



7 April 2009

Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Committee Secretary

Inquiry into the Evidence Amendment (Journalists' Privilege) Bill 2009

I respond to the invitation to provide a submission to the Inquiry and offer the following comments in relation to the amendments to the Bill.

- In a democracy founded on a transparent open society and freedom of the press, journalists' sources, especially whistleblowers, should be protected.
- Shield laws for journalists alone will not protect their sources, nor remove the spectre of intimidation that can stifle, even gag, the flow of information available to the press.
- Only corresponding protected disclosure laws and an anti-corruption body will provide whistleblowers with immunity from prosecution.
- The proviso that disclosure of a journalist's source becomes a matter for judicial discretion undermines the very concept of journalists' privilege and diminishes the authority of the legislation itself.
- Under no circumstances should journalists face a penalty for not disclosing their sources.
- While it is tangential to this Bill, the current laws relating to defamation/libel are too restrictive in Australia and work against us being a free and open society.
- Finally, there is too much freedom **from** information as current Freedom of Information laws are weak; that too should be changed.

Yours sincerely

Bob Such MP JP
Member for Fisher