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Law Council welcomes recommendations for sweeping changes to media freedom laws

The Law Council of Australia has welcomed key recommendations of the Parliamentary Joint Committee on Intelligence and Security in its review of press freedom, including the requirement for search warrants to be issued by senior judges and contested by public interest advocates.

The Committee found major reforms are needed to Commonwealth investigatory powers, secrecy offences and public interest disclosure laws to ensure public interest journalism is adequately protected under Australian law. Law Council President, Pauline Wright, noted the Committee's 16 recommended reforms endorsed many of the Law Council's suggestions.

"The Law Council strongly supports the Committee's key recommendations for special procedures for the issuing of warrants to investigate journalists," Ms Wright said.

"The Law Council has long called for these measures, and we are pleased the Committee has supported these calls."

The Committee has recommended that superior court judges should be responsible for issuing all such warrants, and that independent public interest advocates should be appointed to contest all of these warrant applications. It also recommended public interest advocates must be retired judges or senior counsel, and that there be a review of all Commonwealth secrecy offences.

"These recommendations offer a much stronger foundation for the Australian media. They will allow the community to have confidence in the independence and rigour of decisions to investigate journalists, which should only happen rarely," Ms Wright said.

The Law Council also considers that the Committee's recommendations for amendments to Commonwealth secrecy offences are a step in the right direction, given they ensure there are consistent and comprehensive exceptions for public interest journalism. The Law Council supports recommendations for improvements to administrative arrangements, including an audit of the system under which information is classified, and improved public reporting requirements to facilitate transparency in the exercise of investigatory powers against journalists.

"Implementation of the Committee's recommendations would be a significant step in the right direction, but further work would still be needed to ensure media freedom is adequately protected under Australian laws," Ms Wright said.

"Fortunately, the Committee has recognised the need for further work, by recommending more reviews and reforms to matters beyond its immediate terms of reference. This includes public interest disclosure freedom of information, defamation and journalist shield laws. The Law Council calls on the Government to adopt all of the Committee's recommendations, and to establish a transparent, participatory process to develop further reform."

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