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Silencing critics in seven illiberal steps

by: *Janet Albrechtsen* From: [The Australian](#) July 11, 2012 12:00AM

WHEN you think about it, these are truly extraordinary times.

Julia Gillard has instructed Labor MPs to spend this winter recess from parliament warming up their electorates about the need for government regulation of the media.

In fact, senior members of the Gillard-Greens government have been trying to soften us up for much longer. If former Prime Minister John Howard had struck out at the media in this way, there would have been protests in the streets with burning effigies and signs attacking "the fascist PM" and that sort of thing.

Liberal MPs would find their offices picketed by inner-city university academics and students, who we now know to be opportunistic in their freedom-loving tendencies.

Their silence now, as Gillard tries to muzzle the media, is deafening. And the rest of us? Are we also at fault for sleepwalking towards an illiberal Australia? The absence of a wider and louder uproar from ordinary Australians over the government's clearly articulated agenda to punish those in the media with whom they disagree is deeply concerning.

Wake up, Australia. Each step that has brought us to where we are now, facing government intervention in editorial standards of the media, has been deplorably illiberal. The government's seven-step program to regulate the media is a depressing read for anyone who cherishes the progress delivered by two centuries of Western liberalism.

What happens in the final chapter will depend on whether we are duped into believing that we, the people, need specially appointed guardians to protect us from a media deemed by the government to be malicious or incompetent. The conclusion also depends on us believing that government regulation will improve our media without infringing free speech. Surely we understand liberal values enough to realise this is a non sequitur. It is as illogical as calling those on the Left "progressives" when it has become clear that so many of their views are regressive and, worse, the antithesis of freedom.

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Public Policy_Media_Government Silencing Critics_Janet Albrechtsen_The Australian_V1_20120720

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But let us start at the start. For political reasons, Labor is now trying to distance itself from the Greens. But the two parties share a determination to regulate the media. In step one, then Greens leader Bob Brown laid down his anti-freedom card when he described News Limited newspapers as the "hate media". Our crime? To analyse, scrutinise and critique Greens policies. Even our national broadcaster, which for years had given the Greens an easy ride in the media, has started asking questions about their policies.

Step two of the warming up process involved Brown calling for an inquiry into the media. He demanded new licensing requirements for newspapers, a new "fit and proper" character test for newspaper owners, new curbs on foreign entrants and a wide-ranging review of media ownership "in light of the domination of News Limited in print media".

Let's be frank. The real targets of the Greens are centre-right newspapers that dare to expose the cant of left-wing policies.

Step three: at the first opportunity, the Prime Minister followed the playbook of Rahm Emanuel, former chief of staff to US President Barack Obama.

Emanuel once said progressives should never waste a crisis. Hence, the phone-hacking scandal in Britain became a politically convenient catalyst for the Gillard government and the Greens to heighten the tempo of calls for greater regulation of the media.

Never mind that there was zero evidence of phone hacking here. The PM said News Limited, publisher of The Australian, had "hard questions to answer". Except that she could not elaborate on those questions. Meanwhile, her senior ministers kept ploughing the ground, attacking various News Limited newspapers, particularly The Daily Telegraph, for their coverage of government policies.

Caving in to the Greens, Gillard convened an inquiry into media regulation. The result, step four, was another step towards illiberalism. In the Finkelstein report, a retired judge and an academic tabled a report that concluded the Australian media was failing the public interest.

Largely based on opinion surveys, it recommended a new body, the News Media Council, to license the press and censor news reporting and political commentary. Under its recommendations, there would be no appeal from council findings. And those who disobey the council findings would face fines or imprisonment.

This super-regulator would also have power over online sites that get 15,000 hits a year. This report eschewed John Stuart Mill and embraced a Putin-style push where people on the street are treated as too dumb to be left to read newspapers without Big Brother having the power to censor what they read.

John Roskam, the head of freedom-loving think tank the Institute of Public Affairs, identified the real problem when he wrote that the Left no longer wants free speech. Progressives talk only about fair and balanced speech, whatever that means. They talk about those in the media having

a "social licence" to operate, whatever that means. And these lofty guardians of media morality get to define and apply these terms.

Step five: the Gillard government has started talking openly about imposing a new test of public interest where mergers and acquisitions would be judged against tests of editorial independence, free and fair expression of opinion, and a larger number of owners. In the process of softening us up, senior ministers are not averse to using dubious tactics. They have pointed to the Slipper affair as reason enough for regulation of the media. And as this newspaper reported last week, Communications Minister Stephen Conroy tried to bolster his agenda using a 10-year-old Productivity Commission report that advocated a "public interest" test. Conroy, who must surely think we are stupid enough to fall for his tricks, failed to mention that he took this recommendation out of context.

Step six: another effort to plough the ground for media regulation came when the Gillard government started attacking Gina Rinehart for buying almost 19 per cent of Fairfax. Rinehart's move was labelled a danger to our democracy. The emotional, hyperbolic language from Labor ministers and MPs was deliberate. Gillard and co are betting on us believing that these dangers to democracy warrant government intervention.

Step seven: happily for the Gillard government, its campaign has been aided and abetted by some of The Sydney Morning Herald's most senior journalists who have howled day and night against Rinehart's move on Fairfax. When SMH journalist Ross Gittins was asked whether it was better to have a newspaper thriving under Rinehart or no Fairfax at all, he replied: "that would be a difficult choice". Gittins is a business journalist. Go figure.

It helps, but it is not enough, that lawyers and regulators, familiar with the misuse of subjective tests such as "public interest", have spoken out. Likewise, it is revealing but not sufficient that the author of the Productivity Commission report has exposed Conroy's misleading use of that report.

It helps that the Coalition plans to campaign on free speech. Let's repeat that slowly. We have reached the point where one side of politics needs to campaign in favour of liberal values such as free speech. To this end, opposition legal affairs spokesman George Brandis is doing a fine job of reminding us just how extraordinary it is to see the government of the day launch a campaign against a free press.

Still, more heft is required. If we are to beat back the spectre of illiberalism, the conclusion rests with us. Our interest, after all, is clear enough: only a genuinely free press can hold our governments of whatever political persuasion to account. The final chapter must therefore record how we, the people, reaffirmed our commitment to the central tenet of liberalism that is freedom of speech. Over to you.