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Freedom Of The Press - Australia (2011)

Status: Free
Legal Environment: 5
Political Environment: 9
Economic Environment: 7
Total Score: 21

Press freedom in Australia operates by convention rather than by constitutional guarantees, except in the state of Victoria, where it is protected under the Charter of Human Rights and Responsibilities. In May, both the Australian Information Commissioner Act 2010 and Freedom of Information (Reform) Act 2010 received assent and both took effect in November. The Australian Information Commissioner Act 2010 provides for the appointment of the Australian Information Commissioner, the Privacy Commissioner, and the Freedom of Information (FOI) Commissioner. These changes form an important part of the Australian government's broader FOI reforms, which were seen as a big win for free speech. The reforms revised the fees charged for FOI requests, making them more accessible; allowed for fewer exemptions; and created a new single public-interest test weighted in favor of disclosure. According to the Media Entertainment and Arts Alliance, a local advocacy and industry support group, the government has shown great cooperation and willingness to support and enforce the new FOI laws.

Also in 2010, two Evidence Amendment Bills were introduced, one to the Senate and one in the House of Representatives. By and large, they would achieve the same outcome, making the default position a protection of confidential sources that could only be overturned by a judge in exceptional circumstances. The House bill passed in that chamber, and both bills were still before the Senate when it adjourned at the end of 2010. Such bills would prohibit the police from secretly accessing journalists' confidential sources. In October 2010, Northern Territory police secretly searched a journalist's phone records to identify his sources on the police force. Claiming that they were bound to investigate the allegation of a criminal offense, Police Commissioner John McRoberts approved the search. According to Ombudsman Carolyn Richards, police were able to identify the source from this search. More disturbingly, upon discovery of the source, police conducted a second, more extensive search of the journalist's records for unknown reasons. The ombudsman found the second search technically illegal but not "unreasonable." There were similar searches of *Herald Sun* journalists' phone records in September in Victoria.

Most media are privately owned, though private ownership is concentrated, with the print media dominated by the Fairfax Group and Rupert Murdoch's News Ltd. Australia also has a strong tradition of public broadcasting. The Australian Broadcasting Corporation, although state-owned and entirely funded by the government, remains editorially independent. In 2010, the internet was accessed by 76 percent of the population. The Australian Communications and Media Authority has the power to censor internet content hosted

within Australia and maintains a "blacklist" of overseas websites. Since 2008, the governing Australian Labor Party has proposed a system of mandatory filtering of overseas websites. This meant internet service providers would be required to block access to banned material hosted on overseas servers. In November, the Department of Broadband, Communications and Digital Economy indicated that the earliest date any new legislation on this proposal could reach parliament was 2013.