should the law be changed? The last step is to decide whether the law should be changed. The issues paper suggests a number of criteria against which proposed changes should be assessed

- consistency with the basis structures and principles of Australian society
- consistency with international covenants to which Australia is a party, particularly the *International Covenant on Civil and Political Rights* and the *International Convention on the Elimination of All Forms of Racial Discrimination* and
- contemporary developments in the law and society of the places from which a culture came to Australia.

publications. The issues paper is available free of charge from the ALRC. A summary in English and 22 community languages is also available. Following consultation on the issues paper, a discussion paper on family law will be published. Discussion papers on criminal law and contract law will also be published within the next 15 months.

conference on multiculturalism. There will be a conference on Law in a Multicultural Society in Melbourne on 30–31 March 1990. Key speakers at the conference will be the Victorian Attorney-General, the Hon Andrew McCutcheon and Mr George Papadopoulous, Chair, Victorian Ethnic Affairs Commission. Central topics will include issues of law, justice and ethnicity – initiatives at federal and State level. For further details please contact Ms Greta Bird, National Centre for Crosscultural Studies in Law, Monash University, Clayton, Melbourne, telephone (03) 565–3399.

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media law

> Prior to 1300: No mention of Rutland Weekend Television in any history book I can find. There is no mention in Caesar, none in Livy, none in Plutarch and it's not in the big brown book in the hall either.
> 1301: Still no mention of Rutland Weekend, although the 'foul apparitions' in Hamlet and Macbeth are obviously early forms of television.
>
> 'A History of Rutland Weekend Television from 1300'
> in Eric Idle, *The Rutland Dirty Weekend Book*

the bond case. The finding of the Australian Broadcasting Tribunal (ABT) that Mr Alan Bond is not a fit and proper person and that companies in which he has an interest and which are licensees of various Australian television stations are not fit and proper persons to hold their television licences has now been overturned by the Federal Court. The Court found that the Tribunal had failed to take into account

- material suggesting that the boards of the licensee companies operated in a proper manner
- the fact that undertakings given by Mr Bond would have distanced him from the licensee companies
- the past and continuing compliance of the licensees with their obligations under the Act.

Several of the findings the Tribunal relied on concerned a settlement for $400 000 of a defamation action brought by former Queensland Premier Sir Joh Bjelke-Petersen against Queensland Television Ltd, one of the companies in which MrBond had an interest. The Court said that the findings were arrived at by an invalid process of inquiry. The inquiry took no account of the role of the Premier in the settlement and whether the payment of $400 000 was justified by the defamation claim alone. The Court did not overturn a further finding that MrBond threatened to use his TV staff to gather information on a business competitor (the AMP Society) and to expose the competitor by showing the results on television. The Tribunal is appealing to the High Court against the Federal Court's decision.

fit and proper amendments. Sometimes a licensee's failure to be a fit and proper person or to provide the financial, technical and management capabilities necessary to provide 'an adequate and comprehensive service' is due to the conduct or character of a person in a position to control the licensee company or its operations. Imposing conditions may not be an effective remedy. Suspension, revocation or refusal to renew the licence would put the service off the air and disadvantage viewers or listeners, innocent shareholders and creditors. Amendments to the Broadcasting Act were introduced into the House of Representatives on 1 November 1989 to deal with this situation. The amendments would permit the Tribunal, where it is satisfied that the holding by a person of particular interests in a company contributes to the licensee's unsuitability, to give directions to ensure that the person divests its interests in the company within 6months.

aggregation. The government's policy to give regional areas access to three commercial television stations by permitting a broadcaster in one region to broadcast programmes into the two adjoining regions (aggregation) has also encountered legal difficulties. These difficulties became apparent last August when the chairman of the ABT, Deirdre O'Connor, said that, because the networks controlled the programming of regional stations through affiliation agreements, even though they did not directly own them, the networks could each effectively have a 100% audience reach (Sydney Morning Herald 4 August 1989). This would conflict with the 60% audience reach rule. The federal Solicitor-General, MrGavan Griffith, advised the Tribunal that the affiliation agreements signed or proposed by the Australian Television Network Ltd (Seven) and Network Ten Australia Ltd were in breach of the Broadcasting Act because a regional affiliate had no real choice but to acquire substantially the whole of its programming material from the network to which it is affiliated. The affiliation agreements of the Nine Network were not studied by MrGriffith (Australian Financial Review 28 November 1989). The Seven and Ten Networks said that the Solicitor-General's opinion was based on superseded versions of the affiliation agreements (Australian Financial Review 29 November 1989).

government policy. A group representing 18 regional stations asked the Minister for Transport and Communications, MrWillis, to reconsider aggregation in the light of evidence that at least one operator, if not two, in each market would not survive (Australian Financial Review 21 December 1989) and Darling Downs TV commenced proceedings in the Federal Court to have aggregation declared illegal (*Sydney Morning Herald 2 February 1990*). Mr Willis has announced that the ALP will go ahead with aggregation. Legislation would be introduced to exempt tied programming agreements from constituting control of a regional station by a network (*Australian Financial Review* 21 February 1990).

opposition policy. The Opposition's spokesman on communications, Senator Richard Alston, said that there is a need for an urgent review of aggregation to decide whether a third player in each region was financially viable. A coalition government would consider an alternative proposal with the following features:

- each regional station would have a monopoly on condition that it broadcast two channels instead of one
- the regionals would forgo all rights to compensation for equipment purchases in preparation for aggregation and finance the equipment necessary for SBS to broadcast in each regional area
- the regionals would also promise to provide three channels within 10 years, although the Opposition hopes this could be reduced to five (Sydney Morning Herald 29 January 1990).

foreign ownership. The financial problems of the owners of the Nine and Seven Networks have focussed attention on the foreign

ownership limitations in the *Broadcasting Act*. The Act purports to stop any foreigner holding more than a 15% interest in a licensee company and to limit aggregate foreign interests to 20%. Mr Willis said:

> I understand that one of the possible schemes being considered in some quarters to circumvent the 20% limit is the establishment of a holding company in which there may be a number of individual foreign interests of less than 15%, which in aggregate may total up to 49% of the holding company. Whilst this arrangement may be permissible under the Act as it now stands, it is clearly contrary to the Act's intent (*Sydney Morning Herald* 5 January 1990).

Subsequently, the Treasurer, MrPaul Keating, said that foreign interests could gain up to complete ownership of Australian commercial television networks under the current legislation (*Australian Financial Review* 2 February 1990). Tom Burton, writing in the *Sydney Morning Herald* (13 January 1990), said that the government had not suddenly become aware of a loophole in the legislation, since the Ten Network had for more than 18months had an arrangement involving nearly 30% foreign ownership of Northern Star Holdings which controls the Ten licensee companies and that up to 50% foreign ownership had been clearly intended by the 1981 amendments to the Act. MrWillis said that he was aware of the Northern Star case but that his statement concerned the intention of Bond Media and the receivers for Qintex to fully exploit the provisions of the Act, which, while apparently limiting foreign shareholdings to 20% in total, can easily be increased to 49% by the use of holding companies (*Australian Financial Review* 18 January 1990).

double, double ... After representations from the Seven and Nine Networks, a proposal was prepared for Cabinet to double the permitted foreign ownership limit and allow up to 40% (Sydney Morning Herald 1 February 1990). However, the proposal was strongly opposed by some members of the Labor Party Caucus, the Australian Film Commission, Actors' Equity, the Writers' Guild, Screen Directors' Association and the Australian Journalists' Association (*Sydney Morning Herald* 3 February 1990). It was removed from Cabinet's agenda (*Sydney Morning Herald* 7 February 1990) and the matter is awaiting the outcome of the federal election. MrWillis has said that Labor will certainly change the Act so that there would be a far lesser percentage than at present. The Opposition proposes that there be no change to the Act, although Senator Alston has said that the Opposition would review its policy if MrWillis produced hard evidence to support his claim that foreigners could own more than 50% of a licensee under current law (*Australian Financial Review* 21 February 1990).

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violence

> When the state itself uses violence to further ends which it perceives as legitimate, this is an implicit invitation to some members of the public to do likewise.
>
> Graboski and Lucas,
> *Society's Response to the Violent Offender* 1989

Melbourne's Queen and Hoddle Street massacres, and street shoot-outs in Sydney, served as catalysts for debate and action on violence and the law. These include examination of gun and other weapon laws in a number of states, inquiries into the media and violence and the establishment of the National Committee on Violence (NCV) (see [1989] *Reform* 100). A common theme throughout the literature on violence is the lack of adequate statistics and research with which the incidence of, and responses to, violence can be assessed. What statistics there are, however, do *not* seem to indicate the massive increase in violence that is perceived by the public, the media and governments.