



MEDIA RELEASE: Friday, May 3, 2019

Public's right to know impeded by defamation, courts and national security laws

The widespread use of defamation, excessive court-issued non-publication orders, and national security and metadata retention laws are combining to prevent Australians know what is going on in government, in big business and in the courts.

That's the key finding of a survey of Australian journalists conducted by the Media, Entertainment & Arts Alliance for World Press Freedom Day.

Journalists who took part in the national survey reported that their jobs informing the public were becoming more difficult because of a range of restrictions on press freedom.

The second annual survey of 1532 people was conducted online by MEAA from February to early April.

The survey was open to all members of the public, with 386, or a quarter of the respondents (25.1%), identifying as a journalist or other form of media professional.

It found that that 70.3% of respondents believe the overall health of press freedom in Australia is "poor" or "very poor" while 90.9 per cent say press freedom has got worse over the past decade.

Asked to provide a ranking of the health of current press freedom issues, almost a quarter of participants (24%) nominated funding for public broadcasting as their greatest concern, followed by a lack of diversity of media ownership (15.9%) and government secrecy (13.6%).

"Clearly, media consumers are worried that the significant cuts to the funding of the ABC and SBS over the past half-a-decade has had an impact on press freedom, while the takeover of Fairfax Media by Nine Entertainment has lessened media diversity in Australia," said MEAA chief executive Paul Murphy.

But it was when journalists were asked specific questions about their own personal experiences that the clearest picture emerged of the impact of current press freedom constraints on their ability to inform the public.

Eighty per cent of journalists said Australia's defamation laws made reporting more difficult and 10% had received a defamation writ in the past two years. Twenty-eight per cent of journalists said they had a news story spiked within the past 12 months because of fears of defamation action.

Court suppression/non-publication orders are a growing issue for journalists. Slightly under a quarter of all journalists said their work had been hindered by an order in the past 12 months. Of these, 56% of respondents said they believed the court's decision was excessive. Overall, 54% of journalists believed that judges are actively discouraging reporting of open courts and are taking a more aggressive view of media reporting.

A third of journalists said information from a confidential source whose identity they had protected had led to the publication or broadcasting of a news story but only 8% believed legislation was adequate to protect public sector and private sector whistleblowers.

📍 PO Box 723 Strawberry Hills NSW 2012 ☎ 1300 656 513

BUILT ON INTEGRITY. POWERED BY CREATIVITY. MEAA.ORG

“Urgent reform is needed to both defamation laws and the suppression order regime to bring them up to date for the 21st century,” Mr Murphy said.

“Australia’s defamation laws are among the most onerous in the western world and journalists in Australia are bound by restrictions which are inexplicable to those in other countries, where free speech protections are designed to enforce the public’s right to know.

“Suppression orders are being applied excessively and in any event are not fit for purpose in an environment of borderless digital publishing.

“Along with the chilling effect of national security laws, it means that Australians are often being kept in the dark about matters of significant public interest.”

More information about the annual survey is available in the MEAA Press Freedom Report, ‘The Public’s Right to Know’, at pressfreedom.org.au.

Media contact: Mike Dobbie – ph: 03 9691 7101; mike.dobbie@meaa.org

The Media, Entertainment & Arts Alliance - the people who inform and entertain