

## News Media 'Reform' Bills Package 2013

*An attack on freedom of speech and freedom of the press*

On 14 March 2013, the Gillard government introduced a series of legislative bills to regulate the media and restrict freedom of speech in Australia. The bills are:

- *Broadcasting Legislation Amendment (News Media Diversity) Bill 2013*;
- *Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013*;
- *Television Licence Fees Amendment Bill 2013*;
- *News Media (Self-Regulation) Bill 2013*;
- *News Media (Self-Regulation) (Consequential Amendments) Bill 2013*;
- *Public Interest Media Advocate Bill 2013*.

### The government will control the media through the proposed regulatory regime

- The bills establish a government-appointed position called the 'Public Interest Media Advocate' (PIMA) (*Public Interest Media Advocate Bill 2013*, cl 6).
- Only media outlets that are members of the PIMA-approved 'news media self-regulation bodies' will have an exemption from the *Privacy Act*, and so will be able to write news stories about issues that could be 'personal' or 'sensitive'.
- In deciding whether a news media self-regulation body will be approved by the PIMA, the PIMA must consider whether the the body imposes standards of 'fairness', 'accuracy' and 'community standards' (*News Media (Self-Regulation) Bill 2013*, cl 7-3).

### Impact on the free press

- Without an exemption from the *Privacy Act*, the media will not be able to write about things that are claimed to be 'personal' or 'sensitive'. This will censor a free media.
- A government-appointed regulator (the PIMA) will decide what is 'fair' and 'accurate' reporting. The PIMA will effectively be telling the media what it can say.
- The package explicitly provides for the extension of media regulation within the next three years (*News Media (Self-Regulation) Bill 2013*, cl 15).

### Government intervention in media ownership changes

- The PIMA can prevent proposed mergers between media companies if the PIMA believes the merger will result in a 'lessening of diversity' or is not of 'benefit to the public' (*Broadcasting Legislation Amendment (News Media Diversity) Bill 2013*, cl 78CB). The public interest test is vague and unclear, and can be used as a political weapon.

### The bills erode the rule of law

- There is no right to appeal a decision of the PIMA.
- 'Accuracy', 'fairness' and 'community standards' are vague and unclear, giving the PIMA enormous discretionary power to decide what these words mean.
- Some provisions of the bills are retrospective because they are deemed to apply from the date of the bills' introduction into the House of Representatives, not the date at which the bill becomes law (*Broadcasting Legislation Amendment (News Media Diversity) Bill 2013*, cl 78AB).

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