



was to foster cooperation between nations. The Olympic charter requires the fullest media news coverage of the Games.

When Sydney hosts the Olympic Games in 2000, it will be the product not only of the efforts of the IOC and AOC, but also the cooperation of the people of NSW and of Australia. It will be the product of the huge amounts of taxpayer dollars which will subsidise the event. The performances of our athletes will in some part be the product of the considerable amount of public money which is channelled into training programs.

And the product too of the millions of dollars spent on sponsoring and supporting our Olympic hopefuls in their bid to participate in the Olympics. Without these dollars, the Sydney Games would feature considerably fewer high profile sporting stars. The AOC delivers these organisations and the athletes they support a huge slap in the face and runs counter to their legitimate commercial interests when it seeks to limit the exposure of those athletes during their most important endeavours.

Commercial interests have an important role to play in staging the Sydney Olympics. But what right does the AOC have to take the fullness of the Olympic experience away from the people of Australia and the world and give it to the highest bidder? What right does that organisation have to gag the open and proper reporting of news of an event of world importance? What right does it have to control the voices of our athletes? What right does it have to take the fruits of huge amounts of taxpayer dollars and present the Olympic experience not as the property of the people of Australia and the world, but as a commercial property to be exploited without proper regard to the interests of all Australians?

The answer must surely be - none. □

Cross media inquiry looms

EXPECTATION IS growing that the government will soon announce a review of the present cross media ownership laws. The laws were earmarked for revision in the Coalition's *Better Communications* policy statement, released shortly prior to the April election. Reviews into other areas of the media earmarked by the Coalition - ABC and the future use of the sixth television channel - have already been announced.

The cross media laws were established in 1986 by the Keating Government to supplement its reforms to the media concentration laws. A summary of the present regime appears in the April edition of *CU*.

The present cross media laws are intended to ensure a diversity of voices within licence areas. Because of the unique importance of the media in informing society and shaping its cultural outlook, it is essential that public interest considerations continue to be applied to large media mergers.

All mergers are presently subject to general competition law, in the form of the ACCC's power under s 50 of the Trade Practices Act (TPA) to prevent an acquisition if it is likely to lead to 'a substantial lessening of competition' in a market. On its own, this would bear no resemblance to a cross media law because the ACCC would be likely to define the newspaper, magazine, radio and television industries as discrete markets. Neither would s 50 operate as a de facto substitute for the present laws, which seek to maintain a diversity of voices. Because the ACCC defines markets in primarily economic terms, a media merger would probably not breach s 50 solely because it reduced diversity of voice in a market.

A regulatory scheme which continued to consider issues of diversity

within markets would need to apply s 50 in conjunction with one of the following:

- a revised version of the cross media laws;
- 'industry specific' trade practices legislation; or
- other public interest legislation.

In a speech to the National Press Club on 31 July, ACCC Chairman, Professor Allan Fels, argued that any new laws which require individual evaluation of significant mergers should require the relevant party to give advance notice to the ACCC. It could then determine firstly, whether the transaction would breach s 50, and secondly, either decide for itself or gain advice from a separately constituted body as to whether it was permissible on public interest grounds.

Of course, any thorough consideration of cross-media issues will need to consider whether telecommunications facilities should be included in any future regulatory regime. While an examination of traditional forms of print and electronic media is, by any standards, a major task, some would argue that the public interest issues concerning cross ownership of these forms of media will ultimately be dwarfed by those associated with the convergence of content and carriage ownership.

Whatever its scope, however, the first major application of any new regime may involve a mix of traditional outlets: newspaper and television. At present, PBL's interest in the Nine Network prevents it from seeking to acquire the lucrative but rudderless Fairfax. A new regime may clear the path. □ AG