



10th May, 2012

Senator the Hon Stephen Conroy
Minister for Broadband, Communications and the Digital Economy
Parliament House
Canberra ACT 2600

Dear Minister Conroy

Report of the Independent Inquiry into Aspects of the Media and Media Regulation

On behalf of the Geelong Chamber of Commerce I submit the following comments on the above Report.

The Chamber's members comprise almost six hundred businesses including micro, small, medium sized and large in the Geelong region.

We note that, in clause 11.44 of the Report, it is recommended that *"there be established an independent statutory body which may be called the 'News Media Council' to oversee the enforcement of standards of the news media"*.

We have studied the Report and oppose the above recommendation.

Discussion

1. Despite assurances given in the Report that the Council would be independent and not controlled directly or indirectly by the government of the day, we believe that the proposed model would lead to an infringement of media freedom by government. This risk is one factor which causes us to oppose the recommendation.
2. The members of our Chamber have witnessed over the past decades a growing regulation of their businesses by state and federal governments. This has added to their costs of doing business, reducing profits or, in some cases, creating losses. Increasing regulation has been the 'tipping point' at which a number of businesses have had to close down. This proposal to regulate the media is a further example of this undesirable trend.
3. We note the comments by The Hon R Finkelstein QC in clause 6 of the Executive Summary and in the Report proper why he thinks that the present model of self-regulation by the APC is ineffective and inadequate. We believe that any alleged inadequacies are capable of being rectified if the industry is given the opportunity to effect such changes as are necessary. We note with approval that of the 22 members of the APC, only 9 are representatives of media organisations.
4. Similarly, if the *"ACMA's processes are cumbersome and slow"*, as alleged in clause 6 of the Executive Summary, that body should be encouraged and guided to improve its processes rather than take the radical step of replacing it with a costly new organisation.

5. If the proposal to establish a statutory body to control the media is motivated by a concern about concentration of the print media, there are other ways to reduce such concentration through laws such as those restricting monopolies.
6. We believe that the cost of administering a statutory body to control the media would be very substantial, and, as is usually the case with such bodies, the cost to the taxpayer would inexorably rise year by year.
7. There are a number of professions which effectively regulate their own activities at no cost to the taxpayer. There is no fundamental reason why the media should not be able to do so, given encouragement and guidance.
8. The terms of reference include *“Ways of substantially strengthening the independence and effectiveness of the Australian Press Council”*. The Report fails to address this subject but adopts the easier course of recommending a new body.
9. The role of The Classification Review Board is to prohibit the distribution of publications containing material threatening community security. Beyond such material, we believe regulation and control of the media are largely unnecessary.
10. In our opinion, existing legislation provides adequate treatment of media coverage of litigation and of defamation. Australian Consumer Law effectively deals with misleading or deceptive statements.
11. We note Professor Flint’s opposition to statutory regulation of the press as being inconsistent with democracy (clause 8.112). We concur with his view. We agree also with Mr. Chadwick’s distrust of a statutory body to handle complaints (8.125) and we disagree with the statement in clause 8.127 that *“The other view”* (i.e. statutory regulation) is *“the better view”*. We assert that the case is not made to abolish self-regulation in favor of statutory regulation.
12. We note in clause 10.23 and 10.24 the assertions why regulation by a statutory body is claimed to be preferred to self-regulation. These assertions smack of ‘Big Brother’, and we believe there is reason to fear the replacement of self-regulation, even though the appointment of members of the proposed News Media Council would be in the hands of academics and government officers. It is a widely held view that academia is often from the political left and that government officers usually reflect the political views of the government which appointed them. There is a serious risk of political bias in the appointments.
13. We are concerned about the suggested abolition of a code of ethics. What guidelines would the proposed Council use in judging matters brought before it? We believe that a code of ethics voluntarily adopted by the news media organisations is a key part of the regulatory framework.

Conclusion

For the reasons given above, and for our strong advocacy for a free press and freedom of speech, the Geelong Chamber of Commerce opposes the introduction of a statutory body to control Australian media.

Yours sincerely

Mark Davis
President

Copy to Prime Minister Julia Gillard