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FREEDOM OF THE PRESS

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Australia

[Australia](#) | [Freedom of the Press 2013](#)
 - Select year -

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. In 2006, Australia consolidated varying state-level defamation regulations under the Uniform Defamation Laws Reform Act, which allows only individuals, nonprofits, and corporations with fewer than 10 employees to sue over defamation. Although rarely invoked, criminal defamation laws are still on the books in Australia. Civil cases, which are more common, can result in heavy fines. In May 2012, the News Corporation media group was ordered to pay A\$325,000 (US\$339,000) for an article in the *Sunday Telegraph* that labeled a former police detective as “corrupt.”

The 2011 Evidence Amendment Act 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.” 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. While the Evidence Amendment Act can only be applied in federal cases, states such as Victoria and Western Australia enacted similar legislation in 2012.

The Freedom of Information (FOI) Act of 1982 provides for access to government documents. Reforms passed in 2010 revised the fees charged for FOI requests, making them more accessible; allowed for fewer FOI exemptions; and created a new, single public-interest test weighted in favor of disclosure. In October 2012, the government announced that the 1982 FOI Act would be reviewed to determine whether it and related laws still provide an adequate framework for accessing official information.

Following the 2011 *News of the World* telephone-hacking scandal in Britain, the Australian government commissioned an inquiry to evaluate the regulatory environment surrounding the media. In February 2012, the Independent Media Inquiry (IMI) found that self-regulation could no longer ensure media accountability and transparency, and recommended the creation of a government-funded, statutory News Media Council to set and enforce certain standards for all Australian media outlets. This council would have the power to compel retractions, apologies, and corrections, as well as the ability to make binding judgments on journalistic ethics. The IMI’s recommendations remained under consideration by the Australian government at year’s end, but consensus in favor of accepting them seemed increasingly unlikely.

The Australian Communications and Media Authority (ACMA) has the power to censor internet content hosted within Australia and maintains a “blacklist” of overseas websites. Since 2008, the federal government had proposed a mandatory filtering system that would require internet service providers to block access to banned material and other objectionable content hosted on overseas servers. In November 2012, however, the government abandoned its plan to make the filtering of foreign websites compulsory and narrowed the focus to child pornography websites, specifically. Internet service providers will now voluntarily block only child pornography websites that are listed on an Interpol database.

Attempts to exert control over media content occur occasionally. In November 2012, the government continued to defend its extensive restrictions on media coverage at immigration detention centers. According to these restrictions, journalists must sign a “deed of agreement” that requires them to be accompanied by an immigration official and comply with all rules set by the immigration department throughout the duration of their visit. Communication with detainees remains considerably limited, and any photographs, video footage, or audio recordings are subject to review by department officials for possible censorship or deletion. In August 2012, the Australian Press Council issued a letter to the Department of Immigration and Citizenship requesting that journalists be granted greater access to detainees. The department had not responded to the council’s request by year’s end. Attacks and physical harassment targeting journalists are rare, and no cases were reported in 2012.

While most media are privately owned, ownership is highly concentrated, with the print media dominated by the Fairfax Group and News Corporation. In 2012, the Broadcasting Services Amendment (Public Interest Test) Bill was proposed as a means of limiting future ownership concentration. If passed, the legislation would allow ACMA

2013 SCORES

PRESS STATUS

Free

PRESS FREEDOM SCORE

21

LEGAL ENVIRONMENT

4

POLITICAL ENVIRONMENT

10

ECONOMIC ENVIRONMENT

7

to assess mergers of media companies to ensure that they would not diminish the “diversity of unique owners providing general content services.” Australia also has a strong tradition of public broadcasting. The Australian Broadcasting Corporation (ABC), although state owned and entirely funded by the government, remains editorially independent.

In 2012, the internet was accessed by almost 82 percent of the population. Internet access is affordable for most Australians, and the government subsidizes satellite telephones and internet connections in rural areas.

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