



FREEDOM OF THE PRESS 2008

Australia

Status: Free

Legal Environment: 6

Political Environment: 8

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. The Australian Press Council and the Media, Entertainment, and Arts Alliance (MEAA) monitor journalistic freedom and access to information. In 2007, several top media companies and press freedom groups allied to form the Australia's Right to Know coalition. The group published a comprehensive report into the state of free speech in Australia in response to concerns over declining press freedom.

Restrictive legislation has been introduced over the past several years including the Antiterrorism Act of 2005 and the Telecommunications (Interception) Amendment Act of 2006. In 2007 the Communications Legislation Amendment (Crime or Terrorism Related Internet Content) was introduced which gives federal police direct discretionary authority to censor websites considered to contain material that "encourages, incites or induces" offense against the commonwealth. In May, the Evidence Amendment (Journalists' Privilege) Bill 2007 was proposed which would allow for judicial discretion concerning court orders for journalists to reveal their source. Although the amendment would be a welcome acknowledgment of the need for shield laws, press freedom groups are calling for greater legislative protection for whistleblowers.

On March 26, Allan Kessing, a former Australian Customs Service employee, was sentenced to nine months in prison (suspended on entering a \$1000 good behavior bond) for leaking information to the press concerning lax security in Australian airports which ultimately led to US\$200 million in security improvements. Authorities backed down under public pressure from pursuing *The Australian* reporters who published the story. In June, two journalists from the *Herald Sun* were convicted of contempt for refusing to reveal a source before a judge in Melbourne in 2005 and were fined US\$7,000 each. According to Australia's Right to Know, a newsroom in Sydney was raided twice in 2007 as federal agents tried to identify the source of an official leak. Reporters Without Borders expressed concern in May over authorities' threats of withdrawing state

funding from the newspaper *The West Australian* if they did not fire editor Paul Armstrong. Freedom of Information is protected in Australia though lengthy delays and high costs impede access to information. Several documents were denied to journalists in 2007 because they were “contrary to the public interest.”

Australia has a strong tradition of public broadcasting, though the Australian Broadcasting Corporation has faced dramatic funding cuts. Private media ownership is concentrated, with the majority of ownership by Rupert Murdoch’s News Ltd. and Fairfax Group. In 2007, the Australian Competition and Consumer Commission okayed a merger between Fairfax Group and Rural Press. The internet is a vibrant medium in Australia, accessed by 70 percent of the population.