
AFTERMATH OF THE CONNOR REPORT

establishing it was or might be relevant to the inquiry. Accordingly, it was not a matter which the Tribunal was bound to investigate within The Queen v The Australian Broadcasting Tribunal & Ors; Ex parte Hardiman & Ors (1980) 144 CLR 13.

Muirhead J replied to TVW's points as follows:

- (a) there was no rigid rule as to what weight ought to be given to the factors of thoroughness, expedition and justice. In this case justice had not been sacrificed to expedition; as Mr Justice Aickin thought may have been in the case of Barrier Reef Broadcasting Limited v Minister for Post and Telecommunications and Anor (1978) 19 ALR 425.
- (b) the Tribunal did not take into account irrelevant considerations.
- (c) it was not correct to say that in assessing the public interest factors under s83(6)(d) of the Act that the Tribunal must submit evidence to enable a comparison to be made between the nature of the television service specified in the the Minister's notice and realistic alternative forms of television that might be prejudiced by the grant of the third commercial television station. Such a broad proposition would tend to turn the inquiry into a section 18 inquiry, without a wide range of other parties who might be interested in being put on notice or being given the opportunity of making submissions; and
- (d) there was no legislative requirement to investigate alternative services when dealing with an inquiry into a Ministerial notice relating to a commercial station.

In conclusion Muirhead J drew attention to the importance of expedition in matters of this kind. It is to be hoped that someone took this into account.

The Perth hearings have now concluded. A report is not expected before June.

Robyn Durie

On 25 March the Government announced a package of decisions following the report of the Special Broadcasting Service Review Committee ("the Connor Report").

That report was completed in December 1984 and tabled on 25 March 1985.

The major decision is to replace the existing SBS with the Special Broadcasting Corporation ("SBC"), with its own legislation and statutory charter.

This will have the great advantage of giving the SBS flexibility over staffing matters, planning, programming and administrative arrangements. It is hoped that the legislation will be introduced in the 1986 autumn parliamentary session and become operational on 1 July 1987.

Amongst the recommendations from the Connor Report which the Government has adopted are:

- that the ABC and SBS should cooperate, share resources, coordinate programming and exchange personnel;
- That a national program packaging unit be set up to provide language programs to public, commercial and other statutory broadcasters;
- that ethnic broadcasting stations be included within the "special interests" public broadcasting classification;
- that the SBS be subject to the same tendering procedures on television production as the ABC;
- that SBS staffing terms and conditions be removed from the Public Service Board control and senior executive positions be widely advertised and open to general competition.

Amongst the recommendations rejected were:

- the holding of a further inquiry to consider the integration of the ABC and the SBS;
- reduction of the membership of the SBS Board;

- a review of the decision to expand SBS television on UHF only; and
- expansion of SBS television on the basis of at least equivalent coverage to that of the ABC and commercial television stations in a particular area.

NEWS

THE FDU AM/FM CONVERSION REPORT

The Minister of Communications, Michael Duffy, has now released the Forward Development Unit's ("FDU") report Future Directions for Commercial Radio ... Interim Report: AM/FM Conversion.

In this report the FDU identified three options. The first is to allow all commercial stations to convert.

The second is to allow regional commercial stations in competition with an FM station to convert.

The third is to allow no conversion. In relation to this the FDU noted that radio in Australia was already enjoying the benefits of deregulation.

The FDU said that conversion was not as simple as it might first appear. The question of "commercial viability" was one which lay at the root of proposals for conversion. They said that it was not possible to demonstrate the truth or falsity of the proposition that FM was a clearly superior mode. Nor was it possible to conclude that AM broadcasters would be made unprofitable, let alone unviable, if they were denied conversion. They said that given over 230 AM main stations were involved it was not necessary to take sides in the conversion issue to conclude that wholesale conversion of existing stations was essentially a long term option.

The FDU stated that the debate about conversion was in fact a debate about a closed versus an open system of broadcasting, regulation versus deregulation. For that reason it was important for the Government to determine its priorities. It also noted that freedom to change program formats at will could be under question as a corollary of conversion.

The Report again noted the Government's stretched resources. It stated

that virtually all of the Department of Communications' resources would be devoted in the short term to planning for the equalisation of television services. This was the first priority. Secondly, resources would be allocated to planning the ABC's second regional radio network and the re-transmission of remote commercial television services. This would seem to indicate that the Department has not the desire or the ability to handle this issue at the present time.

It now appears that the FDU's report of its study on future directions for commercial radio in Australia has been postponed indefinitely.

**REPRINT OF B & T ACT
AND BROADCASTING ACT**

The Federation of Australian Radio Broadcasters has arranged with the relevant authorities to print an updated, but unauthorised, edition of the Broadcasting Act and Broadcasting and Television Act, as it still applies. The cost of the Broadcasting Act is \$19.00 and the cost of the Broadcasting and Television Act is \$18.00. If anyone is interested in obtaining copies they should write to:

Mr M.J. Hartcher
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PO Box 294
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or ring Yoland or Janice on (02) 929-4866.
