

## **1993.6. Rights and Obligations of the Media**

*Submitted 30 August 1993 to the Senate Standing Committee on Legal and Constitutional Affairs, Parliament of Australia*

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The following is a summary of The Humanist Society of Victoria's submission to the Senate Standing Committee on Legal and Constitutional Affairs, in response to their call for submissions on the subject "The Rights and Obligations of the Media". Submissions made by the Society are based on views expressed by members at specialty convened group discussions.

### ***The right to privacy and the right to know***

Ordinary individuals should have an absolute right to privacy. The community has no relevant "right to know". Invasions of privacy such as harassing accident victims or the mentally impaired should carry higher penalties. A distinction should be made between photographs taken from a public place and those taken while trespassing. A statutory code would be desirable.

### ***Elected officials and listed companies***

In respect to the *public* activities of elected officials, the community's "right to know" outweighs the right to privacy. For listed companies, the privilege of listing should bring with it the obligation of accountability.

### ***Protection of journalists' sources***

Because the community gains from "whistle blowers", we support the granting of "shield laws" to enable journalists to protect their sources. However, journalists should not offer protection lightly, and such protection should depend on the veracity of information given. "Shielding" should not be granted where a serious injustice would result from nondisclosure.

### ***Public access to the media***

Persons claiming to have been misrepresented by the media should have a statutory right to put their side of the story with equal prominence.

### ***Courts, tribunals and the media***

We support the right of the media to report legal proceedings, with some exceptions. Names of minors and of certain victims and witnesses should be suppressed, as should certain medical evidence.

### ***Notes on journalistic ethics***

The journalist's code on "unnecessary emphasis" should extend to non-belief (atheists, agnostics, etc.). Material obtained through illegal phone tapping should be excluded. Interviews should be terminated at the request of the interviewee.

### ***Disciplinary processes for journalists***

The Judiciary Committee dealing with breaches of the Code of Ethics should contain persons who are not members of the A.J.A. [Australian Journalists' Association]; for example, civil libertarians, etc.

### ***Other matters***

1. "Gender bias" must be addressed.
2. "Talk-back" sessions must not be presented as reliable indicators of public opinion.
3. Camera tricks, such as the recent "nude photo" of the Victorian Premier, are deceitful and ultimately erode the credibility of the media.
4. Gratuitous violence, particularly during children's viewing time, is an abrogation of the media's responsibility to portray a balanced view of reality.
5. The intrusion of journalists into critical stages of a police operation should be regarded as unethical.
6. Provision for compulsory "free time" to be granted for religious broadcasts is incompatible with a secular state and should be scrapped. Sectarian claims on the media can cause divisiveness and fuel imported conflicts.
7. We are concerned with the lack of an independent mechanism to deal with complaints about journalists. This, combined with self-regulation, adds up to inadequate accountability.
8. Reporters and writers should have some form of protection from undue editorial control, especially in these days of concentrated media ownership.
9. The media should supply accurate, balanced information, obtained by ethical and legal means.

### ***ADDENDUM***

From the *Victorian Humanist*, Nov. 1994: 4

### ***Feedback***

In August 1993, we made a submission to the Senate Standing Committee on Legal and Constitutional Affairs on the Inquiry into the Rights and Obligations of the media. The First report sent us deals with the shield laws for journalists' confidential sources, accountability in the print media, and protection against defamation and changes in the code of ethics. The Press Council is to have power to impose and enforce sanctions on the print media. Other measures are recommended to improve self regulation and the standards of reporting. These recommendations, if adopted, could resolve a number of problems associated with competing interests, e.g. rights to privacy and the public's right to know.

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