

LETTERS TO THE EDITOR

Sir,

Ranald Macdonald's arguments concerning chequebook journalism, published in Vol 1 No. 3 of *Australian Press Council News* are not persuasive. His position is that chequebook journalism may work for the public interest by flushing out information that would not be available in any other way, and that people like Lindy Chamberlain (for example) have the right to sell their stories. He suggests a new code of media ethics could include principles to guide people who buy information.

It is difficult to see how principles could be arrived at, for chequebook journalism is an unprincipled activity. The ugly parameter common to giving witnesses and accused people money for information (situations deplored by Ranald) and giving money to criminals who are not facing trial, is the suspicion that they all will supply what has been bartered for – a story with embellishments proportionate to the number of zeros on the cheque – and Ranald's distinction doesn't have much to do with differences in enrichment of public knowledge.

In the case of Lindy Chamberlain, and in similar cases, Ranald's article misses a basic principle: payment to Mrs Chamberlain is payment to induce her not to tell her story except to a very limited audience. The money is paid for exclusivity. It is a deliberate attempt to prevent the free flow of information. That is forbidden by the journalists' Code of Ethics, and it was inappropriate to suggest that a new media code, based on the journalists' code, could contain principles fundamentally at variance with that code.

The reasons for journalists' dislike for chequebook journalism have to do with freedom of information and beliefs that we, of all people, should not restrict that freedom, and our deep suspicion that chequebook journalism enhances the entrenched positions of media monopolies. Larger firms use their dollars to prevent competition from journalists employed by smaller firms.

*John Avieson,
Associate Professor of Journalism,
Deakin University, Geelong.*

SOURCES STAY SECRET

Three journalists at *The Herald*, Melbourne, have won a Supreme Court appeal to keep their sources secret.

The Full Supreme Court overturned an earlier decision which ordered the journalists, Bill Hitchings, Penelope DeBelle and Anne-Marie McCarthy, to reveal their sources for an article published in December 1987.

But the judges yesterday ruled that once *The Herald* dropped its defences and cleared the path for being sued, there was no need for the association to sue someone else.

Therefore there was no need to force the journalists to name the sources, the judges ruled. ●

CURBING THE MEDIA?

The state government is planning to make it much easier for police, lawyers and the media to be sued if their activities prejudice the right to a fair trial.

The first of its kind in Australia, the new offence will make it much easier for the Attorney-General and possibly others to sue people, particularly those in media outlets, for actions such as assuming the guilt of defendants, assessing the weight of particular pieces of evidence or otherwise diminishing an accused person's chance of getting a fair trial.

The Attorney-General, Mr Dowd, raised concerns recently at a meeting in New Zealand of the Standing Committee of Attorneys-General about the increasing incidence of contempt of court. Mr Dowd told the meeting that he was extremely concerned by recent incidents in which police and the media had publicly canvassed evidence in a way which was likely to prejudice a fair trial.

He accused state and federal police of going too far in their desire to promote their activities and said some commentators in the electronic media overstepped the mark in the chase for ratings.

He said there seemed to be a leap-frogging effect in which some members of the media were trying to outdo each other in matters which had yet to come before a court for determination. ●

INSIDE THIS ISSUE

- **Curbing the Media**
The NSW government proposes a new civil offence which has serious implications for media reporting Page 3
- **Censorship by Regulation**
Paddy McGuinness believes that regulation is the most dangerous form of censorship Page 4
- **Student competition closes soon** Page 5
- **Profile**
Long-serving Press Council member, David McNicoll is interviewed by Ian Hay Page 6
- **A Meeting of Minds**
A report on the recent seminar concerning defamation law reform and media regulation organised by Bond University and the Press Council Page 7
- **Dowd on Defamation**
NSW Attorney-General John Dowd intends to amend the defamation laws – changing, among other things, the right of juries to award inordinately high damages Page 7
- **Adjudications** Page 8
- **Press Council information** Page 12