

Thursday, 12 September 2019

Press freedoms better protected by amendments to farm trespass laws

The Law Council of Australia has welcomed changes to agricultural incitement of trespass laws, which will ensure media freedoms are better protected.

The Law Council maintains the Criminal Code Amendment (Agricultural Protection) Bill 2019 is unnecessary but the amendments, proposed by the government and supported by Labor, improve the legislation.

The legislation amends the Criminal Code, introducing two new offences that apply if a carriage service is used to transmit, publish or distribute materials to incite trespass, property damage or theft on agricultural land.

In its [submission](#) to the Senate Legal and Constitutional Affairs Committee, the Law Council raised concerns with the laws as drafted, including that they unduly placed burden of proof on a defendant and could result in impeding media freedom.

Law Council President, Arthur Moses SC, said the show of bipartisanship protected press freedoms, which have increasingly come under threat in recent times.

“The government’s amendments strengthen the protections available to journalists under the legislation by removing the requirement that a journalist must show disclosure of ‘offending’ material was in the public interest,” Mr Moses SC said.

“The Law Council is pleased the responsibility of the media to report on matters of public interest has been recognised through the amendments.

“The press must be able to report freely on matters that impact Australians and adequate legislative protections are essential.”

At a recent Senate hearing the Law Council highlighted four key issues of concern relating to the agricultural Bill, highlighting:

- the potentially broad scope of the proposed measures which could stifle legitimate public dialogue;
- the extent to which the proposed measures overlap with existing state and territory offences covering similar conduct;
- the adequacy of the proposed exemptions for journalists and whistle-blowers; and
- the severity of the penalties attached to the proposed offences.

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