tial, unless it was otherwise publicly available.

In relation to Equity's request, the Tribunal said that it must be assumed that once the information requested was supplied, it would potentially be available to others, including competitors. It was said that it could be argued that no case had been made out on the balance of probabilities that the release of documents would be prejudicial to licensees; merely that life would be made more complicated or risky.

However, the Tribunal rejected that argument, and said that the release of the information would be prejudicial as:-

(a) it could be used to the advantage of competitors and to the disadvantage of persons supplying the information;

(b) provision of information would be of advantage to other media with whom television competes for advertising;

(c) the availability of information would be of advantage to people with whom licensees are obliged to negotiate, and to the detriment of licensees, for example, production companies and unions; and

(d) the information in ABT-12 is open to misinterpretation by people not familiar with the intricate details of the financial management of television stations.

Accordingly the Tribunal held, under Section 106A (3)(ii) that only published information would be available.

The Tribunal indicated its willingness to consult with Equity regarding the nature and form of financial performance information which it regularly issued, on an industry or market basis.

3. **Conclusion**

This decision, brings some certainty into the interpretation of the Freedom of Information Act as far as the Broadcasting Tribunal is concerned, by equating the two "access to information" sections.

However, the Tribunal's comments as to the strength of the arguments raised by the licensees of commercial television stations raises some doubt as to how such cases should be put.

It is hard to imagine that such licensees would not have raised those issued.

BOOKS IN BRIEF

MEDIA LAW IN AUSTRALIA — a manual
By Mark Armstrong, Michael Blakeney and Ray Watterson
(Oxford University Press)

Essentially aimed at non-lawyers* and covers all you would expect from the title — defamation, copyright, contempt, radio & television, advertising — plus such topical extras as leaked government documents, electronic interception & recording and protecting business reputation.

The chapter on sub judice publication is worth reading alone for the paragraph, "The scope of potential contempt is sometimes exaggerated in the minds of media practitioners, to become broad or absolute to an extent which the law does not require" (echoing the CLB editor's experience through two decades of 'when in doubt, leave out' journalism!). Seeking to push the law of prejudicial contempt to its limits seems a worthier aim (see p.103). This same chapter might serve as a valuable adjunct to formal journalistic training (the electronic media need not feel neglected, "... film of an accused person entering or leaving the court building is fairly commonplace." When does this amount to contempt? (p.112).

*Legal practitioners may benefit from the extensive references collated at the back as handy guides to the leading & latest case law on the various subjects.

AUSTRALIAN TRADE MARK LAW and PRACTICE
By D.R. Shanahan (Law Book Co. Ltd.)

Practising patent attorney's guide through the law of trade marks in Australia (at at February, 1982). Also brings into focus the relevant consumer protection (misleading or deceptive marks to be considered in assessing what is "contrary to law" — section 28 Trade Marks Act 1955) and restrictive trade practices' (assignment & licensing of trade marks) provisions of the Trade Practices Act.

For the non-expert in this field, the lists of contrasted trade names and trade marks, held to either infringe or not infringe, is a useful guide to Australian and New Zealand decisions.

PRICE DISCRIMINATION LAW — regulating market behaviour
By Michael Blakeney (Legal Books)

Although generally not concerned with communications law, this copiously footnoted treatise on section 49 of the Trade Practices Act highlights a problem zone for advertisers — cooperative advertising deals (supplier and purchaser combining to advertise supplier's product in conjunction with the promotion of specific retailers) may amount to price discrimination (p.97).