

Baroness Buscombe speech to the annual conference of the Society of Editors

**BARONESS BUSCOMBE SPEECH TO THE ANNUAL CONFERENCE OF THE SOCIETY OF EDITORS**

Last year Paul Dacre told you what he described was a "grotesquely hubristic confession" that from the moment he was born he had wanted to be an Editor.

I'm really sorry Ladies and Gentlemen, I can't match that.

So perhaps instead as a relatively recently installed Chairman of the Press Complaints Commission I can instead tell you a little bit about who I am, what makes me tick, my convictions and the passion I feel for both trust and freedom. For I sincerely believe that without one you cannot have the other.

**Peta**

Earning the right to be heard has marked my career. As Vice Chairman of the Conservative Party - in very different times - I was often asked at events whose wife I was, and as a Shadow Minister I would often be asked in meetings which constituency I was MP for - despite the fact I sat in the House of Lords.

And I remember when I was fighting hard for the seat of Slough in the 1997 General Election.

A week before the Election I was driving through the streets of Slough, hoping to sway floating voters and rally core supporters. My husband used his booming tones on a loudspeaker to urge the good people of Slough to "vote for Peta Buscombe". Surprise, surprise someone shouted back: "who the fuck is he?"

So let me make sure you know exactly who I am and what I am going to do at the PCC.

My attitude toward regulation was formed, shaped and hardened from my position as an Opposition Spokesman spending those hard years scrutinising and questioning so much regulation year on year.

Regulation that would further restrict, control and manage our lives; very often with no positive outcome at all.

What made that job difficult and brought home the complexity and detail of law after law being enacted was the sheer difference between the resource and expertise given to government and opposition politicians. It really was a case of David versus Goliath.

A few Shadow Ministers, backed up by a handful of enthusiastic but very fresh graduates and a couple of students on work experience, versus the whole of the Whitehall machine. It is so unprofessional, and whilst I am certainly not an advocate of state funding of political parties we must seriously look at the ability of oppositions to hold the government to account.

No wonder that the old truism is that oppositions don't win elections but governments lose them.

Working in such an environment that lacked the resource to counter and test the effectiveness and the real value of the legislation - and indeed the insight to realise some of its unintended consequences - made me use my initiative.

I quickly learnt to pick up the phone to ask for help - pro bono of course - from the brightest and the best in business and across the professions. Very ad hoc and wonderfully amateur but also I'm afraid very necessary.

#### **Trust and democracy**

Of course the fact that unfortunately we do have such a dysfunctional democracy - particularly given the House of Commons appears almost entirely to have forgotten what they are there for - means it is vital that the press is free to investigate and probe and tell it like it is.

You can rightly feel proud that, from unraveling the government's misleading spinning of intelligence in the Iraq War to exposing uncensored details of MPs' expenses, the British press has filled the democratic deficit in recent years.

A lack of trust in our institutions seems to be contagious. Yet however sceptical the public may be about Parliament, the judiciary - even the media itself - think how much lower it would be without a free press.

For it must be true that the freer journalists are to criticise, scrutinise, and analyse, the more trustworthy institutions become.

That is because without freedom of the press, there is no real accountability to the public.

I know that this is not a popular message with many of my fellow Parliamentarians, some of whom are bruised by recent coverage, but we must consider the MPs' expenses furore as a whole, and not focus on individual injustices.

What is the main lesson to be learned?

Surely, it is that the absence of scrutiny in the first place allowed a culture of abuse to flourish. If trust in politics is at a low ebb, it is because there has been too little freedom to shine a light on politicians' activities, not too much.

Trust and freedom are two sides of a coin.

And that means that politicians must learn the right lesson from this episode. It is that we must always be bold enough

to champion freedom - of the individual, of the press, of institutions - and resist the temptation to meddle, and to jerk the knee every time there is a critical headline.

Sometimes, I'm afraid, this means ignoring the press - ironically to protect the very freedoms that many of you hold dear.

You are not always right; and I know you do not claim to be. But the power of a shouty headline is intense, believe me. It can spook all but the most robust of politicians. And the result can be bad legislation and a steady erosion of freedom.

Which leads me to the House of Lords. I may be partisan, but is it really in anyone's interests for the media to be party to the undermining of our Second Chamber - one of the few platforms in this country where people can stand up and say what they believe without fear or favour?

Yes, it needs reform - and the titles should be the first to go. They get in the way, and attract some who think membership will turn them into aristocrats overnight or, worse still, think the Lords is a cosy club with the bonus of a title and one for the wife to compensate her for earlier misdemeanours.

Some of the nominations seem to bend the knee to celebrity or wealth, which are not generally known as two criteria for making a good legislator.

Remove life peerages, thereby separating the honours system from our Parliamentary system, and it will then be possible to focus the minds of those who genuinely want to contribute to the Upper Chamber of our legislature.

As for an elected second Chamber, we must beware of the quality of our legislation becoming impoverished forever if the baby of rigour, expertise and independence is thrown out with the bathwater of the House's anachronisms.

At the moment, it is a place where people - some with extraordinary ability and depth of experience - can stand up for what they believe, unlike our Commons colleagues who will always have the fragility of their Seat and their progress up - or down - the greasy pole, to consider .

Where else in the world could you find a person who is now Master of Trinity Cambridge, the Astronomer Royal and also the President of the Royal Society and who, only in return for his train fare, will share his knowledge and experience for the benefit of us all?

Apart from anything else the Lords is the only place where legislation is properly scrutinized - without the guillotine and with rigour. Let me give you just one example whereby a combination of Lords' scrutiny, some luck of timing and - you may be surprised to hear, the fox - saved some fundamental British freedoms.

Simply put, a small group of peers led by me were determined to amend the Civil Contingencies Bill, which would have allowed any Minister however junior to suspend

any Act of Parliament if he or she believed there was a threat to the Nation - Magna Carta, Habeas Corpus, you name it.

And this hadn't been noticed in the Commons at all, nor by the media, with the exception of the journalist Philip Johnston.

It had reached a stage whereby we were into ping pong on the Bill, and I feared we would lack support in a division to stop this absurd proposal once and for all.

Luckily, when it came to the vote, the House was exceptionally full because another Bill had also reached a crucial stage - Hunting. So many came through the lobby with us and the outrageous and restrictive measures were defeated - all thanks to the fox!

Keeping our freedoms and basic liberties should not be left to chance like this - yet they are increasingly difficult to protect. And meddling regulation has only led to a topsy turvy world where the significant is trivialised and the trivial becomes significant.

Is it any wonder that people are frustrated with the political process when it seems to conspire against them?

You can see why people get angry.

They see the state spying on their recycling habits; complicating their lives if they want to do a school run; restricting their right to associate freely in a private room to enjoy a smoke; and terrorizing them for small parking transgressions.

And then they see the mother of a famous footballer being let off with a caution after stealing hundreds of pounds of goods from M and S. They see all manner of stories about the human rights of criminals rather than those of the victim. And - a matter of particular concern to me - they see that this overbearing culture has led to men fearing the risks of becoming teachers.

Whatever happened to common sense and a sense of proportion?

People who put so much faith in laws and regulation do so blindly and with no regard to whether they are effective. And, of course, as Gibbon pointed out in the Decline and Fall of the Roman Empire: "Laws rarely prevent what they forbid".

### **Self-Regulation of the Press**

Which brings me neatly to self-regulation. Self-regulation demands a degree of trust and integrity from all those who buy into it, and it works on the basis of good old fashioned common sense. It's a model for society because it allows freedom but demands active engagement and a degree of responsibility.

I told you that the theme of my speech was trust and freedom. I believe not only are these my values, the British

media's values and the PCC's values but that they also strike a huge chord with the mood of our times.

We live in an over-regulated world which could not prevent the greatest financial crisis for eighty years and in which the stock of politicians and legislators has never been lower.

A world in which the Quango mentality has taken hold. Bloated bureaucracies slow to act and which throttle enterprise, creativity and freedom. I am a Non Executive Director of a water company - so heavily regulated and so inflexible - where we spend a good 85% of our time focusing on how to keep the regulator happy and 15% - if we are lucky- focusing directly on the business and our customers.

Such over-regulation is in danger of deterring the best people from becoming non-executive directors - which perversely will do more to undermine good corporate governance than anything else.

The contrast with the PCC could not be greater. It is tiny - 14 staff in total - applying a system which is genuinely flexible, discreet, free and fair.

Are we value for money? Well, compare our £1.9 million budget to the ASA's £8 million, the Information Commissioner's £10.5 million and, just for fun, what about the £6.5 million spent each year by the British potato council on promoting and protecting the potato?! Or even the £13.3 million spent by the Welsh language board!

For that £1.9 Million, PCC staff are at the end of a phone at 2 in the morning and will receive complaints or prevent publication of information that would breach its rules.

So, yes, we most certainly are value for money.

We have our critics - some with their own agenda and some who genuinely don't understand what we do; I have yet to hear a constructive alternative that might preserve press freedom and keep standards high.

Talking of critics, I would be failing in my duty as PCC chairman if I didn't single out John Prescott:

He wrote on his blog under a title of "Don't let the press Do It Yourself regulate" that "There's no doubt about it. Over the years we've all allowed the issue of wages and allowances to become a real mess. The electorate is furious - from members getting wives, partners and relatives on the parliamentary payroll to expense claims for duck houses, flipping and servants quarters."

He then cuts to his real point:

"So since we're reviewing the regulation of politics and banking, perhaps we can now have a frank and honest debate about arguably the worst area of self-regulation of all. The press them elves (sic)"

And finished "But there are many who'll say after recent events that the Fourth Estate shouldn't escape change too by being allowed to keep own classic Do It Yourself-regulation."

To quote another, frankly, more eloquent politician, John: "No No No!"

The press do not regulate themselves. The PCC is funded by the newspaper and magazine industry but operates independently of it. Its independence is guaranteed by a majority of lay members, and staff who have no vested interested in siding with the press. Is that really so difficult a concept to grasp?

And perhaps John Prescott has forgotten that his own autobiography details how we helped him and his wife out with a little difficulty of their own.

Thankfully, this Labour government has ignored him. It is greatly to its credit that we are trusted with the freedom to operate a system free from statutory interference. It is why hundreds of people choose to come to the PCC rather than resort to law. It enables us to act quickly and flexibly to sort things out in a common sense way - impossible if we were constrained by nit-picking lawyers or red tape.

Let me give you a few specific examples of how we exploit our flexibility to help people out while not burdening the press with more regulations.

We proactively approach people in the news to offer our services when necessary. I don't think any statutory regulator does this.

We were on the phone to health authorities when the first cases of swine flu were diagnosed; to the local authorities when two girls in Scotland committed suicide this autumn; to the police when a man hanged himself in Belfast two weeks ago.

And, yes, to representatives of Stephen Gately's family before the Jan Moir article was even thought of.

We make sure people are not approached by journalists or photographers when they need some space.

A school in Cheltenham came to us when one of their pupils sadly died this year. They were concerned about the impact on the other children of press attention. By sharing this concern with editors, no problem arose. The children were left in peace. Later, our help ensured that the funeral was conducted entirely in private.

There are dozens of other examples like this.

And they show that, yes, editors are grown ups who can take responsible decisions for themselves without the need for the state - or a judge - to tell them what to do.

Then there are people like Simon Cowell and Fabio Capello, who have successfully used the PCC to give them some

freedom from intrusive paparazzi. Both of these men have the resources to use the courts. But they come to the PCC, because we can help them without fee or fuss, and without a battle with the newspapers.

Then there was the famous actor who suffered a breakdown this year, and wanted the chance to recuperate in private. Their case was made to editors through the PCC, and nothing has ever been published. No threat to freedom of expression, just the PCC being used to ensure that papers behaved responsibly.

This is round the clock activity. I can think of times when we have handled complaints about first editions at midnight on a Friday night, and been able to negotiate corrected copy by 2 am on Saturday.

No need for fuss, or - thank God - a lawyer - and as a lawyer I can say that!

Our work is a discreet and sensible way of getting things done quickly, very often with a much better outcome for the complainant than an injunction.

We are also democratic, in the best sense of the word: open equally to all. What other service can be used in the same way by Cabinet Ministers; actresses; grieving parents; concerned granddaughters; the rich and the poor; the powerful and the vulnerable; Royalty; those who have changed sex; lottery winners; criminals; and even MPs concerned about the portrayal of their expenses?

Indeed the Lord Chief Justice said only the other week that going to court in civil cases is at risk of becoming beyond the financial means of most litigants.

So to those people who have recently signed a petition on the Number 10 website urging the government to put the PCC on a statutory footing I say: be careful what you wish for.

Yes, there were many people angered by Jan Moir's controversial article about the death of Stephen Gately; and indeed 25,000 people were sufficiently moved to complain about it to the PCC. But when there is - in the PCC - already a channel to express dismay that a paper has overstepped the line, do people really want a government body telling us what we can read and think?

It's a chilling thought - but it also needs pointing out that, curiously, such a proposition is completely at odds with what social networking sites like Twitter are meant to stand for. It's great that millions of people are conversing freely on line - but that represents a powerful blast in favour of freedom of expression for everyone, including newspapers.

But a statutory press council is, in any case, pie in the sky. We need look no further than the other great development of the last few weeks to see why. The most benign thing that can be said about the recent Trafigura injunction fiasco was that it showed a touching naïveté on the part of the highly paid lawyers advising the company.

But it was a revealing moment.

It has illustrated to the public how the law is being used by the rich and the powerful to try to keep information private - just as many warned would happen during the passage of the Human Rights Act over ten years ago. The idea that a judge who may be no expert in the field can dish out so-called super-injunctions - preventing us from even knowing that he or she has restrained publication - is insulting to the public and anathema to democracy.

How did it ever come to this?

As a Parliamentarian, I do not recall ever debating this proposition, or agreeing that lawyers could scuttle off to the High Court in order to keep true but embarrassing information out of the public domain.

Nor do I recall it being suggested that Parliament would be prevented by the law itself from scrutinising how the law was developing.

This is a constitutional outrage. Now that the secret is out, the government must do something about it without delay.

On the other hand, the good news is that the way that the attempted cover-up failed shows that, in the long term, those who want to impose legal restrictions on the media are not just on the wrong side of the argument about freedom of expression, they are also on the wrong side of history.

In a world where individuals can communicate en masse and bypass traditional media altogether - just think of Stephen Fry and his almost one million Twitter followers - it is just no longer possible to restrict the free flow of information from the top down. The sooner that regulators, legislators, and lawyers realise this, the better.

It seems so obvious. So it's been a surprise in recent days to hear a call from some of those who are benefiting from this historic shift for the PCC to be reconstituted as some sort of formal regulator with quasi-legal powers.

No.

In this new environment, frameworks of good practice, coupled with easy, accessible complaints mechanisms are the way to keep standards high.

Truly, the time for robust and responsible self-regulation has come.

### **Vision**

Having said all that, I am not in any way complacent. And I cannot ignore the strength of feeling that ranges from indignation to rage that exists among some of my colleagues in Westminster.

So my priority is to do all I can to reassure politicians, opinion formers and - most importantly of all - the public that we are robust enough and responsible enough to be



left alone. That is why I have initiated a review of our governance structures, to which anyone and everyone can contribute. This will be a thorough, fundamental look at how the PCC matches up to the challenges posed by the media in the 21st Century.

And there are ways in which we can become more transparent and accountable - and we will!

However, be assured that I will not allow this to be at the expense of freedom of speech and expression.

Freedom of speech and expression are non-negotiable. It is too precious. And perhaps I might gently point out that this is a freedom that extends to the PCC as well. If people disagree with what we have said then argue with us on the facts - but don't grumble about the fact we have said it.

My other great concern is that given the difficult economic outlook for, particularly the press, but also others across the commercial media, an essential ingredient of trust and freedom in our society - media plurality - is at risk.

Some of you are profitable, yes. But others, I know, are facing very tough times. My concern is that a fragile industry means negative knock on effects on the quality of journalism.

Whilst I appreciate that the media - even within your own sectors - must remain commercially competitive, I believe that unless you stand as one strong voice to consider the future of the creative industries, including commercial media - the outlook will remain bleak.

Together the press, all commercial broadcasters, film, book publishing and music industries must now work together to find a new business model with the Search Engines. The latter, the aggregators, think it is ok to enjoy the use of all your valuable intellectual property and ad revenues for little or no return.

And for those who think this challenge is just too hard, I urge you to recall the recent words of Eric Schmidt, Google's CEO: "We use as our primary goal the benefit to end users. That's who we serve." So there you have it: the end user matters, not those who create content in the first place.

Commercial media is private enterprise that performs a very public service: a point worth making, aggressively and with one strong voice.

Incidentally, can someone now explain why it is that the BBC World Service continues to be funded out of the Foreign Office Budget - isn't 3.5 billion enough?

Before people think I am being just a bit too friendly to the commercial media for a Chairman of the Press Complaints Commission, let me say this:

We may be witnessing an historical and permanent shift in favour of free expression over the forces of censorship and restraint. But this greater freedom will demand greater

responsibility from the commercial media - because, as it becomes obvious that the state cannot and should not regulate media content, there will be a greater public and political expectation that the industry can police itself.

There is plenty to build on. I have told you about the tremendous range of work we do to help people out, and to right wrongs. That these things work is a great tribute both to the team at the PCC and also to the industry as a whole. It shows self-regulation working at a very basic level. This activity is low key but all the more successful for it. It should be better known. But there is no need - in 21st century Britain - for an individual to feel powerless in 'taking on' the press. The PCC will always be there to help.

In return, I will expect the industry to give the PCC the freedom to develop rapidly - if necessary - to exploit the opportunities presented by media convergence. We have shown that we can be trusted with the freedom we have enjoyed from the state and from the industry over the last two decades. Now is our chance to show how our model can be trusted in future.

Thank you for listening.

Baroness Buscombe

15th November 2009

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