

# Free speech <sup>C3</sup> at risk, say ad ban critics

By KAY ANSELL

Television programs such as 'The Dismissal' and 'Embassy', as well as talk-back radio with political content, could be banned under the Federal Government's Political Advertising and Disclosure Bill 1991, the Law Council of Australia said yesterday.

The Law Council was one of several organisations opposing the legislation that presented a submission to the Opposition's committee of inquiry on the bill, sitting in Melbourne. The bill is listed for debate in the Senate on 13 August.

Mr Andrew Short, appearing on behalf of the Law Council, said the bill's definition of a political advertisement was very broad and could catch material which would fall outside the stated purposes of the legislation.

Mr Peter Bartlett, of the Law Council, said the bill could ban fund-raising events such as the Royal Children's Hospital Appeal, because of the implication that the Government was not providing sufficient funding.

Mr Short said the bill was quite capable of banning promotional material for news programs which made reference to an election or made reference to an issue likely to be before electors.

Of 'The Dismissal', Mr Bartlett said: "It was a very emotional time, 1975... Some might say that 'The Dismissal' could be interpreted as support for the Labor Government of the day. Certainly that sort of program could be banned by this legislation."

Mr Short said the 'Concise Oxford Dictionary' definition of "advertisement" included information and notification, a notice,

paid advertisement in a newspaper, admonitions and instructions. "And hence if those are the ordinary understood meanings (the bill) is capable of a far wider interpretation than one could possibly support."

He agreed with a Liberal MP, Mr Peter Costello, that this could include talk-back radio calls which advanced a personal political opinion.

Mr Bartlett said it was possible that the legislation could be amended to extend to print media under the corporations power in the Constitution: "It would be a sort of back door way of getting at the print media."

The president of the Victorian Council of Civil Liberties, Mr Ron Merkel, said the bill was a fundamental abrogation of freedom of speech without any justification having been put forward.

It was one of the most "ill-conceived, ill-researched and erroneous pieces of legislation put forward in this country", he said.

"The point about this legislation is that they just attacked and banned, not only in elections but outside elections, advertising that has political content. That is nothing short of an outrageous erosion of the few protections we thought we had in this country, of civil liberties."

He said the Council supported the full and frank disclosure of political donations. If the amount spent on advertising by the main parties was found to impede the electoral process, expenditure caps could be researched as a possible solution, however, he said: "You tamper with freedom of speech as a last resort when all else has failed."