 1 July 1984, the date of introduction of the revised standards, to 28 February 1985, showed that four stations, ATN, HSV, BTQ and SES, while televising more than the required amount of 'C' programs, scheduled some 'C' make-up programs at times outside the periods specified in the Standards. Stations SAS (4 hours) and BCV/GLV (15 minutes) incorrectly scheduled 'C' material outside 'C' time.

305. The Pre-School Children's Television Standards require programs designed specifically for pre-school-age children to be televised for a minimum of thirty minutes each weekday before 4.00pm. No provision exists in the Standards to allow stations to pre-empt pre-school programs. During the year stations ATN, TCN, TEN, ATV, GTV, HSV, QTQ, TVQ, NWS, STW, TVT, CBN/CWN, MTN, NBN, WIN, BTV, GMV, DDQ/SDQ, MVQ, SEQ, SES and TNT, due mainly to unexpected overruns of sporting telecasts, pre-empted pre-school programs.

306. These possible breaches of the Children's and Pre-School Children's Standards are matters for consideration at the next review of the licences concerned.

307. As at 29 June 1985, programs being televised by metropolitan stations to meet the requirements for 'C' programs and pre-school-age children's programs were as shown in the following table:

STATION	'C' CHILDREN'S PROGRAMS	PRE-SCHOOL CHILDREN'S PROGRAMS
ATN	Wombat Littlest Hobo	Romper Room
TCN	Going Great Ossie Ostrich Video Show Curiosity Show	Here's Humphrey
TEN	Simon Townsend's Wonder World The Life and Times of Grizzly Adams	Fat Cat and Friends
ATV	Simon Townsend's Wonder World The Life and Times of Grizzly Adams	Fat Cat and Friends
GTV	Going Great Ossie Ostrich Video Show Curiosity Show	Here's Humphrey
HSV	Wombat Now You See It	Romper Room
BTQ	Wombat Now You See It	Romper Room
QTQ	Ossie Ostrich Video Show Colour in the Creek	Over Anne's Rainbow
TVQ	Simon Townsend's Wonder World Life and Times of Grizzly Adams	Fat Cat and Friends
ADS	Wombat Now You See It Kidnapped The Yearling	Romper Room
NWS	Channel Niners Skippy Boomerang Edison Twins Colour in the Creek Going Great Curiosity Show	Here's Humphrey
SAS	Simon Townsend's Wonder World Life and Times of Grizzly Adams	Fat Cat and Friends
STW	Ossie Ostrich Video Show Fraggle Rock	Here's Humphrey

STATION	'C' CHILDREN'S PROGRAMS	PRE-SCHOOL CHILDREN'S PROGRAMS
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TVW	Wombat Lassie	Fat Cat and Friends
TVT	Ossie Ostrich Video Show Fraggle Rock KTV Curiosity Show Quiz Quest	Fat Cat and Friends

308. The following table shows the amount of pre-school children's programs televised by each commercial station:

PRE-SCHOOL-AGE CHILDREN'S PROGRAMS 1984-1985

STATION	WEEKLY AVERAGE (Requirement 2 hours 30 mins per week)	STATION	WEEKLY AVERAGE (Requirement 2 hours 30 mins per week)
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Metropolitan	Hours/Minutes	Country	Hours/Minutes
ATN	4 45	BKN	2 30
TCN	5 00	CBN/CWN	4 45
TEN	2 30	CTC	4 45
ATV	2 30	MTN	4 45
GTV	5 00	NBN	5 45
HSV	5 00	NEN/ECN	2 30
BTQ	2 30	NRN/RTN	2 30
QTQ	2 30	RVN/AMV	5 15
TVQ	2 30	WIN	2 30
ADS	5 00	BCV/GLV/STV	2 30
NWS	5 00	BTV	4 45
SAS	2 30	GMV	4 45
STW	5 15	*ITQ	2 30
TVW	2 30	DDQ/SDQ	2 30
TVT	2 30	MVQ	2 30
		RTQ	2 30
		SEQ	2 30
		TNQ/FNQ	2 30
		GTS	2 30
		SES	2 30
		BTW/GSW	2 30
		VEW	4 45
		TNT	2 30

Exempt: RTS, GTW and NTD.

* ITQ exempt to 8/3/1985

309. The following table indicates the range of pre-school children's programs used by metropolitan stations during 1984/85.

PROGRAM	STATION
Romper Room	ATN, HSV, BTQ, ADS
Here's Humphrey	TCN, GTV, NWS, STW
Fat Cat and Friends	TEN, ATV, TVQ, SAS, TVW, TWT
Over Anne's Rainbow	QTQ
Rainbow	STW

ACKNOWLEDGMENTS

310. The Tribunal wishes to acknowledge the co-operation extended to it throughout the year by the various bodies with which it is associated in matters relating to the broadcasting and television services of Australia.

311. The Tribunal acknowledges the co-operation received from the Film Censorship Board, officers from the Department of Local Government and Administrative Services, the Department of Communications, the Australian Government Advertising Service, the Australian Government Publishing Service, the Australian Broadcasting Corporation, the Australian Film Commission and the Commonwealth Reporting Service (Attorney-General's Department).

312. The Tribunal wishes to thank the Industries Assistance Commission for the use of its hearing rooms during the Tribunal's public inquiries in Melbourne and local Shire and Town Councils for the use of their facilities during public inquiries.

David Jones	- Chairman
Kenneth Archer	- Vice-Chairman
Catharine Weigall	- Member
Mark Armstrong	- Member
Ray Watterson	- Member
Julie James-Bailey	- Member
Russel Perry	- Member

A S Wilson
Acting Secretary

APPENDIX A

MAJOR CHANGES IN OWNERSHIP OR CONTROL APPROVED DURING 1984-85

Commercial radio stations

2MMM Sydney

Mr R L E Muir increased his holding from 16,000 (21.51%) to 672,275 (64.51%) shares.

2AD Armidale

Television New England Ltd (Broadcast Amalgamated Ltd) acquired 10,000 (50%) shares.

2BE Bega

Mr R E Rumble and Mrs C M Rumble each increased their holding from 26 (26%) to 50 (50%) shares.

2BS Bathurst

Gelnethy Pty Ltd acquired 250,000 (55.56% paid capital) non voting preference shares in Camplin Broadcasters Pty Ltd, which company owns Bathurst Broadcasters Pty Ltd.

2RE Taree

Television New England Ltd (Broadcast Amalgamated Ltd) acquired all the 25,000 issued shares.

2TM Tamworth

Television New England Ltd (Broadcast Amalgamated Ltd) acquired all the 10,000 issued shares.

3MP Mornington Peninsula/Frankston

Amalgamated Wireless (Australasia) Ltd acquired all the 500,000 shares. (The licence was then transferred to AWA).

3CS Colac

Associated Communications Corporation (Holdings) of Australia Pty Ltd (previously Truth Newspapers (Holdings) Pty Ltd) acquired all the 6,835 shares.

3HA Hamilton*

Associated Communications Corporation (Holdings) of Australia Pty Ltd acquired all the 100,000 shares. 10,000 of the shares have since been transferred to B H White.

3NE Wangaratta

United Media Productions Pty Ltd acquired 26,117 (17.71%) shares.

4AM Atherton - Mareeba*

Nationwide News Pty Ltd (The News Corporation Ltd) acquired all the issued shares in The North Queensland Newspaper Company Ltd, which held all the issued shares in the licensee company.

4AY Ayr*

Macquarie Broadcasting Holdings Ltd acquired all the 2,300 shares.

4CD Gladstone

Wesgo Communications Pty Ltd acquired all the 100,000 shares.

4GY Gympie*

West Sydney Radio Pty Ltd (Wesgo Holdings Ltd) acquired all the 489,274 (85.78%) shares it did not already own in Sun Coastal FM Radio Pty Ltd, a wholly owned subsidiary of which holds the licence for the station.

4LM Mount Isa/ 4GC Charters Towers*

North West Broadcasters Pty Ltd (G T Schmid) acquired all the 10,002 ordinary and 2,693 of the 4,998 First Preference Shares.

4VL Charleville

Alice Springs Commercial Broadcasters Pty Ltd acquired 177 (70.24%) shares.

5AA Adelaide*

The South Australian Totalizator Agency Board acquired all the 240,000 shares.

5RM Renmark

Adelaide Central Mission Inc increased its holding from 5,821 (71.2%) to 7,801 (95.4%) shares.

* A public inquiry was held.

7LA Launceston*

3KZ Radio Pty Ltd acquired all the 14,622 shares.

Commercial television stations

NEN Upper Namoi Area/
ECN Manning River Area

Broadcast Amalgamated Ltd increased from 508,665 (30.83%) to 1,352,265 (54.53%) shares.

WIN Illawarra Area

TWT Holdings Ltd acquired all the 6 shares (of the original 7,200,000 issued shares, 7,199,994 shares were cancelled).

BTV Ballarat Area/
GMV Goulburn Valley Area

Lorraine Investments Pty Ltd (Estate of G R Nicholas deceased) acquired 1,633,978 (14.99%) shares in Associated Broadcasting Services Ltd, which company owns all the issued shares in BTV and GMV.

DDQ Darling Downs Area/
SDQ Southern Downs Area

Aspermont Ltd (previously Dare & Co Ltd) increased from 1,850,220 (40.05%) to 2,008,420 (43.47%) shares.

MVQ Mackay area

Hambro Nominees (Aust) Ltd (held for Paul Ramsay Communications Ltd) acquired 135,868 (12.74%) shares. The majority of these shares have been sold.

RTQ Rockhampton area

Nationwide News Pty Ltd (The News Corporation Ltd) acquired all the issued shares in The North Queensland Newspaper Company Ltd, which held 360,090 (12.44%) shares in the licensee company. A public inquiry was held. The shares in RTQ have since been sold.

Parry Corporation Ltd (Kevin Parry) increased its holding from 311,802 (10.77%) to 645,976 (16.91%) shares.

Capricornia Television Pty Ltd (previously Trienta Pty Ltd) Bruce Gordon acquired 760,500 (19.9%) shares.

* A public inquiry was held.

SES South East (South Aust.) area

Scott's Agencies Pty Ltd increased from 498,614 (36.93%) to 798,614 (59.16%) shares.

STW Perth *

Grencol Holdings Pty Ltd (Alan Bond) acquired all the 6,600,000 issued shares.

VEW Kalgoorlie area

Datum Nominees Pty Ltd (Fowler Constructions Ltd) increased from 903,629 (85.44%) to 1,024,432 (97.64%) shares.

* A public inquiry was held.

APPENDIX B

TABLE ONE: ANALYSIS OF TELEVISION PROGRAMS BY CATEGORIES 6.00am - 12.00mn

PROGRAM CATEGORY	METROPOLITAN STATIONS					PROVINCIAL STATIONS				
	COMMERCIAL	NATIONAL	SBS	ALL STATIONS	%	COMMERCIAL	NATIONAL	NATIONAL	ALL STATIONS	%
Drama										
Adventure	10.1	4.2	10.5	8.9		8.5	4.2		6.4	
Crime & suspense	6.3	0.3	2.4	4.9		5.0	0.3		2.7	
Domestic & comedy	23.1	10.0	19.5	20.3		24.2	10.0		17.3	
Western	2.2	0.1	-	1.7		2.2	0.1		1.2	
Period	0.6	1.1	2.0	0.7		0.7	1.1		0.9	
Miscellaneous	1.9	1.2	6.9	2.0	38.4	1.8	1.2	42.4	1.5	30.0
	44.1	16.9	41.4							
Light entertainment										
Cartoons	6.0	5.1	2.0	5.6		3.8	5.1		4.4	
Music	1.6	4.1	8.7	2.4		1.7	4.1		2.9	
Personality & quiz	6.9	0.4	0.7	5.3		10.9	0.4		5.7	
Talent	0.5	-	-	0.4		1.1	-		0.6	
Variety	2.4	1.7	3.0	2.3	16.0	1.7	1.7	19.3	1.7	15.3
	17.4	11.3	14.4							
Sport	12.0	13.7	12.9	12.4		8.5	13.7		11.0	
News	8.3	5.9	9.3	7.9		9.3	5.9		7.6	
Children:										
Kindergarten	3.2	15.4	-	5.5		3.1	15.4		9.1	
Other	4.8	7.0	4.5	5.2	10.7	5.1	7.0	8.2	6.0	15.1
	8.0	22.4	4.5							
Family activities	1.5	0.7	0.7	1.3		1.8	0.7		1.3	
Information	1.7	6.8	8.6	3.1		2.8	6.8		4.7	
Current affairs	5.3	5.6	3.5	5.3		4.8	5.6		5.2	
Political matter	0.1	0.2	0.2	0.1		0.1	0.2		0.2	
Religious matter	1.5	1.0	-	1.3		2.8	1.0		1.9	
The arts	-	2.1	1.9	0.5		-	2.1		1.0	
Education:										
Formal	*	13.4	-	2.8		0.2	13.4		6.6	
Other	0.1	-	2.6	0.2		*	-		*	
	0.1	13.4	2.6							
	100.0	100.0	100.0	100.0	2.9	0.2	13.4	100.0	6.6	100.0

1% projected to 52 weeks and rounded to the nearest half-hour equals in duration per station: 64 hours 48:30 hours 26:30 hours 56:30 hours 50:30 hours 48:30 hours 49:30 hours

* Less than 0.1%.
 NB: Due to rounding, columns may not total 100%.

TABLE TWO: ANALYSIS OF TELEVISION PROGRAMS BY CATEGORIES
(A) METROPOLITAN STATIONS

PROGRAM CATEGORY	6pm-10pm					6am - 6pm & 10pm - 12mn				
	COMMERCIAL %	NATIONAL %	SBS %	ALL STATIONS %	COMMERCIAL %	NATIONAL %	SBS %	ALL STATIONS %		
Drama										
Adventure	12.4	12.5	11.8	12.4	9.4	0.6	9.1	7.7		
Crime & suspense	10.8	0.8	2.7	7.7	4.9	0.1	2.0	3.9		
Domestic & comedy	30.3	23.5	19.8	27.7	20.9	4.2	19.2	17.7		
Western	1.2	0.2	-	0.9	2.5	-	-	2.0		
Period	1.1	1.3	0.7	1.1	0.4	1.0	3.7	0.6		
Miscellaneous	1.9	1.3	3.7	1.9	1.9	1.2	10.9	2.0		
	57.7	39.6	38.7	51.6	40.1	7.2	44.8	33.9		
Light entertainment										
Cartoons	0.3	0.2	0.1	0.3	7.7	7.2	4.3	7.5		
Music	0.3	7.1	10.7	2.9	2.0	2.7	6.3	2.3		
Personality & quiz	8.8	0.5	0.7	6.1	6.3	0.3	0.7	5.0		
Talent	2.0	-	-	1.3	0.1	-	-	0.1		
Variety	1.8	3.6	4.4	2.5	2.6	0.9	1.4	2.2		
	13.1	11.5	15.8	13.0	18.6	11.2	12.6	17.1		
Sport	4.0	3.9	10.4	4.6	14.4	17.9	16.0	15.1		
News	15.9	13.2	13.4	15.0	6.1	2.7	4.2	5.4		
Children:										
Kindergarten	-	-	-	-	4.1	22.1	-	7.5		
Other	*	2.0	0.9	0.6	6.2	9.1	8.9	6.8		
	*	2.0	0.9	0.6	10.3	31.2	8.9	14.3		
Family activities	*	0.1	1.3	0.2	1.9	1.0	-	1.7		
Information	3.2	15.4	10.9	6.8	1.3	3.1	5.7	1.8		
Current affairs	5.8	11.9	6.1	7.3	5.1	2.9	0.2	4.6		
Political matter	0.3	0.8	-	0.4	0.1	-	0.4	0.1		
Religious matter	-	*	-	*	2.0	1.5	-	1.8		
The arts	-	1.5	2.5	0.6	0.1	2.3	1.3	0.5		
Education:										
Formal	-	-	-	-	0.1	19.1	-	3.8		
Other	-	-	-	-	0.1	-	5.8	0.2		
	100.0	100.0	100.0	100.0	100.0	19.1	5.8	3.9		
						100.0	100.0	100.0		

* Less than 0.1%.
NB: Due to rounding, columns may not total 100%.

TABLE TWO: ANALYSIS OF TELEVISION PROGRAMS BY CATEGORIES
(B) PROVINCIAL STATIONS

PROGRAM CATEGORY	6pm - 10pm			6am - 6pm & 10pm - 12mn		
	COMMERCIAL	NATIONAL	ALL STATIONS	COMMERCIAL	NATIONAL	ALL STATIONS
	%	%	%	%	%	%
Drama						
Adventure	12.7	12.5	12.6	6.8	0.6	3.8
Crime & suspense	7.4	0.8	4.1	4.0	0.1	2.1
Domestic & comedy	29.0	23.5	26.2	22.3	4.2	13.6
Western	1.7	0.2	1.0	2.4	-	1.2
Period	1.1	1.3	1.2	0.5	1.0	0.8
Miscellaneous	1.5	1.3	1.4	2.0	1.2	1.6
	53.4	39.6	46.5	38.0	7.2	23.1
Light entertainment						
Cartoons	0.6	0.2	0.4	5.1	7.2	6.1
Music	0.4	7.1	3.8	2.3	2.7	2.5
Personality & quiz	11.5	0.5	6.0	10.6	0.3	5.6
Talent	2.2	-	1.1	0.7	-	0.4
Variety	2.4	3.6	3.0	1.5	0.9	1.2
	17.1	11.5	14.3	20.2	11.2	15.8
Sport	3.8	3.9	3.9	10.3	17.9	14.0
News	17.1	13.2	15.1	6.1	2.7	4.5
Children:						
Kindergarten	-	-	-	4.3	22.1	12.9
Other	*	2.0	1.0	7.2	9.1	8.1
				11.5	31.2	21.0
Family activities				2.5	1.0	1.8
Information	2.4	15.4	8.9	2.9	3.1	3.0
Current affairs	5.9	11.9	8.9	4.3	2.9	3.6
Political matter	0.2	0.8	0.5	0.1	-	*
Religious matter	*	*	*	3.9	1.5	2.7
The arts	-	1.5	0.8	-	2.3	1.1
Education:						
Formal	-	-	-	0.2	19.1	9.4
Other	-	-	-	*	-	*
	100.0	100.0	100.0	100.0	100.0	100.0
				0.2	19.1	9.4
				100.0	100.0	100.0

* Less than 0.1%.

NB: Due to rounding, columns may not total 100%.

TABLE THREE: TELEVISION PROGRAMS OF AUSTRALIAN ORIGIN: ANALYSIS BY CATEGORIES
(A) METROPOLITAN STATIONS

PROGRAM CATEGORY	COMMERCIAL		NATIONAL		SBS		ALL STATIONS	
	AUST PROGRAM	ALL PROGRAMS	AUST PROGRAM	ALL PROGRAMS	AUST PROGRAM	ALL PROGRAMS	AUST PROGRAM	ALL PROGRAMS
	%	%	%	%	%	%	%	%
Drama:								
Adventure	0.4	0.2	1.0	0.5	-	-	0.5	0.2
Crime and suspense	1.4	0.7	0.1	0.1	-	-	1.1	0.5
Domestic and comedy	6.9	3.2	3.4	1.7	1.5	0.4	6.0	2.7
Western	0.4	0.2	-	-	-	-	0.3	0.1
Period	0.5	0.2	-	-	-	-	0.4	0.2
Miscellaneous	0.2	0.1	1.2	0.6	-	-	0.4	0.2
	9.9	4.5	5.8	2.8	1.5	0.4	8.8	4.0
Light entertainment:								
Cartoons	0.2	0.1	-	-	-	-	0.1	0.1
Music	1.6	0.7	4.8	2.3	11.7	3.1	2.6	1.2
Personality and quiz	11.5	5.2	0.3	0.2	2.1	0.6	8.8	4.0
Talent	1.1	0.5	-	-	-	-	0.8	0.4
Variety	3.1	1.4	0.6	0.3	1.5	0.4	2.5	1.1
	17.5	8.0	5.7	2.8	15.3	4.1	14.8	6.7
Sport	22.0	10.0	21.5	10.5	23.0	6.2	21.9	9.9
News	18.2	8.3	12.0	5.9	34.6	9.3	17.3	7.9
Children:								
Kindergarten	6.7	3.1	10.6	5.2	-	-	7.4	3.4
Other	7.6	3.5	6.2	3.0	0.4	0.1	7.1	3.2
	14.3	6.5	16.8	8.2	0.4	0.1	14.5	6.6
Family activities	3.0	1.4	1.5	0.7	0.7	0.2	2.6	1.2
Information	1.8	0.8	4.4	2.1	11.9	3.2	2.6	1.2
Current affairs	11.5	5.3	11.3	5.5	11.9	3.2	11.5	5.2
Political matter	0.2	0.1	0.5	0.2	0.7	0.2	0.3	0.1
Religious matter	3.3	0.6	2.0	1.0	-	-	1.4	0.6
The arts	-	-	1.1	0.5	-	-	0.2	0.1
Education:								
Formal	0.1	*	17.4	8.5	-	-	3.9	1.8
Other	0.2	0.1	-	-	-	-	0.1	0.1
	0.2	0.1	17.4	8.5	-	-	4.0	1.8
	100.0	45.6	100.0	48.7	100.0	26.8	100.0	45.4

1% projected to 52 weeks and rounded to nearest half-hour equals in duration per station: 29:00 hours 64 hours 23:30 hours 48:30 hours 7 hours 26:30 hours 25:30 hours 56:30 hours

* Less than 0.1%.
 ∅ This shows the Australian programs as a percentage of all programs. For example, Australian drama makes up 4.5% of all programs. The previous column shows that drama makes up 9.9% of all Australian programming.
 NB: Due to rounding, columns may not total 100%.

TABLE THREE: TELEVISION PROGRAMS OF AUSTRALIAN ORIGIN: ANALYSIS BY CATEGORIES
(B) PROVINCIAL STATIONS

PROGRAM CATEGORY	COMMERCIAL			NATIONAL			ALL STATIONS		
	AUST PROGRAM	ALL PROGRAMS	%	AUST PROGRAM	ALL PROGRAMS	%	AUST PROGRAM	ALL PROGRAMS	%
Drama:									
Adventure	0.8	0.4	∅	1.0	0.5	0.9	0.9	0.4	
Crime & suspense	1.1	0.6		0.1	0.1	0.6	0.6	0.3	
Domestic & comedy	10.2	5.3		3.4	1.7	7.0	7.0	3.5	
Western	0.3	0.2		-	-	0.2	0.2	0.1	
Period	0.5	0.3		-	-	0.3	0.3	0.1	
Miscellaneous	0.1	*	6.8	1.2	0.6	0.6	0.6	0.3	4.8
		13.1			5.8		2.8		9.6
Light entertainment:									
Cartoons	*	*		-	-	*	*	*	*
Music	1.3	0.7		4.8	2.3	2.9	2.9	1.5	
Personality & quiz	19.3	10.0		0.3	0.2	10.3	10.3	5.2	
Talent	2.2	1.1		-	-	1.2	1.2	0.6	
Variety	1.3	0.7	12.5	0.6	0.3	0.9	0.9	0.5	7.7
		24.1			5.7		2.8		15.4
Sport		15.2	7.9		21.5		10.5		18.1
News		17.9	9.3		12.0		5.9		15.1
Children:									
Kindergarten	5.8	3.0		10.6	5.2	8.1	8.1	4.1	
Other	6.9	3.6	6.6	6.2	3.0	6.6	6.6	3.3	7.4
		12.7			16.8		8.2		14.6
Family activities		2.9	1.5		1.5		0.7		2.2
Information		3.5	1.8		4.4		2.1		3.9
Current affairs		9.1	4.7		11.3		5.5		10.2
Political matter		0.2	0.1		0.5		0.2		0.4
Religious matter		1.0	0.5		2.0		1.0		1.5
The arts		-	-		1.1		0.5		0.5
Education:									
Formal	0.3	0.2		17.4	8.5	8.4	8.4	4.2	
Other	*	*		-	-	*	*	*	*
		0.3	0.2		17.4		8.5		4.2
		100.0	51.8		100.0		48.7		100.0
		0.3	0.2		17.4		8.5		4.2
		100.0	51.8		100.0		48.7		100.0
1% projected to 52 weeks and rounded to the nearest half-hour equals in duration per station:	26 hours	50:30 hours	23:30 hours	48:30 hours	25 hours	49:30 hours	25 hours	49:30 hours	49:30 hours

∅ This shows the Australian programs as a percentage of all programs. For example, Australian drama makes up 6.8% of all programs. The previous column shows that drama makes up 13.1% of all Australian programming.
* Less than 0.1%.
NB: Due to rounding, columns may not total 100%.

TABLE FOUR - AUSTRALIAN PROGRAMS - ALL METROPOLITAN STATIONS

Average yearly amount of time per station devoted to particular categories of Australian programs.

PROGRAM CATEGORY	COMMERCIAL			NATIONAL		SBS
	1981-82 HOURS	1982-83 HOURS	1983-84 HOURS	1984 HOURS	1984 HOURS	1984 HOURS
Drama:						
Adventure	19.2	7.1	14.3	12.6	23.1	-
Crime and suspense	79.6	62.3	48.7	41.9	2.6	-
Domestic and comedy	224.8	245.6	303.2	202.1	80.8	10.4
Western	2.9	3.3	12.4	11.8	-	-
Period	4.7	5.9	5.1	13.8	-	-
Miscellaneous	14.7	9.0	6.3	6.6	29.5	-
	<u>345.8</u>	<u>333.3</u>	<u>390.2</u>	<u>288.9</u>	<u>136.0</u>	<u>10.4</u>
Light entertainment:						
Cartoons	0.5	1.1	1.2	5.8	-	-
Music	35.9	33.6	27.1	46.5	113.1	82.9
Personality and quiz	427.1	438.3	386.8	333.7	7.5	15.2
Talent	42.3	33.7	36.2	32.5	-	-
Variety	85.2	105.5	85.3	90.2	13.4	10.4
	<u>591.1</u>	<u>612.1</u>	<u>536.5</u>	<u>508.7</u>	<u>134.0</u>	<u>108.5</u>
Sport	704.4	584.1	491.7	640.7	506.7	163.1
News	364.7	497.4	516.2	531.0	284.3	245.0
Children:						
Kindergarten	213.7	213.2	195.4	195.6	250.0	-
Other	229.3	213.9	232.8	220.4	146.7	2.6
	<u>443.0</u>	<u>427.1</u>	<u>428.2</u>	<u>416.0</u>	<u>396.8</u>	<u>2.6</u>
Family activities	82.5	90.4	88.2	86.6	35.1	5.2
Information	45.0	44.6	41.4	52.5	103.6	84.1
Current affairs	196.7	277.9	296.3	335.8	267.8	84.5
Political matter	1.0	1.7	*	6.8	12.0	5.2
Religious matter	34.7	33.3	33.9	36.5	47.7	-
The arts	-	0.8	-	-	26.0	-
Education:						
Formal	1.7	1.7	0.6	2.5	410.8	-
Other	10.9	6.8	5.1	4.5	-	-
	<u>12.6</u>	<u>8.5</u>	<u>5.7</u>	<u>7.0</u>	<u>410.8</u>	<u>-</u>
Total amount of	<u>2821.6</u>	<u>2911.3</u>	<u>2828.4</u>	<u>2910.4</u>	<u>2360.6</u>	<u>708.6</u>
Australian programming						
Expressing the above						
figures as a percentage						
of all transmission						
time 100 hours equals	1.6%	1.6%	1.6%	1.6%	2.1%	3.8%

The two following tables show changes over the past three years. They are based on all programs, imported and Australian, televised by the fourteen commercial television stations in the mainland State capitals and twenty-five representative provincial commercial stations.

**TABLE FIVE: PERCENTAGE OF TIME OCCUPIED BY VARIOUS TYPES OF PROGRAMS
COMMERCIAL TELEVISION STATIONS
6.00AM TO 12.00 MIDNIGHT**

PROGRAM TYPE	METROPOLITAN STATIONS			PROVINCIAL STATIONS		
	1982-83	1983-84	1984	1982-83	1983-84	1984
Television drama	29.7	31.7	31.3	31.1	30.9	30.0
Cinema movies	15.2	14.4	12.8	13.5	11.2	12.4
Light entertainment	17.9	18.1	17.4	18.3	19.4	19.3
Sport	11.2	9.7	12.0	11.5	11.3	8.5
News	7.8	8.2	8.3	8.0	8.3	9.3
Children	7.8	8.0	8.0	7.8	7.9	8.2
Family activities	2.0	1.9	1.5	1.9	2.3	1.8
Information	2.2	1.6	1.7	2.1	2.4	2.8
Current affairs	4.4	4.7	5.3	3.1	3.6	4.8
Political matter	*	*	0.1	*	*	0.1
Religious matter	1.5	1.6	1.5	2.7	2.7	2.8
The arts	*	*	-	*	*	-
Education	0.1	0.1	0.1	0.1	0.1	0.2
TOTAL	100	100	100	100	100	100

* Less than 0.1 per cent.

NB: Due to rounding, columns may not total 100 per cent.

TABLE SIX: PERCENTAGE OF TIME OCCUPIED BY VARIOUS TYPES OF PROGRAMS
COMMERCIAL TELEVISION STATIONS
6.00PM TO 10.00PM

PROGRAM TYPE	METROPOLITAN STATIONS				PROVINCIAL STATIONS			
	1982-83	1983-84	1984	1984	1982-83	1983-84	1983-84	1984
Television drama	45.4	47.0	45.2	45.2	45.8	46.1	46.1	43.2
Cinema movies	15.0	14.4	12.5	12.5	10.6	9.6	9.6	10.2
Light entertainment	13.8	13.9	13.1	13.1	15.0	14.5	14.5	17.1
Sport	3.2	2.9	4.0	4.0	4.7	4.2	4.2	3.8
News	15.7	15.7	15.9	15.9	16.1	17.0	17.0	17.1
Children	*	0.1	*	*	-	*	*	*
Family activities	*	*	*	*	*	*	*	*
Information	3.3	2.9	3.2	3.2	2.1	2.7	2.7	2.4
Current affairs	3.4	3.1	5.8	5.8	5.4	5.7	5.7	5.9
Political matter	1.0	*	0.3	0.3	*	*	*	0.2
Religious matter	*	-	-	-	0.1	*	*	*
The arts	*	-	-	-	-	*	*	-
Education	-	-	-	-	-	-	-	-
TOTAL	100	100	100	100	100	100	100	100

* Less than 0.1 per cent.

NB: Due to rounding, columns may not total 100 per cent.

APPENDIX C

Addresses by Tribunal Members

1 July 1984 - 30 June 1985

Chairman

20 July 1984	Delivered a paper on the role of the Tribunal to a Business Law Education Seminar.
11 August 1984	Addressed Media Law Association of Australia on the regulation of advertising.
13 August 1984	Addressed Trade Union Training Association seminar on the SPS Report and Australian Content on television.
14 August 1984	Appeared before joint Committee Investigating The Broadcasting and Televising of Parliament.
9 October 1984	Addressed the Annual Convention of the Federation of Australian Radio Broadcasters.
15 October 1984	Addressed the Annual Convention of the Australian Association of National Advertisers.
10 November 1984	Delivered a paper to the Media Law Association Satellite Seminar.
20 November 1984	Addressed Annual Meeting of Churches Media Organisation.
9 February 1985	Delivered a paper to the National Screenwriters' Conference, Melbourne.
4 March 1985	Appeared before Working Group on Women In Sport.
6 March 1985	Addressed luncheon meeting of the Securities Institute of Australia.
18 March 1985	Addressed Australian Institute of Management Marketing Group on role of Tribunal.
19 March 1985	Addressed Wine Press Club of NSW on regulation of alcohol advertising on television.
10 April 1985	Addressed seminar for ASEAN broadcasters on the role of the Tribunal.
12 April 1985	Addressed Australian Direct Marketing Association.
7 May 1985	Chaired opening session of "Kids' TV" Seminar, Melbourne.

Throughout the year Members have held regular meetings with such bodies as FACTS, FARB and the PBAA, and extensive meetings with bodies as issues develop - for example over the proposed draft standards for alcohol advertising.

Details of these and other activities have been published elsewhere. They appear in the Tribunal's Minutes, and in the newsletter 'abtee'.

APPENDIX D

MEETINGS OF THE TRIBUNAL

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

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

Consultation - Meetings with Outside Persons and Bodies

In the period the Tribunal consulted with representatives of commercial radio and television and public radio stations, in accordance with the provisions of section 16(2) of the Act and also with representatives of the Film Censorship Board, entertainment industry unions, advertising agencies, advertisers and the Media Council of Australia as has been its normal practice.

A decision to widen the consultation process and the national publication on 2 July 1984 of an advertisement inviting expressions of interest in meetings resulted in meetings with statutory bodies which administer areas relating to matters of common interest, and with public interest groups, consumer groups, religious organisations, etc.

Meetings are arranged and conducted in accordance with the practices set out in Practice Note PRN 04 - Meetings and Other Contract with the Tribunal.

The persons and bodies with whom the Tribunal met in the period are listed below:

FARB	16 July 1984	Members & Staff
Representatives of the Australian Churches Media Association and the Roman Catholic Diocese of Victoria, Tasmania and NSW	17 July 1984	Members & Staff
Mildura News Group Pty Ltd	25 July 1984	Members & Staff
Prof N Runcie	27 July 1984	Members & Staff
Australia Council	6 August 1984	Members & Staff
Richard Rowe & Associates	7 August 1984	Members & Staff
Australian Writers Guild	9 August 1984	Staff only
Tasex FM Pty Ltd	10 August 1984	Members & Staff
Hobart FM Inc.	10 August 1984	Members & Staff
PBAA	13 August 1984	Members & Staff
Representatives of Adelaide Commercial Television Stations	16 August 1984	Staff only
Film Victoria	21 August 1984	Members & Staff
Victorian Commercial Radio Broadcasters	21 August 1984	Members & Staff

Victorian Commercial Television Broadcasters	21 August 1984	Members & Staff
Children's Television Organisations	21 August 1984	Members & Staff
ACTAC	22 August 1984	Members & Staff
8CCC Alice Springs	27 August 1984	Members & Staff
5AACCF and Communications Action	27 August 1984	Staff only
Clemenger Harvie Pty Ltd	30 August 1984	Members & Staff
Television Australia - Satellite Systems Ltd	31 August 1984	Members & Staff
Confederation of Australian Professional Performing Arts Ltd	14 September 1984	Members & Staff
Anti-Discrimination Board	18 September 1984	Members & Staff
FACTS	19 September 1984	Members & Staff
Parramatta Regional Radio	21 September 1984	Staff only
Grey and Murray Evans Pty Ltd	27 September 1984	Members & Staff
Prof N Runcie	3 October 1984	Members & Staff
Brisbane Commercial Television Stations	8 October 1984	Members & Staff
Religious Organisation, Brisbane	8 October 1984	Members & Staff
Public Broadcasting Stations, Brisbane	9 October 1984	Members & Staff
Production Industry, Brisbane	9 October 1984	Members & Staff
Mr P Westerway, DOC	17 October 1984	Members & Staff
Sir Frank Moore	18 October 1984	Members & Staff
Portland Media Policies Group	24 October 1984	Members & Staff
Regional Television Australia	8 November 1984	Members & Staff
2CHY Coffs Harbour	12 November 1984	Members & Staff
Westpac Banking Corporation	14 November 1984	Staff only
Trade Practices Commission	15 November 1984	Members & Staff
FACTS/Advertising Federation of Australia.	30 November 1984	Members & Staff
Redlands Times Newspaper	4 December 1984	Staff only
Seven Network	17 December 1984	Members & Staff
John Clemenger (NSW) Pty Ltd	18 December 1984	Staff only
FARB	18 December 1984	Members & Staff
Independent Film and Video Action	18 December 1984	Members & Staff
ABC	7 January 1985	Members & Staff
Australian Sales Promotion Assn.	10 January 1985	Staff only
DOC	17 January 1985	Members & Staff
Australian Journalists Assn	24 January 1985	Members & Staff
Commercial Television Stations		
TCN/GTV	5 February 1985	Members & Staff
Foot, Cone & Belding Pty Ltd/ Milton Bradly Aust Pty Ltd	5 February 1985	Members & Staff
Advertising Federation of Australia/ Aust Sales Promotion Assn.	6 February 1985	Members & Staff
FARB/Regional Television Australia	7 February 1985	Members & Staff
Media Communications Council	13 February 1985	Members & Staff
Australian Associated Brewers	14 February 1985	Members & Staff
NSW Standing Committee on Adoption	15 February 1985	Staff only
Advertising Federation of Australia	7 March 1985	Members & Staff
FACTS	7 March 1985	Members & Staff
Confederation of Australian Sport	7 March 1985	Members & Staff

Aust. Wines and Brandy Producers' Association	8 March 1985	Members & Staff
Australian Consumers' Association	8 March 1985	Members & Staff
Australian Association of National Advertisers	8 March 1985	Members & Staff
Commonwealth Dept. of Health	8 March 1985	Members & Staff
NSW Drug and Alcohol Authority	13 March 1985	Members & Staff
Drug Arm (The Queensland Temperance League)	14 March 1985	Members & Staff
Alcohol Beverages Advertising Council	14 March 1985	Members & Staff
Alcohol Advisory Council of W.A.	14 March 1985	Members & Staff
Federated Wholesale Spirit Merchants	14 March 1985	Members & Staff
Media Council of Australia	19 March 1985	Members & Staff
PBAA	1 April 1985	Members & Staff
Australian Associated Brewers	3 April 1985	Members & Staff
Australian Children's Foundation	11 April 1985	Members & Staff
Representatives of Seven Network, Nine Network, TEN Network and Regional Television Aust.	15 April 1985	Members & Staff
Nine Network	29 April 1985	Members & Staff
South Coast Industries Ltd and Golden West Network	30 April 1985	Members & Staff
News Corporation Ltd	6 May 1985	Members & Staff
FARB	9 May 1985	Members & Staff
Film Censorship Board	14 May 1985	Members & Staff
2MWM Manly-Warringah	21 May 1985	Staff only
Ogiley and Mather	27 May 1985	Staff only
FACTS	29 May 1985	Members & Staff
2RES East Sydney	4 June 1985	Staff only
Central Pacific International	19 June 1985	Staff only
FACTS	24 June 1985	Members & Staff
Australian Associated Brewers	27 June 1985	Members & Staff

OVERSEAS VISIT

In September and October 1984 Mr Mark Armstrong visited conferences and centres overseas concerned with developments in broadcasting. He was invited to deliver a paper entitled 'The Effect of Communication Satellites on Domestic Broadcasting Laws' at the Institute of Public International Law and International Relations in Thessaloniki, and a paper on the structure and functions of the Tribunal at the Annual Conference of the International Institute of Communications in Berlin. He also attended the annual conference of the International Association of Mass Communications Research in Prague. Among the overseas organisations with whom Mr Armstrong conferred were the European Broadcasting Union and International Telecommunications Union in Geneva, the ERT Greece, WDR, ZDF and Federal Ministry of Posts in West Germany, the CRTC and Department of Communications in Canada, and the Federal Communications Commission in the United States. He also had discussion with a number of broadcasters, scholars and lawyers in the countries mentioned. The main topics of discussion were the means for expansion of broadcasting services, and licensing and program issues. In both Europe and North America, there was

considerable interest in the Australian experience with encouragement of local program production and with the issues covered in the Satellite Program Services Report of the Tribunal.

APPENDIX E

REPORTS PUBLISHED DURING 1983-84 - Omitted from Annual Report 1983-84

- * 199/84 G(T) . Kowanyama, Qld - National television translator station - licence grant
- 206/84 R(R) . 6PR Perth - licence renewal (incorrectly numbered as 205/84 R(R) in 1983-84 Report)
- * 220/84 R(T) . Harrow Community TV System - Community television aerial system - licence renewal
- * 221/84 R(T) . Bayview Community TV System - Community television aerial system - licence renewal
- * 222/84 R(T) . Castlecrag Community TV System - Community television aerial system - licence renewal
- 223/84 Number not used
- * 237/84 R(T) . Western Titanium Limited - Community television aerial system - licence renewal
- * 241/84 G(T) . Coorow, WA - National television translator station - licence grant
- * 243/84 G(T) . Port Keats, NT - National television translator station - licence grant
- * 244/84 G(T) . Garden Point (Pularumpi) NT - National television translator station - licence grant
- * 245/84 G(T) . Numbulwar, NT - National television translator station - licence grant
- * 246/84 G(T) . Tieri, Qld - National television translator station - licence grant
- * 251/84 G(T) . Eulo, Qld - National television translator station licence grant
- * 252/84 G(T) . Thargomindah, Qld - National television translator station - licence grant
- * 253/84 G(T) . Wyandra, Qld - National television translator station - licence grant

LISTS OF PUBLIC INQUIRY REPORTS PUBLISHED 1984-85

- | | | |
|----------|-------|---|
| 172/83 | OR(T) | . TNQ-7 Townsville and associated translator stations - licence renewals |
| | | . Acquisition by North Queensland Portfolio Pty Limited of shares in Telecasters North Queensland Ltd |
| 205/84 | O(RT) | . Acquisition by Grencol Holdings Pty Ltd of all of the issued capital of Swan Television and Radio Broadcasters Limited. |
| 208/84 | OR(T) | . VEW-8 Kalgoorlie and associated translator stations - licence renewal |
| | | . Acquisition by Datum Nominees Pty Limited of all of the issued capital of Mid-Western Television Pty Limited |
| 209/84 | R(R) | . 3HA Hamilton - licence renewal |
| 210/84 | R(R) | . 3BA Ballarat - licence renewal |
| 211/84 | R(R) | . 3GL Geelong - licence renewal |
| 212/84 | R(R) | . 3YB Warrnambool - licence renewal |
| 213/84 | R(T) | . BTV-6 Ballarat and associated translator stations - licence renewals |
| * 214/84 | R(R) | . 2BE Bega and associated translator station licence renewals |
| * 215/84 | R(R) | . 2ST Nowra and associated translator station - licence renewals |
| 216/84 | R(R) | . 200 Wollongong - licence renewal |
| 217/84 | R(R) | . 2WL Wollongong - licence renewal |
| 218/84 | R(T) | . WIN-4 Wollongong and associated translator stations - licence renewals |
| 224/84 | R(R) | . 2CA Canberra - licence renewal |
| 225/84 | R(R) | . 2CC Canberra - licence renewal |
| 226/84 | R(R) | . 2XL Cooma - licence renewal |
| * 227/84 | R(R) | . 2GN Goulburn - licence renewal |
| 228/84 | R(R) | . NEN-9 Upper Namoi and ECN-8 Manning River and associated translator stations - licence renewals |

229/84 R(T) . NRN-11 Grafton-Kempsey - licence renewal

. RTN-8 Richmond-Tweed and associated translator stations - licence renewals

* 230/84 R(T) . 2MW Murwillumbah - licence renewal

* 231/84 R(R) . 2MO Gunnedah - licence renewal

* 232/84 R(R) . 2VM Moree - licence renewal

* 233/84 R(R) . 2MC Kempsey - licence renewal

234/84 R(R) . 2GF Grafton - licence renewal

235/84 O(RT) . Acquisition by Techom Australian Pty Ltd of all the issued shares in the capital of Southern Cross Communications Ltd

. 3TR Sale, BCV Bendigo and GLV Latrobe Valley - Transfer of licences from Southern Cross Communications to the Victorian Broadcasting Network Ltd

236/84 G(R) . Canberra, ACT - Category 'S' public broadcasting station - licence grant

238/84 R(T) . CKWR-10 Koolan Island and CKWR-11 Cockatoo Island - Television repeater stations - licence renewals

239/84 R(T) . HTWR-7 Mt Tom Price, HTWR-9 Mt Nameless and HTWR-11 Paraburdoo - Television repeater stations - licence renewals

240/84 R(T) . NEWR-9 Newman - Television repeater station 0 licence renewal

242/84 G(T) see 254 - 259/84 G(T)

* 247/84 G(T) . Ngukurr, WA - National television translator station - licence grant

248/84 G(R) . Acquisition by ENT Ltd of all the shares in Sunshine Coast Broadcasters Ltd

254/84 G(T) . Nyngan, NSW; Bordertown, SA; Cloncurry, Qld; Keith, SA; The Gap, SA; Bonnie Doon, Vic; Yea, Vic; Stuart, Qld - Commercial television translator stations - licence grants

260/84 Number not used

261/84 G(T) . Mansfield, Vic - Commercial television translator station - licence grant

- 262/84 G(T) see 254 - 259/84 G(T)
- 264/84 R(T) . GSW-9 Southern Agricultural Area, WA and associated translator station - licence renewal
- 264A/84 M(T) . Report and recommendations into the commercial viability of commercial television station, GSW-9 Southern Agricultural Area, WA
- * 265/84 R(T) . ITQ-10 Mary Kathleen - Commercial television translator station - licence renewal
- 266/84 O(R) . Acquisition by Macquarie Broadcasting Holdings Ltd of all the issued capital of Radio 4AY Pty Limited
- 267/84 G(T) . Gosford/Wyong, NSW - Commercial television translator station - licence grants
- 268/84 GT(R) . Coffs Harbour Area, NSW - Commercial broadcasting station and commercial broadcasting translator stations - licence grants
- 269/84 G(R) . Bowen/Airlie Beach, Qld - Commercial broadcasting translator stations - licence grants
- 270/84 R(R) . 3CR Melbourne - Commercial broadcasting station - licence renewal
- 271/84 G(R) . Orange, NSW - Public broadcasting translator station - licence grant
- 272/84 R(R) . 6KA Dampier/Karratha/Roebourne and associated translator stations - licence renewals
- 273/84 R(R) . 6NW Port Hedland - licence renewal
- 274/84 R(R) . 6NEW-FM Newman - licence renewal
- 275/84 O(R) . 2BH Broken Hill - licence transfer
- * 276/84 G(T) . Hope Vale Aboriginal Council, Qld - National television translator station - licence grant
- * 277/84 G(T) . Wujal Wujal Community Council, Qld - National television translator station - licence grant
- 278/84 G(R) . Woomera, SA - Public broadcasting station - licence grant
- 279/84 O(R) . Acquisition by Truth Newspapers (Holdings) Pty Ltd of all the issued capital of Western District (3HA) Broadcasting Pty Ltd
- 281/84 O(R) . Acquisition by Nationwide News Pty Ltd of all of the issued capital in the North Queensland Newspaper Company Ltd

282/84	O(R)	. Acquisition by West Sydney Radio Pty Ltd of all the shares in Sun Coastal FM Radio Pty Ltd
287/84	O(R)	. Acquisition by North West Broadcasters Pty Ltd of shares in North Queensland Broadcasting Corporation Pty Ltd
284/84	O(R)	. Acquisition by South Australian Totalizator Agency Board of all the issued capital of Festival City Broadcasters Ltd
285/85	G(R)	. Manly, NSW - Public broadcasting translator station - licence grant
286/84	R(R)	. 2MBS-FM Sydney - licence renewal
287/84	R(R)	. 2CBA-FM Sydney - licence renewal
288/84	R(R)	. 2SER-FM Sydney - licence renewal
289/84	R(R)	. 2MCE-FM Sydney - licence renewal
290/84	R(R)	. 2XX Canberra, ACT - licence renewal
291/84	G(R)	. Alice Springs, NT - Public broadcasting station - licence grant . Santa Teresa, Ali Curung and Hermannsburg, NT Public broadcasting translator stations - licence grants
292/84	G(R)	. Launceston, TAS - category 'C' and 'S' public broadcasting stations - licence grants
293/84	R(R)	. 8TOP-FM Darwin - licence renewal
294/84	R(R)	. 8CCC-FM Alice Springs - licence renewal
* 295/84	R(R)	. 4BC, 4BH, 4KQ, 4MBS, 4EB** Brisbane and 4GG Gold Coast - licence renewals
* 296/84	G(T)	. Burdekin Falls, Qld - National television translator station - licence grant
* 297/84	G(T)	. Warburton, WA - National television translator station - licence grant
* 298/84	G(T)	. Kojonup, WA - Commercial television translator station - licence grant
* 299/84	G(T)	. Wiluna, WA - National television translator station - licence grant

- * 300/84 G(T) . Ferntree Gully, Vic - Commercial television translator stations - licence grants
- * 301/84 G(T) . Upwey, Vic - Commercial television translator stations - licence grants
- * 302/84 G(T) . Selby, Vic - Commercial television translator stations - licence grants
- * 303/84 G(T) . Crotty Camp, Tas - Commercial and national television translator stations - licence grants
- * 304/84 G(T) . Hornsby, NSW - Community television aerial system - licence grant
- * 305/84 G(T) . Goldsworthy Area, WA - National television translator station - licence grant
- * 306/84 G(T) . Shay Gap Area, WA - National television translator station - licence grant
- 307/84 G(R) . Great Lakes, NSW - Public broadcasting station - licence grant
- 308/84 R(T) . SAS-10, ADS-7, NWS-9 Adelaide - licence renewals
- * 309/84 R(R) . 2AD**, 2LM, 2NZ, 2RE**, 2TM**, 2ARM**, and 2NCR** - licence renewals
- 311/84 R(R) . 3MBS-FM Melbourne - licence renewal
- * 312/84 R(T) . GEMR-9 Groote Eylandt - Television repeater station - licence renewal
- * 314/84 R(R) . 7HO, 7QT, and 7HFC - licence renewals
- 318/84 G(R) . Taree, NSW - Category 'C' public broadcasting station - licence grant
- 322/84 O(R) . 2GF Grafton, NSW - licence transfer
- 323/84 O(R) . Acquisition by 3KZ Radio Pty Ltd of all the issued capital of HMA Broadcasters Pty Ltd
- 330/85 G(R) Number not used
- * 331-332/85 O(R) . 6KY Perth - licence transfer
- . Acquisition by Amalgamated Wireless (Australasia) Limited of all the issued share capital of Mornington Peninsula Broadcasters Ltd
- . 3MP Mornington Peninsula - licence transfer

- * 333/85 O(R) . Acquisition by Wesgo Communications Pty Limited of all the issued share capital of Capricorn Broadcasters Pty Ltd
- * 334/85 O(R) . Acquisition by Alice Springs Commercial Broadcasters Pty Ltd of shares in Concept Service Mart (Qld) Pty Ltd
- * 340/85 G(T) . Mullewa, WA - Commercial television translator station - licence grant
- * 346/85 R(T) . Balmoral, NSW - Community television aerial system - licence renewal

* Decision made without holding public inquiries

- ** 4EB)
- 2AD)
- 2RE) Decisions made after holding public inquiry
- 2TM)
- 2ARM)
- 2NCR)

APPENDIX F

REPORT TO THE TRIBUNAL BY THE CHILDREN'S PROGRAM COMMITTEE

During its public inquiry into the concept of self-regulation for broadcasters in 1977, the Tribunal became aware that the performance of stations in regard to children's programming was one of the areas of greatest public concern. The major recommendations made to the Government involved the establishment of the 'C' classification for programs the system of specifically designed for children aged 6-13 years and the formation of a Children's Program Committee to oversee the development of this concept. The Tribunal also recommended that only material classified 'C' be televised between 4.00pm and 5.00pm on weekdays.

On 15 September 1978, the then Minister for Post and Telecommunications confirmed the Government's support of the recommendations and the Tribunal appointed the Children's Program Committee on 28 November that year. As foreshadowed in the report, the Committee is comprised of four members drawn from the public, and three members from the television and advertising industries.

Under the provisions of the Committee's Constitution which was adopted on 1 December 1981, the Committee's 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, and
 - (ii) the televising of advertisements/promotions during children's programs.
- (2) To assess and make recommendations to the Tribunal with respect to the following in terms of the standards and guidelines determined by the Tribunal:

programs proposed for 'C', Provisional 'C' and Station of Origin 'C' 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.

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

Under the Committee's Constitution, committee members may be appointed for periods up to three years. The Tribunal introduced staggered reappointments to provide for the rotation of committee membership. The rotation scheme is designed to bring new perspectives to the Committee via its membership while maintaining continuity of experience.

At 30 June 1985, the members of the Committee were as follows:

Dr Shelley Phillips, Psychologist; Director, Unit for Child Studies, University of NSW; Director, Education and Research Unit, Foundation for Child and Youth Studies, Rozelle Hospital. (Appointed Chairperson November 1984 to succeed retiring Chairman Mr Frank Meaney).

Mr Bruce Harris, formerly Chairman and Managing Director of SSC and B Lintas Advertising Agency; now Director, Rolf Harris Productions Pty Ltd (Appointed Vice-Chairman in January 1984).

Mrs Barbara Biggins, Librarian, Child, Adolescent and Family Health Service (SA). Television Officer, Australian Council for Children's Films and Television. Vice-President, SA Council for Children's Films and Television.

Mr Hugh Cornish, Corporate Development Manager at BTQ Channel 7, Brisbane.

Mrs Janet McGill, Community Worker, High School Science Assistant (Appointed November 1984 to replace retiring member Mr Rex Heading). Mrs McGill was one of many respondents to the Tribunal's advertisements early in 1984 for expressions of interest in serving on the Committee.

Mr John Stapp, formerly Managing Director, now a Director, Associated Broadcasting Services Ltd.

Mrs Anne Wilson, Publisher, Lansdowne Press.

The appointments of Dr Phillips and Mrs McGill were made following the retirement of two members who had served on the Committee since its foundation in 1978.

The Committee notes its appreciation for the valuable work and input of Mr Frank Meaney who served as Vice Chairman then Chairman, and Mr Rex Heading who served as a member.

As previously reported, the work of the Committee culminated in March/April 1984 with the determination and publication of the Children's Television Standards.

These Standards were effective from 1 July 1984 and have created a climate in which children's television can emerge in its own right. The Standards are designed to encourage Australian production and also provide a place for the best of overseas productions.

The main features of the standards are continuation and extension of the 'C' classification system; provisions to require 50% Australian content of programs during 'C' time, and a limit on the repetition of 'C' programs and back-to-back scheduling of episodes in the same series.

Another major initiative is the requirement for a minimum of 8 hours first release Australian children's drama to be televised each financial year as well as the consolidation and extension of the requirements for advertising in 'C' time and the introduction of the Pre-school programs before 4.00 pm each day. The Standards have now been in operation for one year.

The Committee notes the Tribunal's intention to review the progress with implementation of the Standards after two full years of operation. The Tribunal and the Children's Program Committee will continue consultation with the community, independent producers and the television industry on aspects of the standards.

A considerable achievement has been the emphasis on children's drama where all three networks have commissioned and or completed production of at least 8 hours of children's drama in either 'series' form or 'one-off' programs for this financial year. There has also been eight by one-hour children's drama programs produced by the Australian Children's Television Foundation.

At this stage the Committee sees a further need for drama material suitably addressed at the lower end of the 6-13 year age group, specifically 6-9 year olds.

The Committee attended a major children's television seminar organised by the Australian Children's Television Foundation in Melbourne in May 1985 and is currently preparing for a regional seminar in Tamworth in July on children's program production, organised by Regional Television Australia in conjunction with the Children's Program Committee and the Australian Film and Television School.

Within its monthly meetings, the Committee has embarked on a program of meeting with children and discovering more about children through dialogue with researchers, professionals and community groups who work with large numbers of children.

The Committee notes that the Tribunal is currently reviewing the Children's Television Standards and practices in the light of the High Court's decision in the Herald-Sun TV case.

At the time of preparing this report, the Tribunal was taking the necessary steps to implement the Court's directions in respect of those children's television standards declared void. Amendments to the children's television standards and advice as to how the Tribunal will amend their arrangements for the assessment of children's programs will be issued early in the new financial year. The details of the HSV-7 Television case are discussed in paragraphs 79-80.

During the period 1 July 1984 to 30 June 1985 the Committee considered 76 applications, (including 19 program concepts in written form) and recommended that 20 be classified 'C' two be classified Station of Origin 'C', 11 be classified Provisional 'C') and 13 be classified 'C' Australian Drama, with four applications deferred.



COMMONWEALTH OF AUSTRALIA
AUSTRALIAN AUDIT OFFICE

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Telephone 484711

Please quote

F85/16

31 October 1985

The Honourable the Minister
for Communications
Parliament House
CANBERRA ACT 2600

Dear Minister

AUSTRALIAN BROADCASTING TRIBUNAL
AUDIT REPORT ON FINANCIAL STATEMENTS

Pursuant to sub-section 28(2) of the Broadcasting and Television Act 1942 the Tribunal has submitted for audit report its financial statements for the year ended 30 June 1985. These comprise:

- . Statement of Activity
- . Statement of Assets and Liabilities
- . Statement of Capital Accumulation
- . Statement of Sources and Applications of Funds, and
- . Notes to and forming part of the financial statements.

The statements have been prepared in accordance with the policies outlined in Note 1 and in accordance with the Guidelines for the Form and Standard of Financial Statements of Government Undertakings approved by the Minister for Finance. The statements are in the form approved by the Minister for Finance. A copy of the financial statements is enclosed for your information.

In accordance with sub-section 28(2) of the Act, I now report that the statements are in agreement with the accounts and records of the Tribunal and, in my opinion:

the statements are based on proper accounts and records,
and

2.

the receipt and expenditure of moneys, and the acquisition and disposal of assets, by the Tribunal during the year have been in accordance with the Act.

Yours sincerely

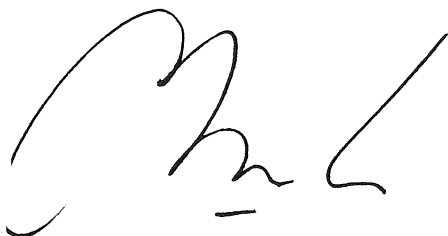


P.L. Lidbetter
First Assistant Auditor-General

AUSTRALIAN BROADCASTING TRIBUNAL

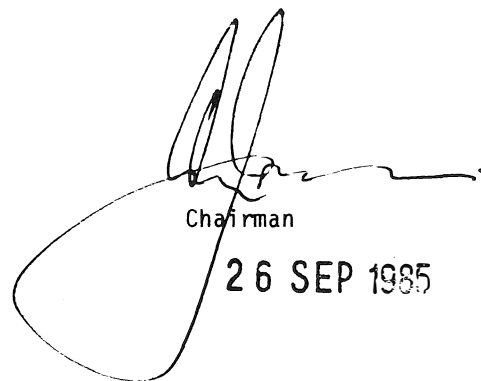
CERTIFICATE

In our opinion, the accompanying Statement of Activity, Statement of Assets and Liabilities, Statement of Capital Accumulation, Statement of Sources and Applications of Funds and Notes to and forming part of Financial Statements have been properly prepared so as to show fairly the operations of the Australian Broadcasting Tribunal for the year ended 30 June 1985 and its state of affairs as at that date.



Acting Secretary

26 SEP 1985



Chairman

26 SEP 1985

AUSTRALIAN BROADCASTING TRIBUNAL

STATEMENT OF ACTIVITY FOR YEAR ENDED 30 JUNE 1985

	NOTE	1984-85		1983-84	
		\$	\$	\$	\$
REVENUE					
Parliamentary Appropriations		6,021,000		4,650,000	
<u>Less: Funds transferred to Statement of Capital Accumulation for purchase of capital items</u>		<u>78,587</u>	5,942,413	<u>69,568</u>	4,580,432
Miscellaneous Revenue	2		9,258		6,036
Profit on Disposal of Non-Current Assets			<u>784</u>		<u>-</u>
			<u>5,952,455</u>		<u>4,586,468</u>
EXPENDITURE					
Salaries and Allowances	1,3	3,541,134		3,057,743	
Overtime		27,176		19,603	
Travelling and Subsistence		403,570		343,677	
Office Requisites and Equipment					
Stationery, Printing, Library		181,254		169,905	
Postage, Telephones and Telegrams		183,015		164,591	
Consultancy Fees, Contract Research and Computer Services		194,058		158,035	
Furniture and Fittings		10,808		642	
Repairs and Maintenance		4,193		5,484	
Office Rental and Room Hire		527,989		409,866	
Legal Fees		69,041		11,814	
Incidentals	4	246,189		202,692	
Monitoring and Allied Equipment		2,250		-	
Loss on Disposal of Non-Current Assets		<u>5,511</u>	<u>5,396,188</u>	<u>8,829</u>	<u>4,552,881</u>
EXCESS OF REVENUE OVER FUNDED EXPENDITURE			556,267		33,587
PROVISIONS AND OTHER UNFUNDED EXPENDITURE					
Long Service Leave	5	1,859		755,762	
Annual Leave and Bonus	1	391,559		-	
Depreciation	1	<u>26,208</u>	<u>419,626</u>	<u>-</u>	<u>755,762</u>
BALANCE TRANSFERRED TO STATEMENT OF CAPITAL ACCUMULATION			136,641		(722,175)

The accompanying notes form an integral part of these statements.

AUSTRALIAN BROADCASTING TRIBUNAL
STATEMENT OF ASSETS AND LIABILITIES AS AT 30 JUNE 1985

	NOTE	1984-85		1983-84	
		\$	\$	\$	\$
CAPITAL ACCUMULATION					
Balance transferred from Statement of Capital Accumulation			<u>(364,467)</u>		<u>(334,829)</u>
Represented by:					
CURRENT ASSETS					
Cash at Bank and on Hand		630,293		84,124	
Sundry Debtors		7,929		2,586	
Prepayment		<u>113,692</u>	751,914	<u>58,072</u>	144,782
CURRENT LIABILITIES					
Accrued Expenses		136,386		100,668	
Sundry Creditors		8,947		297	
Provision of Annual Leave and Bonus	1	391,559			
Provision for Long Service Leave	5	<u>136,372</u>	<u>673,264</u>	<u>140,388</u>	<u>241,353</u>
NET CURRENT ASSETS			78,650		(96,571)
NON CURRENT ASSETS					
Office Machines and Equipment	6	71,766		103,738	
Furniture and Fittings	6	61,308		148,689	
Monitoring and Allied Equipment	6	<u>45,058</u>	<u>178,132</u>	<u>124,689</u>	<u>377,116</u>
			256,782		280,545
NON-CURRENT LIABILITIES					
Provision for Long Service Leave	5		621,249		615,374
NET ASSETS			<u>(364,467)</u>		<u>(334,829)</u>

The accompanying note form an integral part of these statements.

AUSTRALIAN BROADCASTING TRIBUNAL

STATEMENT OF CAPITAL ACCUMULATION FOR YEAR ENDED 30 JUNE 1985

	NOTE	1984-85		1983-84	
		\$	\$	\$	\$
Balance at beginning of period			(334,829)		317,778
<u>Less: Prior Year Adjustments:</u>					
- Provision for Depreciation	1	125,443			
- Write-off of non-currents assets purchased for less than \$200	1	<u>119,423</u>	<u>244,866</u>		<u>(579,695)</u>
<u>Add: Funds transferred from Statement of Activity for purchase of capital items:</u>					
- Office Machines and Equipment		32,519		35,044	
- Furniture and Fittings		30,908		22,564	
- Monitoring and Allied Equipment		<u>15,160</u>	<u>78,587</u>	<u>11,960</u>	<u>69,568</u>
			<u>(501,108)</u>		<u>387,346</u>
Balance transferred from Statement of Activity			<u>136,641</u>		<u>(722,175)</u>
CAPITAL ACCUMULATION AT 30 JUNE 1985 TRANSFERRED TO STATEMENT OF ASSETS AND LIABILITIES			<u>(364,467)</u>		<u>(334,829)</u>

The accompanying notes form an integral part of these statements.

AUSTRALIAN BROADCASTING TRIBUNAL

STATEMENT OF SOURCES AND APPLICATIONS OF FUNDS FOR YEAR ENDED 30 JUNE 1985

	1984-85	
	\$	\$
SOURCES OF FUNDS		
Funds from Operations		
Balance from Statement of Activity		136,641
<u>Add: Non-fund items</u>		
Depreciation	26,208	
Provision for long service leave	1,859	
Provision for annual leave and bonus	391,559	
Loss on disposal of non-current assets	<u>4,727</u>	424,353
Funds for purchase of capital items		78,587
 Reduction in Assets		
Proceeds from sale of non-current assets		1,770
 Increase in Liabilities		
Current Liabilities		
Accrued Expenses	35,718	
Sundry Creditors	8,650	<u>44,368</u>
		685,719
		<hr/>
APPLICATIONS OF FUNDS		
Increase in Assets		
Current Assets		
Cash at Bank and on Hand	546,169	
Sundry Debtors	5,343	
Prepayments	<u>55,620</u>	607,132
Non-Current Assets		
Office Machines and Equipment	32,519	
Furniture and Fittings	30,908	
Monitoring and Allied Equipment	<u>15,160</u>	<u>78,587</u>
		685,719
		<hr/>

The accompanying notes form an integral part of these statements.

AUSTRALIAN BROADCASTING TRIBUNAL

NOTES TO AND FORMING PART OF FINANCIAL STATEMENTS FOR YEAR ENDED 30 JUNE
1985

1. Statement of Accounting Policies

(i) Basis of Accounting

- The Tribunal's financial statements reflect historical costs and have been prepared on a cash accounting basis adjusted for accrual presentation.
- The Tribunal commenced the implementation of accrual accounting last financial year and presented its' statements for that year on a partial accrual basis. No provision was made, however, for depreciation or annual leave and bonus, nor was a Statement of Sources and Applications of funds produced. Comparative figures are therefore not available.
- The Tribunal has proposed that the implementation of a computerised accounting system, currently being developed, will result in future financial statements being based on full accrual accounting principles.

(ii) Non-current Assets

- Capital items purchased for less than \$200 are expensed. This amount was previously \$50. An adjustment of \$119,423 has been made against Capital Accumulation of all items under \$200 purchased up to 30 June 1984.

(iii) Depreciation

- Depreciation of non-current assets is calculated on a straight line basis and commences on the day of acquisition of a depreciable asset. A provision for depreciation of \$125,443 has been created in respect of the expired lives of non-current assets as at the end of the 1983/84 financial year. This provision has been adjusted against Capital Accumulation.

(iv) Superannuation

- Tribunal Members and staff contribute to the Commonwealth Superannuation Scheme. No cost is accrued to the Tribunal for the amount contributed to the support of that scheme by the Commonwealth.

2. Miscellaneous Revenue

- An amount of \$9,258 included in the item "Miscellaneous Revenue" in the Statement of Activity represents proceeds from the sale of photocopying and microfiche material and miscellaneous repayments.

3. Salaries and Allowances

- Includes expenditure of \$377,094 to Members of the Tribunal appointed under Section 8 of the Broadcasting and Television Act 1942. The remuneration payable to members is determined by the Remuneration Tribunal.

4. Incidentals

- The major expenditure components in 1984-85 (as compared with 1983-84 figures) were \$71,068 (\$66,563) advertising; \$44,412 (\$24,180) freight, cartage and storage; \$33,843 (\$20,897) other incidentals; \$24,115 (\$22,830) light, power and heating; \$23,004 (\$23,931) cleaning and \$18,682 (\$16,187) sitting fees.

5. Provision for Long Service Leave

- This item is the Tribunal's estimated liability at 30 June 1985 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 expenditure 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.
- The Provision includes \$60,443 for entitlements accrued in relation to 1984/85.

6. Non-Current Assets

- Details of the value of non-current assets are:

	\$
Office Machines and Equipment	
At Cost	112,931
Accumulated Depreciation	41,165
Net Value	71,766
Furniture and Fittings	
At Cost	85,333
Accumulated Depreciation	24,025
Net Value	61,308
Monitoring and Allied Equipment	
At Cost	110,108
Accumulated Depreciation	65,050
Net Value	45,058

7. Commitments and Contingent Liabilities

- Contracts let for lease and hire expenditure amount to approximately \$2,591,000, included in the amount is approximately \$835,000 which is payable within 12 months after the end of the financial year. There were no known contingent liabilities as at 30 June 1985.