



We Will Not Submit

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The Finkelstein Report into Media and Media Regulation is not just a massive threat to freedom of the press. It's also a blatant attack on free speech.

It's remarkable that in the twenty first century, in a liberal democracy like Australia, that a senior, respected, retired judge can deliver to an elected government such a radical set of proposals.

For the first time ever, Finkelstein proposes that Australian newspapers should be licensed. Although he is careful to say that he opposes licensing of the press in his report, as IPA research fellow Chris Berg has pointed out, his proposals amount to *de facto* press licensing.

Finkelstein's proposed News Media Council will be a legislatively empowered body. It will also be funded by taxpayers. It will not just incorporate radio and television broadcasters, who already come under the jurisdiction of the government regulator the Australian Communications and



Media Authority (ACMA), but also for the first time, newspapers. Membership is not optional. Media outlets will be bound by its decisions, unless they want to fight them in court. And it will have extraordinary powers.

Finkelstein proposes that his Council should not just have the power to force media outlets to issue corrections and provide right of replies-but also determine where they should appear. He proposes that media outlets should have to abide by a code of practice that would force them to be 'fair' and 'accurate'presumably this subjective judgement will be the task for the 'retired judge or other eminent lawyer' Finkelstein says should head up the Council. If this code of practice is based on existing regulations for radio and television (as Finkelstein suggests it could be) then media outlets will also be compelled to present 'significant other viewpoints'.

Most people would agree that a taxpayer-funded media outlet like the ABC, if it is to exist at all, has an obligation to be balanced, and incorporate diverse and conflicting views. But the idea that in a free society a private news organisation should be forced, by law, to publish views with which it does not agree is highly offensive. There can be few greater breaches of freedom of speech than being forced to say something you don't believe. But that's exactly the type of thinking that pervades Finkelstein's report.

The Council would also have the power to order that articles found to be in breach of these standards be withdrawn 'from continued publication', including being removed from the internet. That's censorship, plain and simple.

And if you think that Finkelstein only has major newspapers in his sights, think again. Any printed publication with a circulation of more than 3,000 copies per edition would be regulated under the jurisdiction of the News Media Council. The *IPA Review's* circulation is 5,000-and growing. We would easily be captured by the new regulations, and potentially forced to print opinions that we strongly disagreed with. So would the *Green Left Weekly*. It's far from clear what serious public policy failure would be corrected by forcing the *IPA Review* to run articles advocating the carbon tax, or the *Green Left Weekly* to publish articles against the mining tax.

It doesn't stop there either. Finkelstein says that any website with 15,000 hits per year (40 per day) should also be regulated. That would easily include the IPA's weekly email, *Hey... What did I miss?*, which is sent to 22,275 subscribers every week-even if they radically raise the threshold, as some have suggested they should. If they don't, it will hit even the lowest trafficked and most amateur blogs and websites.

The only articles we should ever have to publish in this magazine are the ones we choose to publish. The IPA is a free market think tank and we are committed to individual freedom and personal liberty. We'll remain steadfastly committed to running intelligent, well-written and well-argued defences of free people and a free society-and no council, legislative or otherwise, could persuade us to deviate from that mission.