



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**BROADCASTING SERVICES AMENDMENT  
(MEDIA OWNERSHIP) BILL 2002**

**In Committee**

**SPEECH**

**Wednesday, 25 June 2003**

BY AUTHORITY OF THE SENATE

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## SPEECH

**Date** Wednesday, 25 June 2003  
**Page** 12434  
**Questioner**  
**Speaker** Cherry, Sen John

**Source** Senate  
**Proof** No  
**Responder**  
**Question No.**

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**Senator CHERRY** (Queensland) (9.56 am)—I move Democrat amendment (3) on sheet 2987:

(3) Schedule 2, item 4, page 14 (after line 6), at the end of subsection 61F(2), add:

; and (d) the entities, or parts of the entities, that run those media operations, where those media operations involve a television station and one or more daily newspapers in the same market, have established an editorial board for the news and current affairs operation of the television station which will:

(i) have complete editorial control over the news and current affairs output of the television station, subject only to a right of veto by the entity over any story which is likely to expose the entity to a successful legal action for damages; and

(ii) consist of three members, one appointed by the proprietor, one elected by the staff of the news and current affairs operation, and an independent chair appointed by the Authority; and

(iii) have the power to appoint or dismiss all staff of the news and current affairs operation within the budget set by the entity; and

(iv) abide by any commercial objectives set by the proprietor and approved by the Authority consistent with the objectives of this Act and this section.

This amendment deals with the government's proposals on editorial separation. It seeks to ensure that editorial separation actually means something. The Democrats are not persuaded that editorial separation can be saved from itself, but I do think that it is worth having a go at trying to give editorial separation some meat. The concern which we have had right through this debate, and which we continue to have with this debate, is that a proprietor would in fact be able to influence more than one news outlet in respect of their opinions. Proprietors tell us on a regular basis that they do not do that—that as a matter of course they do not interfere or intervene in the editorial content of their newsrooms. Of course, there are plenty of stories from their employees who would disagree with that particular viewpoint. Much of what happens in newsrooms is in fact not so much direct censorship but more self-censorship—people choose not to write particular things or pursue stories which they know will upset their employer. That is a perfectly human approach, it is a cultural issue, and we cannot really fix these things through law, but certainly from a cultural point of view we should do what we can to try to encourage these sorts of issues.

It is worth noting that in the ABA survey on sources of news and current affairs there was a deep suspicion—and I will refer to these figures several times in this debate—about the influence of proprietors on their outlets. In fact, 67 per cent of the 1,100 ordinary people who were surveyed by Bond University said they felt that proprietors had an excessive influence on news coming out of their outlets and another 25-odd per cent said it was significant. When you look at those figures, the public are telling the Senate—and I hope my crossbench colleagues are listening to these comments—that they are suspicious of the impact of proprietors on the content coming out of their media outlets. For this chamber to ignore such very strong findings from an ABA survey I think would be very unfortunate.

This amendment seeks to hold the proprietors of media organisations accountable. It seeks to do something which I think is very important. If they say they do not interfere in the day-to-day editorial content of their newsrooms, then let us put that in law. I am not saying that we should say to proprietors, 'No, if you have a newspaper, you cannot influence the content of your newspaper.' I am trying to say to proprietors, 'If you own a newspaper and a television station, then you essentially run the television station, but the news service of that television station is going to be separate in its editorial decision making.'

The amendment seeks to establish what I call an 'editorial board' interposed between the television station proprietor and the newsroom. It says that the editorial board—which will have three members: one appointed by the proprietor, one elected by the journalists or the staff and one appointed by the ABA—will make the day-to-

day editorial decisions. Therefore, when decisions are made about which stories go into a news broadcast and which ones are pursued, it will not be the commercial interests of the proprietor that are considered but rather the news content of those items. I am told that this is what happens in newsrooms now. If that is what happens in newsrooms now this amendment should not make any difference to their operations.

But if that is not what is happening in newsrooms now, then this amendment is absolutely crucial for protecting the diversity of viewpoints in the Australian media under a cross-media exemption certificate. It seeks to ensure that decisions about editorial content are made independently of a proprietor's interests. It seeks to ensure that the editorial separation model actually means something. At the moment, the minister's model proposes two silos of news collection but, at the end of the day, it is still the proprietor's interests which determine which particular items go into the news broadcasts. Under this amendment, for the television station, at least—where news is not the dominant business of the operation, as it is with newspapers—for that part of the business an editorial board will determine editorial content.

I do not expect anyone else to support this amendment, but I do commend it to the chamber because it is really important. If we ever get to the horrible stage where we are looking at cross-media exemption certificates—and I am not confident that some of my crossbench colleagues will not vote for that at some point—then I want to make sure, by moving this amendment, that it is on the record in this place that we want to encourage, improve and increase a diversity of viewpoints. It would mean that in newsrooms we would get some real independence in editorial content. It would improve the diversity of viewpoints, because for television, at least—which the ABA survey says is the single most important medium relied upon for news and current affairs in this country—the editorial decisions would be independent of the proprietor. It would be an improvement on what we have now. The investment decisions that Minister Alston talks about could still be made. Media companies would still be allowed to grow and to take over whatever they wanted to under the outrageous cross-media rules. But at least it would ensure in one fundamental area of our democracy—that is, the protection of the diversity of viewpoints—that we improve and increase the diversity of viewpoints at the same time as ownership is concentrated.

If we must have concentration of ownership—and I do not believe we need concentration of ownership to achieve these sorts of objectives—then at least let us make sure that the diversity of viewpoints is protected. In all other jurisdictions where they are looking at cross-media laws at the moment—in Britain and in the US—there is a fundamental emphasis on the importance of a diversity of viewpoints. That is missing in this debate; it has been missing in this debate from the very beginning. The editorial separation model has a go at it but fails to do it. The 'five voices' test has a go at it but fails to do it. This at least protects the diversity of viewpoints perspective if the government goes down a cross-media path. From that point of view, I would commend the amendment to the government because it finishes off the editorial separation model and makes it something meaningful, whereas, at the moment, it is simply a sham.