



Publishing and Broadcasting Ltd/Fairfax Trust

SYDNEY: The ABA has monitored and will continue to monitor issues which arise under the Broadcasting Services Act as a result of the transfer of the interests of Publishing and Broadcasting Ltd (PBL) in John Fairfax Holdings Ltd (Fairfax) to the FFX Trust.

PBL and the manager and the trustee of the trust have provided, at the ABA's request, documents concerning the terms of the trust, the transfer of shares to the trust and other relevant issues.

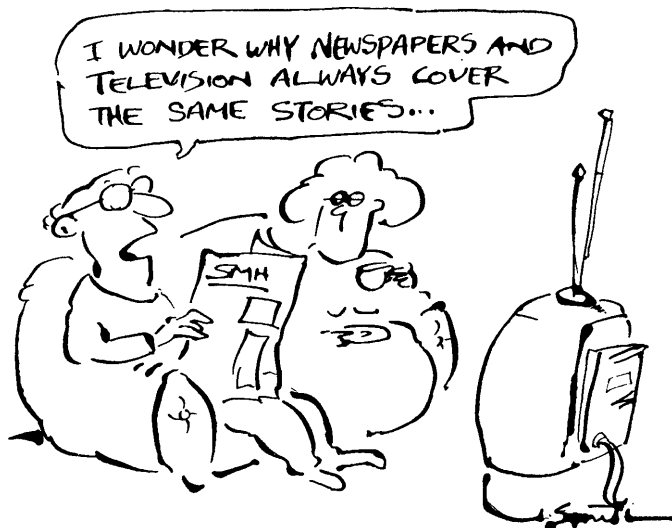
Based on the information available to it, the ABA is of the view that the transfer by PBL of its interests in Fairfax to the FFX Trust does not breach the cross-media rules in the Broadcasting Services Act.

The ABA is also of the view that the level of company interests in Fairfax held by Consolidated Press Holdings Ltd (CPH) will be equal to the level of shareholding in Fairfax held by the FFX Trust.

As a result, if CPH, PBL, the FFX Trust or any of their associates were to acquire additional shares in Fairfax, it would most likely be necessary for the ABA to immediately investigate whether the Broadcasting Services Act had been breached.

Cross-media regulation

Consolidated Press Holdings Ltd and Publishing and Broadcasting Ltd (and others) are registered with the ABA as being in a position to exercise control of the Nine network commercial television licences. They are prohibited from being in a position to exercise control of newspapers which are associated with the licence area of those licences.



If a newspaper is published by a company, a person is in a position to exercise control of that newspaper if the person is in a position to exercise control of the company, either alone or together with an associate.

John Fairfax Holdings Ltd companies publish newspapers (the *Sydney Morning Herald* and the *Age*) which are associated with the licence areas of the Sydney and Melbourne television licences of the Nine network. Accordingly, Consolidated Press Holdings Ltd and Publishing and Broadcasting Ltd are prohibited from being in a position to exercise control of Fairfax, either alone or together with an associate.

Control is defined to include 'control as a result of, or by means of trusts, agreements, arrangements, understandings and practices, whether or not having legal or equitable force and whether or not based on legal or equitable rights'.

Schedule 1 of the Broadcasting Services Act sets out the mechanisms that are to be used in deciding whether a person is in a position to exercise control of a newspaper or a company and tracing company interests.

If a person has company interests in a company exceeding 15 per cent, the person is to be regarded as being in a position to exercise control of the company.

Company interests, in relation to a person who has a shareholding interest, a voting interest, a dividend interest or a winding up interest, means the percentage of that interest. A person may have a voting interest, a dividend interest or a winding up interest in a company even if the person does not have a beneficial entitlement to, or to an interest in, shares in the company.

New community radio licences: Central NSW

ORANGE/KANDOS/COBAR: The ABA has allocated four new community radio broadcasting licences in Central NSW.

In Orange, two licences have been allocated, one each to Canobolas Christian Broadcasters Association Inc. (FM 103.5 MHz) and Orange Community Broadcasters Apple FM Inc. (FM 107.5MHz). A licence for Cobar has been allocated to Cobar Community Radio Inc. to operate on FM 102.9 MHz and a licence for Kandos has been allocated to Kandos Rylstone Community Radio Inc. (FM 98.7 MHz).

The licences will enable the provision of services for these regions that target their respective communities. The licensees have



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12 months to get the new services up and running.

The ABA has allocated these licences after a process of consultation with the local communities to seek their views on what additional broadcasting services were needed in their regions. The new community radio licences were advertised in local media, and the received applications were assessed, particularly in regard to whether the proposed services would meet existing and future community needs.

ABA invites applications for new community radio licences in NSW and Victoria

NSW/VICTORIA: The ABA has advertised for applications for new community radio broadcasting licences to serve the Dubbo area of New South Wales and for communities in the Central Victoria and Central Murray regions.

The ABA has invited applications for one new community radio licence to serve the Dubbo region. The ABA has also invited applications for one new community radio licence in each of Ballarat, Barham, Echuca and Kyneton and two new community radio licences to serve Bendigo.

'These are the first new community radio broadcasting licences to be offered in these areas under the ABA's merit-based allocation system,' said Professor David Flint, ABA Chairman.

Applications for the licence must be received before the times on the dates specified below:

Bendigo and Ballarat

5.00 p.m. on

Monday 9 March 1998

Kyneton

5.00 p.m. on

Tuesday 10 March 1998

Echuca and Barham

5.00 p.m. on

Wednesday 11 March 1998

Dubbo

5.00 p.m. on

Friday 13 March 1998.

Prospective applicants should obtain a copy of the free application kit, *Allocation of Community Broadcasting Licences (Broadcasting Services Bands)*. The kit also contains the application form, Form ABA 32, *Application for the Allocation of a Community Broadcasting Licence (Broadcasting Services Bands)*. For copies and more information, call the ABA's Allocation and Renewal Section on (02) 9334 7700.

ABA invites comment on Derby community radio applications

DERBY: The ABA is seeking public comment on applications for a new community radio broadcasting licence to serve the Derby area of Western Australia.

The ABA has received two applications for the Derby licence, from Derby Media Aboriginal Corporation (trading as DAMA) and Derby Learning Network Centre Inc. (trading as Derby Telecentre).

'We're interested in hearing from local people about the applications,' said Professor David Flint, ABA Chairman. 'We'd particularly like to hear whether the proposed services will meet existing and future community needs. The public's view on the applicants' capacity to provide their service is also of interest to us.'

The period for comment on the applications closes on 2 March 1998. The ABA may make comments submitted to it available to applicants.

Free-to-air community broadcasting service licences are allocated on the basis of merit. Where there are two applicants, the ABA must first decide if both applicants meet the licence allocation requirements and then which applicant merits the licence more. The ABA will assess the applications against criteria set out in the Broadcasting Services Act.

Copies of the applications are available for perusal at the Derby Public Library.

Send written comments to: Manager, Allocation and Renewal, ABA, PO Box Q500 Queen Victoria Building NSW 1230, by 2 March 1998.

New radio services proposed for New England region

NEW ENGLAND: The ABA is proposing to make licences for at least 15 new radio services available for allocation in the New England region of New South Wales. The region



ABA representatives at the CBAA conference, November 1997:
L-R: (back) Phyllis Fong, Manager Policy; Debra Richards, Director Program Services; Nigel Ryan, Manager Allocation and Renewal; (front) Bob Greeney, Director Planning; Greg Cupitt and Dom McKay, Planning.