



Independent Inquiry into Media and Media Regulation

Professor Julian Disney AO
Chair
Australian Press Council
Suite 10.02, 117 York Street
Sydney NSW 2000

7 October 2011

Dear Professor Disney

You will be aware that I have been asked by Senator Stephen Conroy to conduct an inquiry into aspects of the media. One of my Terms of Reference requires me to look into the independence and effectiveness of the Australian Press Council with particular reference to its handling of complaints.

It is in that connection that I have taken the liberty to write to you. I understand that the APC will make submissions to the Inquiry and I look forward to receiving them. It would be of assistance to me if, in addition to the matters the APC intends to address, the following information is provided.

The first point concerns standards of practice. The APC has published a General Statement of Principles which it says are “binding” on its members. In what way are they binding? In particular, by what mechanism, if any, are the principles enforced?

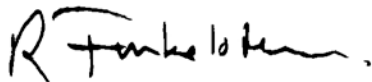
Second, as you know, I am particularly interested in the APC’s complaints procedure. I wonder how it works. The steps that are outlined on the website suggest that it is potentially a lengthy process, especially when one takes into account that a complaint is likely to be made following discussions between the complainant and the particular media outlet. In raising the issue of timeliness, I have in mind that to be useful many complaints, because of their very character, are likely to be successfully resolved only if they are dealt with quickly, sometimes in a day or so. I would appreciate your comments on this issue.

Also in connection with the complaints procedure, do you keep statistics that show how long it takes for a complaint to be resolved, if it is required to go to a hearing. I would also like to know whether, in your view, the complaints procedure can be made more efficient. What, for example, are the areas of most concern and what measures may be implemented to achieve efficiencies?

A separate point is the means by which decisions of the Council are implemented. Here several questions arise. First, what remedies are available to a successful complainant? Second, what happens if the remedies are ignored? Third, would the APC's complaints handling procedure be more effective if it had powers of enforcement?

As I mentioned at the outset I would greatly appreciate your views on these issues and I look forward to receiving them. Due to my time constraints, it would be helpful if I had your response by early November 2011. Please address your response and any inquiries to the Media Inquiry Secretariat. I should point out that along with other information the Inquiry receives, your response will not be treated as "in confidence" unless requested.

Yours sincerely

A handwritten signature in black ink, appearing to read "R Finkelstein". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Ray Finkelstein QC
Chair