

World Review

A survey of some recent international developments

British Telecom and MCI Communications have announced that they have formed an alliance to provide worldwide value added telecommunications services.

- In order to stimulate the development of Russia's domestic telecommunications infrastructure, the Russian Ministry of Communications has announced that it is postponing the issue of licences to develop international communications systems.
- Nine Asian carriers have signed a Memorandum of Understanding to build the Asia Pacific Cable Network – cable which will link Singapore with 8 other Asian nations. It is envisaged that the fibre link will be

over ten thousand kilometres.

- Telstra's hopes of operating a second general carrier licence in Malaysia have been thwarted by the Malaysian Government's decision ruling out full deregulation of their telecommunications industry.
- The German Government has revealed plans to privatise Deutsche Bundespost Telekom and its related postal companies, whilst the French Government has also announced that France Telecom will be privatised and the country's telecommunications sector will undergo a major overhaul.

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is not quite that simple. I believe that while these countries feel their way towards a free society, we need to take this concept of balance into account. Sometimes broadcasters will make exactly the same choice they would have made in Australia, Britain or the USA. But every now and then they may feel that reality is literally millions of people working desperately hard to pull themselves up by their own bootstraps and hesitate to set fire to their world.

Indonesia has surprised me by its sheer diversity. Secessionism is not abnormal – it is endemic. And I sometimes wonder how anyone can run the place at all. Another surprise has been how fiercely proud ordinary Indonesians are of their nation. We won our independence too easily to care so deeply.

Conclusion

As a codicil to all this, let me anticipate some reactions and say that I am not suggesting that existing regimes should be sacrosanct. Nor am I saying that governments should be encouraged to tell broadcasters what to say and how to say it. This is not a disguised plea for censorship. But I do feel that the more we understand our neighbours, the less comfortable we will be with "publish and be damned". That might just turn out to be prophetic.

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information is true. The Government agreed for the above reasons and this became the test in the Act.

The second point is a little more subtle. The Commissioner for Equal Opportunity commented that the requirement that the person genuinely believe that the information is true created an unfair distinction. The distinction is best put as follows:

"As a matter of fairness it would seem to me that the Act ought to protect the fair-minded and objective person, who is unable to make up his or her own mind about the truth of the allegations, to the same extent as it protects the person who rashly accepts and believes everything he or she hears."

This point was accepted. Accordingly, the test of belief on reasonable grounds is supplemented by an alternative as follows:

"... is not in a position to form a belief on reasonable grounds about the truth of the information but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its disclosure so that its truth may be investigated."

It will, of course, be necessary for a public awareness campaign to educate the public about the legislation. I look forward to co-operating with all concerned parties in that process.

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Prosecutions

The New South Wales legislation provides for a two year limitation period in which proceedings are to be commenced. The written consent of the Attorney General is required before proceedings can be instituted.

Most of the State Acts provide for fines or imprisonment or both as penalty for breach of the provisions

discussed above. In New South Wales, the maximum fines range between \$4,000 and \$10,000 for individuals, depending on whether the conviction is summary or on indictment and \$50,000 for corporations. The maximum sentences range from 2 to 5 years.

In *Miller's* case, which was decided in 1988 under the New South Wales legislation, the journalist was fined \$500 after the court took into account her character, her belief (based on legal advice given to her employer)

that she was not breaking the law and the fact that the legislation was relatively new. This penalty was upheld on appeal in *Donaldson v TCN Channel Nine* in 1989. The production company was fined a total of \$25,000 for the offences of causing the use of a listening device, possessing the tape recording of the conversation and communicating it to viewers.

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