

AUSTRALIA'S RIGHT TO KNOW

March 20, 2009

Media release

More protection for Journalists

The coalition of media organisations, Australia's Right to Know, today welcomed the Federal Government's proposed changes to the Evidence Act that will provide additional legal protection for journalists so that they will not automatically face conviction or jail if they refuse to disclose the identity of a source.

The coalition said: "This is significant step forward in providing the legal protections journalists require to do their job in the public interest, and is a welcome reform.

"These changes mean that judges now have much more discretion to allow a journalist to protect the identity of a source.

"The changes also mean that these issues will be dealt with as questions of law, not as political footballs that embroil governments as we have seen in the past.

"Australia's Right to Know strongly urges the State Attorneys General to amend State Evidence Acts to adopt the Commonwealth Attorney General's model. This is a significant improvement in the NSW shield statute, which is the only shield law on the books today.

There are four major changes proposed by the Federal Attorney General to the Commonwealth Evidence Act which will give judges the increased flexibility they need to make sensible decisions about whether revealing the identity of a source is or isn't in the public interest.

- A new objective of the legislation is to achieve a balance between the public interest in the administration of justice and the public interest in the media's reporting of facts and opinion to the public, based on information provided by a source
- When deciding whether or not to allow a journalist to withhold their source, the court must now take into account the likelihood of harm that may be caused to the journalist if they are required to reveal their source – previously the court was only allowed to take into account the likelihood of harm to the source;
- A court may permit a journalist to withhold their source even though the informant has committed an offence or fraud in obtaining the information; and
- These changes will also apply to any proceedings in any Australian court for an offence against a law of the Commonwealth, not just in federal and ACT court proceedings as occurs now.

"We believe this deserves prompt enactment Federally and by the States, and we will work vigorously to see these proposals become law. We will closely monitor their implementation and effectiveness, and seek further reforms as necessary."

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For further information:
Creina Chapman, News Limited: 02 9288 1215 or 0411 535 176

