



Ownership 'Policy' All Over the Shop

Conrad Black moved swiftly to increase his stake in Fairfax towards the 25 percent permitted by Cabinet on 20 April 1993.

The Government decision increased to 30 percent (Black plus five percent for US investment bank Hellman and Friedman) the foreign ownership limit for mass circulation.

It created immediate speculation that pressure would build for a change to the foreign ownership limit for free-to-air television.

The Government's policy generally remains both inconsistent and largely unarticulated.

The ceilings are:

- Print: 30 percent total (25 percent individual)
- Free TV: 20 percent total (15 percent individual)
- Pay TV: 35 percent total (20 percent individual).

Cabinet gave no indication of the rationale for *any* limit on foreign ownership, just as the print media inquiry last year

proposed a general ceiling of 20 percent but was silent about why, in principle, a limit should be imposed at all. (See CU 73 and 76.)

Notwithstanding the lack of a theoretical base, are the limits meaningful in practice?

Consider the Prime Minister's stated reasoning over Fairfax. He reportedly told restive caucus members that Black had to have 25 percent to be able to take control of Fairfax.

In the new Broadcasting Services Act, the opposite reasoning applies. Foreign interests are limited to 15 percent individually and 20 percent in total, but they may breach the act if, with *less* than that, they could exercise control. Foreign control is to be avoided with even more severe limits, not cited as the justification for easing existing ones.

Enforcement of this policy in TV is at issue in the ABA's analysis of CanWest and Israel Asper's interests in the TEN Network.

Two Canadians, two policies, too bad. □

Paul Chadwick

Journos and Jail in S.A.

South Australia is shuffling closer, to a 'shield law' and a second journalist who was in contempt of court for refusing to identify sources has avoided jail.

Adelaide Advertiser journalist David Hellaby was fined \$5000 after his employer and the State Bank Group reached a last-minute settlement of the legal action which gave rise to Hellaby's contempt.

In sentencing, Justice Duggan said a jail term would have been appropriate had the contempt been ongoing.

So former ABC reporter Chris Nicholls remains the lone journalist in prison, serving four months for refusing to answer questions about the iden-

tity of the source he says gave him bank documents relating to the affairs of Jim Stitt, the partner of the former tourism minister Barbara Wiese, and a possible conflict of interest.

Nicholls' contempt arose after he had been acquitted of impersonating Stitt to get the documents. He had maintained a source provided them, but would not tell the court who that source was, citing journalistic ethics.

The Media, Entertainment and Arts Alliance (AJA section) has lobbied all political parties for a statutory qualified privilege to shield journalists' sources from disclosure and reprisal, and therefore journalists from being in contempt.

Attorney-General Chris Sumner is willing to consider reform, but wants to see improvements in media self-regulation too. The Liberals and Democrats, who control the Upper House, have also indicated cautious support.

A parliamentary committee inquiry is the most likely next stage, where debate will centre on the proper criteria for deciding when the confidentiality of sources should give way to what is necessary in the interests of justice.

A similar debate can be expected in NSW after the imminent contempt proceedings over an ICAC matter against *Sydney Morning Herald* journalist Deborah Cornwall are dealt with. □

Paul Chadwick