

A COMPARATIVE STUDY ON PRESS FREEDOM
BETWEEN MALAYSIA AND AUSTRALIA

By

Afiqah Binti Mohammad (2007294194)

Nor Aisyah Binti Rahim (2007296954)

Nurul Azua Binti Abu Yazid (2007266976)

Zaharah Binti Othman (2004402959)

Submitted in Partial Fulfillment of the Requirements
for the Bachelor in Legal Studies (Hons)

Universiti Teknologi MARA

Faculty of Law

October 2009

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

ABSTRACT

The press plays vital roles to a well informed society in a democratic country. In Malaysia, the press is restricted from freely carrying out its functions to inform the citizen by a number of laws enacted by Parliament. A number of press laws are said to have restrictive effects on the media. There are a lot of bodies and individuals that have put forward their ideas to have greater freedom of press. These include seeking for a revision on our press laws but such actions are yet to be considered by the authority. This raises a question on to whether the Malaysian press has been given sufficient freedom of press. In carrying out this research, a comparison has been made between the press in Malaysia and Australia. This research is actually an attempt to analyse the constitutional safeguard protecting freedom of press in Malaysia and Australia. Besides, this research will examine the extent of press freedom in Malaysia and Australia. This is a library-based research. Data and information were gathered from the library and internet databases. Findings show that both Malaysia and Australia have certain restrictions on press but to different extent. As compared to Malaysia, in Australia, the press has a self regulatory body which governs matters relating to press. It is hoped that this research can be useful to provide better understanding of knowledge and to provide access for the citizen in area of press freedom due to fact that there are differences of approach between Malaysia and Australia on who draws the balancing rights and restraints.

ACKNOWLEDGEMENT

We would like to express our gratitude to all those who gave us the possibility to complete this project paper. In particular, we would like to thank to the Faculty of Law of Universiti Teknologi MARA for giving us the opportunity to initiate this project paper in the first instance. We have furthermore to thank the library of Universiti Teknologi MARA for helping us in carrying out this research by providing us with superb necessary information regarding this research. Without those helps, it is impossible for us to finish this research in time.

We are deeply indebted to our supervisor Madam Siti Hajar for our Honours Project Paper (LAW533) whose help, stimulating suggestions and encouragement helped us in all the time of research for and writing of this project paper. Besides that, we also would like to express our greatest appreciation Puan Mazlina binti Mohamad Mangsor, Lecturer of Legal Research and Methodology (LAW557) for their advice and approval of the title for our research. Last but not least to everyone those have provided their assistance upon completion of this research.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Contents	iv
List of Cases	vii
Table of Legislation	viii

CHAPTER ONE: INTRODUCTION

1.1	Introduction	1
1.2	Background	2
1.3	Research Question	6
1.4	Objectives of the Research	6
1.5	Literature Review	7
1.6	Research Methodology	15
1.7	Scope and Limitations of the Research	15
1.8	Significant of the Research	15

CHAPTER TWO: LEGAL PRINCIPLE

2.1	Introduction	16
2.2	Organizations and bodies in support of press freedom	17
2.3	Universal Declaration of Human Rights	19
2.4	The Federal Constitution	21
2.5	Government and Parliament powers	23
2.6	Conclusion	27

CHAPTER THREE: PRESS FREEDOM: THE POSITION IN MALAYSIA

3.1	Introduction	28
3.2	Regulations on Press in Malaysia	29
3.2.1	The Printing Presses and Publication Act 1984	29
3.2.2	The Sedition Act 1948	30
3.2.3	The Official Secret Act 1972	31

3.2.4	The Internal Security Act 1960	32
3.2.5	The Defamation Act 1957	33
3.3	Regulation: Is it needed in Malaysia?	34
3.4	Control and Ownership over Press in Malaysia	36
3.5	Main Role Played by Press in Malaysia	38
3.5.1	Relationship with other countries issues	39
3.5.2	Religion and racial issues	39
3.5.3	Political issues	41
3.6	Conclusion	41

CHAPTER FOUR: NEWS MEDIA, THE LAW AND AUSTRALIA

4.1	Introduction	42
4.2	“Great power comes with great responsibilities”	43
4.3	Australian International Disputes and its media	47
4.3.1	Australian Journalists Ejected from Airport Press Conference	48
4.3.2	APN Newspapers All Ears Across the Tasman	48
4.3.3	Journalists keep at bay from refugees	49
4.3.4	Reopening of the Balibo Five case	49
4.4	The Vast Difference between Australian Press Freedom with Malaysia	50
4.5	Right To Know?	52
4.6	Conclusion	54

CHAPTER FIVE: CONCLUSION AND RECOMENDATIONS

5.1	Introduction	55
5.2	Establishment of Research Objective	55