

34th World Communications Day
St Stephen's Chapel
Friday 26 May 2000
1:00pm

Chief Justice Paul de Jersey

I thank Bishop Michael Putney, the Catholic Communications Office and Anglican Media for giving me the opportunity to address you. It would still probably be a little unusual, even in the year 2000, for a Supreme Court Judge to address a gathering of journalists. I was not, I should say, emboldened to accept the invitation by the realisation that you cannot speak back. I appreciate that may be the case right at this moment, but I will be very much in your hands tonight and tomorrow! I suppose however that even a decade ago this situation would have been unheard of.

That I am Chief Justice is not in this context particularly significant – a Chief Justice as you may have heard holds the reins, but they are not connected to anything. I collegially lead a court of independent members: not dissimilarly, I imagine, from the role of editors – or some editors. Independence apart, I presume to think that what I will shortly say would reflect the views of most judges of this era. As to the matter of control, while I cannot and would not wish to direct your responses, I do hope to restate some fairly self-evident truths in a form which may interest you.

We share a risk, and we share an opportunity. The risk is to yield to cynicism. The daily diet of judges is disputation, generally with lashings of deceit. The fare of journalists is the foibles of individuals, institutions and governments. Our common challenge is to work constructively through these generally depressing scenarios.

We also share a topical interface, which suggests a joint opportunity relevant to today's theme of communication. The work of the courts should be understood by the people. In this society, facilitating responsible presentation through the mass media is probably the best way the courts can rapidly enhance that degree of proper appreciation. We have a joint opportunity to communicate helpfully to the people the workings of their third arm of government, the custodians of the rule of law.

As you know, I have as Chief Justice not been shy about interacting with the media. That is because, obviously enough, I see the media as a potentially good vehicle for the communication of information, and the discussion of issues, critical to this arm of government. Witness the mandatory sentencing debate.

I will continue to do this, although I would much appreciate having the assistance of media liaison staff presently lacking. For that deficiency, the Supreme and

District Courts of this State stand in stark contrast to most other higher Australian courts. As the people are becoming increasingly interested in the operation of their courts, the need for professional management of the interface between the Judges and the media will become even more marked.

It is appropriate, here in this Chapel, celebrating World Communications Day, addressing media representatives especially, that I now repeat this observation by the Holy Father, taken from his message for this day:

"The impact of the media in today's world can hardly be exaggerated. The advent of the information society is a real cultural revolution, making the media "the first Areopagus of the modern age") where facts and ideas and values are constantly being exchanged. Through the media, people come into contact with other people and events, and form their opinions about the world they live in indeed, form their understanding of the meaning of life. For many, the experience of living is to a great extent an experience of the media) The proclamation of Christ must be part of this experience."

While the subject matter of those sentiments may not be particularly novel, the form of expression is diverting. In referring to the media as "the first Areopagus of the modern age", His Holiness recalls the hill of Ares, the hill in Athens where the highest judicial court conducted its sittings: a dramatic acknowledgement of the immense power, and correlative responsibility, carried by the modern media. And as he notes, this is a consequence of the advent of the "information society".

The last millennium witnessed many revolutions. One concerned communication. When it began, a person's words generally reached no further than the range of the human voice. Kings and churchmen, who could rely on others to spread their edicts, were really the only exceptions to that. The rolling centuries brought revolutionary technological change: Gutenberg's cast metal printing press of the 15th century, three centuries later the telegraph, the telephone, the radio, television, and ultimately the web. Allied to those developing methods of transmission were other changes, in transportation, which accelerated the dissemination of information: railways, ships, postal services, aircraft. As the centuries moved on, the world thereby became much more aware of major social issues. The spread internationally of news of slavery in America provides a good example. Newspapers became influential to the point where governments feared them: they sought to censor, or to limit distribution through financial impost. Monarchs and churches had earlier sought to suppress the spread, through books, of views different from their own. Today, a millennium on, we have a free press, free media, substantially unhindered in their provision of information: and individuals may supplement the cubic metres daily available through those means, by personal access to the internet) A world in which fear and power limited the passage of information, transformed by the imprint of technology into a world

where the capacity to inform is virtually boundless.

Those who carry that capacity bear immense responsibility. How should the capacity be exploited? Well obviously to communicate to impart ideas and knowledge, to enable also the exchange of information and ideas. Ignorance may be bliss, but not in this insightful society. Knowledge is power. And so the unsettling knowledge of the intolerable plight of remote Aboriginal communities imparted by Tony Koch has impelled other compassionate people to plead for creative governmental response: it is encouraging to see Mr Koch's efforts starting to bear fruit if I may say so, excellent constructive journalism. There are other examples. Informed of serious foibles of the IOC, the people exerted pressure which compelled at least some reform. Countless other issues, revealed to the people, lead to review and desirable change, from issues as philosophically wrinkled as mandatory sentencing, to matters as concretely practical as airline safety. The media in this "information society" is a potential power for good: witness the uplift of the Australian psyche through the positive reporting of Interfet in East Timor; the engendering of overwhelming community support for Tjandamurra O Shane, and our recently and tragically victimized police officers.

Of course one should be able to take, as given, the integrity of the information imparted, and the balance of the ideas advanced. Those should not be goals of perfection, but reasonable every day assumptions. And so the media must not fuel public dissatisfaction with sentencing levels by presenting incomplete accounts of relevant circumstances; the media must not imperil public confidence in fundamentally important institutions by ignoring reality and pandering to the titillating or controversial. And when the public reject an editorial line, as did the people last year on the republican issue, the media should be encouraged, not displeased this suggests people discriminating in the formation of their views. The media suggest views which should interest, but not control.

I conclude with a brief note on three cardinally important matters.

First, your objective must be the propagation and protection of truth. You should strive for illuminating candour in what you print and say; strip away the cant, but do so responsibly where there is a publicly justifiable end in view, and realise that privacy must not be invaded unnecessarily. Endeavour to teach, not just amuse.

Second, remember your immense responsibility in the selection, from the wide raft of possibilities, of what becomes "the news". You need to sustain businesses, but resist the temptation to sensationalise. Confront the range of potential issues with integrity.

Third and fundamentally, maintain media freedom. Do not yield to political or other pressure. You must not be muzzled or censored. Consistently, we Judges are always conscious that publicity is of the essence of justice as sometimes,

however, is also the necessity to compel journalists to disclose their sources.

In characterising the media as the "first Areopagus of the modern age", His Holiness acknowledged a reality. It is up to you to exercise that power with responsibility in the public interest, and in that exercise, may God guide you!