

**Submission of the Press Council on Legal Aid Extension to Cover
Defamation Actions**

1. Members of the Press Council are well aware of the need to maintain a balance between the protection of personal rights and the preservation of free speech. We are fully conscious of the frustrations felt by certain victims of libel who cannot afford the high costly litigation to protect their interests.
2. The Press Council, as a self-regulatory body of the newspaper industry, prefers a non-litigations route in dealing with public complaints against the press. We are of the opinion that newspapers should exercise self-discipline and strive for accuracy; and avoid sensationalism in order to enhance the professional standard of the Fourth Estate. This is also the view of many press councils abroad. We hope that mediation approach would obviate the need for litigation; which is costly, and invariably drawn out, with some cases taking years to resolve. The Council's endeavour in gaining qualified privilege is primarily for this purpose of replacing litigation with mediation.
3. Our members have reservations about the proposal to extend legal aid to cover all defamation cases. We are of the opinion that it may encourage some members of the public to sue media organisations for personal gain thereby increasing the drain on public funds. If legal aid were provided in defamation cases, there would be an undoubted proliferation in suits being filed against the Press and this in turn might result in curbing press freedom.
4. However, the Press Council keeps an open mind as to how assistance may be provided for victims of defamation - is legal aid to them the only answer? If yes, such legal aid should be limited only to those cases where the public interest is served, and the Director of Legal Aid is given clear directions in any proposed legislation to exercise his discretion sparingly in favour of applicants so as to prevent an abuse of the system.