

Report, AGPS, Canberra, 1979.

9 Gillmor D.M., Barron J.A., Simon T.F., Terry H.A., *Fundamentals of Mass Communication Law*, (1996) West Publishing Company, Minneapolis, p15.

10 Espionage Act 18 United States Constitution s 793 (d), (e) s798.

11 Lee HP, Hanks PJ, Morabito V. *In the Name of National Security: the Legal Dimensions*. (1995) LBC Information Services. Sydney. p165.

12 United States vs. Morison 604 F Suppl 655 at 660 (D.Md. 1985).

13 United States vs. Morison 844 F.2d 1057 (4<sup>th</sup> Cir.1988).

14 Crimes Act 1914 (Cth) s78.

15 Lee HP, Hanks PJ, Morabito V. *In the Name of National Security: the Legal Dimensions*. (1995) LBC Information Services. Sydney. p146.

16 Luselich R. 'TV Chiefs Agree to Gag bin Laden', *The Australian*, 12/10/2001, p3.

17 Witcover J, 'Attempt to Muzzle VOA Reveals Ignorance of Media Role', *Baltimore Sun*, 28/9/01 In:

<http://www.latimes.com/news/nationworld/wire/bal-op.witcover28sep28.story>

18 Fisk R, 'A bold and original TV station that America wants to censor', *The Independent*, 11/10/2001, p4.

19 Knightley P, 'When the media are a menace', *Sydney Morning Herald*, 27-28/10/2001, p37.

20 Zamora [1916] 2 AC 77 per Lord Parker of Waddington

21 J.B. Pictures, Inc vs. Defence Department, 21 Med.L.Rptr. 1564 (D.D.C. 1993).

22 The Pew Research Center, 'Americans Open to Dissenting Views on the War on Terrorism' [http://www.people-press.org/oct01rpt.htm\\_4/10/2001](http://www.people-press.org/oct01rpt.htm_4/10/2001).

23 Alcorn G, 'Patriotism is Always more Evident in America...but Not since the Cold War has it

Been Compulsory', *The Age*, 3/10/2001, p11.

24 Press B. 'Don't let Terrorist Kill Free Speech', *Tribune Media Services*, In: <http://www.cnn.com/2001/ALLPOLITICS/10/09/column.billpress/index.html>, Washington, 9/10/2001.

25 Cobban A. *Rousseau and the Modern State*, 1968, Allen and Unwin Ltd, Great Britain, pp103-105.

26 Cited in: Chomsky N. *Necessary Illusions: Thought control in democratic societies*, (1989) Pluto Press, UK, p132.

27 Texas vs. Johnson (1990) 491 U.S. 397, 109 S.Ct. 2404.

28 ASIO Act (Cth) s5 (1)b.

*Vincent Ho is a fifth year medical student at the University of New South Wales.*

## Freedom – Lost or Loaned

**Mr Kerry Stokes, AO, in his 2001 Andrew Olle Media Lecture provides this personal account of his reaction to the events of September 11 2001 and their impact on the role of the media.**

"The world as we know it has changed forever." You've heard those words countless times since the events of September the 11<sup>th</sup>. Yet somehow they sound obvious, hollow, and inadequate.

I was shocked and horrified as I watched live pictures of people jumping to their deaths. Knowing that as I watched those buildings crumble to the ground I was in fact witnessing the deaths, of thousands of people. Innocent people who, like us, were just going about their everyday lives.

I said aloud: "*The world will never be the same*".

Those horrific images we saw over and over will forever be etched in our memories. We're now forced to question everything. The way we live our lives, the way we conduct business the way we, as media, fulfil our role.

I'd suggest, now is a time for contemplation: The Macquarie Dictionary defines contemplation as: "*thoughtful-observation & consideration*", "*continued attention and reflection*". Never before has contemplation been more important, more relevant. Now is the time as a nation, and indeed for the world, we must plan for peace. This is not a new challenge for our civilisation. As Aristotle said:

*"It is more difficult to organise peace, than to win a war, but the fruits of victory will be lost, if the peace is not well organised."*

It is imperative that we develop a cohesive strategy and plan in response to this event and to put this plan in place for the future. I call it an event because it didn't happen in isolation. This is not the first, nor sadly the last, act of terrorism. Although in my view these are the most cold blooded acts of murder more horrific than any fiction Hollywood could dream of.

The full impact of this horror is yet to be felt. There is little doubt there are more horrors to come. Around the world, and indeed in Australia, it's like the waves that follow the tidal wave.

This address is probably the most difficult I've had to give. I found it impossible not to become emotional, angry, frustrated. Yet that is what we must put aside if we are to contemplate the future. My first thoughts when considering a topic were of the media's role in our evolving multi-cultural Australia. The events of September 11 brought multiculturalism and tolerance into even sharper focus.

And like the continuing pall of smoke that still comes from the ruins of lower Manhattan so too the world is still absorbing the consequences, I believe the world is at an incredible turning point.

I'd like to pose some questions. I hope that collectively we will have some of the answers.

This is the time for us to put aside our commercial and philosophical

differences. If we get it right, the people in our industry can play an integral role in identifying and determining the type of country we want to call home. We, people in the media, can assist in shaping a better future for Australia. Because, it is you who are respected. It is you, the people in this room, with whom millions of Australians identify. It's therefore up to us collectively to be not mere observers in this issue but active participants in the solution.

Let's reflect firstly on our response to the events.

At one point I was watching just one international feed from one media organisation on every single network in this country. Even at the source in New York, the home of media, they were ill prepared to provide coverage. From New York we would have expected to have an instant critical response. Initially they were too dismayed to mount a cohesive and adequate coverage in their own town.

Given it was eleven at night here in Australia, we could be forgiven for taking time to marshal our own resources. As a result, in the world of globalisation and infinite choices there was in reality, only one: CNN. The fact that networks in Australia were able to go into a 24 hour coverage, that the television, radio, newspapers and even on-line, produced outstanding coverage is testament to the dedication and commitment of the people involved in all of our newsrooms.

When we look back over the past decade it seems blindingly obvious that these terrorist assassins would strike again. I suppose the difference this time is none of us ever contemplated the extent to which they'd succeed in their macabre objectives of worldwide terror. But was it all that surprising? They'd blown up American embassies. They'd blown up an American destroyer. They'd attempted on at least one occasion that we're aware of to demolish the World Trade Centre. Apart from obvious Washington targets, the World Trade Centre stood as a symbol of America and indeed the world's democratic and capitalist societies.

They may be fanatics but they weren't stupid. They may be fanatics but they did have the cunning and intellectual-prowess to plan and execute this operation. They used our basic democratic freedoms to wreak havoc and put fear into the hearts of millions. The same freedoms we sometimes take for granted. This causes us to question our own personal values and brings divisiveness into our communities. It's chilling to realise that these people actually used everything in our free and democratic society against us.

They turned our domestic airlines into bombs. They used our banking systems to fund it. They used our education and training systems to carry it out. They even used our postal service and, for a 50 cent stamp, they brought the frontline to each and every one of us.

We must meet the challenge by joining other nations to combat and prevent terrorism. We need to work towards securing a safer world for all of us. There are so many issues that need to be dealt with, to be discussed, debated and understood:

- the impact of democracy being used against us;
- the impact on our freedoms;
- support and protection for the Australians we sent to fight and
- protection for their families at home; and
- support and protection for minorities isolated in our communities.

In these circumstances, how do we raise the level of rational debate in a climate of outrage?

We have the natural desire for justice. We want to bring those responsible to justice and we want it to be swift because we want to go back to life as we knew it. But sadly, we're no further enlightened on the very issues we need to understand, or the right path that leads to a cohesive resolution. Nor have we actively debated or canvassed critical issues of importance to us as a nation. Vital issues that will keep us cohesive and together as one.

We're witnessing a dangerous response within some sections of our community. I'm talking of attacks on places of worship, abuse and vilification. This response can only be described as sad, misguided, and ignorant. It is a response at home to the acts of terrorism worldwide; an illustration of what can follow acts of terror especially of this magnitude.

This can only be addressed at a grass roots level.

Should we be angry? Yes. Should we be involved? Yes. Should we seek questions and answers? Definitely.

Firstly, we have to address the effects and implications which occur as a result of these acts of violence and terror. It's incumbent on us, the media, as an industry to provide the level of debate to facilitate this understanding. As I look around me in this room tonight I see some of our most eminent writers, reporters, commentators and presenters. Many well known and trusted nationally.

Journalism has often been the catalyst for change in the world, much of it positive.

Our views of the world and changes in policy, have often been the result of courageous and forthright journalism, be it from the fields of Vietnam where nightly coverage on our television sets changed opinion and prompted wider and more vigorous debate, or the Washington Post's unravelling of the break-in of the Watergate Building, and as far back as the First World War and reports by famous and trusted correspondents such as Sir Keith Murdoch.

Historically, politicians and policy makers have always been swayed by public opinion. It is our reporting of the conflicts and issues that have opened up public debate and set the agenda. This is the foundation of a strong democracy. But against the background of this insidious environment and conflict, it won't be that

easy. There are some parallels with two conflicts of the recent past: The Falklands War and Desert Storm. These were the first examples of "media managed conflicts". Limitations were placed on our ability to accurately reflect events as they occurred. Again, that's what we're facing today.

The repercussions from September 11 continue to resonate around the world. As the conflict escalates, it'll be subject to further restrictions on reporting. None of us want to put at risk our own national security. Nor the safety of our troops. The issue for us is the balance and that balance is an awesome responsibility.

But where's the debate? We seem to have been remarkably quiet on how this landscape of restriction, based partly on fact and emotion, will be managed in the national interest. So we accept that our own freedom of speech and independence has become an unwitting even unlikely victim. But how far are we prepared to go to continue to enjoy the freedom we now have?

All of us have been asked to surrender certain freedoms. But in surrendering those rights, we've placed a condition. And like Justice Kirby, I believe that whatever freedoms we do give up at this point... we want them back. They are only on loan. They should not be given in perpetuity. Will these changes place our own democratic process at risk? I suggest it will only be at risk if we don't get the balance right.

We've just celebrated our first hundred years of Federation. We've come from a close group of almost warring states, to a tight-knit federation. We have our parochial differences, which is healthy, but even in Western Australia we consider ourselves part of the federation. When I look round at our country, I feel satisfied that democracy has delivered. We may be the lucky country but we've also made our own luck. We do have an ingrained sense of fairness and resolve that should enable us to pass through this dark period of time. And terrorism is a passing darkness.

We might have had, and continue to have, our arguments and fights over ideologies. But the difference in this country between right and left and centre is in fact much narrower than in most other countries. We have a history in recent times when elections of governments are won and lost

on the votes of a hundred thousand people. This in a country of 18 million people. And this polarisation hasn't divided the nation. We always come together on the really important issues.

Which brings me back to the contribution we can offer.

A century ago, the media was limited to newspapers and magazines; no radio, no television, no tools of newsgathering beyond a pencil and notepad. But one could argue, that the issues of public importance received far greater public involvement and were subjected to rigorous debate.

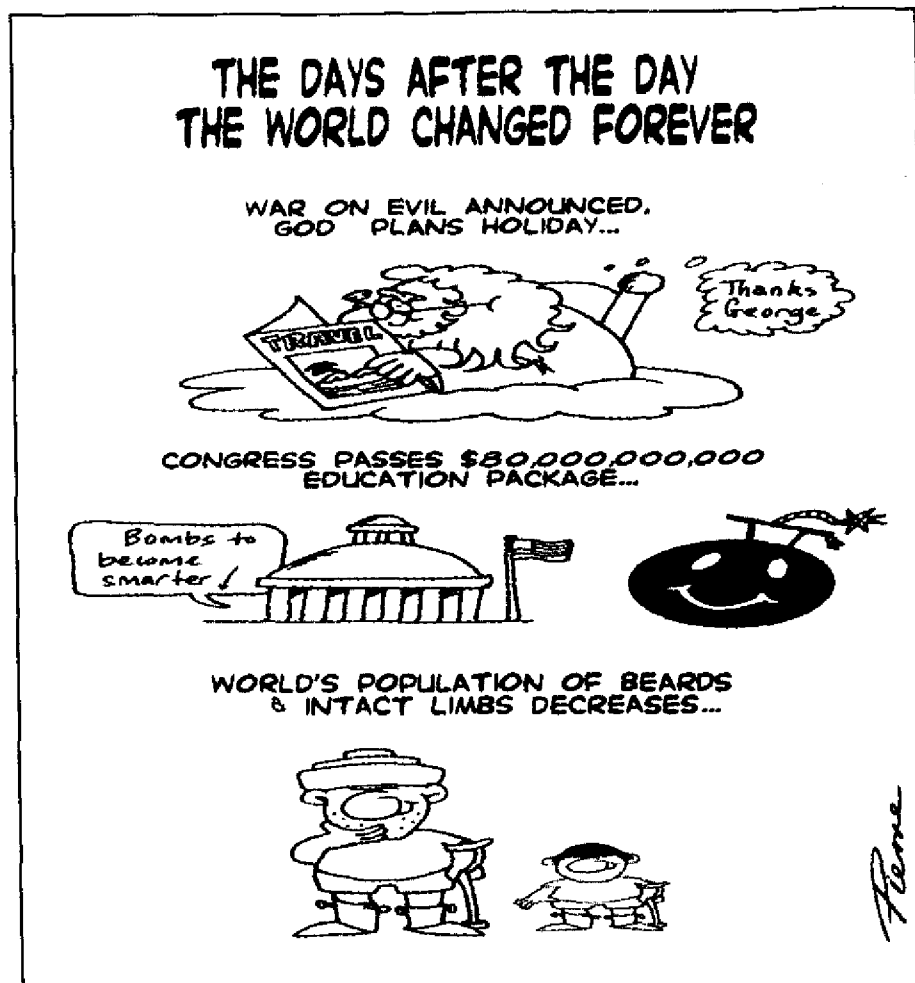
The legacy of those formative years of our federation, can be found in the extraordinary writings of people such as CJ Dennis, Banjo Patterson and Henry Lawson. Not just creative writers, but intuitive writers and visual communicators. Their major concerns were the differences between the bush and city. With today's vigilant scrutiny by lawyers, most of their comments and observations would probably have been highly defamatory.

Some of our greatest advances as a society occurred as a result of vigorous debating of the issues, ironically, at a time when the media as we know it today barely existed. Today we have more media, but are we, as Australians, better enlightened, more informed?

Isn't our role in the media to ensure that all Australians understand the issues and are given the facts, to be able to participate objectively? People who have an opinion have the right to express that opinion. Where are the forums that give them the opportunity to do so?

The ABC, through radio and television, has played a critical and vital role over the years in that democratic process. Programs like "Australia Talks" are an initiative that demonstrates why the ABC should not be judged on its ratings alone. With programs like that the ABC provides the alternative mix to commercial television and adds to a richer fabric of media in Australia. It brings far greater value to our communities than ratings can interpret.

If you believe that we must continue to strive to become a truly multi-cultural society then you would expect the media to show leadership in these most dangerous of times. People look to the



media to promote debate and consider the broader issues. The proliferation of national and international media has removed the focus from the grassroots of our own communities. Our neighbourhood, our cities, our states, our country, are now part of the world's problems. I don't know about you but this is certainly not what I had in mind when we talked of globalisation.

For the first time in our history we had the means to produce, express and distribute information to most of the people on this planet. A test for our new technology. But how did it measure up?

As communication shrinks this planet are we also shrinking diversity of opinion? Do we actually end up with just one source?

Diversity is a cornerstone of our country. It represents our "Australian-ness" and is something that unites us all. Now is not the time for our country to move against diversity of opinion and return to the isolation of minorities. Minority groups cannot be allowed to be isolated, disenfranchised. They must be heard.

We have to rely on and trust the strength

of our democracy. It is these foundations that we have to trust so that we can listen to minority opinions, respect them and consider them, and take them into account, before moving on to do what is right for this country.

Sometimes in the past we haven't had a great history for tolerance. We've only just begun to deal with the problems of our own indigenous people. But we've found that by putting the issues on the table and discussing them it develops a broader understanding of how to resolve them. And resolve them for the benefit of all of Australia.

Now, we're faced with dealing with prejudice, at times, inherited in our system, at other times, imported. But having made the decision that we're going to be a multi-racial, multi-religious society we have no choice but to make it work.

Mahatma Ghandi best sums up the way I feel towards this. When talking of culture, he said:

*"I do not want my house to be walled in on all sides and my windows to be stuffed. I want the cultures of all lands*

*to be blown about my house as freely as possible. But I refuse to be blown off my feet by any."*

And can it work? I think so.

Let me share a personal experience. Last Saturday I was excited to be invited to a wedding of two young people in Perth. It was held at the Uniting Church. The foundation stone was laid by Lord Forrest in 1908. This was the beginning of a new life together but also the beginning of a new Australian generation.

I first met the groom's Vietnamese mother 22 years ago when she fled to the safety of Australia. Her biggest concern was her husband and oldest son who was five. They'd been separated. By sheer luck they were reunited in Perth four months later. This woman and her husband were both highly educated but when they arrived, with broken English, accepted any work they could, becoming a valuable part of our community.

Several years later this woman went to buy a house. She paid cash. She had saved every single pay packet since arriving in this country. Her family survived on her husband's dishwasher wages alone. In Vietnam he was a bank manager. Today, their two boys are both university graduates making an important contribution to this country. The bride's family in this story also came to Australia to seek better opportunities for their family. The bride and one of her brothers are now caring for the people of Perth in their role as doctors.

The importance of this story is that twenty years ago we regarded the Vietnamese refugees as liabilities. Even families who had come here from other countries demonstrated a prejudice. Two decades on they represent an important part of the future of this country. And I believe this process has enriched our country.

It's worth noting that these Vietnamese refugees were of a different time, a different age. All borders surrounding their country were closed. Their only choice apart from boats was Cambodia. And the second family in this story came here 13 years ago as legitimate immigrants in their own right.

I think we all agree we need a greater understanding of the real issues that can divide us and turn them into issues that unify us. For every problem brings its own opportunity.

I encourage us all to create those opportunities. Let's make a start in trying to find some of the solutions. Let's have some clarity. Perhaps it's time we fall back on the very basic, simple and fundamental philosophies that help forge our federation. Only today we have better facilities than street corners or a soapbox. Let's go back to the grass roots, back to the local public meetings, open public forums for members of our communities, no matter what their views or backgrounds, to canvas those views and opinions. Forums that would encourage inclusion rather than exclusion, providing an opportunity for citizens to interact with their neighbours and air their grievances, discuss their differences in a secure and open environment. A chance too for interaction with our electoral representatives. Once they are informed and understand all the issues most concerning their local communities they are far better placed to take them further to state government, to federal government, to the places of power where change can be driven. What seems to have been forgotten are the people in local communities. They also cannot be isolated.

Some local councils across Australia do have annual general meetings where the mayor and councillors address ratepayers and review the council's performance in a constructive and formal way.

This morning, as chairman of a public company, I was held accountable to my shareholders who elected their directors. I addressed them. Reviewed the year. Talked about the company and its opportunities and what we can expect for the rest of the year. I answered their questions, while they were able to observe the questions posed by media and analysts.

It's a process that works. The directors, executives and I spent time preparing and contemplating this process. I can tell you personally I am always nervous and excited before and at an AGM. Why shouldn't we expect our elected officials to be held accountable in the same way and by the people who elected them? The importance is what is between elections.

This doesn't have to be complex. The model of an AGM is an interesting one. Perhaps elected members could be expected to have one or two public meetings each year to both report and to more importantly listen to the issues of

their constituents. That's one possible model.

Another could well be the one used to address reconciliation. We had community involvement, high profile media commentators, opinion makers and leaders who lent their support and participated in the process.

We haven't completed that process, in fact, we've only just begun. It's an ongoing process. By its nature, it will never be completed. However, it does ensure all issues past, present and future, are addressed, analysed and understood. That better enables us to find solutions. Perhaps the word "reconciliation" can have wider implications in bringing all of our communities together. These two ideas are not mutually exclusive and in fact I think they work better together than individually.

My challenge to you as people in the media, and to all our leaders, is to set the example and become part of the solution. If you're still asking how this affects you, here are some suggestions: Help to set-up those local meetings. Contribute. Your role could be as host, mediator, facilitator, or guiding the experts who join the debates or simply to kick-start this process, and give some credibility, so that we as Australians and we in the media, are more than just observers in our own country.

I don't have the solutions, just suggestions as to how we can start the journey to find them.

It's worth contemplating whether in fact the media has played a part in isolating our local communities. Let's make a commitment to a process: a commitment to nurture the future of Australia as a true multicultural society. Together, personally, we might just be able to make a difference.

I'm here tonight to pay tribute to the memory of Andrew Olie and his contribution to the media and public debate. He is remembered for his involvement in this area. Those of you who knew him better than I would know how he would have responded to these questions and challenges I've posed tonight.

**Mr Kerry Stokes, AO, is the Executive Chairman of Seven Network Limited**

Published with the kind permission of Mr Kerry Stokes, AO and the Australian Broadcasting Corporation.