

**GOVERNMENTAL CONTROL OR BIG COMPANY CONTROL IN AUSTRALIA ON
JOURNALISTIC PRACTICE:
WHICH IS WORSE AND WHERE ARE THE PARALLELS?**

Elizabeth Sinclair
Law School, University of Wollongong

Abstract

Restricted media freedom often happens in Asian States. Malaysia and Singapore, for instance, have experienced restriction on media freedom due to a number of reasons, which include democratic type of the state itself and the nature of government. While Malaysia and Singapore democratic pattern tend to adopt what so-called 'pseudo-democratic', the freedom of media is mostly control by the government. This condition is different to those countries with 'established-democratic' such as Australia. Although government control in media freedom is less, however, big companies seem to have more control in media freedom. In this paper, it will be examined as to which is worse; blatant government intervention resulting in journalist self-monitoring¹ or big company ownership in prominent media publications resulting in bias and ill-informed, ill-balanced pieces. It will also be concluded as to whether the restrictions imposed upon journalists in Singapore and Malaysia are only evident in these two countries, or whether journalists in other countries, including 'more' developed nations also practice self-monitoring.

Keywords: Media Freedom, Pseudo-Democratic, Established-Democratic,

I. INTRODUCTION

Amanda Whiting and Timothy Marjoribanks argued in their chapter *Media professional's perceptions of defamation and other constraints upon news reporting in Malaysia and Singapore*² that Malaysia and Singapore experience, due to a number of factors, restricted media freedom - many of these factors relating to the semi-democratic nature of Malaysian and Singaporean government. This being, that there is still an element of autocratic control exerted by the government on media publications and that this is supported by the rigid

¹ Ibid.

² Amanda Whiting and Timothy Marjoribanks, 'Media Professionals' Perceptions of Defamation and other Constraints upon News Reporting in Malaysia and Singapore' in Andrew Kenyon, Tim Marjoribanks, Amanda Whiting (eds.) *Democracy, Media and Law in Malaysia and Singapore* (Routledge, London, 2013), 129-156.

court system which has been generous and stringent in its awarding of damages in defamation suits brought by individuals against journalists. Whiting and Marjoribanks define the system in saying that:

‘Both Singapore and Malaysia are best described as illiberal regimes, semi- or pseudo-democracies, where the media is controlled or curtailed by state laws, policies and practices directed to limiting, rather than protecting, a space for democratic discourse.’³

In their argument, they have inadvertently (or perhaps advertently depending on personal view, economic view and political context) depicted that this problem is inherent in Malaysia and Singapore because of its semi-democratic nature and that media restrictions of this nature are mostly prolific in pseudo-democracies, or that such democratic systems are conducive to restricted media freedom. They have argued that these problems are *unique* to Singapore and Malaysia. It could, however, be argued that many ‘first world’ or ‘fully established’ democracies experience similar problems in media reporting and that these problems are not centralised to these two countries or other semi-autocratic democracies. This paper looks to establish whether such a statement could be supported, in that a first world democracy such as Australia could be paralleled in its journalistic restrictions or non-freedom. An important distinction, however, must be made immediately: countries such as Malaysia and Singapore suffer from media restrictions as a result of blatant government control, subsequently also receiving labels such as ‘pseudo-democracy’. Other democracies in the first world – Australia, the UK and the USA for example, do not have such ‘blatant’ government intervention. Instead, the media restrictions in these nations are a result of big company influence and intervention. In this paper it will be examined as to which is worse; blatant

³Ibid, 131.

government intervention resulting in journalist self-monitoring⁴ or big company ownership in prominent media publications resulting in bias and ill-informed, ill-balanced pieces. In this instance, Australia will be exemplified. Subsequently, it will be concluded as to whether the restrictions imposed upon journalists in Singapore and Malaysia as reported upon by Whiting and Marjoribanks are only evident in these two countries, or whether journalists in other countries, including 'more' developed nations also practice self-monitoring. Although it would be prudent to also look at 'less established' or third world democracies in this argument to establish a wider field of research, it would be unlikely to enlighten the argument. Third world and establishing democracies have an almost cemented media problem.⁵ Stating as such in this argument would only serve to point out the obvious. Therefore, Australia will be used as a point of comparison. This will aid in concluding whether Malaysia and Singapore truly do experience these problems in a unique way, or whether some problems are not unique to pseudo-democracies at all. Through further research of media standards in Australia, it will be possible to conclude whether these media-based problems are only synonymous to the situations in Malaysia and Singapore, or whether commentary on this topic of restriction in media reporting and journalist self-monitoring should be extended to include other first world democracies in the discussion, and that Malaysia and Singapore should not be identified as unique.

II. MATERIALS AND METHOD

This paper applies legal instruments relating to journalist restriction in different type of democracy countries. The comparative study was conducted in analyzing state-practice restrictions on media freedom, in 'pseudo-democratic' state, such as Malaysia and Singapore

⁴ Ibid.

⁵ Cultural Survival, Inc. *Media Autonomy in the Third World*, Cultural Survival, February 2010, <http://www.culturalsurvival.org/publications/cultural-survival-quarterly/brunei/media-autonomy-third-world> viewed 28 May 2014.

and in ‘establish-democratic’ state, such as Australia. It looks at the implementation on how such states control media freedom. Certain articles in mass media, as well as academic papers articles are also extensively used. The comparative analyses will make crucial contribution on which one is better in protecting freedom of media. Furthermore, legal materials applied in this paper include primary sources and secondary sources as well as tertiary sources relating to freedom of media and democracy. Since this paper focuses more on state-practice, it is the practice of states mentioned will be frequently discussed.

III. RESULT AND DISCUSSIONS

Journalistic Facts in Malaysia, Singapore and Australia

As stated above, there is an extremely important distinction that needs to be made and understood in regards to this argument: in Malaysia and Singapore, journalistic problems occur because of governmental pressure; whilst in Australia it is ‘big companies’ who are applying the pressure. An important notion in this paper is to explore which is worse, or perhaps reveal that they are equally as bad in promoting (and restricting) journalistic freedom. In Australia, two media outlets shall be exemplified; News Corp Australia, which is owned by Rupert Murdoch and controls 70% of all newspapers circulated in Australia (and owns 23%-33% of all printed media sources in the country) and Fairfax Media.⁶ One can see from these facts that Murdoch and his empire will be an important point of focus in this paper. News Corp Australia is evidently a big business that wields political power in Australia. The second media outlet that will be considered in this paper is Fairfax Media. Fairfax Media is the second largest media outlet in Australia. The largest shareholder in Fairfax Media is mining magnate Gina Rinehart who owns the absolute maximum amount of shares possible before a takeover bid

⁶ Terry Flew, *FactCheck: does Murdoch own 70% of newspapers in Australia?*, The Conversation, 8 August 2013 <http://theconversation.com/factcheck-does-murdoch-own-70-of-newspapers-in-australia-16812> viewed 26 May 2014.

must be offered.⁷ These two media outlets have a huge monopoly on the news publications distributed throughout the company. These two media outlets serve as prime examples in exploring big business influence in the media in Australia, as opposed to governmental influence (even though the line between the two is arguably just as blurred in Australia as Whiting and Marjoribanks argue is the case in Malaysia and Singapore⁸). The newspapers (as opposed to magazines or other news mediums) printed by these outlets will be the focus of this paper, as Whiting and Marjoribanks refer only to print media in regards to their assessment of media control in their chapter – reference to online media is only made in regards to the fact that it is not as tightly regulated due to the fluid and uncontrollable nature of the system and, therefore, is *mostly* free of these constrictions. This was exemplified through their examination of the career of Marina Mahathir who wrote for the Malaysian newspaper *The Star*⁹ and was further expounded upon in great detail by Cherian George in his book, *Contentious Journalism and the Internet: Towards Democratic Discourse in Malaysia and Singapore*.¹⁰ This notion of less restrictive practice in online journalism, blogs especially, is mostly a global (with exceptions) observation.

In returning to the importance of print media in this paper, David McKnight in his book *Rupert Murdoch: An Investigation of Political Power*¹¹ emphasises the importance of print media by stating that,

‘In an age when newspapers are in decline, do such [media] control matter? The answer is yes. They set the political agenda for radio, television and online news. Newspapers

⁷ Kirsty Simpson, *Gina Rinehart lifts stake in Fairfax to 15% as pressure for board seats builds*, The Sydney Morning Herald, June 5 2012, <http://www.smh.com.au/national/gina-rinehart-lifts-stake-in-fairfax-to-15-as-pressure-for-board-seats-builds-20120614-20d5n.html> viewed 26 May 2014.

⁸ Whiting and Marjoribanks, above n 2.

⁹ Ibid, 132.

¹⁰ Cherian George, *Contentious Journalism and the Internet, Towards Democratic Discourse in Malaysia and Singapore*, (Singapore University Press, 2006).

¹¹ David McKnight, *Rupert Murdoch: An Investigation of Political Power*, (Allen & Unwin, 2012).

achieve the agenda-setting role because they have the biggest newsrooms and every day they originate far more stories than any other news medium.¹²

This excerpt supports the importance of considering print media throughout the argument in this paper and emphasises why Whiting and Marjoribanks have done so in their chapter. The question is now to look at how big company control of these newspapers in Australia, an ‘established’ democracy, affects journalistic practice and whether parallels can be established between democratic media practice in Australia and the restrictions placed on journalists by government in ‘pseudo-democratic’ Malaysia and Singapore. In his book *The Politics of Information: Problems of Policy in Modern Media*¹³ Anthony Smith states that,

‘...in [western media’s] broadest context, we are seeing a single complex of institutions, private, public and mixed, evolving in modern societies as mediators of information and entertainment, mutually dependant, mutually abrasive, with functional overlaps and newly emerging demarcations. This is thus a kind of cultural-informational complex growing at the heart of modern societies, which does not in itself spell any kind of doom but which profoundly alters the way in which we should think about the role of the government and the press.’¹⁴

He continues on to comment on the notion of objectivity in western media, and touches upon one of the important notions in the paper; that of the difficulty of achieving journalistic objectivity in light of the now numerous factors which have to be considered in modern media. In Malaysia and Singapore, journalists are subjected to the added pressures applied by the government in regards to preserving the reputation of government officials/party politics and the stringent application of defamation damages by the courts, whilst in Australia we see major

¹² Ibid, 7-8.

¹³ Anthony Smith, *The Politics of Information: Problems of Policy in Modern Media*, (The Macmillan Press Ltd, 1978).

¹⁴ Ibid, 159.

newspapers, such as The Daily Telegraph running front pages such as ‘Australia Needs Tony’¹⁵ or ‘Kick This Mob Out’¹⁶ which are evidently a reflection of media tycoon Rupert Murdoch’s political ‘muscle flexing,’ and touches on a wider issue in western media, that journalists are subjected to the commercial pressures of their editors.¹⁷ Smith states that,

‘...we speak of being objective as of a technique, sometimes as a glorious goal, occasionally as an external purpose which the journalist is supposed to serve... Each sliver of the infinity of reality at which the reporter thrusts his attention reaches the reader through the haze of motives and intentions – those of journalist, subject, editor, censor, printer, government – which are all the more insistent for being less evident.’¹⁸

Political Influences

From the above explanation, it can be seen that western societies suffer similar governmental problems as is identified by Whiting and Marjoribanks, although it is unlikely that these are to a similar extent as is evident in Malaysia and Singapore. Whiting and Marjoribanks note that journalists in Malaysia and Singapore are often so restricted by self-monitoring that many stories are disregarded from the outset.¹⁹ Media in Australia is clearly less restricted and more open for debate. Indeed, when the ‘Australia Needs Tony’ headline ran, Deputy Leader of the Labour Party stated that front page was an “absolute disgrace.”²⁰ The media environment in Australia is considerably more open for political debate with journalists and commentators such as Andrew Bolt having no qualms about attacking government

¹⁵Jeannette McMahon, *Political front page causes a stir*, ABC, 2 September 2013, <http://www.abc.net.au/local/stories/2013/09/02/3838874.htm> viewed 26 May 2014.

¹⁶Roy Greenslade, ‘Kick this mob out’: Murdoch flexes his election muscle from day one, The Guardian, 5 August 2013, <http://www.theguardian.com/commentisfree/2013/aug/05/daily-telegraph-election-australia> viewed 27 May 2014.

¹⁷Ibid.

¹⁸Smith, above n 11, 179.

¹⁹Whiting and Marjoribanks, above n 1, 140.

²⁰Bianca Hall, *Sunday papers unite behind Coalition*, The Sydney Morning Herald, September 1 2013, <http://www.smh.com.au/federal-politics/federal-election-2013/sunday-papers-unite-behind-coalition-20130901-2sye9.html> viewed 26 May 2014.

officials.²¹ However, Smith does identify more similarities between the issues identified by Whiting and Majoribanks and problems facing western media in that ‘the issues which confront journalism in the twentieth century which transmutes it stage by stage into different forms, is whom the journalists is to represent.’²² This point is crucial. The issue of whom the journalist is to represent transcends all democratic/autocratic boundaries. Journalists in Malaysia and Singapore are extremely mindful of who they are to represent in the press, as are journalists in western democracies, including Australia. Indeed, editors for News Corp Ltd who have fundamental ideological differences with that of Murdoch and his greater agenda have found their ‘tenure unceremoniously cut short in recent years.’²³ The parties who apply pressure in Malaysia/Singapore and Australia may be different, but the ideology of being subjected to distracting outside pressures is the same. Because of this notion it is at this point in the paper where one can distinguish which is worse, governmental control on journalistic freedom in Malaysia and Singapore or big company control on journalistic freedom in Australia. Here the crux of the issue will be discussed.

The Parallels

Clearly, as noted above, there are parallels between the journalistic pressures experienced by journalists in Malaysia and Singapore and journalists in Australia. However, although journalists in Australia and other western democracies may be subjected to political and corporate pressure, the fundamental ideology of ‘free’ Australian government as opposed to the semi-autocratic nature of Malaysian and Singaporean government, which maintains a monopolist control on many aspects of society, means that the journalistic pressures in

²¹ Andrew Bolt, *Deceit and conceit of Prime Minister Julia Gillard’s latest blue*, The Herald Sun, June 12, 2013, <http://www.heraldsun.com.au/news/opinion/deceit-the-biggest-conceit-of-prime-minister-julia-gillards-latest-blue/story-fni0ffxg-1226662729427> viewed 25 May 2014.

²²Smith, above n 11, 196.

²³ Margaret Simons, *Has Sydney’s Daily Telegraph lost touch with its readers?*, The Guardian, 28 May 2014, <http://www.culturalsurvival.org/publications/cultural-survival-quarterly/brunei/media-autonomy-third-world> viewed 28 May 2014.

Malaysia and Singapore are certainly more severe and restrictive, and therefore worse than journalistic pressures in Australia. Although the point of this paper has been to demonstrate that it is not simply ‘pseudo’ democracies that experience journalist self-monitoring and that this problem is clearly evident in western democracies (also to a large extent), it cannot be denied that Malaysia and Singapore suffer a unique problem. These problems are largely dealt with by Whiting and Majoribanks and are clearly unique. Although media outlets such as News Corp Ltd and Fairfax Media in Australia have questionable political ties through their ownership, Whiting and Marjoribanks state that ‘In both countries (Malaysia and Singapore) all major domestic print and broadcast media are owned by organizations that are themselves controlled by, or closely linked to and favourable towards, government policies and governing political parties.’²⁴ Here we see that government ownership is considerably more blatant and transparent in Malaysia and Singapore than in Australia. The licensing system²⁵ for publication in Malaysia and Singapore also transcends this debate to show that media restrictions in Malaysia and Singapore are considerably worse. Furthermore, the simple banning of international press publications in Malaysia and Singapore shows the inherent problems facing the dispersal on information in these countries.²⁶

The issue of defamation as addressed by Whiting and Marjoribanks solidifies the conclusion that in considering which is worse, governmental control in Malaysian and Singaporean media or big company control in Australian media, journalists in Malaysia and Singapore face a considerably tougher challenge, and that balanced media representation in these two countries is limited. The awarding of damages for defamation cases brought to the courts against journalists in Malaysia and Singapore is unprecedented and acts as a huge barrier in journalistic freedom. This problem is not present in Australia. Indeed, achieving a successful

²⁴ Whiting and Marjoribanks, above n 1, 131.

²⁵ Ibid, 132.

²⁶ Ibid.

suit against Andrew Bolt's incredibly racist remarks against light-skinned aboriginals was a difficult task.²⁷ In Malaysia and Singapore, defamation is at the forefront of journalist inability to report in a broad and balanced manner. No leader of the PAP in Singapore has ever lost a defamation case against an opposition leader and no foreign publisher has *ever* successfully defended a defamation suit brought against them.²⁸ Unlike in Australia, where the publishing of sensitive topics is likely to bring greater readership, in Malaysia and Singapore there is a huge array of topics that are off limits; relations with ASEAN states, China, race, religion, internal politics, political personalities, corruption and government linked companies.²⁹ One can see from this list that there are not many topics of substance left to report on. Although being berated over the phone is more likely than being sued in modern times, the real threat of becoming bankrupt defending a defamation suit in Malaysia and Singapore is a real problem that affects the role of journalism in Malaysia and Singapore.³⁰

Although it is clear that there are some parallels on the issue of journalistic pressure in Malaysia/Singapore and Australia, it is also evident that in a discussion of which side faces more severe pressure the answer must be Malaysia and Singapore. This is concluded from what is outlined above, but also in light of notions such as that the Australian media is clearly more open to political debate and when bias becomes too extreme, there is the ability for media inquiries. Mr Ray Finkelstein QC conducted such a media inquiry in 2011.³¹ Such liberty is not afforded to journalists in Malaysia and Singapore, and one can see that the Australian government has taken a priority in making the media and its agenda transparent.

²⁷ABC, *Bolt breached discrimination act, judge rules*, ABC, 29 September 2011, <http://www.abc.net.au/news/2011-09-28/bolt-found-guilty-of-breaching-discrimination-act/3025918> viewed 27 May 2014.

²⁸Whiting and Marjoribanks, above n 1, 136.

²⁹Ibid, 142.

³⁰Ibid.

³¹ Mr Ray Finkelstein, QC, *Independent Media Inquiry report*, 14 September 2011, Australian Government, Department of Broadband, Communications and the Digital Economy, http://www.archive.dbcde.gov.au/2013/august/independent_media_inquiry viewed 26 May 2014.

IV. CONCLUSION

The media has never been considered a clear, objective source of topics; particularly not political topics. One must take news sources, especially newspapers articles, with a grain of salt. All journalists are subjected to workplace pressures. However, obviously political circumstances and media environments vary between nations. It cannot be denied that journalists in Malaysia and Singapore, as is made evident by Whiting and Marjoribanks, are subjected to severe cases of self monitoring, and it is further evident that Malaysia and Singapore certainly have unique problems in regards to the ease of the courts awarding damages for defamation, and the social and cultural norms in these societies have certainly accepted these court cases as a normal aspect of media reporting. As was stated at the opening of this paper, Whiting and Majoribanks have depicted Malaysia and Singapore as being unique in their journalistic problems and as having unique aspects in regards to the problems faced in regards to media reporting and restrictions on the media. It must be concluded that some of these problems are unique and some of these are not unique and should not be depicted as such. It is not necessarily that pseudo-democracies are alone in experiencing these problems, Australia also faces journalistic self-monitoring and a biased media pool, however, Malaysia and Singapore clearly suffer greater restrictions. In regards to the argument of which is worse, governmental control on the media in Malaysia and Singapore or big company control on the media in Australia, it is clear that blatant government control, in light of the chapter by Whiting and Marjoribanks is considerably worse.

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Kenyon, Tim Marjoribanks, Amanda Whiting (eds.) *Democracy, Media and Law in Malaysia and Singapore* (Routledge, London, 2013), 129-156