

News

\$1 million in damages was awarded by Justice Crispin of the ACT Supreme Court on Thursday November 18 to Abbey Bridal in its defamation action against Channel Seven, making it by far the highest damages award in the ACT for a defamation case. The verdict involves aggravated and exemplary damages.

Source: *The Gazette of Law and Journalism*

In dismissing Random House's appeal in the case of Abbott and Costello (Sydney, November 10) the full Federal Court found different imputations arose from those found by the lower court.

The ACT Parliament introduced the Defamation Bill, 1999 on December 9 which provides for a new "not negotiable" defence for the media. It also removes the public benefit element of the truth defence and introduces a new offer of "amends" system. The ACT Government is proposing a media forum to discuss the draft legislation, to be hosted by the Press Council.

E-satirist, The Chaser, reports that Radio National announcer Phillip Adams has been named in the cash-for-comments scandal. The ABA heard

evidence that he accepted payment from obscure foreign academics, epistemologists in particular, in return for positive reviews and feigned understanding of their work. The contracts are believed to have run into the tens and twenties of dollars, and also involved large in-kind payments of herbal tea and polo-neck skivvies.

Full story see http://www.chaser.com.au/news/new/s11/phillip_adams.htm

The collapse of the WTO Seattle round does not mean a halt to the discussions on services, such as telecommunications and audio-visual services. It was agreed under the Uruguay Round agreements that the discussion of services and also agriculture would proceed regardless of the outcome of Seattle. Talks will resume in Geneva early in the new year.

The Broadcasting Services Amendment Bill (No.1) 1999 was passed on December 9. It contains four schedules which include the introduction of a regime to discourage free-to-air broadcasters and program suppliers from hoarding rights; imposes restrictions on pay TV programming in regional areas; increases

the time allowed for the broadcasting of sponsorship announcements by a community TV broadcasting licensee and establishes a regulatory regime for the retransmission of radio and television programs.

Also passed was the Broadcasting Services Amendment Bill (No 3) to allow for the proper enforcement of the licence condition which requires subscription television drama channels to allocate at least 10% of their program expenditure to new eligible drama programs.

The Broadcasting Services Amendment (No 4) Bill which has a provision for approving licences for international broadcasters operating from within Australia is expected to be debated in the Autumn Sittings next year.

At the same time as the Australian Federal Parliament has passed the Electronic Transactions Act 1999, Telecom Ministers of the European Union have unanimously approved a similar law designed to promote secure transactions over the internet. EU states now have 18 months to implement the bill. The European Commission expects half the European population to be connected to the Net by 2005.

Unfinished business

As Federal Parliament adjourns for the fin de millenia break, Communications Update brings you a list of the communications legislation outstanding as of COB December 7.

Bills initiated in the House of Representatives

I) Copyright Amendment (Digital Agenda) Bill 1999

Amends the *Copyright Act 1968*: introduces a technology-neutral right of communication to the public; extends the statutory licence for educational institutions in relation to electronic publication of certain educational material; implements a new statutory licence scheme for the re-transmission of free-to-air

broadcasts; clarifies copyright responsibilities of carriers and ISPs

II) Radiocommunications Legislation Amendment Bill 1999

Amends the *Radiocommunications Act 1992* to assist in the provision of telecommunications services including: tissue of radiocommunications licences in the broadcasting bands; limits on amounts of radiofrequency spectrum acquired by specific person.

III) Radiocommunications (Receiver Licence Tax) Amendment Bill 1999

Amends the due date for licence tax instalments set by the *Radiocommunications (Receiver Licence Tax) Act 1983*.

IV) Radiocommunications (Transmitter Licence Tax) Amendment Bill 1999

Amends the due date for licence tax instalments set by the

Radiocommunications (Transmitter Licence Tax) Act 1983.

Bills initiated in the Senate

I) Australian Broadcasting Corporation Amendment Bill 1999

Amends the *Australian Broadcasting Corporation Act 1983* to establish a parliamentary joint committee on the ABC to consider matters concerning appointments to the ABC Board, the annual report and annual appropriation.

II) Telecommunications Amendment (Prohibition of B-Party Charging of Internet Service Providers) Bill 1997 [1998]

Amends the *Telecommunications Act 1997* to prevent telecommunications carriers from charging ISPs a timed levy for receiving a call for the purposes of connecting to the Internet.