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IPA FACTSHEET
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News 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 bills designed to regulate the media in Australia. The bills include:

- *Broadcasting Legislation Amendment (News Media Diversity) Bill 2013*;
- *News Media (Self-Regulation) Bill 2013*;
- *News Media (Self-Regulation) (Consequential Amendments) Bill 2013*;
- *Public Interest Media Advocate Bill 2013*.

Communications Minister Senator Stephen Conroy has given the parliament one week to pass the News Reform Bills Package or the government will abandon it. He has said: "We're not going to be in a situation where we're held hostage by the House of Representatives or the Senate".

The media regulation package introduces a number of significant changes, including:

- The creation of a government-appointed 'Public Interest Media Advocate' (*Public Interest Media Advocate Bill 2013*, cl 6) whose role is to:
  - oversee organisations responsible for news media standards (*News Media (Self-Regulation) Bill 2013*, cl 7-3).
  - consider mergers between media companies (*Broadcasting Legislation Amendment (News Media Diversity) Bill 2013*, cl 4).

De facto licensing of the press

- The PIMA has the power to declare 'news media self-regulation bodies'. These news media self-regulation bodies are likely to include organisations that currently set media standards, such as the Australian Press Council.
- Only news outlets that are members of news media self-regulation bodies can take advantage of the exemption relating to journalists under the Privacy Act (*News Media (Self-Regulation) (Consequential Amendments) Bill 2013*, sch 1). Without this exemption, journalists would need the permission of subjects prior to publication, making it impossible to hold politicians, union officials, business leaders to account.
- In deciding whether to declare a news media self-regulation body the PIMA must have regard to a list of eighteen ambiguous factors, including the extent to which standards formulated under the body deal with 'privacy', 'fairness', 'accuracy' and 'community standards', and 'such other matters as the PIMA considers relevant' (*News Media (Self-Regulation) Bill 2013*, cl 7-3).
- The package also 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 effectively prevent proposed mergers between media companies if PIMA believes the merger will result in a 'lessening of diversity' or is not of 'benefit to the public'. The public interest test is vague and may be used as a politcal interest test (*Broadcasting Legislation Amendment (News Media Diversity) Bill 2013*, cl 78AB).

Undermining the rule of law

- The bills reverse the burden of proof by requiring companies to prove that the merger doesn't breach the public interest test. (*Broadcasting Legislation Amendment (News Media Diversity) Bill 2013*, cl 4).
- The PIMA has discretion to revoke a declaration based on vague terms such as 'changes in relevant circumstances' or 'changes in community standards' (*News Media (Self-Regulation) Bill 2013*, cl 10-3). This allows for an arbitrary exercise of power.
- The bills include retrospective provisions. A 'pre-commencement period' applies during which time the public interest test will take effect from the date of the bill's 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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