



Submission to the

**Senate Environment and
Communications Legislation
Committee**

11 January 2018

The Australian Press Council

Address: Level 6, 309 Kent Street Sydney 2000 **Phone:** (02) 9261 1930 or 1800 025 712 **Fax:** (02) 9267 6826
Email: info@presscouncil.org.au **Web:** <http://www.presscouncil.org.au>

Australian Press Council Inc Submission to the Senate Environment and Communications Legislation Committee Inquiry into the Communications Legislation Amendment (Regional and Small Publishers Innovation Fund) Bill 2017 (the Bill)

Introduction

The Australian Press Council Inc welcomes the invitation to make a submission on the Bill.

Under the Constitution, the objects of the Press Council are to promote freedom of speech through responsible and independent print and digital media, and adherence to high journalistic standards, by:

- (a) considering and dealing with complaints and concerns about material in newspapers, magazines, journals and other print and digital media;
- (b) encouraging and supporting initiatives by the print and digital media to address the causes for readers' complaints and concerns;
- (c) keeping under review, and where appropriate, challenging political, legislative, commercial or other developments which may adversely affect the dissemination of information of public interest, and may consequently threaten the public's right to know;
- (d) making representations to governments, public inquiries and other forums as appropriate on matters concerning freedom of speech and access to information;
- (e) undertaking research and consultation on developments in public policy affecting freedom of speech, and promoting public awareness of such issues;
- (f) promoting an understanding of the objects and activities of the association especially among editors, journalists and journalism schools, through

We currently cover over 900 print and online mastheads. Our constituent bodies include all but one (Seven West Media) of the major newspapers and magazine publishers in Australia.¹ These include the major mainstream publishers (such as Fairfax Media and News Corp Australia) and their associated online websites, hundreds of community newspapers and rural and regional newspapers, as well as the new generation of online-only publishers (such as HuffPost Australia, Daily Mail Australia, Mumbrella, The New Daily, New Matilda and Crikey). Significantly, six of the 10 top news sites for October 2017 were members of the Press Council.²

The Press Council was established in July 1976 as the self-regulatory body for print media (and later digital media) and to forestall unwanted government regulation, which many see as potentially dangerous for freedom of the press. The industry continued to resist statutory regulation in the wake of the United Kingdom's Leveson Inquiry and the 2012 Finkelstein Inquiry into the Media and Media Regulation in Australia.

The Press Council's governing body, known as the Council, currently has 23 members, including 10 public members (including the two Vice-Chairs who are acting as Chair until 22 January 2018, when a newly-appointed independent Chair takes the role), nine publisher members (that is, nominees of media organisations which are "constituent bodies" of the Council) and four independent (usually retired) journalist members. The Press Council has a secretariat headed by a Council-appointed Executive Director.

¹ A list of the constituent bodies of the Press Council is set out in Annexure 1.

² Those six members, listed in Nielsen Digital Ratings (Monthly), were news.com.au, nine.com.au, smh.com.au, Daily Mail Australia, The Daily Telegraph and the Herald Sun.

Strategic objectives

The Press Council's main strategic objectives are to ensure effective complaints handling; develop and refine standards, guidelines and industry education; and advocate for press freedom, free speech, and responsible journalism.

The Press Council considers complaints about print and online publications. Where appropriate, it seeks to achieve agreed remedies, issues letters of advice to publishers and publishes adjudications. In 2016–2017, the Council received 565 in-scope complaints.

The Press Council sets General Principles covering accuracy and clarity; fairness and balance; privacy and the avoidance of harm; and integrity and transparency. It has approved Specific Standards on the coverage of suicide and contacting patients in care. It has also approved a Statement of Privacy Principles (in consultation with the Federal Privacy Commissioner); and Advisory Guidelines on a range of issues.

As a means of championing free speech and press freedom, the Press Council announced in 2016 that it would consider awarding Press Freedom Medals annually to candidates who, through their work as journalists, experts, advocates of press freedom or members of the community ensure that important issues are brought to public attention. The Press Council awarded Press Freedom Medals in 2016 and 2017.

The Press Council also undertakes educational work to promote responsible journalism. It currently provides university journalism schools with teaching materials and case studies based on Press Council adjudications to promote learning about the Council's standards. In partnership with the Journalism Education and Research Association of Australia (JERAA), the Press Council funds prizes for outstanding work by journalism students at undergraduate and postgraduate level—as well as funding an award for the journalism student of the year.

Press Council's involvement in Minister's proposed Advisory Committee

The Press Council understands that the main purpose of the Bill is to provide the Australian Communications and Media Authority (ACMA) with the authority to make grants of financial assistance.

The Press Council notes that:

- (a) The Bill provides that the Minister may constitute an Advisory Committee to advise the ACMA in relation to ACMA's powers, on behalf of the Commonwealth, to make grants of financial assistance to publishers of newspapers, magazines or other periodicals or contents service providers.
- (b) The Explanatory Memoranda provides that the grants are to be used by publishers for initiatives that support the continuation, development, growth and innovation of Australian civic journalism, including initiatives that explore and expand the journalism funding model.
- (c) The Explanatory Memorandum provides that it is expected that the Committee is to comprise, at a minimum, a representative appointed by the Minister from each of: the Australian Press Council; the Walkley Foundation; and Country Press Australia—the latter being a constituent body of the Australian Press Council.

The Press Council considers that it has the knowledge and experience to participate on the Advisory Committee to be appointed by the Minister and welcomes the opportunity to do so subject to being satisfied that its participation on the Committee would not give rise to any perceived, potential or actual conflict of interest.

On the limited information available to the Press Council at the time of writing this submission, it

understands its intended role on the Advisory Committee will encompass considering the merits of applications for grants for financial assistance and advising the ACMA on which applicants should receive such grants for the financial years commencing on 1 July 2018, 1 July 2019 and 1 July 2020 respectively. In particular, the Press Council is well-equipped to provide advice on the application of a number of the proposed eligibility criteria, including the primary purpose test of producing civic and public interest journalism with an Australian focus; being a member of the Press Council or having, in fact, a robust and transparent complaints process; and having in place editorial guidelines, a code of conduct or similar framework relating to the provision of quality journalism.

The Press Council notes that much of the detail concerning the grants (for example, the purpose of the grants to support Australian civic journalism, and the eligibility criteria for receiving a grant) are only set out in the Explanatory Memorandum. It also understands that much of the detail about how the grants are to be administered is to be the subject of guidelines being currently prepared by the Department of Communications and the Arts.

The Press Council is interested to learn more details about its intended role on the Advisory Committee, the intended processes of the Advisory Committee and when its work is expected to commence. It looks forward to receiving information from the Department of Communications and the Arts in relation to these issues in due course and reserves its right to comment further when that information is made available.

Annexure 1 to Australian Press Council Submission

Constituent Bodies

The “constituent bodies” of the Press Council are publishers and other organisations in the media industry which have agreed to provide funding for the Council, to cooperate with the Council’s consideration of complaints against them and to publish any resultant adjudications. They also select the industry nominees on the Council

The full list of constituent bodies is shown below:

Adelphi Printing Pty Ltd (the Monthly Chronicle)
At Large Media Pty Ltd
Australian Associated Press
Australian Property Journal Pty. Limited
Australian Rural Publishers Association
Bauer Media Limited
Budsoar Pty. Limited trading as the Koori Mail
Community Newspapers of Australia Pty Ltd
Country Press Australia Inc.
Crinkling News Pty Ltd trading as Crinkling News
Dailymail.com Australia Pty Ltd
Echo Publications Pty. Limited
Emanila.com Pty Ltd
Fairfax Media Limited
Focal Attractions Pty Limited
HT&E Limited
Independent Australia Pty Ltd
Media, Entertainment and Arts Alliance
News Corp Australia Pty Limited
Nine Digital Pty Limited (in relation to nine.com.au)
Private Media Pty Ltd
Schwartz Media Pty Ltd (in relation to The Saturday Paper owned by Trustee for the Liberty 2701 and The Monthly owned by Trustee for the Monthly Trust)
Solstice Media Limited
The Bushland Shire Telegraph Pty. Limited
The Huffington Post Australia Pty Ltd
The New Daily Pty Ltd
Urban Cinefile Pty Ltd
WorkDay Media