

**The Australian Press Council**  
Answers to questions taken on notice

**Committee:** Environment and Communications References Committee  
**Inquiry:** Media Diversity in Australia

**QUESTION ON NOTICE:**

**Senator KIM CARR:** How many complaints do you receive about particular mastheads? Do you have any breakdown of that data?

**Senator KIM CARR:** Do you have it in terms of the media companies? Do you have that advice readily to hand? I would appreciate it if you could take something on notice on the mastheads.

**RESPONSE:**

**Received** in the year 2020 - 2021

| Publisher                            | Australian Community Media | News Corp | Nine Entertainment Group | Daily Mail Australia | Independent |
|--------------------------------------|----------------------------|-----------|--------------------------|----------------------|-------------|
| Number of mastheads complained about | 47                         | 44        | 7                        | 1                    | 41          |
| Complaints received                  | 74                         | 506       | 103                      | 50                   | 51          |

**QUESTION ON NOTICE:**

**Senator KIM CARR:** What does 'resolved through a remedy' mean?

**Senator KIM CARR:** If you can give me any further details on that, I'd appreciate it.

**Mr Stevens:** We can take that on notice.

**RESPONSE:**

Apart from adjudicating complaints there are a range of other outcomes available to Council. These include negotiating a public or private letter of apology, a published correction or clarification or an amendment to an online article. It can also involve publication of a follow up article or a responding letter to the editor. As part of its educative role, the Council will also draw to a publication's attention its concerns with an article and inform it that further instances involving an analogous matter may be referred to adjudication.

**QUESTION ON NOTICE:**

**CHAIR:** Could I ask you to give us on notice the publications that you've refused entry to?

**RESPONSE:**

Prior to answering the question on notice, it may be useful background information for the Senate to note that applications for membership of the APC are considered at various stages.

**Process**

In the first instance, potential members contact, and liaise with, the APC Secretariat.

Applicants complete a background question document and a pro-forma application form which relevantly include:

- a description of the steps taken to ensure the editorial independence of the editor;
- whether the publication is independent of government control or influence; and
- an assurance that the publication:
  - provides news, views, advertisements and other material of interest to the community;
  - is independent of government control, government funding for core activities or editorial oversight by government;
  - has a culture of editorial independence and integrity as manifested by a history of its editors making independent editorial decisions; and
  - is not controlled by interests opposed to freedom of the press and freedom of speech.

Applications of potential members are then put to a sub-committee of the Press Council and, if approved by that sub-committee, they are put to the Press Council for consideration. The Press Council is effectively the board of the Association (Australian Press Council Inc), that has responsibility for managing the affairs of the Association. It is for the Press Council to determine whether the application for membership should be put to the members of the Association (ie Australian Press Council Inc). Ultimately, it is the decision of the Association as to whether it votes on a Designated Resolution to approve a new constituent body.

### **Application refused by the Press Council**

In recent times the Press Council has refused one application for membership (and therefore this application was not put to the Association ie Australian Press Council Inc) for its approval.

For confidentiality and privacy reasons the Press Council would prefer not to name the publication that was refused. It can however say that:

- the Press Council first considered the application in question in November 2016 and agreed to defer the consideration until there had been further examination of the ownership structure and editorial independence of the publisher;
- the Press Council again considered the application in question in March 2017 and a motion to admit it was not carried; and
- the Press Council again considered the application in July 2017 and rejected the application. There was discussion about the publication's funding model and its nature as a publication.

### **Two applications where the Association Australian Press Council Inc did not proceed with a vote to admit an applicant for membership**

In two other recent cases, the Association did not proceed with a resolution to admit a member that had been referred to it for consideration by the Press Council.

In one case the Association did not proceed to admit the applicant. In the other case the Association initially did not proceed with the resolution to admit the applicant but reconsidered and passed the resolution to admit the applicant at a later Association meeting.

For confidentiality and privacy reasons the Press Council would prefer not to name these two publications.

It can however say that:

- in May 2019, the Association agreed not to proceed with a resolution to amend Designated Resolution 1 of the APC's Constitution to admit a particular publication to the list of constituent bodies. The Association resolved to consider the resolution at a future meeting however this did not eventuate. The Secretariat had previously identified some issues with the applicant regarding the ownership of the business name, and a proposed deregistration by ASIC.
- in November 2018, the Association did not proceed with a resolution to amend Designated Resolution 1 of the APC's Constitution to admit a particular publication to the list of constituent bodies. Members noted that much of the content of the publication's website appeared to be third party content and advertising. Concern was raised that the content was predominately advertorial with little journalistic content. It was agreed to defer the application at the time; and
- in May 2019, the Association again considered the application to admit the publication referred to in the preceding bullet point, and agreed to do so, having now been satisfied that the publication had sufficient journalistic integrity to become a constituent member of the Council.

#### **Other cases where applicants do not proceed with application**

In other cases, for various reasons, applicants decided not to proceed with an application after discussions with the Secretariat or prior to an application being put to Council or prior to a resolution being put to the Association for a vote. For example, the resolutions before the Association's General Meeting in August 2018 to admit four publications as constituent bodies did not proceed as those publications withdrew their applications.

#### **QUESTION ON NOTICE:**

**Senator BRAGG:** Do you have any other members that are owned by a lobbyist or a similar lobbying organisation?

**Mr Stevens:** I'd have to take that on notice. On the face of it, I don't think so, but I'll have to take that on notice to be sure.

#### **RESPONSE:**

On the information available, the Press Council is not aware of any of its members being owned by an organisation appearing as a lobbyist on the Australian Government Register of Lobbyists.

#### **QUESTION ON NOTICE:**

**Senator BRAGG:** I'd be grateful if you could come back on notice on that question and also if you could take on notice any other steps you're taking to manage this unique member you have inside your constituency.

**RESPONSE:**

All member publications must abide by Council's General Principles including Principle 8 which requires that a publication must take reasonable steps to ensure that conflicts of interest are avoided or adequately disclosed, and that they do not influence published material.