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Once it is satisfied there are no impediments to allocating a licence, the ABA must notify the applicant that a licence will be allocated upon payment of the amount bid by the applicant.

The applicant has 30 days in which to pay the price bid otherwise the allocation process will recommence with the next highest bidder.

#### **ROLE OF THE TPC**

The issue by the ABA of licences A or B is subject to a report by the TPC stating that the issuing of the licence would not contravene section 50 of the *Trade Practices Act 1974* (TPA) and that the allocation would be authorised under that Act if the applicant had applied for such an authorisation.

Authorisation may be granted on public benefit grounds. Section 50 of the TPA prohibits mergers or other acquisitions which substantially lessen competition. The TPC must provide a report in relation to each application within 45 days of the ABA's written request.

#### **FURTHER INFORMATION**

More detailed information about the regulation of pay TV services can be found in the ABA's *Guide to Subscription Television Broadcasting Services*. This publication can be obtained free of charge by calling the ABA on (02) 959 7811.



#### **TV CODES**

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organisations (including religious groups), government agencies and individuals.

A second draft version released in February 1993 was also widely advertised. Copies of this draft were sent to all submitters to the first draft and an additional 850 copies were distributed.

FACTS has provided the ABA with copies of all 245 submissions received from government agencies and individuals.

## **NOTICES ISSUED TO UCOM**

The ABA has met with Mr Graeme Harrison, who gave sworn evidence to the ABA that he was not a director or a shareholder of UCOM, the highest bidder for satellite pay TV Licence A, despite being named as the proposed chairman on the tender documents for that company.

In discussions with the ABA, Mr Harrison's legal representatives offered his full cooperation and accordingly ABA officers met with him.

#### **NOTICES TO UCOM**

Following the meeting with Mr Harrison, on 7 May, the ABA issued notices under the *Broadcasting Services Act 1992* requiring UCOM's directors to answer specific questions about their company's pay TV tender bid.

The ABA directed UCOM'S directors,

officials and shareholders to answer questions about:

- their knowledge of and dealings with UCOM and Hi Vision until and including 28 April 1993,
- their involvement in the preparation of UCOM's tender bid,
- their shareholding interests in UCOM,
- whether or not they were signatories to the UCOM tender,
- whether or not they were directors of UCOM on 28 April, 1993,
- whether they had ever agreed to become a director of UCOM.

The notices were issued under s.173 of the Act which allows the ABA to exercise its information gathering powers.

The ABA has also met with representatives of Hi Vision.



## **WAGGA FM LICENCE INQUIRY**

The ABA held a public hearing in Wagga Wagga on 19-20 May as part of its joined inquiry into whether to grant a commercial FM radio licence or a supplementary FM radio licence for the area.

The hearing continues an Australian Broadcasting Tribunal (ABT) inquiry following the successful appeal by Riverina Broadcasters (Holdings) Pty Ltd, licensee of 2WG, against the ABT decision in November 1991 to grant a commercial FM licence to Wagga and Riverina FM Stereo Broadcasters Pty Ltd (WRIV).

The Federal Court referred the decision to the ABT for further consideration after finding the ABT had made an error of law. The ABA replaced the ABT on 5 October 1992 and the *Broadcasting Services Act 1992* replaced the *Broadcasting Act 1942*. This licence grant inquiry is preserved and is being considered by the ABA under the Broadcasting Act.

At the hearing, the ABA heard submissions from WRIV, which has applied for a commercial FM licence and 2WG, which has applied for a supplementary FM

licence. The criteria against which applications will be considered included whether the applicant: is a fit and proper person to hold the licence; has the financial, technical and management capabilities necessary to provide an adequate and comprehensive service; and is capable of complying with the conditions of the licence.

The ABA will also consider the implications for the viability of 2WG if an independent commercial FM licence is granted.

The public inquiry file, which includes all evidence previously considered during the former ABT inquiry and any updated information subsequently lodged with the ABA, is available for inspection at the Riverina Community Library, 40 Gurwood St, Wagga Wagga and at the ABA in Sydney.

The new licence area corresponds to the service area of 2WG: the districts of Coolamon, Cootamundra, Culcairn, Gundagai, Junee, Lockhart, Narrandera, Temora, Tumut and Wagga Wagga.

