

Law Council of Australia emphasises the importance of media diversity

The Law Council of Australia has today emphasised that a vibrant and diverse press is fundamental to democracy.

The Law Council of Australia President, Ms Catherine Gale, said democracy suffers unless divergent views are heard, and the activities and policies of the government, opposition, corporations and others are held up to the full glare of public scrutiny - Australians rely on the media to provide this scrutiny.

The Law Council made a detailed submission to the Independent Inquiry into Media and Media Regulation conducted by Ray Finkelstein QC.

“The Australian media is very highly concentrated by world standards and the cross-media ownership laws have not kept up with the extraordinary pace of technological change of the past 20 years,” Ms Gale said.

The Law Council said it would be highly desirable for owners of all media organisations, and in particular those of nationally significant media enterprises, to commit publicly to the ethical principles that apply to the profession of journalism.

“As the Finkelstein Inquiry correctly observed, the content of those principles is not in doubt and can be found in the Australian Press Council's General Statement of Principles and Statement of Privacy Principles.

“The relevant principles include commitments to accuracy, balance, protection of privacy, the prompt correction of errors, the free offering of rights of reply, the disclosure of conflicts of interest, and a clear differentiation between news reporting and opinions.

“At the same time, however, it must be acknowledged that media organisations cannot perform their functions as an effective public watchdog unless they are financially viable and the traditional media business model - founded particularly in the case of newspapers upon classified advertising and paid subscriptions - is under serious threat,” Ms Gale said.

With respect to the proposed establishment of a new independent regulator to replace the Australian Communications and Media Authority, the Law Council cautioned that excessive regulation could stymie investment and innovation.

“There are important questions to be grappled with about the extent to which parliament should interfere with free enterprise and lawful corporate governance.

“A free press must, within the constraints of the law, be able to report without fear or favour and, as such, all proposed government intervention in the regulation of the media must be carefully scrutinised,” Ms Gale said.

The Law Council believes there are a range of issues still requiring serious consideration before any decisions are made with respect to new laws governing the media.

“The Law Council calls on all those involved in media reform to focus the debate on maximising media diversity in terms of content and ownership; encouraging the emergence of new voices; encouraging investment in media organisations whose business models are under threat; ensuring any regulation is kept to a minimum and driven by the public interest, not vested interests; and encouraging all media organisations to commit and adhere to the precepts of ethical journalism.

“In the interests of a diverse and independent media environment, the Law Council urges the Government to take an appropriate and measured response to reform proposals rather than a reactionary approach based on current activity within the media landscape in Australia,” Ms Gale concluded.

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