

Press Law drops controversial Press Council and Journalists' Code of Ethics

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The government decided to defer the amendment on the Audio-Visual Broadcasting Act and proceed with an amendment of the Press Law by excluding the controversial Press Council and the Journalists' Code of Ethics from the law after a poll showed that the majority of the public wanted the two laws to be amended under the journalism profession's leadership and public participation.

The final report on the Macau Deliberative Polling (DP) on the Amendment of the Press Law and the Audio-Visual Broadcasting Act, commissioned by the Government Information Bureau (GCS), was released yesterday, showing that the most respondents (including general citizens and journalists) in the DP survey preferred an amendment of both laws.

As to the possibility of setting up a Press Council and Broadcasting Council, which were included in the two laws enacted over 20 years ago but never actually created, respondents were in favor of a model under the journalism industry's leadership combined with public participation; and that the councils should be set up as private or civil entities not subject to the confines of current laws and regulations. Respondents also widely opposed the possibility of any participation by government officials or representatives, who might cause concerns of a potential threat to press freedom.

According to the DP survey, respondents wanted the councils to serve the target of safeguarding the rights of journalists, and it is under this principle that their establishment and composition are decided.

As to the possible formulation of a Journalists' Code of Ethics, the majority of respondents both from the general public and the journalism profession shared the view that it was important to draft the Code. While respondents from the profession preferred the Code to be decided by non-official journalist organizations, the general public was more divided as to how the drafting should be carried out.

Regarding the use of the Internet, journalism professionals favored the approach of making the Internet completely free without regulation from the Press Law or any kind of press council. However, respondents from the public preferred regulation of the Internet, but not by the Press Law or any kind of press council.

After the release of the results by ERS Solution (Macau) Ltd., which conducted the survey in conjunction with five other international institutions, Victor Chan Chi Ping, Director of GCS briefed the press on the authority's latest decision on the much-debated amendments. Firstly, the modifications to the Broadcast Act will be postponed since amendments to telecommunications regulations are currently underway, with more clarification and a clearer definition of Broadcast and Telecommunications due. Also, due to the consideration that the Broadcast Act contains more technical issues related to Broadcasting, therefore it has to coordinate with Telecommunications legislative works.

As to the Press Law, the authority decided to conduct the amendments under the principle of "deleting but not adding" any clauses to the law. The first clauses to be deleted included the one regulating the Press Council, and the other on a Journalists'

Code of Ethics, both of which caused concern that they might have negative impacts on press freedom or on possible government intervention in the press.

He was not worried that the dropping of the Code would leave journalists unchecked, because people affected by false news reports could take action against relevant media companies through civil or criminal litigation. They could also directly lodge complaints to the companies, and more importantly, media outlets that always report false or biased information run the risk of being deserted by consumers.

The release of the DP results marked the conclusion of the first stage of public consultations over possible amendments to the laws. For the second stage, GCS has already started consulting legal experts on the technical issues for the amendments, and will complete the draft of the new Press Law by November, after which a second round of consultations will be launched. He said the draft would not be submitted to the Legislative Assembly during this session because the new consultation would probably not be finished by the first quarter of next year.

Research firm defends “expensive” cost accusations

The Deliberative Polling (DP) commissioned by GCS cost the government MOP 3.5 million and was questioned as being “too expensive”. But the research firm leading the year-long program denied such allegations and suggested it was, contrarily, too cheap comparing with similar surveys conducted in America, Europe and Japan. Asked by a journalist on the budget management of the DP campaign that lasted 366 days, Angus Cheong, Director of ERS Solutions (Macau) Ltd. that conducted the survey along with five other overseas institutions, told the media that in America’s case, a DP costs USD 1 million on average; Europe is even more expensive, with price tags over EURO 1.5 million, and a recent survey conducted in Japan came back with a cost of several million US dollars. He stressed that as an independent and non-listed private institution, the company had no need to disclose its financial details to the public. Accordingly, this is normal practice for all research institutions because they do not want their research processes and results to be affected by negative public opinion. Since the research has now been concluded, Cheong said he was willing to talk about the budget, a large part of which was spent on the public consultation sessions, during which dozens of participants and professionals were invited to the city. In addition to food and accommodation, the company also had to arrange interpretation services and other logistical support. He also stressed that the yearlong research incurred a huge payroll for over 200 researchers and other staff, employed on either a full or part-time basis.

Fast facts on the deliberative polling

Period: September 1, 2011 – August 31, 2012

Cost: MOP3.5m

Human resources input: 231 researchers and staff

Number of people surveyed: 2,036 citizens + 67 journalists

Full report (downloadable at <http://dpmacao.org>): 1,510 pages with full scripts of views expressed by members of the public during the consultation

Main conclusions:

- Macau’s press freedom lower than HK, Taiwan and major developed countries
- Macau needs to improve freedom of the press and a press council formed by journalists is helpful for this initiative
- Macau citizens rate journalists positively and support the pursuit and safeguarding of freedom of the press and speech
- DP report suggests to draft new or amend existing relevant laws while maintaining at least the current level of press and speech freedom