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It is good to be able to join you at the commencement of today's deliberations – and also good to be making my debut on A-PAC.

Anytime I can help to banish New Zealand Parliament from Australian television, I am happy to oblige.

Right-to-Know: the Unholy Alliance

As that last comment indicates, Right to Know is a holy crusade championed by an unholy alliance of media competitors.

It is unusual for us to work together, side-by-side rather than siding up to each other in our traditional adversarial positions.

And even around Right to Know, there is not consensus around all the matters of detail pertaining to media freedom. But we all believe in this era of media transformation, driven by new technology, appropriate focus must be given to the vital issue of media freedom and the public's access to information.

We are all living and breathing the revolution sweeping the media world. Long-established business models are buckling under the strain as the internet throws up fierce new competitors, some of whom did not even exist five or 10 years ago and who reach audiences with techniques and technologies radically different to those we once relied upon.

Consumers are demanding newer, faster, cheaper and more mobile ways of receiving content. Trying to stay ahead of the curve is causing heartburn for many of the people here today – governments, media executives, program directors and editors.

Yet there is one constant in this headlong rush into a multi-channel, multi-platform future. And that is summed up in the name attached to the coalition we represent: the right to know.

Good information – the currency of democracy

It seems counter-intuitive in a world seemingly drowning in a flood of TOO MUCH information. We are adapting to 24/7 newsrooms. To the use of Twitter, Facebook and other social networking sites as a way of disseminating information quickly and to audiences previously regarded as outside the reach of conventional media. The humble home has become a media hub, capable of sustaining four, five or even more people on-line simultaneously.

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".

To a world gripped by the pain of the global financial crisis, Jefferson's metaphor is very apt – even if the author was blissfully unaware of modern evils like toxic mortgage loans and naked short-selling. As we have witnessed over recent months, when the banks withdraw money from circulation, the financial system shudders to a halt.

The same potency applies to information. Once governments, businesses and other institutions put up the brick walls, denying the public good information- and the knowledge that extends from it- the democratic system we value ceases to function.

Other speakers will provide an audit on the progress made by the Right To Know Coalition since its bold foray into public affairs in May 2007.

The trend then, as documented in the Moss Report, was very much in a negative direction. The entire institutional push seemed to be towards shutting down the flow of information, frustrating efforts by the media to do its work in informing the public and shining its light into the corridors and dark corners of administrative affairs.

And today we note some victories have been recorded. The Rudd Government has instituted reforms in relation to conclusive certificates and is poised to reveal more in relation to its FOI agenda.

There has been a reconsideration of anti-terrorism measures affecting free speech. Last week, the Attorney-General unveiled new laws to shield journalists from the risk of being jailed for protecting their sources. There has been an attempt to grapple with issues like privacy and whistle blowing.

To address these matters we will need constructive, open minds. And not just today. We are going to have many such issues to address in years ahead as technology creates new opportunities to access and distribute information. Technological change and the imaginative uses being made of it by new media players have thrown new challenges into our midst.

How do the regulators deal with the rapid emergence of social networking sites? The web has allowed media organisations to tap directly into the creative and news-gathering talents of its customers. What rules should govern the use of user-generated content?

The dangers inherent in this new operating environment were driven home to me at a broadcasting conference earlier this month. One of the British regulators played a video vox pop of attitudes towards the web.

One male responded that he took notice of how many hits a website had. The more hits, the more accurate the site must be – a quality test that would leave most of us shuddering. In the race to be first on the web, many editors have embraced the dictum: “It may be wrong, but it won’t be wrong for long.”

That flawed approach undermines our revised Jefferson principle. To extend the metaphor, information can only act as a currency in a democratic society if people have faith in the item of exchange.

The importance of self-regulation

All this has given added impetus to the ABC’s commitment to review its own codes and practices. As a former working journalist whose ABC position carries with it the title of editor-in-chief, I am wedded to the task of ensuring that the Australian public is given the fullest possible access to good quality information.

To do otherwise, would be to desert our own staff - journalists, producers, editors and managers - all of whom toil hard and professionally to deliver on the ABC’s news and information charter obligation. But the past two years

have also reinforced in my mind the need for a deliberate balancing act in prosecuting the Right To Know case.

The challenge is this: that in acting as the public's champion the media must carry – and deliver on – a heavy set of rights and responsibilities. The Fourth Estate - in principle and, in the case of commercial media, for profit – assumes the role of investigating and exposing the flaws of others. We demand transparency from our political masters. We must deliver it ourselves.

As we seek support for the Right to Know campaign from legislators, regulators and the courts – we must be aware that for many in the public, media excess is an issue generating more commentary than media freedom. Many would argue that the media has never been more intrusive, has never had more power.

It is a perception reinforced by high-profile examples of media excess. We need to realise that the politicians who need to weigh up these issues do not only have the voices of media executives in their ears on these matters. To make a compelling case for media freedom, we need to be robust in demonstrating the responsible use of media power and genuine leadership.

To this end, the ABC is busily involved in a review of its self-regulation mechanisms. I gave the go-ahead to this process acknowledging that the public broadcaster is given a guaranteed flow of money from Canberra and a commitment of non-interference. What the government, the board and the public ask back from us is the independent maintenance of standards of editorial integrity. The self-regulation process is an acknowledgment that, in an ever-changing world, we must develop and adhere to journalism of integrity.. Good self-regulation is hard. Traditionally, the media do not talk much about their own. But I believe that unless we attend seriously to the quality of self-regulation, we undermine the chances of success for efforts like the Right to Know Coalition.

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. It will make our arguments with authorities more credible, more effective.

Self-regulation does not mean self-censorship. On the contrary, to accept responsibility strengthens legitimate power. Accountability and independence share a common base: self-confidence. If you have shown an ability to take hits and learn from them when that is justified, you can be more hard-hitting when that is justified. Being willing to impose self-standards and enforce codes takes independence. It is a conscious rejection of 'groupthink'.

Self-regulation in media comprises these elements:

- a set of standards which are made public;
- training for staff in what those standards require;
- fair handling of allegations that the standards have been breached;
- just and proportionate consequences for breaches;
- being as transparent as possible;
- recording what the cases teach about the practical operation of the standards; and
- feeding all this experience back into continuous improvement.

I would argue that the ABC's complaints-handling system is better developed and more transparent than the internal processes used by the commercial broadcasters and the big publishers.

While some of our critics point to the Press Council and argue it should have a role in monitoring ABC affairs, as a former print executive I am only too aware of the deficiencies in that process. The Council's workings are opaque and its judgments given precious little display. It has no power to order corrections.

Let me acknowledge that some critics have suggested that it is a bit rich for the ABC to talk about leadership in areas of public access to information, when we ourselves are protected from some scrutiny through judicial rulings and the operations of the FOI act. Critics charge that we are being hypocritical in pushing a free-speech case while keeping some of our own internal documents from public scrutiny.

I would argue that the taxpayer is not served by the ABC requiring a level of scrutiny that would place us at a competitive disadvantage to our competitors. I am happy for an open book on our internal strategic working documents and granular detail of our financial operations if I could be confident of a transparent, legally enforceable mutual exchange of the same kinds of information with our competitors. I am not expecting a call.

The ABC has indicated to the Government that we are willing to engage in consultation around tightening the current exclusion clause in the FOI Act applying to the ABC and ensuring it is updated for the digital era.

The objective must be, though, to ensure that any amendment adequately excludes categories of documents that, if routinely requested, would be likely to disadvantage the ABC in its proper operations. We believe the model used in FOI legislation in places like the UK, Ireland and Canada could and should be applied here. In those jurisdictions, the exclusion carves out a journalistic and creative space for the national broadcasters in order to ensure not just their competitive positions, but also their independence.

Balancing Rights

We all acknowledge that the freedom to publish and broadcast is not absolute. The media's own codes of practice set limits, recognising that compromises are unavoidable to maintain a properly functioning civil society under the rule of law.

We know that laws are needed to protect national security. We can and should debate their breadth.

People charged with a crime are entitled to the presumption of innocence and a fair trial. So the law of contempt of court retains legitimacy. We can and should debate its details, particularly in times of technological change.

The pace of change poses problems and frustrations for us all. Cyberspace has thrown open the boundaries for disseminating and exchanging information. Both the genius and the danger of the web is its uncontrollability.

It gives us the best and the worst of what humankind is capable of. The challenge of finding workable balances now confronts both lawmakers and the general public – no more so than in the field of privacy.

We live in a digital world where it seems almost every detail of one's private life can be posted or stored on-line. As John Hartigan himself noted in a recent article, emails, online shopping, credit cards, CCTV cameras and mobile devices all leave a trail of digital crumbs that can be swept up into vast data collections that are mined by everyone from businesses to fraudsters. Social web sites like MySpace and Facebook have become lucrative sources of personal information.

But there has to be a line drawn in the cyber sand. 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.

These are complex matters. There are interests at stake here that are all fundamental to a functioning, robust and mature democracy. And at times we will be confronted by circumstances where these principles seem to be in conflict. As media organisations, we want to be actively engaged in the debate and dialogue – working out how the principle of the public's right to know can be secured in an environment where we keep our citizens safe, where privacy is protected, where our courts function fairly and the rights of individuals are held sacred.

The complexities of balancing these vital rights should not be used by politicians as an excuse for sitting on their hands. The Federal Government, certainly, needs to be praised for its efforts over recent months in tackling some concerns that have been raised by the Right To Know Coalition. On whistle blowing, on shield laws, and today, I understand, on FOI law, the Government is taking action to free up the flow of information.

But there is much more to be done.

The ABC pledges to participate constructively in these areas and in other law reform processes to ensure that the fundamental rights and responsibilities that make Australia a healthy democracy receive due weight. Bring on the debate.