

broadcasting of prurient material to be justified by reference to a high moral purpose. There is nothing new in this. The practice is at least as old as Edmund Curll, the unlovely 18th century English pornographer, who defended some of his more lurid efforts by claiming that "they treat only of matters of the greatest importance to society ... are directly calculated for antidotes against debauchery

and unnatural lewdness."

Usually, of course, it is necessary for a publisher to raise a defence involving the public interest when defamation proceedings are brought. But no such proceedings were taken here. It would be refreshing, just once, for a broadcaster to tell a court; "Our business is to make a profit from entertaining people. It is a legitimate business. Television is a visual medium, so we need images.

People want to see pictures, not listen to descriptions. We try to give people what they want and so long as we remain within the law, we should not be stopped."

But perhaps it is naive to expect that kind of candour. It's very rare, in real life.

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## To preselect a carrier

**Trish Benson discusses the recent preselection of long distance telecommunications carriers**

**B**y early 1994, the residents of Sydney, Melbourne, Canberra and Brisbane will have voted to preselect their long distance telecommunications carrier as Telecom's monopoly on telecommunications services is opened up to competition from the second carrier, Optus. Progressively, all telephone subscribers across Australia will be asked to select their preferred carrier.

The ballot is seen as fast tracking competition and it is a part of the Government's commitment to micro economic reform. There are a number of issues that have not been adequately addressed in the economic reform debate (a debate that has become so pervasive both prior to and during the preselection ballot) and one of those issues is the need for deregulation; and inherent within deregulation is the need for competition within telecommunications.

Over the past one hundred years, the telephone has become an integral part of Australia's economic and social life. While the economic benefits of having an accessible and affordable telephone (and not related services, such as facsimiles, voice mail, the use of bulletin boards, etc) are well documented as advantaging the business community, the social functions and its benefits and not taken into account in the debates. The social functions of the telephone nearly always pertain to women's use of the phone and how that usage maintains and facilitates community life.

### Choice

The ballot has been applauded as providing consumer choice, however there is no recognition that choosing a phone company is very unlike choosing a can of baked beans from the supermarket shelf. The price of long distance phone calls became a major issue during the ballot (and providing consumers with pricing information became a major sticking point between consumer advocates during the ballot process). Some sections argued (reasonably coherently) during the ballot that the social functions and the provision of an affordable and accessible telecommunications network was a much wider issue than which

phone company provided the cheapest long distance calls - Telecom or Optus.

Even choosing a long distance carrier on pricing alone is extremely difficult for residential consumers. The carriers change their pricing structures regularly and the plethora of information made available (largely via advertising in the media) is exacerbated by the Telecom offered family and friends discounts and flexiplans, and what has become a catch cry of both carriers - "customer service".

### The costs

A criticism of the ballot process by consumer groups is the amounts of money being poured into advertising by both carriers - approximately \$20M. The ballot, which is being overseen by AUSTEL, the telecommunications regulator, is costing \$35M and includes a community education program. This criticism is again justified when many low-income earners cannot afford a telephone, are finding it increasingly difficult to pay for continued access to a telephone, or do not access to the standard telephone service (such as people who are hearing impaired, with speech difficulties or are deaf).

These criticism of the ballot process are indicative of the concerns that residential consumers also have towards the advent of competition. As far as residential consumers are concerned, some of the promises that competition promised have as yet to be realised.

Residential consumers may get cheaper long distance phone calls if they can wade through the plethora of information about pricing and if the issue of affordability and accessibility to the standard telephone service for many disadvantaged is not debated publicly. The question that needs to be asked is whether the quality of service that Telecom provided before the introduction of competition could have been improved without resorting to a very limited debate about the functions of a telecommunications network and millions of dollars being poured into the coffers of advertising agencies.

*This article by Trish Benson, Co-ordinator of the Consumers' Telecommunications Network, does not reflect the views of the Network.*

## VI\$COPY almost there

**David Throsby proclaims the near arrival of a new collecting society**

**T**he process of establishing a copyright collection agency for visual artists and craftspeople in Australia is now almost completed. The National Association for the Visual Arts (NAVA) has been working on this project for over four years, firstly by undertaking an extensive feasibility study with assistance from the Copyright Agency Limited (CAL) and then by setting in train the lengthy process of incorporation of the company, to be known as VI\$COPY.

Towards the end of last year, Hans Guldberg of Economic Strategies Ltd produced a detailed paper looking at the income projections for VI\$COPY in its first five years. The study analysed the histories and financial strategies of similar agencies in Europe and assessed the developing market sectors in Australia. From this study, a Business Plan was developed outlining the objectives, structure and projected financial arrangements for the proposed agency.

The Memo and Articles for VI\$COPY are being prepared by Corrs Chambers Westgarth following substantial input from Natasha Serventy, the legal consultant to the project. When these are finalised, the company will seek incorporation. There has been strong support for the establishment of VI\$COPY from a number of sources, including the Visual Arts/Craft Board of the Australia Council, the NSW Ministry for the Arts and other State Ministries, the Australian Cultural Development Office, and CAL. NAVA is still actively lobbying to put together a financial support package to carry VI\$COPY through its establishment stages towards full self-sufficient operation.

VI\$COPY looks forward to the final stages of negotiating for funding and the commencement of operations during the year. The establishment of VI\$COPY will at last fill a significant gap in the existing scope of provision for copyright protection of Australian artist.

*David Throsby, Chair, N.A.V.A.*