



Australian
Bar Association

MEDIA RELEASE

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ABA SAYS THAT RECENT AFP RAIDS ON JOURNALISTS SHOULD PROMPT A REVIEW OF HOW JOURNALISTS AND THEIR SOURCES ARE PROTECTED

The Australian Federal Police's (AFP's) raids on the home of a journalist and the headquarters of the Australian Broadcasting Corporation last week have ignited debate as to press freedom and the protection of their sources.

“While the government must be allowed to prevent the release of classified or sensitive information that poses a grave risk to Australia's national interests, this must be balanced by a concern to not stifle the media's ability to publish matters of public importance” said Jennifer Batrouney QC President of the Australian Bar Association.

The President said, “Press freedom is vital to the functioning of this country's democracy. Yet the ability of journalists to report on matters of the utmost significance is now only lightly protected by Australia's laws. Recent amendments to the Commonwealth Criminal Code in 2018 which created offences relating to the disclosure of information that may be prejudicial to national security provide a limited defence for the media and do not provide for a public interest defence.”

“As the President of the New South Wales Bar Association Tim Game SC observed, a public-interest defence “*is necessary to protect the confidentiality of sources, which in turn enables proper reporting and robust debate regarding matters of public importance in a democratic society*”. Without guarantees of confidentiality, sources will be reluctant to talk to the press.” Ms Batrouney said.

The President said, “The ABA also shares the concerns that have been raised by others that applications for search warrants in these matters are not going before a judge for proper consideration but rather before a registrar and on short notice, in what Mr Game said was an ‘opaque process’”.

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