

28 September 2010

Ms Gina Cass-Gottlieb
Gilbert + Tobin Lawyers
GPO Box 3810
Sydney NSW 2001

ACMA 2009/2629

By email: [REDACTED]

Dear Ms Cass-Gottlieb,

Relationship between Lachlan Murdoch and Rupert Murdoch

I refer to your letter of 8 September 2010 in response to my request of 21 June 2010 for further information regarding the relationship between Lachlan Murdoch and Rupert Murdoch, [REDACTED]

I write to advise you that for the purposes of the qualifying limbs in the definition of 'associate' in section 6 of the *Broadcasting Services Act 1992* (the Act) I am presently satisfied that:

- Lachlan and Rupert Murdoch do not act together in any relevant dealings relating to the licences, newspapers or companies controlled by each of Lachlan and Rupert Murdoch; and
- Lachlan Murdoch is not in a position to exert influence over the business dealings of Rupert Murdoch in relation to the Rupert Murdoch companies or the Rupert Murdoch newspapers (as those terms are defined in my letter of 21 June 2010); and
- Rupert Murdoch is not in a position to exert influence over the business dealings of Lachlan Murdoch in relation to the Lachlan Murdoch companies or the Lachlan Murdoch licences (as those terms are defined in my letter of 21 June 2010).

As I am presently satisfied that Lachlan Murdoch and Rupert Murdoch are not associates in relation to control of the relevant companies, licenses and newspapers, no additional entries or alterations to the Register of Controlled Media Groups under sections 61AZ and 61AZB are necessary.

In reaching the requisite satisfaction I relied (among other things) on:

[REDACTED]

- you and your client responding to the ACMA's inquiries in a manner which draws attention to all the facts that you or your client are aware of which are relevant to the questions posed in the requests for information of 16 December 2009, 4 February 2010 and 21 June 2010.

[REDACTED]
[REDACTED] I used the natural and ordinary meaning of the word 'influence' having regard to the definition of that word in the Macquarie Dictionary and the context in which the word appears in the Act.

[REDACTED]
[REDACTED] A finding of a position to exercise control, despite an acknowledgment of likely compliance with such duties was upheld by the Full Federal Court in *CanWest Global Communications Corp v Australian Broadcasting Authority* (1998) 153 ALR 47 at 84-85.

If further information comes to light which indicates that:

- Lachlan Murdoch and Rupert Murdoch have acted together or are acting together in any relevant dealings relating to the relevant companies, licences or newspapers; or
- either Lachlan Murdoch or Rupert Murdoch may be in a position to exert influence over the business dealings of the other in relation to the relevant companies, licences or newspapers;

I will reconsider the question of whether Lachlan and Rupert Murdoch are associates for the purposes of the Act.

If you have any queries about this letter or wish to discuss this matter further, please contact Michaela Watson on [REDACTED]

Yours sincerely,

[REDACTED]
Jonquil Ritter
Executive Manager,
Citizen and Community Branch

Email [REDACTED]
Phone [REDACTED]
Mobile [REDACTED]