

## Roles for Lawyers in Broadcasting

**The role of the lawyer in the regulation of broadcasting raises two fundamental questions. The first is that lawyers should, or will, have a role and secondly that there will continue to be regulation of broadcasting.**

It is my view that there will always be regulation, the form of the regulation will obviously change and this, I believe, represents one of the big challenges for lawyers. The regulation will really fall into two categories — government or statutory regulation and what's known as self-regulation.

I think it's fair to say that the moves and the endeavours should be towards self-regulation as distinct from statutory regulation. I think this was well expressed by the Federal Communications Commission in the United States when they came forward with a substantial recommendation of deregulation of radio in that country and what the Chairman of the FCC said was, "we are not selling out to the commercial interests, we are not letting down the public or the public interest groups, this move is proper and reasonable for the simple reason that the public interest can be achieved in this way". In other words it is not necessary to have detailed statutory regulation to ensure that the radio industry operates in the public interest.

The Chairman of the Australian Broadcasting Tribunal, Mr David Jones, addressed an Australasian Communications Law Association (ACLA) luncheon in Sydney on 24th April, 1981. His topic: The Role of Lawyers in the Regulation of Broadcasting.

Market place and other forces, bearing in mind the way in which the industry has developed, will achieve that. And this, I think represents the challenge to all those involved in this particular area, to achieve the balance between what is necessary in the public interest by way of statutory regulation and where the public interest can be achieved by leaving the regulation to the people who are involved in the market place.

The development of new technology in this medium must have an impact on present and future regulation and that again represents a challenge to all those involved in this area; to work out how the new technology can be fitted in to our country, into our lifestyle, and to adjust our thinking to accommodate that new technology. We cannot continue to automatically assume that the issues that are presently posed and need to be addressed in a regulatory system remain the same with these advances. A good example is cable television. It must raise the question that if cable television is injected into the present system, what degree of

regulation is necessary for the current system and the new system bearing in mind that cable may open up considerable opportunity for diversity in the ownership and control of the electronic medium and in the provision of programs and other material to the public through that medium.

In a report by the staff of the FCC on this subject, they have taken the position that the best way to proceed in regulating their broadcasting industry is not to try to increase the regulation that exists in the present industry and adapt it to new systems, but to free up the opportunity for new systems to develop and in that way expand the market place, expand the opportunity for diversity etc., which will bring about in itself, its own form of additional competition which the regulation was designed to achieve.

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### Cable Inquiry Submissions

The Australian Broadcasting Tribunal has reported that the public hearings of the Cable and Subscription Television Services Inquiry are expected to commence in mid-September.

No firm dates or venues have been set for the commencement but it is expected that the hearings will be held in Sydney and Melbourne only.

The hearings will be conducted by the Chairman, Mr David Jones, Mr Keith Moremon and Mr Ken Archer, Tribunal Members, and Mr Jim Wilkinson and Dr Donald Gibson, Associate Members.

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# CABLE INQUIRY SUBMISSIONS

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Mr Jones indicated on 25 May 1981 that submissions to the Inquiry would close on 28 August following the Minister's direction to expand the Terms of Reference to include a more detailed consideration of radiated subscription television services.

The Tribunal had received 171 written submissions to the Inquiry as of 27 May (see list below).

Mr Jones and Mr Brian Connolly, Secretary of the Tribunal, recently went to the U.S.A., Canada and Europe — gathering background information on cable systems.

Mr Keith Moremon earlier made a similar trip.

The Minister for Communications has advised the Tribunal that he expects a Report of the Inquiry by the end of March 1982.

The Tribunal advises that anyone seeking information regarding the Cable Inquiry should contact Jim Adamson on (02) 922.2900 extension 367.

The Australian Broadcasting Tribunal has issued this Submission List (up to 27.5.81) for the CABLE TELEVISION SERVICES AND RELATED MATTERS INQUIRY:

1 : MR E. LLOYD SOMMERLAD; 2 : FOSTER PARENTS PLAN OF AUSTRALIA; 3 : MR P.K. MALLOY, COUNTRY : USA; 4 : ELECTRONICS IMPORTERS ASSOCIATION; 5 : TOKYO CABLEVISION, COUNTRY : JAPAN; 6 : LIBRARY ASSOC. OF AUST. & AACOB'S; 7 : THE WIRELESS INSTITUTE OF AUSTRALIA; 8 : TELEVISION & ELECTRONIC SERVICES ASSOCIATION LTD; 9 : AUSTRALIAN ASSOCIATED PRESS; 10 : BROTHER PATRICK DARLEY; 11 : BUDDHIST DISCUSSION CENTRE (UPWEY); 12 : TOTALISER AGENCY BOARD OF W.A.; 13 : MICRO CONSTRUCTORS, INC., COUNTRY : USA; 14 : RCA CORPORATION, CABLEVISION SYSTEMS, COUNTRY : USA; 15 : PVC PIPE & FITTINGS MANUFACTURERS DIVISION OF THE PIA; 16 : THORN ELECTRICAL INDUSTRIES PTY LTD; 17 : AUSTRALIAN CABLE SPORTS (being formed) (See notes); 18 : AUSTRALIAN WRITERS GUILD; 19 : VICTORIA RACING CLUB; 20 : ENTERTAINMENT SERVICES PTY LTD; 21 : HOME BOX OFFICE, INC., COUNTRY : USA; 22 : SANDOWN

GREYHOUND RACING CLUB; 23 : BAHAKEL TELEVISION & RADIO STATIONS, COUNTRY : USA; 24 : AUSTRALIAN ASSOCIATION OF NATIONAL ADVERTISERS; 25 : DR P. EDGAR & DR R. PEPPER (See notes); 26 : WALLIS THEATRES; 27 : OAK INDUSTRIES INC., COUNTRY : USA (See notes); 28 : THE HERALD & WEEKLY TIMES LTD; 29 : CANADIAN CABLESYSTEMS LTD, COUNTRY : CANADA (See notes); 30 : TOTALIZER AGENCY BOARD OF NSW; 31 : THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS; 32 : AUSTENNA PTY LTD (See notes); 33 : TVW ENTERPRISES LTD (See notes); 34 : HOYTS THEATRES LIMITED; 35 : JOHN FAIRFAX LTD; 36 : VICTORIAN COUNCIL FOR CHILDREN'S FILMS & TELEVISION; 37 : DR PETER B. WHITE; 38 : M.C. STUART & ASSOCIATES PTY LTD (See notes); 39 : AUST'N FILM MANAGEMENT SERVICES PTY LTD; 40 : SOUTH AUSTRALIAN MOTION PICTURE EXHIBITORS' ASSOCIATION; 41 : STEREO F.M. PTY LTD; 42 : MR MARK D. STARKEY; 43 : E.C.E.T.; 44 : FAIRSKY DRIVE-IN THEATRE; 45 : SELECTV LIMITED, COUNTRY : UK; 46 : CATHOLIC WOMEN'S LEAGUE; 47 : MR ROBERT WALSH; 48 : COMMUNICATIONS EQUITY ASSOCIATES, COUNTRY : USA; 49 : AUSTRALIAN JOCKEY CLUB; 50 : MR ANDREW GONCZI; 51 : LOCAL GOVERNMENT & SHIRES ASSOCIATIONS OF NSW; 52 : PACIFIC COAST CABLE SERVICES, COUNTRY : USA; 53 : AUST'N TELECOMMUNICATIONS EMPLOYEES ASSOC., FED. COUNCIL (See notes); 54 : HILLS INDUSTRIES LTD; 55 : TELCOM AUSTRALIA (See notes); 56 : EDUCATION DEPT. OF SOUTH AUSTRALIA; 57 : GENERAL INSTRUMENT (AUSTRALASIA) PTY LTD; 58 : AUSTRALIA COUNCIL; 59 : GAY WAVES GAY RADIO COLLECTIVE; 60 : AUSTRALIAN TROTTERING COUNCIL INC; 61 : WELCOME TELEVISION PTY LTD (See notes); 62 : CABLE TELEVISION ENTERPRISES PTY LTD; 63 : WEST AUSTRALIAN NEWSPAPERS LIMITED; 64 : AUST. COUNCIL FOR RADIO FOR PRINT HANDICAPPED COOP LTD; 65 : VICTORIAN EDUCATION DEPARTMENT; 66 : RELEASE, INC., COUNTRY : USA; 67 : A.C.E. THEATRES PTY LTD; 68 : NEW SOUTH WALES FILM CORPORATION; 69 : MR IAN SAYER; 70 : INSTITUTION OF RADIO & ELECTRONICS ENGINEERS AUST; 71 : AUSTRALASIAN PERFORMING RIGHT ASSOC LTD; 72 : NEW LIMITED; 73 : SWAN TV & RADIO

BROADCASTERS LTD; 74 : BENDIGO CINEMAS PTY LTD; 75 : MR A.H. PAUL; 76 : AUSTRAL STANDARD CABLES PTY LIMITED; 77 : AUST CAPITAL TERRITORY HOUSE OF ASSEMBLY; 78 : AUSTRALIAN POSTAL & TELECOMMUNICATIONS UNION; 79 : MR NIGEL PATTERSON; 80 : PIRELLI ERICSSON CABLES LIMITED; 81 : VISIONHIRE (AUSTRALIA) PTY LTD; 82 : QUEENSLAND NEWSPAPERS PTY LTD; 83 : ADVANCE AUSTRALIA TELEVISION INDUSTRIES PTY LTD; 84 : APPLIANCE HOLDINGS PTY LIMITED; 85 : PREMIERE (See notes); 86 : FEDERATION OF AUSTRALIAN RADIO BROADCASTERS; 87 : HENRY JONES (IXL) LIMITED; 88 : VICTORIAN BROADCASTING NETWORK LIMITED; 89 : TELEVISION WOLLONGONG TRANSMISSIONS LIMITED; 90 : FILM CENSORSHIP BOARD; 91 : REGIONAL TELEVISION AUSTRALIA PTY LTD; 92 RADIO 2UE SYDNEY PTY LIMITED; 93 : BIRCH, CARROLL & COYLE LIMITED; 94 : AMPOL PETROLEUM LIMITED; 95 : DAVIES BROTHERS LIMITED; 96 : TASMANIAN DRIVE-IN THEATRE HOLDINGS LTD; 97 : PROVINCIAL NEWSPAPERS (QLD) LIMITED; 98 : WESTERN AUSTRALIAN SPORTS FEDERATION INC; 99 : ENTERTAINER-TV; 100 : WESTERN DISTRICT CABLE TV PTY LTD; 101 : 3AW BROADCASTING CO PTY LTD; 102 : PUBLISHING & BROADCASTING LTD; 103 : GREATER UNION ORGANISATION PTY LTD; 104 : AUSTRALIAN COPYRIGHT COUNCIL; 105 : AUSTRALIAN RECORD INDUSTRY ASSOCIATION; 106 : CONFEDERATION OF AUSTRALIAN SPORT (See notes); 107 : CANBERRA TELEVISION PTY LIMITED; 108 : THE MYER EMPORIUM LIMITED; 109 : COX CABLE COMMUNICATIONS, INC, COUNTRY : USA; 110 : SOUTHERN PACIFIC HOTEL CORPORATION; 111 : TELEVISION SOCIETY OF AUSTRALIA; 112 : FILM & TELEVISION PRODUCTION ASSOCIATION OF AUSTRALIA; 113 : AUSTRALIAN TELECOMMUNICATIONS DEVELOPMENT ASSOC; 114 : CREATIVE YOUTH ENTERPRISES PTY LTD; 115 : VILLAGE THEATRES LTD (See notes); 116 : PHILIPS ELECTRONIC SYSTEMS; 117 : WATERLINE PTY LTD; 118 : ACTORS & ANNOUNCERS EQUITY ASSOC OF AUSTRALIA; 119 : INFORMATION RETRIEVAL SERVICES; 120 : PRODUCERS & DIRECTORS GUILD OF AUSTRALIA; 121 :

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# CABLE INQUIRY SUBMISSIONS

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MR TREVOR BARR; 122 : PENINSULA DRIVE-IN PTY LTD; 123 : TELEPHONE RECORDED INFORMATION OF AUSTRALIA; 124 : PUBLIC BROADCASTING ASSOCIATION OF AUSTRALIA (See notes); 125 : DEPARTMENT OF TRANSPORT (See notes); 126 : CINEMATOGRAPH EXHIBITORS' ASSOCIATION; 127 : HORAN WALL & WALKER & SOUNDTRACKS PTY LTD; 128 : JUSTICE IN BROADCASTING; 129 : JOHN SEXTON PRODUCTIONS PTY LTD; 130 : CHILDREN'S PROGRAM COMMITTEE; 131 : TASMANIAN TELEVISION LIMITED; 132 : SENATOR JOHN BUTTON; 133 : A'ASIAN MECH CPYRT OWNERS SOC LTD AUST MUSIC PUB ASSOC; 134 : RUPERT PUBLIC INTEREST MOVEMENT INCORPORATED; 135 : INTERIM BD FOR EDUCATIONAL FILM & TELEVISION; 136 : S.A. TOTALIZATOR AGENCY BOARD; 137 : GREYHOUND RACING CONTROL BOARD (NSW); 138 : AMALGAMATED WIRELESS (AUSTRALASIA) LIMITED; 139 : AUSTRALIAN COUNCIL FOR CHILDREN'S FILMS & TELEVISION; 140 : CHRISTIAN TELEVISION ASSOCIATION; 141 : NORTH SYDNEY MUNICIPAL COUNCIL; 142 : ELECTRICITY SUPPLY ASSOCIATION OF AUSTRALIA; 143 : SWANLAKE DRIVE-IN PTY LTD & GIPPSLAND CINEMAS PTY LTD; 144 : THE NEWS CORPORATION LIMITED; 145 : WEST AUST MOTION PICTURE EXHIBITORS' ASSOC INC; 146 : AUSTRALIAN BROADCASTING COMMISSION; 147 : CLEARVIEW TV CABLE, COUNTRY : USA; 148 : AUSTRALIAN COUNCIL OF GOVERNMENT FILM LIBRARIES; 149 : AUSTRALIAN COUNCIL OF TRADE UNIONS; 150 : MAGNA TECHTRONICS (AUST) PTY LTD; 151 : FED OF AUSTRALIAN COMMERCIAL TV STATIONS; 152 : PROF GRANT NOBLE; 153 : MOTION PICTURE EXHIBITORS' ASSOC QLD INC; 154 : NORTH QLD NEWSPAPER COMPANY LIMITED; 155 : AUSTRALIAN POSTAL COMMISSION; 156 : PAMELA STEELE; 157 : AUST CAPITAL TITORY TOTALIZATOR AGENCY BOARD; 158 : KALBA BOWEN ASSOCIATES INC, COUNTRY : USA; 159 : CABLE CONCEPTS LTD, COUNTRY : USA; 160 : TOTALIZATOR AGENCY BOARD OF VICTORIA; 161 : ORANA DRIVE-IN THEATRE; 162 : ROCKY MOUNTAIN CATV LTD, COUNTRY : CANADA (See notes); 163 : WESTERN REGION COUNCIL FOR SOCIAL DEVELOP-

MENT; 164 : LEONGATHA DRIVE-IN; 165 : AUSTRALIAN TEACHERS' FEDERATION; 167 : MICROWAVE ASSOCIATES COMMUNICATIONS CO, COUNTRY : USA; 168 : DEPARTMENT OF ABORIGINAL AFFAIRS; 169 : MEDIA ETHICS ACTION GROUP; 170 : AUST FED OF FESTIVAL OF LIGHT, COMM STDS ORGANISATIONS; 171 : UACOLUMBIA CABLEVISION INC., COUNTRY : USA;

## NOTES

### Submission Number:

- 17 — includes a supplementary submission,
- 25 — includes a supplementary submission,
- 27 — includes a supplementary submission,
- 29 — includes a supplementary submission,
- 32 — includes a supplementary submission. The Tribunal has granted confidentiality in part to the primary submission,
- 33 — the Tribunal has granted confidentiality in part to the submission,
- 38 — includes a supplementary submission,
- 53 — includes a supplementary submission,
- 55 — includes a supplementary submission,
- 61 — videotape included as part of the submission. Arrangements to obtain a copy for viewing should be made with Tribunal staff,
- 85 — the Tribunal has granted confidentiality to this submission,
- 106 — the Tribunal has granted confidentiality in part to this submission,
- 115 — videotape included as part of the submission. Arrangements to obtain a copy for viewing should be made with Tribunal staff,
- 124 — videotape included as part of the submission. Arrangements to obtain a copy for viewing should be made with Tribunal staff,
- 125 — Department of Transport; previously incorrectly listed as Western District Cable TV Pty Ltd (see number 100),
- 162 — videotape included as part of the background material. Arrangements to obtain a copy for viewing should be made with Tribunal staff.

## Media Seminar

### NEW MEDIA: LAW AND POLICY

A seminar organised by the Australian Communications Law Association and the Faculty of Law, University of New South Wales.

University of New South Wales 22nd August 1981

### OUTLINE

#### Session One

- 9.00-10.30 **OPTIONS FOR NEW SERVICES**  
Cable Services  
Professor Henry Mayer  
(University of Sydney and Media Information Australia)  
Cable Services  
Henry von Bibra  
(Legal Practitioner, Melbourne)  
Other New Technologies:  
Some Implications  
Les Free  
(Publishing and Broadcasting Ltd)  
Discussion
- 10.30-11.00 Morning Tea

#### Session Two

- 11.00-1.00 **CONTROL, NETWORKS AND SUPPLEMENTARY LICENCES**  
Regional TV  
Nigel Dick  
(Victorian Broadcasting Network)  
Radio  
Paul Marx  
(Boyd, House & Partners)  
Independence and Control  
Ray Watterson  
(Newcastle University)

#### Session Three

- 2.00-3.30 **WHAT BENEFITS, AND FOR WHOM?**  
Will the Voice of the Public be Heard?  
Dirk Bakker and Stuart Fowler,  
(Justice in Broadcasting)

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