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Suppression, privacy, contempt and spin: Australia's struggle with censorship in a Western democracy

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Suppression, Privacy, Contempt and Spin: Australia's Struggle with Censorship in a Western Democracy

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Abstract

Australia's media organisations have joined forces to combat a level of suppression and censorship that has seen that nation languish amongst the lowest ranked western democracies in international press freedom ratings. The lobby group – called Australia's Right To Know – held a major conference in March 2009 where prominent journalists, academics and industry leaders reviewed and debated the impact of key legislative and judge-made laws upon the work of journalists. This paper reviews that debate and assesses the steps needed to improve Australia's international press freedom standing. It pays special attention to the potential impact of changes to the laws of freedom of information, privacy and whistleblower protections upon truth-seeking and truth-telling by Australian journalists.

Background

Despite being a mature democracy drawing on the British system of jurisprudence and a system of government combining elements of the United States and British legislatures, Australia has languished among the lowest ranked western democracies in international press freedom rankings. For example, the international agency Reporters Without Borders (RSF) ranked Australia 28th on its world press freedom index in 2008, behind comparable democracies New Zealand (7th), Canada (13th) and the United Kingdom (23rd) (RSF, 2008). There are historical explanations for this situation, partly explained by the fact that Australia has no formal constitutional protection of free speech or media freedom in its constitution and has no Bill of Rights offering such protections, although its High Court read into the Constitution an 'implied' freedom to communicate on government and political matters in a series of decisions in the 1990s (Pearson, 2007, pp. 37-39). Australia also had a long history of British colonialism, where a

tradition of press censorship was well established throughout the late 18th and 19th centuries until Federation in 1901 (Pullan, 1994). Further, over the past decade Australia has, with the United States (ranked even lower on the RSF scale at 36), been at the forefront of the international 'war on terror' and since 2001 has sacrificed many personal and media freedoms in the name of national security (Pearson & Busst, 2006).

Until 2004 there were few unified media attempts to influence government policy on censorship and media freedom. Government proposals for legislation impacting on media rights were typically opposed by means of individual lobbying of politicians by media proprietors and executives and submissions from individual companies, industry groups (such as the Australian Press Council and broadcast media bodies), the journalists' union and individual journalists and academics. However, in 2004 and 2005 media groups rose above their normal competitive stance to prepare a joint media industry submission on proposed defamation law reforms (Combined Media Defamation Reform Group, 2004). This group had some success in influencing the various state and Commonwealth attorneys-general on the content of those reforms which came into effect throughout Australia in January 2006 (Pearson, 2007, p. 178).

Against that background of co-operative lobbying and success, the major Australian media groups joined forces to formalise the coalition with the formation of Australia's Right to Know in May 2007 (Australia's Right to Know coalition, 2007c). This paper tracks the progress of that initiative as a vehicle for analyzing the state of media freedom in Australia. The new body was announced at a press conference in Sydney and the inaugural industry members included Rupert Murdoch's News Limited, Fairfax Media, the government-funded Australian Broadcasting Corporation and multicultural Special Broadcasting Service, the commercial television industry body FreeTV, its radio equivalent Commercial Radio Australia, the wire agency AAP and the pay television operation Sky News. In a media statement, the group outlined plans for a major reappraisal of laws and regulations that censored free speech and undermined the right of all Australians to get information that was relevant and important to their lives. It quoted News Limited Chairman Mr John Hartigan as saying: "There has been an alarming slide into censorship and secrecy that has severely reduced what ordinary Australians are allowed to know about how they are governed and how justice is dispensed." Competing group Fairfax Media's then chief executive Mr David Kirk was quoted as saying: "Most Australians are unaware just how far their basic rights to know about the operations of government and public officials have been eroded. This issue is of profound public interest and warrants national prominence and priority." ABC managing director Mr Mark Scott stated in the release: "Freedom of speech is

one of the fundamental pillars of a free and open society. It is as important as parliamentary democracy and the rule of law in guaranteeing the freedom and rights of all Australians (Australia's Right to Know coalition, 2007c). While it was an election year, the group claimed its position was bipartisan. "This is not about party politics or currying favour with one party or another. These issues are of national importance regardless of who is in power and we will be urging all major parties to address the problems," the release said. Both major political parties had contributed to the erosion of media freedom when they had been in government over the previous quarter of a century, it said (Australia's Right to Know coalition, 2007c). It announced its first task would be to appoint a chairperson and then commission an audit of the state of free speech in Australia.

Free speech audit 2007

Two weeks later the coalition had announced the appointment of its chairperson, former NSW Ombudsman and commissioner of that state's Independent Commission Against Corruption, Irene Moss (Australia's Right to Know coalition, 2007b). A further fortnight later and Ms Moss was announcing four more media organisations had joined the coalition (APN News & Media, West Australian Newspaper, the Australian Subscription Television and Radio Association and the Media Entertainment and Arts Alliance) and that two lawyers, Peter Timmins and Jane Deamer, would be joining the group's staff as deputy director and research director. The team then set about undertaking its first major task – an national audit of the state of free speech in Australia – relying upon these individuals and drawing upon the resources of the member media organisations as needed (Australia's Right to Know coalition, 2007a).

On October 31 of that year the Coalition released its first report, a 316 page document containing nine chapters addressing the issues of background, the role of the news media, the state of free speech, access to information, protecting whistleblowers, freedom of information, terrorism and sedition, the justice system, and privacy and defamation (Moss, 2007). In her covering letter introducing the report, Ms Moss suggested the audit 'should ring alarm bells for those who value free speech in a democracy' and that 'many of the mechanisms that are so vital to a well-functioning democracy are beginning to wear thin'. She noted that free speech and media freedoms were being 'whittled away by gradual and sometimes almost imperceptible degrees', and mentioned key examples being the use of government spin, poorly functioning freedom of information laws, barriers to court information, lack of support for whistleblowers, inadequate shield laws for journalists, and inconsistent suppression order rules (Moss, 2007).

While the audit's research team conducted its own inquiries, it also received several submissions and its researchers interviewed about 300 journalists and media lawyers for the task (Moss, 2007, p. 3). The report first established the importance of free speech and, by implication, media freedom, in a democratic society:

> Our approach is to treat press freedom as an instrumental right: any special privileges the news media claim should be protected only insofar as they promote our interest in freedom of expression generally (Moss, 2007, p. 6).

The report proceeded to cite Australia's poor performance in world press freedom rankings as a yardstick of its relative decline in media freedom over recent years (Moss, 2007, p. 8) and quoted prominent industry personnel and academics lamenting a slide towards secrecy in government on a range of fronts.

Its chapters on the various challenges to media freedom contained detailed statistics and expert insights:

- *Access to information:* While governments paid lipservice to providing information about their activities there was 'mounting evidence that the lure of political advantage increasingly trumps principles of democratic transparency when governments decide to withhold or bias the release of information' (Chapter 4). The audit recognised the need for some information to be protected from disclosure, including privacy, commercial confidentiality and national security. However, it found the government erred on the side of non-disclosure on the falsely based premise of a 'public interest' immunity from disclosure. Evidence from journalists was that they were denied access to information, particularly background information on decisions, because public servants were prohibited from giving information to the media. They complained the then federal government of prime minister John Howard was geared towards managing media conferences so they were short and did not allow extended questioning by reporters. There was a tendency among government PR operatives 'to block or frustrate, rather than facilitate, their inquiries'. Further, many prime ministerial announcements were made via friendly interviews with talkback radio hosts.
- *Protecting sources:* There was inconsistency in whistleblowing laws across the nine Australian jurisdictions with distinct differences in approaches to protection of public servants revealing information and the penalties they faced for doing so (Chapter 5). The audit recommended a uniform approach, along with effective shield laws for journalists. "There is a good case for an effective shield law regime based on a presumption that

sources should not be revealed and journalists could be ordered to do so by a judge only on strictly limited grounds of compelling public interest," it stated (Moss, 2007, p. 54). Its authors highlighted prominent recent examples of each issue: the prosecution of Customs officer Allan Kessing for disclosing official information about poor airport security protocols despite the fact that the resulting coverage by *The Australian* newspaper led to a $200 million program to improve the procedures; and the conviction of contempt of court of Canberra-based journalists Michael Harvey and Gerard McManus for refusing to reveal their source of a *Herald Sun* story exposing a government cover-up of $500 million in cuts to its payments to war veterans.

- *Freedom of Information (FoI):* The report chronicled the shortcomings in freedom of information legislation throughout the nation, showing inconsistencies between jurisdictions and a general culture of secrecy within governments blocking the release of information under the provisions (Chapter 6). It listed numerous examples of extended delays with FoI requests, some extending to months or years, as well as exorbitant costs charged by governments for some applications, including a quote of $1.25 million to provide details on politicians' travel expenditure to one newspaper. Public interest was again used by governments as an excuse for not releasing information rather than as an argument for transparency.
- *Anti-terrorism and sedition laws:* The report cited a series of new anti-terror legislation and amendments to existing national security laws since 2001 granting security agencies new powers to restrict communication on certain matters, with the result being that the public may well remain ignorant of security threats because of secrecy provisions (Chapter 7). The report lamented that basic freedoms were being sacrificed in the name of national security. It also criticised the revamping of sedition laws in the wake of an Australian Law Reform Commission report in 2006, particularly the imprecision of some of its terminology, the broad net cast over a range or activities and the wide geographical reach of the provisions.
- *Erosion of open justice:* The report noted an increase in the numbers of suppression orders being issued by judicial officers throughout Australia and the difficulty journalists faced in gaining access to court documents and basic information about trials (Chapter 8). Much depended on the attitude and co-operation of court staff and there were considerable differences across jurisdictions on identification restrictions, particularly those relating to children. The existence of suppression orders was often not

communicated effectively to media organisations and the lack of uniform laws and practices confused journalists.

- *Privacy and defamation:* The audit recognised privacy was an evolving area of law and noted media organisations' concerns about the development of a statutory cause of action for breach of privacy (Chapter 9). It also noted a common excuse for the non-disclosure of information to the media was the misguided acronym 'BOTPA' – 'because of the Privacy Act'. This was often misguided. The report recognised the improvements made to defamation laws in January 2006 by making them almost uniform across states and territories but warned the ultimate test of the new laws relied on judicial interpretations of some of their provisions.

The report was released just weeks before the federal election at the end of 2007, which saw a change of government from the conservative Liberal-National Coalition Howard government to the Labor government of Prime Minister Kevin Rudd. Some aspects of the audit's brief – most notably the reform of freedom of information laws and whistleblower protections – had become part of the Labor Party's policy platform in the lead-up to that poll. The test would be the extent to which the Rudd Government would honor that reform agenda and break the culture of secrecy that fostered under previous governments of both political persuasions.

Suppression order review 2008

The next major project of the Australia's Right to Know coalition was to commission a detailed research report on one of those key areas identified in its 2007 report – the problem of suppression orders. For this it selected former court reporter and court information officer Prue Innes, who presented her report in November 2008, titled *Report of the Review of Suppression Orders and the Media's Access to Court Documents and Information* (Innes, 2008). This 121 page project involved a survey of most of the nation's court reporters, court information officers and in-house media law advisers (Innes, 2008, p. 3). Innes found the journalist's court reporting role was frustrated by confusing and inconsistent arrangements of access to court files and exhibits. Further, suppression orders were so haphazard in their application that 'some courts have no idea how many orders they make' and 'no systems to inform media of them' (Innes, 2008, p. 4). Suppression orders were issued more often in some states than others and the wording of such orders was sometimes vague and lacked sunset clauses so journalists could not fathom when they might have expired. The review found that in the first half of 2008, 305

suppression orders had been issued across Australian courts, while there had been 678 issued in 2007 and 607 in 2006 (Innes, 2008, p. 84). This was a conservative figure, given the NSW Supreme Court had noted only nine orders being issued, and no records were available for orders in the NSW District or Local courts. Where legislation required a court to provide reasons for its suppression orders, as in South Australia, judicial officers did not follow the spirit of that requirement, only its letter, by using general statements such as "to prevent prejudice to the proper administration of justice", or even just "interests of justice" 2006 (Innes, 2008, p. 84). While South Australia had implemented a media notification regime for suppression orders, Innes queried the $500 charge imposed on media organisations wanting to be placed on the distribution list 2006 (Innes, 2008, p. 84). The review concluded with the following recommendations on the issue of suppression orders (Innes, 2008, pp. 86-91):

- Orders should be made only when necessary to prevent a threat to the proper administration of justice.
- They should be clear and specific, and no wider than absolutely necessary.
- Courts should ensure that the orders issued reflected what was actually intended by the judge or magistrate.
- Orders should include a sunset clause so they expired automatically when no longer required or stated an expiry date.
- Alternatively they should be very narrow and specific in their scope.
- Orders should not be worded to last 'until further order' unless the court had an established protocol of review and any such orders should be reviewed on verdict.
- Courts should detail the exact prohibition in their issue to the media but provide a more general description for notices on court doors.
- They should state the power under which they were being made and the reasons for their issue.
- Model orders might identify the proceedings, the court, the judge or magistrate, the date, the legislative or implied power under which the order was made and when it was to expire or be reviewed. The actual wording of the prohibition itself should be specifically drafted to reflect the purpose of the order, and go no further than was absolutely necessary.
- The order should state clearly whether it covered all or part of the proceedings.

- Media notification systems should be established, using either group emails or faxes or both, with all court reporters, media newsrooms and online news sites on a distribution list.
- Any revocation of orders should be notified promptly to the media.
- Orders should be notified at no cost to the media.
- A register of orders should be maintained via a searchable database.
- Media organisations should be given the opportunity to challenge an order.
- Suppression orders should not be issued when legislation already restricted publication, as in the identification of complainants in sexual assault matters. Judges should just remind the media of such restrictions in these cases. They should also remind media of orders made previously in a particular case.
- Courts should employ public information officers to enhance their communication with the media.

On the eve of the issue of the report, on November 7, 2008, the Federal Attorney-General announced the commitment of the states and territories to develop further the framework for a national electronic register of suppression orders, a move commended by Innes in her report 2006 (Innes, 2008, p. 84).

In addition to the recommendations on suppression orders, the Innes report also made several recommendations relating to journalists's access to court files and exhibits, public documents that reporters had advised could be difficult to obtain (Innes, 2008, pp. 86-94). Again, practices differed widely across court systems.

The review recommended:

- Courts adopt a procedure for access based on a presumption of access. Additionally, a protocol should be developed for the Directors of Public Prosecutions to facilitate access to exhibits in criminal proceedings.
- Television news cameras should be permitted in courts more often for prominent cases.
- Media access to court files should be as of right, in civil and criminal cases.
- Court exhibits, especially in criminal proceedings, should be available under a suitable protocol worked out with the media.
- Transcripts should be easily available to the media when requested and, preferably, at no cost.
- Courts which did not already allow the use of small tape recorders by the media should adopt helpful procedures to permit this.

- Judges should provide copies of sentencing remarks for the media, to be released immediately after sentence, as an aid to accuracy.
- Judges should consider providing a summary of a controversial or complex sentence, or decision in a civil case.
- Copies of sentences and decisions should be posted on court websites as quickly as possible after delivery (Innes, 2008, p. 94).

In short, the Innes inquiry took the Australia's Right To Know coalition's work to a much more specific level, drilling down into a nagging topic of concern to media organisations – the troubling impediments to access to the courts in a society meant to have an open justice system.

Freedom of speech conference 2009

It was against this background that the coalition held its conference on freedom of speech in Sydney on March 24, 2009. The program described the gathering as 'the first of its kind in Australia', and claimed to be bringing together leading experts in the field 'to look at the issues and discuss what kind of democracy we want' (Australia's Right to Know coalition, 2009, p. 2). Speakers and panellists included prominent politicians from both major parties, media law and public policy academics, media lawyers, prominent journalists, judges, public servants, union leaders and the chief executive officers of some of the major media groups.

Chairman and chief executive officer of Rupert Murdoch's News Limited, John Hartigan, had been the coalition's convenor. He opened the conference by proposing that most Australians were unaware some of their basic freedoms had been eroded over the preceding quarter century, particularly over the life of freedom of information legislation that had been introduced in 1982 (Hartigan, 2009). His words set the tone for the morning's deliberations on FoI legislation and proposed reforms.

"Freedom of Information has not worked as envisaged. In fact it's become an oxymoron," Mr Hartigan said. He outlined the short but significant history of the Right to Know Coalition, and described the conference as the 'next step in our quest' to 'raise public awareness of these issues and get the attention of legislators'. He was at lengths to deny his lobby group was motivated by self-interest or that it was hypocritical for the media to ask for more freedoms when they already abused those they had.

"If we are successful this campaign we won't sell one more newspaper, or add one more ratings point for radio or television," he said. "But what it will do is overturn a long-standing culture in government and the bureaucracy. A culture that has increasingly and surreptitiously

prevented ordinary Australians from getting access to information they need to make informed decisions about the country they live in."

He also deinied it was a conference about the rights of the media. "It is through the media that most Australians are kept informed about most of the things that affect them," Mr Hartigan said. "And the rights of the media are a reasonable reflection of the rights that individuals can expect to enjoy. "It is time for significant reforms that will dramatically improve the transparency and accountability of government." (Hartigan, 2009) He pointed to three journalists sitting in the audience who had borne the brunt of repressive laws – Gerard McManus and Michael Harvey from Melbourne's *Herald Sun* who were fined $7000 each and had criminal records for contempt of court for refusing to disclose a government source and Paul Lampathakis from the *Sunday Times* in Perth whose newsroom was raided by 20 armed police looking for material that might identify his source. He finished by stating that journalists did make mistakes but were rarely motivated by malice or an 'arrogant disregard' (Hartigan, 2009).

Mr Hartigan was followed by another key coalition member, the managing director of the Australian Broadcasting Corporation, Mark Scott, who indicated immediately that not all members of the group agreed on all aspects of media freedom and the rights they were protecting (Scott, 2009). He linked the importance of citizens' right to know to the burgeoning technologies they were now consuming. "The humble home has become a media hub, capable of sustaining four, five or even more people online simultaneously," he said. "Yet, in the midst of all this abundance, the threat to the public good from a shuttered society remains all too real. Perhaps we should refine Thomas Jefferson's famous quote to read: 'Good information– with the emphasis on good - is the currency of democracy'."

He stressed the importance of self-regulation for media outlets, and explained his organisation had undergone an extensive review of its own code of practice under his direction. "To make a compelling case for media freedom, we need to be robust in demonstrating the responsible use of media power and genuine leadership," he said. "A free media stays free when it is understood by the society it serves to be exercising power legitimately. If it is not accountable, it lacks legitimacy. I believe that a commitment to robust self-regulation needs to go hand-in-hand with a push for media freedom."

He also positioned the ABC as being supportive of a limited new statutory tort of privacy, at odds with most other members of the coalition who were opposed to such a reform.

> With digital surveillance, location tracking and genetic tracing becoming commonplace, there is a very firm case for the law to allow people to protect their privacy. It is a

> fundamental human right. In some ways, a tort would just synthesise and rename elements present in several other longstanding doctrines of common law and equity, such as breach of confidence. The Australian Law Reform Commission proposal for a new statutory right of privacy, properly worded, is a sophisticated idea worthy of serious debate. To dismiss even the need to address the issue – the need to have a thoughtful and comprehensive debate – doesn't seem to be in keeping with the openness and plurality of perspectives that media freedom should be all about (Scott, 2009).

This softening of one of the major coalition's players on the issue of privacy represented a significant development in the internal politics of the group and foreshadowed a debate in the afternoon of the conference on the extent to which the media should respect the privacy of those in the news. It was also indicative of the influence of former Victorian privacy commissioner Paul Chadwick who had been appointed the ABC's director of editorial policies just over a year previously.

Mark Scott was followed in the program by retired Supreme Court justice Ron Sackville who delivered the keynote address questioning the motives of media organisations avowing free speech at the expense of other liberties, and by the federal secretary of the journalists' union, the Media Entertainment and Arts Alliance, Chris Warren, reporting upon the many examples of limitations upon media freedom over recent years (Australia's Right to Know coalition, 2009).

However, the most publicised aspect of the day's proceedings was the address by the Special Minister of State, Senator John Faulkner, who announced the Federal Government's proposed reforms to Freedom of Information laws, followed by a debate on their merits by senior journalists, politicians, public servants and policy makers (Faulkner, 2009). Senator Faulkner's speech was particularly significant because it represented the first major reform of media law by the Rudd Labor Government after a year in office and after more than two years of lobbying pressure by the Right to Know coalition.

He started by positioning freedom of information as important to the democratic process. "There is a growing acceptance that the right of the people to know whether a government's deeds match its words, to know what information the government holds about them, and to know the information that underlies debate and informs decision-making, is fundamental to democracy," he said. FoI legislation had not fulfilled expectations over its 27 years of existence at federal level. The introduction of FoI legislation in Australia in the early 1980s was an important first step in recognising the public interest inherent in openness about government information.

> However, twenty-seven years later it is clear that FoI at a Federal level has, in Rhys Stubbs's words, worked 'around the assumption of closed representative government, forming a barricade that distinguishes what the public can and cannot access.' There has been a widespread and not unjustified perception that, at least in practice, the culture of FoI at a federal level in Australia has been that the Act sets out minimum requirements: that decision-makers determine in favour of disclosure only where forced to and that, too often, FoI applications are viewed as a contest between applicant and agency (Faulkner, 2009).

He reminded the audience that the government had already introduced a bill to remove the power to issue 'conclusive certificates' in November 2008, a device used to protect politically sensitive government information from FoI disclosure used by the previous Howard government and the subject of a High Court challenge ("McKinnon v Secretary, Department of Treasury," 2006) He then unveiled the exposure drafts of the government's overhaul of the FoI Act, with the new objects of "increasing public participation in Government processes, leading to better informed decision making; increasing scrutiny, discussion, comment and review of the Government's activities" and increasing "recognition that information held by the Government is to be managed for public purposes, and is a national resource" (Faulkner, 2009). He promised the reforms would signify a shift "from the culture of secrecy we saw under the last Government to one of openness and transparency". The reforms would establish an independent statutory office of the Information Commissioner (including an FoI Commissioner) and introduce a new Commonwealth Government Publication Scheme forcing government agencies to make public much of their information and post it online, shifting the onus to disclosure (Faulkner, 2009).

The reforms would reduce the exemptions to FoI disclosure available to government agencies from 18 to 16 by withdrawing the exemptions for documents arising out of companies and securities legislation and documents relating to the conduct of an agency in the area of industrial relations. They would also double the number of exemptions subject to a public interest test, from four to eight. Exemptions for personal privacy, business affairs, the national economy, and research would all be subject to a public interest test requiring an agency to give access to a document unless giving that access would at the time, 'on balance, be contrary to the public interest' (Faulkner, 2009).

Importantly, the legislation included the following non-exhaustive public interest factors to be weighed in favour of disclosure, if that disclosure would:

- promote the objects of the FoI Act;

- inform debate on matters of public importance;
- promote effective oversight of public expenditure; or
- allow a person to access their own personal information.

And the draft legislation removed inappropriate reasons to refuse disclosure, stating that decision-makers may not take into account factors such as:

- that access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in, the Government;
- that access could result in the applicant misinterpreting or misunderstanding the document;
- that the author of the document is, or was, of high seniority in the agency; or
- that access could result in confusion or unnecessary debate.

Further, documents would not be exempt simply because they were attached to a Cabinet submission, or happened 'to make an appearance in the Cabinet room'. Fees would be reduced substantially so that applications would be free for individuals seeking government information about themselves and the first hour of all applications would be free for other parties, with journalists getting the first five hours of any application free. Applications not processed within the statutory timeframe would be totally free as an incentive to agencies to get them processed quickly (Faulkner, 2009). The Senator concluded by quoting the test of FoI disclosure outlined in the coalition's own Moss report (2007), effectively linking the reform back to that crucial submission on censorship reform.

Other debates at the conference on the day covered the privacy issue and the need for changes to protections for government whistleblowers, but the FoI announcement was the symbolic event marking a new government's attempts at reform and the success of the coalition's lobbying efforts (Australia's Right to Know coalition, 2009).

Key issues and impacts

What, then, do we make of this industry attempt to encourage government reform of media restrictions via a pan-industry lobby and research group of this kind? What issues does it raise for colleagues in other countries, particularly those in the midst of political crises and with government restrictions much tighter than those in Australia?

Firstly, it is worthwhile summarising the key elements of the Australia's Right to Know campaign:

- Its uniformity as an industry bloc, with members from the leading media groups and bodies across media types.
- Its decision to commission major research reports as the vehicle for its public statements and lobbying efforts, giving weight to its statements and attempts at government influence.
- Its timing – forming on the eve of a federal election when its statements via its own media outlets would have the most political impact.
- Its leadership – conceived and promoted by the Murdoch organisation's chief executive in Australia, John Hartigan, a powerful business leader and, it so happens, a proud former journalist.
- Its efficient and economic use of its members' resources such as its in-house lawyers instead of investing in an expensive new bureaucracy.

It is premature to issue a definitive verdict on the success of the project, given the fact that it started only two years ago and the signs of its success have yet to find their way into concrete law reform, but there are indications that it has already been more effective than previous ad hoc attempts at lobbying by the many and various media industry groups representing different sectors.

As ABC managing director Mark Scott pointed out in his speech to the 2009 conference, 'some victories have been recorded' (Scott, 2009), with the new Rudd Labor Government instituting reforms in the following media law areas:

- The development of a national electronic register of suppression orders with co-operation from states and territories;
- The abolition of 'conclusive certificates' as vehicles to avoid Freedom of Information disclosure;
- The overhaul of Freedom of Information laws as outlined by Senator Faulkner at the conference;
- New laws to shield journalists in some circumstances from the risk of being jailed for contempt of court for refusing to reveal their sources in court;
- Reforms to give better protection to public servant 'whistle-blowers', although with no protection if they take their information to the media;
- Some allowance for public interest issues in any development of a new statutory tort for breach of privacy.

It will take some months before we see whether the spirit of these reform proposals follows through into the letter of the laws and their implementation, but it is clear the media coalition has had a strong influence on the free expression debate in Australia and that politicians, at least are listening. At the very least the initiative has resulted in two comprehensive pieces of research being added to the media law/press freedom literature, in the form of the Moss and Innes reports over the past two years.

There is a lesson here for other countries facing much harsher media restrictions. There is strength in unity for media organisations on broad media freedom issues. It pays to put aside daily competitive differences and join forces as an industry to take a stand for less censorship and more freedoms.

In Australia, while the education of politicians about the importance of media freedoms is important, the greater challenge is to educate the broader public on the importance of a free media to an effectively working democracy. This principle is given all too little attention in the school curriculum, with students learning much more about the misdeeds of journalists and media organisations than about their service to society. Perhaps that might become a new mission for this coalition in its next phase. Meanwhile, it will be interesting to see whether international press freedom ratings bodies like RSF choose to elevate Australia in their rankings on the promise of these new reforms.

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