COMMUNICATIONS LAW BULLETIN
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Newspapers get into Trade Practices Act

A Federal Court ruling that a newspaper report was capable of breaching the Trade Practices Act, as well as being defamatory, has alarmed major publishers.

Mr Justice Toohey held in the Federal Court in Perth on 19 April, 1983, that reports in the Daily News and West Australian newspapers (both published and owned by the first respondent, West Australian Newspapers Limited) could be actionable under section 52 of the Trade Practices Act - by being misleading and deceptive or likely to mislead and deceive.

(The second respondent, William Ross Harvey, was the printer of the two newspapers).

The reports dealt with a Christmas holiday cruise aboard the Dalmacija (Dalmacija) which had been on charter to the Plaintiff company, Australian Ocean Line Pty. Ltd.

The judge said the reports contained criticism of the cruise comments (in direct and indirect speech) from passengers, and some small comment by the authors of the articles.

The proceedings before Toohey J. were in the form of a case stated (for the purpose of raising certain questions of law, the Court assumed certain alleged facts to be true).

The first respondent argued, inter alia:

"... that even if the contents of the newspaper articles complained of can be described as misleading or deceptive, on no view of the facts pleaded in the Statement of Claim can it be said that in any relevant respect the first respondent engaged in conduct in trade or commerce.

His Honour noted in his judgement that the respondents did not deny that in publishing and selling the newspapers in which the articles appeared the first respondent engaged in trade. But, they said, the trade was that of publishing and selling newspapers.

The respondents accepted that it was possible to engage in misleading or deceptive conduct in that trade e.g. by publishing false circulation figures or by claiming a greater number of classified advertising pages than was true. But, their argument ran, if the complaint was of a report, the contents of which were said to be accurate, the conduct complained of was not conduct in the trade of publishing and selling newspapers.

The argument was that in s.52 the conduct complained of had to be an unfair trade practice, something incidental to the trade which, in the present case, was publishing and selling newspapers. And, it was submitted that there was no unfair practice in the trade of publishing and selling newspapers just because a report of general interest might prove to be false.

Toohey J. found that submission placed too narrow a construction on the language of s.52(1):

"The first respondent published the articles in the course of carrying on an activity which was undoubtedly commercial and which may be fairly described as conduct in trade or commerce", His Honour said. "While it may be true to say that the first respondent's activity is the publishing and selling of newspapers, it would be unreal to divorce the paper which is sold from its contents.

"The sale of a newspaper is a sale of goods to a consumer. And the buyer is a consumer not only of the object he buys but, actually or potentially, of products or services it describes. If the product or service is described in terms that are false, the buyer is thereby misled or deceived or is likely to be misled or deceived by what he has read.

"And what he has read is part of the conduct of the publisher in publishing and selling the newspaper in question," Toohey J. said in his judgement.

Whether the applicant could make good its allegations, whether in terms of s.86 of the Act it could show that it was a "person who has suffered loss or damage by conduct of the first respondent done in contravention of s.52" remained to be seen. His Honour held that the statement of claim disclosed a cause of action against the first respondent under s.52 of the Trade Practices Act.

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IN THIS ISSUE

Labor's policy on

Australian Labor Party policy on ethnic broadcasting was distributed in February. For purposes of record, CLB reproduces that part of the policy headed "Multicultural Television". "Ethnic Radio" and "The Special Broadcasting Service"

Multicultural Television

Channel 0/28 will be extended by an ALP Government to all states and territories. This policy was adopted at the National Conference of the ALP in July 1982, and by the present Government two weeks later. It will be implemented according to the time-table announced by the present Government in August 1982.

Channel 0/28 will be a national multicultural network, independent of the ABC and the commercial sector.

Where appropriate, the ABC will be asked to assist by making its technical facilities available so that the network may be developed efficiently, and in the most cost-effective manner.

Arrangements will be made to ensure that the channel is used for a greater amount of time each day, with programme access being provided for public television, for educational and cultural material, and programmes appropriate for migrant women in the home.

Ethnic Radio

Ethnic radio broadcasting will be further expanded in the public broadcasting sector.

As an initial step in this expansion, applications will be invited from ethnic communities in Melbourne and Sydney, with a view to establishing an ethnic public broadcasting station in each city.

Stations 2EA and 3EA will be retained as fully professional broadcasting stations.

Ultimately, the financing of ethnic public radio will be administered by an independent Foundation, which will be responsible for the funding of all forms of public broadcasting.

The Special Broadcasting Service

A Labor Government will adapt the SBS, or replace it by a new independent organisation responsible for ethnic and multicultural broadcasting.

The organisation will have its own legislative base, and the legislation will provide for:

- a re-vamping of the top structure of the organisation;
- the right of the organisation to appoint its own advisory council and committees;
- freedom from Public Service Board control;
- the appointment by the organisation of Community Affairs officers to maintain close liaison with ethnic communities;
- the holding of open annual public meetings with ethnic communities for the purposes of obtaining comments and suggestions;
- the application of the same rules governing Public Affairs programmes as apply to the ABC.

POLICY SPEECH — Federal election campaign launch, at the Sydney Opera House Theatre on 16 February, 1983:

COMMUNICATIONS

Communications has grown into a major area of government responsibility, but under the Fraser Government developments have been wholly uncoordinated.

The Australian Labor Party has clear priorities and will develop our communications system with paramount regard to the public interest.

WE WILL:

- immediately plan for a second ABC regional network, to be installed by the third year of government, to provide additional choice to the four million Australians living outside capital cities;
- increase ABC funding by 5 per cent to enable a further development of Australian programming;
- establish an independent Foundation to assist financing of public broadcasting stations;
- proceed with the extension of multi-cultural and ethnic broadcasting throughout Australia, but insist on greater ethnic community involvement in the management of this service.

Labour rejects the recommendations of the Davidson Report on the Australian Telecommunications system.

That system will remain in the hands of Telecom, and will continue to provide a service which takes into account the public interest in the determination of charges for all Australians.

There will be no fragmentation of the system by the admission of private networks, and Telecom will continue to cross-subsidise country and suburban services.

Telecom will be permitted to raise adequate capital for expansion, and will be the base provider for all new information systems.

It will continue as a major supporter of the Australian electronics industry, and of employment in that industry.

Telecom's "Buy Australian" policy will be maintained.

Australia Post

- A Labor Government will retain Australia Post's letter monopoly.
- Will re-establish the courier service, which was profitable.
- Will allow Australia Post to operate electronic mail services and compete in the provision of new services.

communications

In Its Rural Policy speech, delivered in Griffith NSW, on 20th February, 1983, the Australian Labor Party said this about COMMUNICATIONS:

A basic need of people in remote areas is for efficient and reasonably priced telephone and mail services.

In 1981, the Fraser government set up inquiries into the operations of Telecom — the Davidson Inquiry; and into Australia Post — the Bradley Inquiry.

The Davidson Inquiry terms of reference were written by the Fraser government with the aim of allowing private companies to take over the profitable parts of Telecom's operations.

At present, Telecom keeps down the cost of telephones in country areas by using the profits of the STD routes between capital cities to offset the losses it incurs in rural and provincial areas.

The Davidson Inquiry recommended the end of this system of cross-subsidisation. It effectively recommended the adoption of the "user pays" principle. It specifically recommended a system of telephone rental charging which would mean an annual rental of $900 for any telephone subscriber living more than 18 km from an exchange. It recommends time-charging for local calls so that a telephone conversation which exceeded three minutes would be charged essentially on the same basis as a trunk call.

When the Davidson Report was published, the Government welcomed it enthusiastically. The Government Minister for Communications, Mr Brown, described it as "a milestone in the history of telecommunications in Australia". For the country telephone services, the implementation of this report would not be a milestone, but a grave stone.

It is common knowledge that right up to this election being called, officers of the Department of Communications in Canberra were working on a submission to the Cabinet advocating acceptance of many of the recommendations of the Davidson Report. They were doing this at the direction of the Minister. Subsequent government claims retreating from applying these recommendations in all their severity are worthless.

In relation to this matter Labor opposed the limited terms of reference of the Davidson Inquiry, has opposed the Committee's recommendations; and, in Government, will not implement any of the recommendations which disadvantage country people. For the Labor Government, those recommendations are dead.

We will encourage Telecom to proceed as rapidly as possible with itemised telephone accounts and the reduction of anomalies in relation to STD calls.

We will ensure that the present cross subsidy is maintained for Australia Post, and that every effort is made to improve mail services in country areas.

We will give priority to ensuring that the domestic satellite to become operational in 1985 is used for the purpose for which it was originally intended — to provide better broadcasting and telecommunications services for outback communities.

Our spokesman on communications has had discussions with a company known as Television Australia, which intends to use the satellite facility to provide a chain of small television stations serviced by the satellite which will provide programs for nearly a million Australians living in remote communities who now have either no television, or one ABC service.

Satellite

- The ALP welcomes services which the satellite can provide in rural areas.
- A Labor Government will stregthen consumer representation on the board of the satellite company and maintain the 51 per cent Government shareholding.
- A Labor Government will retain the Overseas Telecommunications Commission.

Australia Broadcasting Commission

- A Labor Government will encourage a vigorous independent ABC with bipartisan appointments to the Commission.
- As soon as possible increased funds will be provided for the ABC for Australian television production and improving rural services. A second radio network will be provided for country areas within 3 years.
- The ALP will not allow cencorship of the ABC by means of a Commissioner for Complaints.

Public Broadcasting

- Labor will provide a Foundation, the income from which will be used to provide ongoing financial assistance to the public broadcasting sector. This will give it security and independence from Government.
- The Broadcasting and Television Act will strengthen in relation to foreign takeovers of commercial radio and television.
- We will not introduce cable TV in the foreseeable future on both economic and cultural grounds.
- There will be no further inquiries into communications matters.
- We will provide additional funds to overcome planning backlogs in the Department of Communications.
- We will abolish the election blackout on news and current affairs programmes.

FOR THE RECORD

The CLB is late out this year.

A major reason is the lack of material provided by subscribers and members of the Australian Communications Law Association (ACLA). Active participation is essential to the success of this publication.

Articles, case notes, comments, reviews, letters are urgently needed to cater for the diversity of interests that ACLA - and through it the CLB - represents (see back page).

The CLB has always had a major commitment to providing matters of record for easy, convenient reference:

*The terms of reference of the Australian Broadcasting Tribunal inquiry into cable and subscription television services (1981) 1 CLB - 2;

*List of names of those who made submissions to the Cable and STV inquiry (1981) 1 CLB - 5,6,8 and 1 CLB - 21;

*Text of A.B.T. statements on the "Channel Ten-10 Advertising Log controversy" (1982) 2 CLB - 1,2,5;

*Reorganisation of Department of Communications on 5.4.82 by Mr Ian Sinclair (1982) 2 CLB - 15;

*Summary of Recommendations on Cable TV by A.B.T. (1982) 2 CLB - 17-23;

*Collated recommendations of Davidson Committee of Inquiry into Telecommunications Services (1982) 2 CLB - 41-48 incl.

As a continuation of that commitment to be a "journal of record", the CLB now reproduces the policies of the (then) Federal Opposition on a range of communications issues - satellite services, the A.B.C., public broadcasting, Australia Post, Telecom, ethnic broadcasting - as gleaned from official speeches during the election campaign earlier this year (see 3 CLB - 2,3).

BOOKS IN BRIEF

THE VISUAL ARTIST AND THE LAW

By Shane Simpson (Law Book Co. Ltd.)

Compact, easy-to-read guide through the legal environment of visual artists (contracts of sale, agency, loan and lease; design copyright; defamation; obscenity; moral rights; insurance; taxes and duties) with clearly set-out specimen contracts for most artistic occasions (sale, consignment, gallery contracts, commission agreement, preliminary design for commissioned work).

Especially suitable for the quick reference needs of artists loathe to emerge from "garret isolation" but nagged by feelings of being "diddled" by middlemen.

ADVERTISING REGULATION

By Shenagh Barnes & Michael Blakeney

(Law Book Co. Ltd.)

The Communications Media rates its own chapter in this 600-pager.

Of particular interest are the sections on: Outdoor Advertising which, the authors say, "has become a means of circumventing the prohibition of particular types of advertising carried by the other media"; Celebrity Endorsements (including some U.S. decisions on disclosure of payments to endorsers, suggesting a similar rule should exist in Australia); Character Merchandising and liability arising from the imitation of rival advertising campaigns (including the possibility of copyright subsisting in a — sufficiently original — slogan).

The "Select Bibliography" runs to more than 200 items.

Also useful for the Communications Law-oriented are the Appendices with Australian Broadcasting Tribunal standards on Advertising and Television Programs, Trade Practices guidelines, various advertising codes of the Media Council of Australia, and guidelines and advertising rules of the Federation of Australian Commercial Television Stations.

letters .....

Dear Sir,

May I compliment you on your fine journal. My major interest is The Legal Aspects of Commercial Entertainment. However, it does seem to me that your journal is supremely dull.

I would suggest, first: the inclusion of a Letters column and, secondly, the arrangement of issues more on the lines of the now-defunct (UK) TWENTIETH CENTURY with writers of opposing views on a central theme (e.g. "Private Lives and Their Public Enemies").

I feel legal associations such as ... your own become moribund because insufficient attention is given to social matters i.e. (i) social aspects of our theme and (ii) having more parties and dinners for members.

But, in particular, it should qualitatively assess the impact of private monopoly ownership of (esp.) radio stations and the extent to which the quality of Australian radio has been affected by the concentration of power in the hands of a few - e.g. why there is no "good music" station in the A.C.T. or why Latin Jazz is never broadcast or why the media are mysteriously favourable to Country & Western music and the entertainment industry as a vehicle of government "self image" manipulation.

Simon Parry JR
Lyons, A.C.T.

Mr Parry's letter (reprinted in slightly abbreviated form) has given me the opportunity of starting a Letters column, as suggested, and of seeking more contributions generally, — **Editor.**

Radio Communications Bill 1983

Draft legislation to replace the Wireless Telegraphy Act 1905 is being considered by the Federal Government. The so-called **Radiocommunications Bill 1983** was released for public comment by the former Minister for Communications, Mr. Brown.

The draft legislation states itself to be: "An Act relating to radiocommunications, interference to radiocommunications, and other matters".

The Bill contains definitions (some have been criticised for their complexity and uncertainty[1]) departing from many of those employed by the International Telecommunications Union, very wide powers of "inspectors" to arrest "... any person, if the inspector believes on reasonable grounds —

(a) that the person is committing or has committed an offence against this Act; and

(b) that proceedings against the person by summons would not be effective",

or to search people or property "... in the immediate control of, a person, suspected by (an inspector) to be carrying anything connected with an offence against the Act" — and to do so without warrant in "emergencies".

Offences relating to receivers and transmitters deemed to be sub-standard carry penalties of fines up to $50,000 or imprisonment for up to two years.

Novel aspects of the Bill include the use of "advisory guidelines" as a means of persuasion where, for example, the desired result is beyond Commonwealth power; conciliatory provisions for settlement of interference disputes and provision for review of bureaucratic and ministerial decisions.

Public comment on the draft legislation is still being sought and should be addressed to the Secretary, Department of Communications, P.O. Box 34, Belconnen, ACT 2616. Copies of the draft legislation are available in AGPS bookshops.

[1]Further examination of the draft legislation is in Amateur Radio Action Vol. 5 1983 Issue 12 at pp.14-17 and 19-21.

Freedom of Information Act

The change of Federal Government has been followed by a change of attitude towards some requests for information under the **Freedom of Information Act 1982,** but generally it is still too early to detect an overall effect.

(A request for manuals from the Department of Social Security had not been successful prior to March 5 and appeared likely to reach the Administrative Appeals Tribunal. However, this did not eventuate when the manuals were made available soon after the new Minister took office.)

The Public Interest Advocacy Centre in Sydney has been busy making applications under the FOIA this year, covering social security, health, immigration, the Commonwealth Ombudsman and Attorney-General, development and energy, police and legal aid.

Requests made by the Centre included such information sources as policy documents and manuals, personal files and other specific items.

The Centre joined with the Ethnic Communities' Council and the Australian Consumers Association to hold a day-long seminar on FOI in Sydney on March 26. Speakers included John McMillan, Peter Bayne, Tom Brennan of the A.C.T. Social Security Advice and Advocacy Centre, Jack Waterford of the Canberra Times and Betty Hounslow of Marrickville Legal Centre.

The Public Interest Advocacy Centre is producing a comprehensive consumers' guide to the FOIA. This publication (in conjunction with the Australian Consumers Association) has been delayed in view of proposed amendments to the Act announced by the Federal Government.

The Communications Law Bulletin has a keen interest in FOI (for an introduction to FOI see 2 CLB-31) and the Editor would like to hear from applicants about their experiences in requesting information under it.

'STATE OF SUPPRESSION'

The controversial power of courts in South Australia to make orders prohibiting the publication of evidence and/or names involved in court hearings is under inquiry and a final report on recommendations is being prepared by the State's Crown Solicitor's Office.

The Attorney-General, Mr Sumner, initiated the inquiry and invited submissions from the public.

A discussion paper notes that the present law in South Australia is that all evidence taken in civil proceedings in open court and all evidence taken upon proceedings for offences other than sexual offences or offences committed by children, may be published unless an order prohibiting the publication is made under Section 69 of the Evidence Act 1929-1982.

The Australian Journalists Association's Federal Council recently resolved:

"That Federal Council oppose censorship in all its overt and covert forms including the growing insidious practice of closing courts and suppressing names of defendants. Council instructs Branches to wage a strenuous campaign against any attempts to interfere with the freedom of the Press to report fully and accurately."

The S.A. discussion paper sought submissions on the extent of the general power (if any) that South Australian courts should have to make suppression orders in civil proceedings and/or in criminal proceedings including committal proceedings, summary trials and trials on indictment.

The paper noted that:

"In Queensland and New South Wales the courts do not have any general power to prohibit the publication of evidence given before them or to prohibit the publication of material that would identify parties or witnesses in proceedings, or persons whose names are mentioned in the course of proceedings."

"In the United Kingdom special legislation has been passed with respect to the reporting of committal proceedings. The legislation is designed to ensure that any subsequent trial will be conducted fairly — i.e. that committal proceedings are not given publicity which might affect the impartiality of potential jurors. It does not prohibit, at any time, the publication of the name of an accused person or the description of the offence with which he or she is charged."

"It simply prohibits the publication of the evidence given at the committal hearing without the consent of the accused person."

According to the Discussion Paper, options being considered for South Australia include:

(a) leaving the law unchanged;

(b) removing section 69 from the Evidence Act thus leaving the courts without any general power to make suppression orders;

(c) Amending section 69 of the Evidence Act to limit the ambit of the discretion given to the courts to make suppression orders by:

(i) providing that such orders may only be made in certain specific types of cases — e.g. cases involving indecency, blackmail, offences against children, etc.

(ii) providing that such orders may only be made where certain specified interests are threatened — e.g. personal safety, fairness in legal proceedings, protection of children, etc; or

(iii) providing that order may only be made in certain specified types of cases or where certain specified interests are threatened (i.e. a combination of (i) and (ii).

(d) making provision for the suppression of certain evidence, and/or of the identities of the parties (or of the defendant only) as a matter of law — see, for example, the recommendations of the Criminal Law and Penal Methods Reform Committee of South Australia (the "Mitchell Committee"), the Evidence Act Amendment Bill, 1965 and the Magistrates' Courts Act, 1980 (U.K.)

(e) Amending the Wrongs Act to provide either:

- that where a newspaper has reported the trial of a person and has named that person, if he or she is subsequently acquitted, the newspaper shall publish with equal prominence the fact of the acquittal; or
- that a newspaper which has reported the trial of a person and has named that person will lose the protection from defamation proceedings presently given in the Wrongs Act to the fair and accurate reporting of court proceedings if the person so named is acquitted and the newspaper does not report the fact of the acquittal with the same prominence as it reported the trial.

The Discussion Paper said other issues which could be addressed in submissions include:

- Whether it might be appropriate (and practical) for the Attorney-General to be notified of all applications for suppression orders, and, where he considers it proper, be heard in the public interest on the application?
- Whether it might be appropriate (and practical) for any other body, such as a body representing the press, to be notified of all applications for suppression orders and, where it considers it appropriate, be heard on the application?
- Whether appeals arising out of applications for suppression orders should involve the rehearing of the application (i.e. that the appeal court should be able to substitute its opinion for that of the court appealed from) or whether the appeal court should only be able to consider whether the court appealed from erred in principle, or acted in a way which could not be justified by the material before it?
- Whether any useful purpose is served by the requirement that the Attorney-General must be advised of all suppression orders made? If this requirement does serve a useful purpose what form should the report to the Attorney-General take?

Uniform Defamation Law —

Contrary to some Press reports, the Federal Attorney-General, Senator Evans, has NOT announced a "new defamation law by July".

The situation, of course, is that the draft Bill for a uniform law on defamation is expected to be ready for approval at the July meeting of the Standing Committee of Attorneys-General.

In the interests of those who may have been taken aback at reports of such legislative alacrity, the Communications Law Bulletin has obtained the official **Press Release by the Attorney-General of 27 March, 1983.** Here is the full text on the topic of defamation:

A uniform law on defamation for the whole of Australia should be finally agreed to by July this year, the Attorney-General, Senator Gareth Evans, said today.

Senator Evans said the July target date had been set at the meeting of the Standing Committee of Attorneys-General in Adelaide over the weekend.

The model Bill for a uniform law was now at an advanced stage. With decisions taken by the Ministers at the meeting and with further work to be done before the next meeting in July, it was hoped that the Bill could be in a form in which Attorneys-General could present it to their Governments after the next meeting.

The Attorney-General said that uniform defamation legislation would be a major step forward in law reform in Australia.

"It now seems that one defamation law for Australia is close to reality. The benefits to potential litigants and to the electronic and print media should be immediately apparent.

"The impetus for the new law come from the recommendations of the Australian Law Reform Commission. This new law will provide workable, and above all, uniform legislation in an area which has been historically fragmented. It will mean the end of the spectacle of the publisher being liable in some States but not in others for the publications of the same material," Senator Evans said.

Newspapers and Trade Practices (from Page 1)

Toohey J. also found that the statement of claim disclosed a cause of action or triable issue under the **Trade Practices Act** against either respondent. The Federal Court had jurisdiction to hear and determine the claims of the applicant against the respondents under the defamation laws of Western Australia.

His Honour said: "In arguing that this question should be answered in the negative, counsel for the respondents drew attention to the fact that the range of defences in a defamation action may be considerably wider than in an action brought under s.52 of the **Trade Practices Act.** That may well be the case; I express no opinion on the matter.

"But it was not suggested by the applicant that if this court has jurisdiction to entertain the defamation claim, defences available to the respondents at common law or by statute would not be available to them before this court. In my opinion they undoubtedly are available.

"If it be the case that there are fewer defences available to the respondents in answer to a claim under s.52 than in answer to a claim in defamation, the answer must in colloquial terms be "so what". They are different causes of action. What has to be established in each case is different and the defences available are different.

"The answer to this question must be approached with reference to the judgement of the High Court in **Philip Morris Inc. v. Adam P. Brown Male Fashions Pty. Ltd.** (1980-81) 33 ALR 465, a decision which I discussed in **Muller v. Fencott** (1982) ATPR 40-266. See too the recent analysis by Fitzgerald J. in **L.E. Stack v. Coast Securities No. 9 Pty. Ltd.** (unreported decision delivered 23 March 1983).

"The criterion for associated jurisdiction may be said to be whether there is a common substratum of facts relating to the cause of action in respect of which jurisdiction exists under the **Trade Practices Act** and to the cause of action sought to be attached thereto."

In the case before him, Toohey J. said: "The facts alleged in support of the claim under s.52 and the facts alleged in support of the claim in defamation are not only similar but are for all practical purposes identical."

The questions of law reserved for the consideration of the court were:

(i) Does the statement of claim disclose any cause of action or triable issue under s.52 of the Trade Practices Act against the first respondent?
Answer: Yes

(ii) Was the conduct of the first respondent complained of in the statement of claim engaged in by the first respondent in trade or commerce within the meaning of s.52 of the Trade Practices Act?
Answer: Yes

(iii) Was the conduct of the first respondent complained of in the statement of claim capable in law of being misleading or deceptive or likely to mislead or deceive within the meaning of s.52 of the Trade Practices Act?
Answer: Yes

(iv) Does the statement of claim disclose any cause of action or triable issue under the Trade Practices Act against the second respondent?
Answer: Yes

(v) If the statement of claim does not disclose any cause of action or triable issue under s.52 of the Trade Practices Act or otherwise under that Act against the first and second respondent or either of them, does this Court have jurisdiction to hear and determine the claims of the applicant against the respondents under the defamation laws of Western Australia?
Answer: No

(vi) If the statement of claim does disclose a cause of action or triable issue under s.52 of the Trade Practices Act or otherwise under that Act against the first and second respondents, or either of them, does this court have jurisdiction to hear and determine the claims of the applicant against the respondents under the defamation laws of Western Australia?
Answer: Yes

— John Mancy

Australian Communications Law Association

The ACLA is concerned to bring together those interested in the law in areas affecting communications such as broadcasting law, defamation, copyright, film, telecommunications, advertising, contempt of court, freedom of information, entertainment, privacy and censorship. Our current membership includes lawyers and other from commercial, national and public broadcasting, film groups, newspapers, private practice, law reform commissions, universities and elsewhere.

We recognise that the success of our Association depends on associating informally and freely with all those interested throughout Australia. We publish material from widely differing standpoints. The total independence of the Association, which includes people with a diversity of political and business connections, will continue to be jealously guarded.

We have no permanent secretariat and we do not maintain a routine of activities. Functions are organised to suit the needs of the community and the interests of members. Our activities have included seminars on overseas broadcasting law, commercial television licence renewals, defamation, cable and STV, and copyright. We have held luncheons for Ministers and Shadow Ministers for Communications, the Commonwealth Attorney-General, the Chairman of the ABC and Telecom, the Secretary of the ATEA, the Chief Film Censor and the ABT Chairman. The **Communications Law Bulletin** is Australia's specialist journal for the areas mentioned above. Our membership directory provides a mean of contact between those interested in particular areas of communications law and policy. ACLA executive committees are based in Sydney and Melbourne.

APPLICATION FOR MEMBERSHIP OR CLB SUBSCRIPTION

Please send this form and your cheque to the secretary of the Sydney or Melbourne Executive, whichever is closest to you. Note that different membership fees apply to Sydney and Melbourne. Please underline any of the following information which you do not wish to be included in our membership directory, which is published only to fellow members.

Name .....

Address .....

Telephone ..... DX (if any) .....

Principal Areas of Interest .....

Please tick the appropriate box below:

☐ I apply for membership of the ACLA and enclose the annual fee of $20 (Sydney) or $30 (Melbourne). This includes one year's subscription to the **Communications Law Bulletin** in either case.

☐ I apply for one year's subscription to the CLB and enclose $20 (individual) or $30 (firms, organisations). Firms and organisations may receive extra copies at $1.00 each. For example, $32 subscription secures three copies of each issue for one year.

☐ I apply for membership of the ACLA without the benefit of a CLB subscription, and enclose the annual fee of $5 (Sydney) or $15 (Melbourne).

☐ I apply for corporate membership of the ACLA (Melbourne) on behalf of .....

.....

and enclose $100 in payment of the annual fee, which includes a year's subscription to the CLB.

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