

Communication **LAW**

B·U·L·L·E·T·I·N

THE OFFICIAL PUBLICATION OF THE COMMUNICATIONS AND MEDIA LAW ASSOCIATION (CAMLA)

Registered by Australia Post, NBG 4474

EDITED BY MICHAEL BERRY

VOL. 9 No 1 JANUARY 1999

Violence and the mass media

Last October, Senator Michael Tate set up the National Committee on Violence to find ways of tackling the apparently increasing violence in Australian society. Here Janet Strickland assesses the likely effectiveness of the committee that must examine the controversial problem of violence and the media.

At last the Federal Government has decided to tackle the immensely difficult problems related to violence in Australian society.

Following the "Inquiry into Strategies to Deal with the Issue of Community violence" conducted by the Social Development Committee of the Victorian Parliament (established soon after the Queen Street and Hoddle Street massacres), the new Commonwealth and state-funded National Committee will examine and report on the following:

- the contemporary state of violent crime in Australia;
 - related social, economic, psychological and environmental aspects;
 - gender issues in violence;
 - the impact of the mass media, including motion pictures and videotape recordings, in the incidence of violent behaviour;
 - the association of violence with the use of alcohol and other drugs;
 - factors instilling attitudes to violence among children and adolescents;
 - the vulnerability to violence of particular groups;
 - the development of specific strategies to prevent violence, including strategies to propagate anti-violence values throughout Australia, reduce violence involving young people, and promote community education programs;
 - the need for support and assistance to victims of violence; and
 - the need for special measures in the treatment of violent offenders.
- In my view, this holistic approach is likely

to be much more productive and constructive than any inquiry that has hitherto been conducted, and could well result in the current inquiry by the ABT into the issue of violence on television, becoming an expensive and irrelevant side-show - as was the inquiry of the Joint Select Committee on Video Material.

The danger with side-shows is that they tend to distract attention from the main event - the nub of the problem - and may lead the public to falsely believe that "something is being done", whereas all that "is being done" is to nibble

away at the edges - create new guidelines here; impose a little more censorship there; invite submissions; analyse existing research; write endless reports on reports and generally appear to be addressing the problem!

Both the Inquiry by the Joint Select Committee on Video Material and the more recently established ABT Inquiry into Violence on Television were a response, in part, to the perceived public concern about depictions of violence on film and television.

Continued on p2

CAMLA Annual general meeting

The fourth annual general meeting of the Media Law Association of Australasia will be held in Sydney on February 9 when the company will be re-named the Communications and Media Law Association.

Early last year the Media Law Association and CAMLA were formally merged bringing together a wide range of professional people in law and public policy areas, the arts, communications and the media.

The AGM will resolve to have the merger approved and will elect office bearers and other members of the new committee. The AGM will be held in the Albert Room of the Intercontinental Hotel in Bridge Street, Sydney at 6.30pm.

In this Issue -

*Defamation and parliamentarians.
Australian music - new programme standards.
Names or no names?
TV - the next decade.*

Violence and the mass media

from p1

After a 3-year Inquiry, the members of the Select Committee were unable to agree on the likely effect upon people of exposure to violent material on film. Neither were they able to agree on whether "hard-core" pornography has a deleterious effect on adults. The majority of 6 members stated that adverse effects were demonstrable; the minority of 5 said they were not - in either the violent nor the pornographic genres.

In spite of this lack of agreement on the correct interpretation on the work of the social scientist, they all agreed that "something had to be done" - so they unanimously recommended that stricter guidelines should be applied by the Film Censorship Board and the Films board of Review in the classification of films and videotapes, in order to reduce the amount of violence in each of the classification categories, (G, PG, M and R).

The majority also recommended a complete ban on "X"-rated (that is, "hard-core pornography") films and tapes - a view opposed by the minority. Both of these more restrictive recommendations were eagerly embraced by all the Commonwealth and State Censorship Ministers, in spite of the fact that "X"-rated videotapes have been legally available to adults in the ACT since 1983.

Arguably, the banning will merely create a black market, involving, in many cases, those already involved in drug and prostitution rackets - leading inevitably to more crime and more violence!

The more optimistic, but quite unrealistic view, in my opinion, is that as a result of these tougher censorship laws, Australian society will become a better and safer place in which to live!

On the other hand, the Committee was able to make a couple of constructive recommendations relating to the need to educate the public about the meaning of the existing film classifications and to the provision of more specific consumer guidance about the contents of each film and videotape - thus allowing people the opportunity to make more informed choices as to what they may or may not wish to see.

It is to be hoped that the ABT will be able to resist the temptation to box at shadows, or to believe that by attacking the shadow, the substance is altered in any way.

The harsh reality is that we live in a violent society - and this is the real problem, the core of the concern, the cause of the anxiety. (Inquiries like that of the Joint Select Committee into Video Material and that about to be conducted by the ABT) can be dangerously obfuscatory - and the more so if they lead to stricter censorship.

The elimination of those visual images which shock or outrage us may lead to a lowering of our levels of anxiety, but will there be less violence in our society? Is it harmful to be shocked or outraged? Will Thatcher's Britain become a safer place now that the Sinn Fein has been denied "the oxygen of publicity"? Are heavily-censored societies less violent than those with liberal traditions?

If we are really concerned about violent depictions in the mass media, we'll side-step the side-shows and focus on the central issue - that of violence in our society. Hopefully, the National Committee on Violence will prove to be a major event.

Janet Strickland

Former Commonwealth Chief Film Censor, former member of the ABT and now a consultant to the film and television industries.

Gleeson speaks at CAMLA dinner

Dinner and an address by his Honour, Justice Murray Gleeson will follow the annual general meeting of the Communications and Media Law Association on February 9.

Mr Justice Gleeson was appointed the NSW Chief Justice early last year following the retirement of Justice Laurence Street.

CAMLA invites members and their guests to the dinner at the Albert Room of the Intercontinental Hotel in Bridge Street, Sydney at 7pm and afterwards to hear the address by Justice Gleeson. Those interested should ring: (02) 660 8858.

New courses

The following new university courses are being offered to students during 1989.

Electronic communications law

The university of NSW is offering Electronic Communications Law as part of the Law School's LLM degree. Overall, the course will be an advanced treatment of laws governing electronic communications, including telecommunications and broadcasting.

Topics include: Licensing of telecommunications and broadcasting facilities and services. Radiocommunications, cable, pay-TV and

quasi-broadcast regulation. Statutory monopolies and oligopolies. Restrictions on group ownership and control in broadcasting. Legal authorities such as the ABC, Austel, Telecom, and the SBS. Consultative and adjudicatory mechanisms for making decisions, including: litigation, public inquiries, self-regulation and statutory obligations to consult.

Because of the international character of communications development, the course will include considerable overseas material, especially from North America and the EEC countries. It will examine the functions and regulations of the International Telecommunications Union.

The communications Law Centre is associated with the Law School. Throughout its national charter and large list of projects, the centre will provide the opportunity for clinical work by students as part of the course.

Media law

The University of Melbourne Law School is offering Media Law as a subject for 1989. Media Law consists of two lectures per week throughout the year. It examines the legal rules which comments on matter of interest to the public. It deals with the legal rules which regulate the ownership of the media. So the course examines the regulation of the print and electronic media in Australia.

Topics to be considered include court reporting, investigative journalism, obscene and other illegal publications, programme standards and the ownership and control of the media.

Anyone interested in this subject should contact Sally Walker Senior Lecturer (03) 344 4000.

Communications technology and policy

Macquarie University invites applications from graduates in any field for admission to the new MA program in Communications Technology and Policy, commencing in 1989.

This part-time coursework program, over two years, considers the nature of current communications technology and policy, and extends knowledge and skills in dealing with issues in this field. Students will examine the information economy, ways of interpreting technology, communications technology, cultural studies, communications policy and regulation, consumers and audiences, and aspects of managing communication.

For further information contact Dr Elizabeth More, Course Convener (02) 805 8725, or Mrs Jennifer Newton, Secretary (02) 805 8786.