

competitive conduct.

In the QWI case there was no difficulty establishing that BHP had refused to supply Y-bars for a proscribed purpose because BHP had admitted that its actions were motivated by a proscribed purpose in interlocutory correspondence with QWI. However, in other cases, proving that respondent's refusal to supply goods or services was done for one of the purposes proscribed in section 46(1)(a), (b) or (c) may not be quite so easy. In most cases the only evidence available to the applicant will be an inference to be drawn from the facts which may be rebutted by a legitimate explanation from the respondent.

The High Court decision leaves much unresolved. One such matter is whether the exercise of a contractual right can amount to a misuse of market power within the meaning of section 46.

Another matter which was not considered by the High Court in the QWI case is the difficult question of what relief should be granted by a court in a case where a contravention of section 46 has been established. The courts have always been reluctant to grant any form of relief which is likely to involve a court in ongoing supervision, and the prospect of having to determine the terms of dealing in a market in consequence of a finding of a violation of section 46 may, in some circumstances, prove to be too daunting for

adequate relief to be formulated.

Accordingly, claims that the High Court's decision in the QWI case will revolutionise competition in the Australian print media should be regarded with caution. ●

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## AUSTRALIAN ASEAN AND PACIFIC JOURNALISTS' VISITS PROGRAM

The winners of the 1990 Australian ASEAN and Pacific Journalists' Visits Program were announced on 6 February by the Australian Journalists Association's Federal Secretary, Christopher Warren.

"The AJA with assistance from the Department of Foreign Affairs and Trade has been running this visits program to ASEAN countries since 1984," Mr Warren said. This year it has been extended to include the Pacific region, he said, explaining that the program is designed to improve understanding and reporting of the region by Australian journalists.

The winners this year are:

**John Schauble**, *The Sunday Age*, who plans to visit Indonesia and Malaysia to look at criminal justice systems and the

coverage of Australia in the regional media.

**Susan Anne Everingham**, *Daily Liberal*, Dubbo, who plans to visit Singapore, Jakarta, Padang (West Sumatra), Manila and Baguio (The Philippines). She will write about connections between the region and Dubbo.

**Mark Adam Holland**, *The Australian*, who will use the trip to analyse the political and economic direction of the ASEAN member states, particularly Thailand and Indonesia with particular reference to Australia.

**David Evans**, *The Mirror*, who intends to look at, among other things, the public transport system in Kuala Lumpur and Singapore and their lessons for Sydney, as well as at population trends and Australian investment in Thailand.

**Lyndall Crisp**, *The Bulletin*, who will visit a group of Pacific Islands to look at a profile of cultures and legal systems.

**Kyrn Stevens**, Freelance, who will visit New Zealand and New Caledonia to look at a comparison of indigenous resistance by Kanaks and Maoris.

All the journalists involved are expected to undertake their trips before 30 June. The program provides funding for travel and expenses to a maximum of \$5000. The judges this year were AJA Federal President Barry Porter and News Limited Editorial Manager, Warren Beeby. ●

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## ABOUT THE PRESS COUNCIL

The Australian Press Council was established in 1976 with the responsibility of preserving the freedom of the press within Australia and ensuring the maintenance of the highest journalistic standards, while at the same time serving as a forum to which anyone may take a complaint concerning the press.

It is funded by the newspaper industry, and its authority rests on the willingness of publishers and editors to respect the Council's views, to adhere voluntarily to ethical standards and to admit mistakes publicly.

The Council consists of 23 members. Apart from the chairman (who must have no association with the press), there are 11 industry represen-

tatives and eight public members, two journalist members and an editorial member (none of whom are affiliated with any newspaper publisher). The newspapers' representatives are drawn from the ranks of metropolitan, suburban and country publishers as well as from the AAP service. The public is represented by people from all walks of life.

The Press Council is able to amend its constitution with the approval of its constituent bodies. Significantly, great importance is placed on the importance of members acting as individuals rather than as the representatives of their appointing organisations.

### Complaint Procedure

If you have a complaint against a newspaper or periodical, you should first take it up with the editor or other representative of the publication.

If the complaint is not resolved to your satisfaction, you may refer it to the Australian Press Council. A com-

plaint must be specific, in writing, and accompanied by a cutting or clear photostat of the matter complained of, with supporting documents or evidence if any. Complaints must be lodged within three months of publication.

The Council will not hear a complaint subject to legal action or, in the Council's view, possible legal action, unless the complainant is willing to sign a waiver of the right to such action.

Address complaints or inquiries to:

The Executive Secretary  
The Australian Press Council  
Suite 302, 149 Castlereagh Street  
Sydney NSW 2000

For information or advice telephone: (02) 261 1930.

A booklet setting out the aims, practices and procedures of the Council is available free from the above address. ●