

Thursday, 17 December 2020

## Law Council comments on PJCIS recommendations on media freedom

*All comments by Law Council President, Pauline Wright.*

"The Law Council has long called for meaningful reforms to the legal framework for media freedoms in Australia.

The government's acceptance of recommendations, made by the Parliamentary Joint Committee on Intelligence and Security following its inquiry into press freedom, is a positive beginning that will allow the process of meaningful legal reform to commence.

The Law Council particularly welcomes the government's commitment to implementing the Committee's key recommendations that all warrants seeking to investigate journalists should be issued by a superior court judge, and that all such warrant applications should be contested by an independent public interest advocate who is a retired judge, practising Senior Counsel or Queen's Counsel.

These have been key features upon which the Law Council has long advocated, and we are pleased that the Committee and the government has accepted that these vital safeguards are necessary.

We are also pleased that the government has recognised the need for increased protections for journalists from secrecy offences.

While the government will be reviewing whether public interest journalism is adequately protected under Commonwealth legislation, immediate reforms are required to amend the elements of secrecy and disclosure offences (requiring proof of harm or likely harm caused by a disclosure) and to enact broader public interest disclosure defences, not merely for journalists.

The Law Council urges the government to promptly implement the Committee's recommendations, particularly the recommended amendments requiring the independent issuing of warrants, record-keeping and reporting on those warrants, and the appointment of public interest advocates.

Action on these matters need not, and should not, await the completion of any further reviews into other laws (for example, reviews of secrecy and public interest disclosure laws)."

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**Contact:** Dr Fiona Wade, P. 0403 810 865 E. [Fiona.Wade@lawcouncil.asn.au](mailto:Fiona.Wade@lawcouncil.asn.au)