

FREEDOM OF THE PRESS

Australia

[Australia](#) | [Freedom of the Press 2012](#) |

Press freedom in Australia is upheld 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. The Uniform Defamation Laws, which went into effect in 2006, allow for individuals and corporations with less than 10 employees to sue over defamation. In September 2011, conservative journalist and commentator Andrew Bolt was found to have violated Australia's Racial Discrimination Act in 2009, when he published two columns suggesting that "fair-skinned" politicians of Aboriginal descent had identified themselves as Aboriginal solely for political purposes. A federal court ordered that a public apology be negotiated and issued.

Following passage of the Australian Information Commissioner Act and the Freedom of Information Act in 2010, the Senate approved the Evidence Amendment Act in March 2011. The new law protects the identity of journalists' sources and extends this protection to include bloggers, citizen journalists, independent media organizations, and anyone "active in the publication of news in any medium." The act asserts that journalists are only compelled to reveal sources when it is proven that the public interest outweighs any potential harm to the source or the public caused by divulging the source's identity. Although the new law will only be applicable in federal cases, several states plan to consider similar measures in the near future.

In November 2011, the Australian Press Council, which is responsible for "promoting good standards of media practice," proposed to the Inquiry into Media and Media Regulation that it be given the ability to hand out fines of up to A\$30,000 (US\$31,000) and tighten media regulations, including by requiring journalists to have licenses, in order to maintain high ethical standards in the profession. The fines would be adjudicated by a newly created panel. The inquiry was expected to release a report detailing its findings and suggestions in 2012.

Attempts to exert control over media content occur occasionally. In April 2011, the British Broadcasting Corporation (BBC) threatened to withdraw its feed of a royal wedding in London from the Australian Broadcasting Corporation (ABC) due to the latter's plans for the comedy group The Chaser to provide satirical commentary. ABC cancelled the commentary, although some segments that did not rely on the live feed were released through The Chaser's website. In October 2011, the Australian government placed extensive restrictions on media coverage of immigration detention centers after the death of a seventh detainee at one of the facilities. According to the new restrictions, journalists must sign an agreement that regulates what they can report and establishes a system of prior approval for all photographs, video footage, and audio recordings before they are published or broadcast. Journalists must also comply with all rules set out by the immigration department. They have to fill out forms in which they identify not only themselves, the center they want to visit, and the date of their visit, but also the nature of the media content they wish to acquire and the equipment they intend to use. In the event of a disagreement, journalists must destroy any relevant material or face being

2012 SCORES

PRESS STATUS

Free

PRESS FREEDOM SCORE

21

LEGAL ENVIRONMENT

4

POLITICAL ENVIRONMENT

10

ECONOMIC ENVIRONMENT

7

expelled from the center.

While most media are privately owned, ownership is highly concentrated, with the print media dominated by the Fairfax Group and News Corporation. Australia also has a strong tradition of public broadcasting. The ABC, although state owned and entirely funded by the government, remains editorially independent.

In 2011, the internet was accessed by almost 79 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 federal government has proposed a system of mandatory filtering of overseas websites, which would require internet service providers to block access to banned material hosted on overseas servers. Although it lacks the political backing to introduce its internet filtering scheme, the government has persuaded the major telecommunications firms and internet service providers to adopt a voluntary system that does not require logging or incident reporting. Any new legislation on the issue is not expected to reach Parliament before 2013.

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