

# Richard Nixon ... beyond self-regulation?

Q. Mr. David Shannon: Mr. Jones I wonder if I could ask you a question about self regulation. I think there are many signs that the Tribunal is becoming more involved in the self regulation of advertising both at the stage of formulation of rules and in arbitrating as to the effect of those rules, and a recent decision of the Tribunal in relation to a Richard Nixon look alike commercial as a particular case in point. My question is simply how can it really be self regulation when the Tribunal is involved in that way as an independent governmental body?

A. Well I think there are two points to be made. First of all there is at the moment statutory regulation of advertising on the electronic medium. In other words the Act requires that

advertising be broadcast in accordance with standards determined by the Tribunal; there are standards, so in the sense there is an ultimate regulatory responsibility on the Tribunal to not only determine standards but to oversee that they are complied with. Now that the system has been blended with a form of self regulation in that the television industry has set up its own operation to deal with advertisements to assist their members in assuring that advertisements do comply with the standards and any other self regulatory codes that may operate in the area and as far as the Tribunal is concerned we have welcomed and supported this initiative and the excellent work that is being done by the C.A.D. However, I think it is an example of where many self regulatory experiences reach a stage that they can go no further and that there has to be some ultimate statutory body or responsibility where the self regulatory process can't cope with the problem. The one that you're talking about is a situa-

tion where the body operated by the industry was taking a certain view, other people involved were taking a contrary view. Ultimately, the Tribunal had to make a decision as to whether that piece of advertising was in accordance with the Act and the Standards, and the Tribunal accepted that responsibility and took the decision. But by and large matters relating to advertising in television, for example, are sorted out under the self regulatory process that operates.

## Ownership

Q. Lady Duckmanton: Mr. Jones I was wondering if you could comment on your claim that cable will open up diversity in ownership and control and therefore the need for regulation may diminish. I was wondering whether you believe diversity can only be contained in regulation and whether it is desirable that the same

*Continued Page 23*

## Cable Inquiry Submissions

Herewith some late submissions to the Australian Broadcasting Tribunal's Inquiry into Cable and Subscription Television Services and Related Matters (previous submissions (1981) 1 CLB — 5, 6 & 8):

172 : SUPERIOR INSTALLERS, INC COUNTRY: U.S.A.; 173 : OFFICE OF ROAD SAFETY—DEPARTMENT OF TRANSPORT; 174 : TELECASTERS NORTH QUEENSLAND LTD; 175 : AMATIL LTD; 176 : BRISBANE TV LTD; 177 : DR R LORRIMER; 178 : MR S DE BELLE; 179 : YOUNG PEOPLES FORUM OF THE YOUTH AFFAIRS COUNCIL OF VICTORIA; 180 : TELEVISION BROADCASTERS LTD; 181 : DAVID SYME & CO LTD; 182 : SENATOR JOHN SIDDONS; 183 : SOVEREIGN RECORDS; 184 : TELEVISION NEW ENGLAND LTD; 185 : TRAFFIC AUTHORITY OF NSW; 186 : HARRY DOUGLAS PTY LTD/DATEC PTY LTD; 187 : WESTERN REGION COUNCIL FOR SOCIAL DEVELOPMENT AND OTHERS;

## NEW MEDIA: LAW & POLICY

**The long-held view that the media had a unique role in a free society and was not to be controlled like other industries is now under challenge, MARK ARMSTRONG told seminar attenders at the University of N.S.W. on 22 August,**

The challengers are:

- Politicians seeking a partisan advantage;
- Bureaucrats seeking to impose uniformity; and
- Lawyers seeking to resolve policy and planning issues by the methods which the courts use.

Armstrong told the seminar "NEW MEDIA: LAW AND POLICY" that legal controls on media content should be reduced to the extent that "narrowcasting" replaces broadcasting — and to the extent that there is greater diversity of media controllers.

The law should no longer be used by government as a barrier to block media developments. Governments have a responsibility to plan and allocate natural resources. But they should not be allowed to fetter the range of considerations which make

up the public interest in freedom of speech, Armstrong and co-author Terry Buddin argue in their seminar paper: *The Role of Government and Freedom of Speech*.

The twelve papers delivered at the seminar will be available next month. To obtain these send a cheque for \$17.00 in favour of Law School, U.N.S.W.) to Ms. J. Trethewey, Faculty of Law, University of N.S.W., P.O. Box 1 Kensington, 2033.

For details of the authors and topics of the other papers see (1981) 1 CLB — 8, 11.

The seminar organised by the Australasian Communications Law Association (ACLA) and the Faculty of Law, University of N.S.W. was attended by more than 200. It concluded with an informal dinner at which the speaker was Mr Rod Muir.