

conduct which are in daily use in the advertising industry. The book is organised functionally and logically, and a detailed table of contents and index should facilitate use by practitioners. It is much more difficult to achieve a comprehensive study of the law in context than simply to state the legal rules in a systematic way. Barnes and Blakeney certainly succeed in stating the legal rules, and they almost succeed in their wider aims. Those who are looking for a study of law in social context will also find considerable value in the book, though they will have to pose and answer more fundamental questions about the nature of advertising and the place of legal rules in its regulation.

John Goldring*

*Professor of Law, Macquarie University.

Broadcasting Law and Policy in Australia, by MARK ARMSTRONG, B.A., LL.B. (Syd.), LL.M. (N.S.W.), Barrister-at-Law (N.S.W.), Senior Lecturer in Law, University of New South Wales. (Butterworths, Sydney, 1982), ppi-xxviii, 1-291, with Table of Cases, Sections of the Broadcasting and Television Act 1942 and Index. Cloth. Recommended retail price \$29.50. (ISBN 0 409 30910 9).

When this book was published earlier this year, it was with a fanfare of media publicity. This was appropriate. For the first time the law relating to broadcasting has been brought between the covers of a single book, heralding the fact — long recognised in the United States and Canada, though not Britain or Australia — that such a subject was no longer a footnote or a few paragraphs in books concerned with various other legal disciplines.

The earlier situation had come about because of the history of broadcasting in Australia. Insofar as the Australian Broadcasting Commission (A.B.C.) played a predominant early role in the development of radio, the “law” was mainly there to set its relationship with Government, enable it to carry on necessary business transactions and to empower it to order its internal affairs. By the time television was started in Australia, the A.B.C. had already become Queen of the Quangos — a status from which she has yet to be dislodged. Television, of course, held out promise of great profits, so that the law relating to commercial broadcasting — particularly the ownership provisions and those relating to conditions upon licences and transmission — started to reflect more the complexity of competing interests. With colour television — which transformed the broadcasting industry into the most profitable one, in relation to capital investment, in Australia — the competing interests of parties were brought into higher relief. Earlier legal rules were thus found wanting under pressure and new arrangements accordingly had to be sought.

Thus, an approach to broadcasting law which regarded its ownership and control provisions as nothing more than an interesting gloss upon general company law and the legal constraints upon the A.B.C. as a mere footnote to principles of

administrative law, would no longer do. Social scientists had, more than a decade before, recognised broadcasting as a distinct discipline, not merely a dependent limb of modern Australian politics or sociology; so too should lawyers. Armstrong's book leads the way in this: he is to be congratulated for his perspicacity and his detailed attention to his task. What, then, the book first and foremost provides is a "Where-to-find-it, How-to-do-it" guide to the Broadcasting and Television Act 1956 (Cth), all associated relevant legislation and related administrative matters. In this regard, it is invaluable. This is particularly so when one bears in mind that this immensely important source of rights, responsibilities and opportunities is — like town planning law and much of industrial law — open to non-lawyers. The book is written in a way which should be comprehensible to the intelligent layman, and this is to be commended.

But *Armstrong* is not just a practical handbook; it is also a respectable attempt to fit the law into the policies for broadcasting which have been evolving over the last decade or so. References abound to government reports, industry publications, and vast amounts of policy analysis by insiders and outsiders alike. Armstrong handles these materials confidently and with a good deal of understanding.

The need for a book such as this has been accentuated by events since publication. We have discovered apropos the Channel 10 case how active will be the jurisdiction of the Administrative Appeals Tribunal in relation to the Australian Broadcasting Tribunal — no footnote, this, to an administrative law textbook, but a major development that will stand on its own two feet. We have seen some corporate battles and some attempted manoeuvring through the grandfather clauses regarding ownership which demonstrates that broadcasting corporation law has its own foundations and concepts. And we are (October 1982) witnessing an attempt to impose upon the A.B.C. a "Complaints Commissioner" with powers that would destroy its independence. That is not all. The AUSSAT saga is developing; the Cable Report imminent. A second edition of *Armstrong* is sure to be needed soon. And then a third, and a fourth — for this legal story will not slow down.

If I have one complaint, it is that the employment structures of the industry (including some of the very interesting co-operative ventures in public broadcasting) are not adequately covered. They will be important in the long-term development and control of the industry. But otherwise it is all here — comprehensively covered without fuss or over-excitement.

R. W. Harding*

*Professor, Faculty of Law, University of Western Australia.