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TELEGRAMS: CONBOARD, MELBOURNE

Australian Broadcasting Control Board

MARLAND HOUSE,
562 - 574 BOURKE STREET,
MELBOURNE, VICTORIA 3000

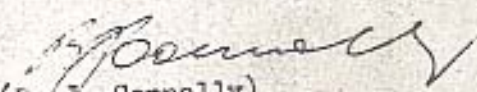
1st April, 1975

Dear Sir,

On the 17th February, 1975, the Board issued for the guidance of those interested in applying for the grant of a licence for a commercial broadcasting station to serve the north-western suburban area of Sydney a map showing a typical coverage which could be achieved within the previously advised technical operating parameters.

In response to inquiries, the Board wishes to make it clear that it is prepared to consider various coverage patterns using the frequency 1350 kHz and a transmitting power of 5000 watts, subject to the employment of a directional aerial system restricting radiation towards Geelong to not more than 50 mV/m at one mile unattenuated and towards Rotorua, New Zealand to not more than 250 mV/m. In this connection, I am enclosing for your information a copy of an alternative coverage map which could be achieved.

Yours faithfully,


(B. J. Connolly)
Secretary

Mr. J. Carlton,
P. O. Box 109,
NORTH RYDE. N. S. W. 2113.

Application for the Grant of a Licence for a
Commercial Broadcasting Station to Serve the

- A. North Western Suburban area of Sydney
- B. Wollongong Area of New South Wales
- C. Mornington/Peninsula/Frankston Area of Victoria

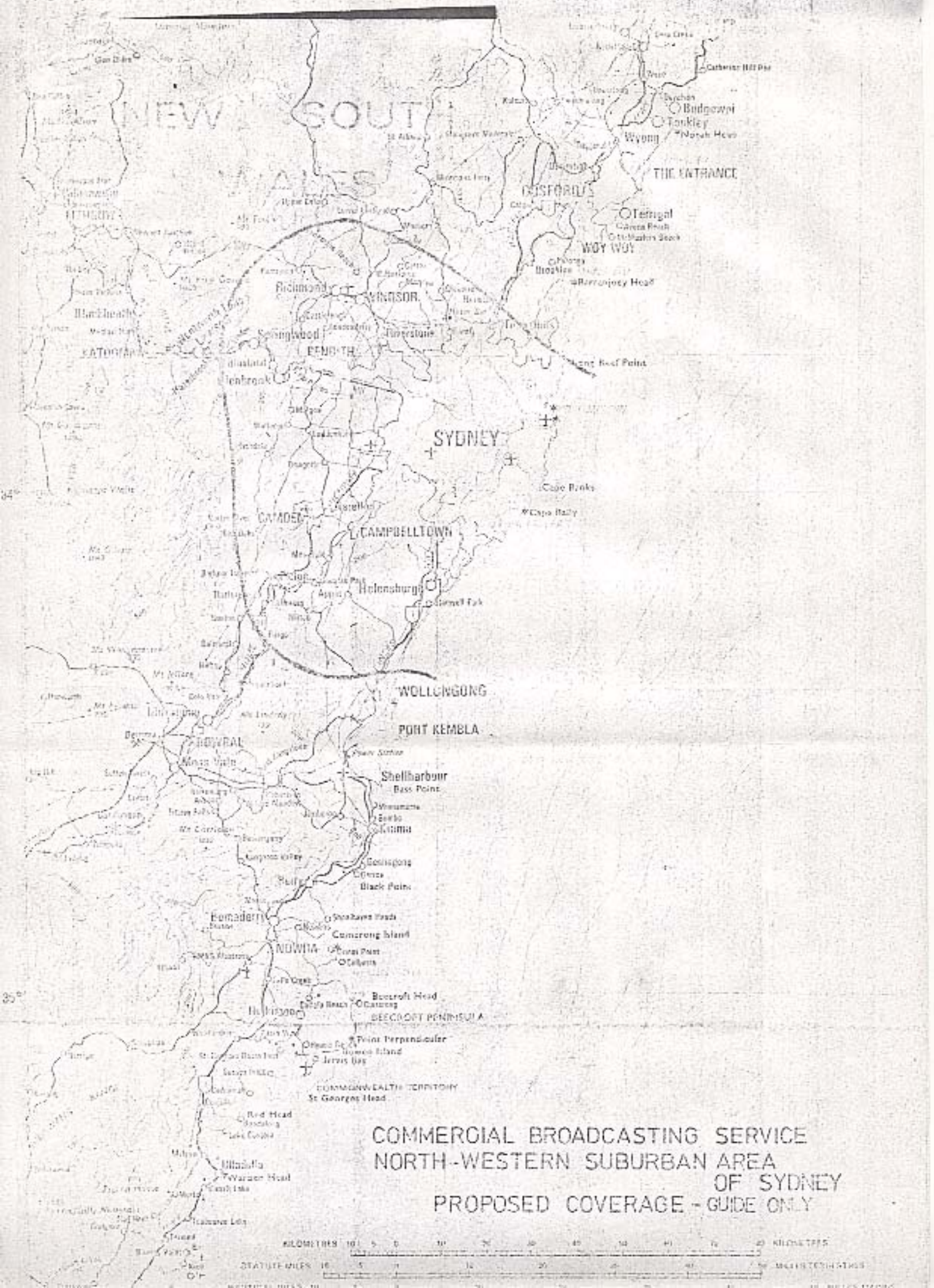
Order of Coverage of Proposed Stations

The "Notes for the Guidance of Applicants" for the above licences give details of the channels to be used, order of transmitter power, and specified levels of radiation towards co-channel stations.

Attached for the further guidance of applicants are maps showing the likely fading free coverage which may be achieved within the previously advised technical operating parameters.

As advised in the Board's "Particulars to be Supplied by the Applicant" details of the estimated coverage from the transmitting station site proposed and using the intended aerial system must be included in the applicant's submission.

17th February, 1975



BROADCASTING AND TELEVISION ACT 1942-1974

APPLICATION FOR GRANT OF A LICENCE
FOR A COMMERCIAL BROADCASTING STATION

The Secretary,
Australian Broadcasting Control Board,
Marland House,
570 Bourke Street,
MELBOURNE, VIC. 3000

In pursuance of the provisions of the Broadcasting and
Television Act 1942-1974, application is hereby made for the
grant of a licence for a commercial broadcasting station to
serve the area of
.

The particulars and information required by the form
of application supplied by the Minister are attached.

Name of Applicant

Address
.

Signature

Dated this day of 19 .

BROADCASTING AND TELEVISION ACT 1942-1974

APPLICATIONS FOR THE GRANT OF A LICENCE FOR A
COMMERCIAL BROADCASTING STATION TO SERVE THE

- A. NORTH WESTERN SUBURBAN AREA OF SYDNEY
- B. WOLLONGONG AREA OF NEW SOUTH WALES
- C. MORNINGTON PENINSULA/FRANKSTON AREA OF VICTORIA

Particulars to be Supplied by Applicant

An applicant for a licence shall supply the particulars or information required by the following paragraphs. Such particulars and information should be set out in separate numbered schedules of which ten copies should be supplied:

1. State whether the application is made by a company or on behalf of a company to be formed.
2. If the application is made by a company, state the name of the company, the date and place of incorporation, and the address of the registered office, and furnish -
 - (a) a copy of the memorandum and articles of association;
 - (b) if applicable, a copy of the prospectus or statement in lieu of prospectus;
 - (c) details of the financial position of the company, including a copy of the latest balance sheet and a copy of the profit and loss account and of the profit and loss appropriation account for each of the past five years;
 - (d) a list of shareholders including the address and occupation of each, the number and class of shares held and the amount paid up on each class of share. In any case, where shares are held by nominees or otherwise on behalf of some other person, similar details with respect to that person are also to be furnished;
 - (e) the names, places of residence and occupations of the directors and principal officers of the company;
 - (f) details of the association of any director or principal officer of the company with -
 - (i) any commercial broadcasting or television station;
 - (ii) any business other than (i) above.
 - (g) details similar to those required by the preceding sub-paragraph (d) in respect of any company which is -
 - (i) the beneficial owner of five per cent or more of the shares in the applicant company; or

2.

- (ii) in a position to exercise control of five per cent or more of the voting rights in that company.
- (h) a list of the directors of any company referred to in the preceding sub-paragraph (g);
- (i) details of the association (either directly or indirectly through other companies or by other means) of the applicant company or any shareholder holding more than five per cent of the shares in the applicant company with -
 - (i) any commercial broadcasting or television station;
 - (ii) any business other than (i) above.
- (j) the name (and details where not elsewhere supplied in the application) of any person or company who, either alone or by virtue of any association or arrangement would be deemed to exercise control of the licence within the meaning of Section 90D and Section 90E of the Act, if the licence were granted to the applicant company;
- (k) details of any shares in the applicant company which are beneficially owned by persons who are not residents of Australia or by companies controlled by persons who are not residents of Australia; and
- (l) details of any proposed increase of the issued capital beyond that issued at the date of the application, including details of the proposed additional capital and shareholding together with details of any changes which may result in relation to the information provided under the preceding sub-paragraphs.

3. If the application is made on behalf of a company to be formed, state the proposed name of the company, and where it is to be incorporated, and furnish:

- (a) a copy of the proposed memorandum and articles of association;
- (b) a copy of the proposed prospectus or statement in lieu of prospectus;
- (c) details of the proposed issued capital;
- (d) a list of the proposed shareholders and other details as required under sub-paragraph (d) of paragraph 2; and
- (e) all information relevant to the company proposed to be formed, including details as required under sub-paragraphs (e), (f), (g), (h), (i), (j) and (k) of paragraph 2.

4. Furnish details of:

- (a) any documents, instruments, contracts, trusts, arrangements or understandings relating to the ownership, operation or control of the station or its facilities or any right or interest therein;

- (b) any network arrangement entered into or proposed to be entered into.
5. Furnish estimates of the capital costs of establishment of the station, under the headings of:
 - (a) technical equipment;
 - (b) radiating structure;
 - (c) land and ancillary facilities;
 - (d) buildings;
 - (e) pre-operational expenses, including costs of formation, preliminary expenses, etc.
 6. Furnish estimates, including details of the basis on which the estimates are made, of the income and cost of operation of the station for each of the first three years.
 7. Furnish details supported by documentary evidence, of the capital or funds available to meet the cost of:
 - (a) the establishment of the station; and
 - (b) the operation of the station for the first three years.
 8. Furnish details of the estimated staff required.
 9. Provide details of the proposed daily transmission hours at commencement of service and state the nature of programs the station will transmit. (As much detail as possible regarding program policies, etc., should be provided.)
 10. Provide details of the manner in which compliance will be achieved with the requirements governing:
 - (a) the use of Australian music compositions; and
 - (b) the broadcasting of religious material.
 11. Furnish details of the sources of all proposed news programs.
 12. Furnish details of the proposed use of programs on relay from other stations (including the types of program involved and the amount of transmission time weekly which will be occupied by programs of this nature).
 13. Furnish details of the technical facilities to be provided and the proposed operating arrangements including:
 - (a) studio facilities;
 - (b) program transmission circuits between studio and transmitting station;

- (c) transmitting station equipment including aerial and transmission line;
- (d) remote control and monitoring facilities.

Specify the estimated coverage, in area and population, of the station on the basis of the technical equipment proposed.

January 1975

BROADCASTING AND TELEVISION ACT 1942-1974

APPLICATIONS FOR THE GRANT OF A LICENCE FOR A COMMERCIAL BROADCASTING STATION TO SERVE THE

- A. NORTH WESTERN SUBURBAN AREA OF SYDNEY
- B. WOLLONGONG AREA OF NEW SOUTH WALES
- C. MORNINGTON PENINSULA/FRANKSTON AREA OF VICTORIA

Notes for the Guidance of Applicants

1. Applications are to be made on the approved form of application. Ten copies of the particulars specified in the statement attached to the form of application are to be supplied.
2. Applications must be lodged with the Secretary, Australian Broadcasting Control Board, Marland House, 570 Bourke Street, Melbourne, Victoria, 3000, by 14th May, 1975.
3. The applications received will be the subject of a public inquiry by the Board in conformity with the provisions of the Broadcasting and Television Act 1942-1974. The time and place for the holding of the inquiry, together with details of the procedure to be followed, will be notified to applicants at an appropriate stage.
4. The attention of applicants is invited specially to the provisions of the Act relating to -
 - (i) the conduct of inquiries by the Board as set out in Division 3 of Part II;
 - (ii) the licensing of commercial broadcasting stations as set out in Division 1 of Part IV; and
 - (iii) the limitation of ownership or control of commercial broadcasting stations as set out in Division 2 of Part IV.
5. In particular, attention is invited to the following sections of the Act in relation to the ownership or control of commercial broadcasting stations -
 - (i) Section 81(1A.) which states that a licence for a commercial broadcasting station shall not be granted except to a company formed within the limits of the Commonwealth or a Territory and having a share capital;
 - (ii) Section 90H. which states that a licence shall not be granted to a company where the circumstances are such that, upon the grant of the licence to the company, a person would be contravening sections 90C. or 90F. or the condition specified in section 90G. of the Act;
 - (iii) Section 90C. which states, inter alia, that a person shall not have a prescribed interest, within the meaning of section 90(2.) of the Act, in the licences for -
 - (a) more than one metropolitan commercial broadcasting station in any State;

- (b) more than four metropolitan commercial broadcasting stations in Australia;
- (c) more than four commercial broadcasting stations in any one State; or
- (d) more than eight commercial broadcasting stations in Australia.

For the purposes of section 90C., the Australian Capital Territory is deemed to form part of the State of New South Wales.

- (iv) Section 90F. which states, inter alia, that a person shall not be a director of more than two companies that are, between them, in a position to exercise control of licences for -
 - (a) more than one metropolitan commercial broadcasting station in any one State;
 - (b) more than four metropolitan commercial broadcasting stations in Australia;
 - (c) more than four commercial broadcasting stations in any one State; or
 - (d) more than eight commercial broadcasting stations in Australia.

For the purposes of section 90F., the Australian Capital Territory is deemed to form part of the State of New South Wales.

- (v) Section 90G. which states that a licence is subject to a condition that at all times during the currency of the licence -
 - (a) shares representing not less than eighty per centum of the issued capital of the licensee will be beneficially owned by persons each of whom is either a resident of Australia (other than a company) or a company controlled by persons (other than companies) who are residents of Australia; and
 - (b) shares representing more than fifteen per centum of the issued capital of the licensee will not be beneficially owned by a person (other than a company) who is not a resident of Australia or by a company controlled, directly or indirectly, by persons who are not residents of Australia.

"Control" in the sections of the Act referred to above is defined in sections 90(1.), 90D. and 90E. of the Act to which attention is also specially invited. These sections provide as follows -

- (i) Section 90(1.) states that "control" includes 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.

- (ii) Section 90D. states that a person shall be deemed to be in a position to exercise control of a licence if -
- (a) that person is the holder of the licence;
 - (b) that person is in a position to exercise control of the company that holds the licence;
 - (c) that person is in a position to exercise control of the operations conducted under or by virtue of the licence, the management of the station in respect of which the licence is in force or the selection or provision of programs to be broadcast by that station;

(Section 90D. (2.) sets out the circumstances under which paragraph (c) above does not apply in the case of advertisers or sponsors of programs and the suppliers of programs.)

- (iii) Section 90E. (1.) states that a person who -

- (a) is in a position to exercise control of more than fifteen per centum of the maximum number of votes that could be cast on a poll at, or arising out of, a general meeting of a company, whether he is in such a position as regards all questions that could be submitted to such a poll or as regards one or more only of such questions;
- (b) has shareholding interests in a company, being shareholding interests in respect of shares of a kind carrying voting rights on all questions at general meetings of the company, exceeding in amount fifteen per centum of the total of the amounts paid on all shares in the company of a kind carrying such voting rights; or
- (c) has shareholding interests in a company exceeding in amount fifteen per centum of the total of the amounts paid on all shares in the company,

shall be deemed to be in a position to exercise control of that company and of any voting rights of that company as a shareholder and of all acts and operations of that company.

6. The word "control", whenever appearing in the particulars and information required by the Form of Application is to be given the meaning described in the abovementioned sections of the Act.
7. The attention of applicants is drawn to the provisions of the Board's publication "Standards for the Technical Equipment and Operation of Medium Frequency Broadcasting Stations."
8. The grant of the licence will be subject to the following technical conditions determined by the Board -

A. North Western Suburban Area of Sydney

Frequency: 1350 kHz sharing with the existing commercial broadcasting station 3GL Geelong.

Power: 5000 watts.

Aerial System: Directional, restricting radiation towards Geelong to not more than 50 mV/m at one mile unattenuated and towards Rotorua, New Zealand to not more than 250 mV/m.

B. Wollongong Area of New South Wales

Frequency: 1370 kHz sharing with the proposed Mornington station.

Power: 2000 watts.

Aerial System: Directional, restricting radiation towards Mornington to not more than 50 mV/m at one mile unattenuated and towards New Zealand not greater than 200 mV/m at one mile.

C. Mornington Peninsula/Frankston Area of Melbourne

Frequency: 1370 kHz sharing with the proposed Wollongong station.

Power: 2000 or 5000 watts.

Aerial System: Directional, restricting radiation towards Wollongong to not more than 50 mV/m at one mile unattenuated and towards New Zealand not greater than 200 mV/m at one mile.

Application for the Grant of a Licence for a
Commercial Broadcasting Station to Serve the

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17th February, 1975

