

The New England Greens, Armidale Tamworth (NEGAT) is grateful for the opportunity to contribute to the important discussion concerning press freedom. NEGAT is centred on the regional university city of Armidale in New South Wales.

NEGAT is concerned that Australia's media is being undermined in a way that threatens our very democracy. We urge the Inquiry to recommend safeguards for journalists and their sources, to sponsor legislation which ensures protection for whistleblowers and to create opportunities to restore transparency in the Government's relationship with the public and the public's right to information.

**(a) disclosure and public reporting of sensitive and classified information, including the appropriate regime for warrants regarding journalists and media organisations and adequacy of existing legislation**

NEGAT is convinced that the interests of democracy are best served when journalists and their sources are protected. We consider that journalists should not be forced to reveal confidential data and sources to politicians, government agencies or to police forces including the Australian Federal police.

It is our opinion that information such as that contained in the 'Afghan papers' was in the interests of the Australian public. The prosecution of David McBride, whose revelations of actions perpetrated by Australian troops in Afghanistan is also in public interest, is totally unacceptable. The subsequent raids on the ABC (carried out two years after publication of material on the basis of a disturbingly broad warrant issued by a court registrar) gave no heed to the rights of journalists to protect their sources and the implied freedom of political communication under the constitution. Of grave concern to NEGAT is that the warrant listed dozens of search terms, authorised the AFP to search for evidence that reporter Dan Oakes had committed the criminal offence of receiving stolen goods and of unlawfully obtaining military information and allowed them to 'add, copy, delete and **alter** other data' found in the course of the search.

The raid on Annika Smethurst's home can only be considered deliberate intimidation, concerning as it did, a 2018 report on the increasing powers for intelligence agencies to spy on Australians; a most legitimate consideration for public concern. Similarly, the approach by the Department of Home Affairs to 2GB broadcaster Ben Forham to reveal the source of a story about the attempt of six Sri Lankan boats containing asylum seekers to reach Australia can only be regarded as an attempt to stop legitimate stories being broadcast.

**(b) the whistleblower protection regime and protections for public sector employees;**

NEGAT argues that it is in the best interests of our democracy that public sector employees should receive the same protections as exist for private employees when they are driven to 'blow the whistle'. Toni Hoffman the nurse who alerted authorities to Dr Patel's alleged criminal malpractice in 2005 at Bundaberg Hospital and Allan Kessing the customs officer who exposed security gaps at Sydney airport deserved protection when they were compelled to 'blow the whistle' after exhausting other avenues deserve protection.

**(d) appropriate culture, practice and leadership for Government and senior public employees**

The Australian Government should regard the restoration of the public's right to know the details of matters in the public interest as being of immense importance; there must be greater transparency in the Government's dealings with the Australian public. The threat of lawsuits should be reduced by introducing a public interest defence to stop politicians and government agencies threatening journalists with legal action with the intention of silencing that critical reporting which is the basis of a democracy. To this end anti-encryption legislation which undermines journalist's ability to protect their sources and whistleblowers should also be reviewed.

Protection against criminal liability for journalists engaged in legitimate public interest journalism should be guaranteed by amending national security legislation. This is a matter of particular importance as Australians do not have the protections offered by constitutional guarantees or a Bill of Rights.

An educated population, in a position to make informed decisions, is the basis of a democracy. Those courageous people who exposed

- the appalling nature of the off-shore detention regime which brutalises asylum seekers and deprives them of internationally guaranteed rights;
- the reality that Saddam Hussein did not have weapons of mass destruction, the lie upon which an Australian Prime Minister based our country's participation in the invasion of Iraq the appalling situation on the off-shore detention centres
- the Government's behaviour towards our near neighbour, Timor, when cabinet rooms were bugged to obtain information in order to ensure Australian interests held the upper hand in negotiations with Timor-Leste over the rich oil and gas fields in the Timor Gap

,among many others, deserve our gratitude.

NEGAT would like to record our admiration for the actions of independent MP Andrew Wilkie who resigned in 2003 as an army officer and intelligence analyst in the Office of National Assessments so that he could reveal that the official case for the invasion of Iraq was 'fraudulent' and subsequently revealed under parliamentary privilege that the Commonwealth Director of Public Prosecutions had filed criminal charges against Bernard Collaery and his client, a former spy known only as "Witness K". That the trial of a lawyer representing a whistleblower should be shrouded in secrecy is both unconscionable and chilling.

As Wilkie observed in a speech on 30 July 2019 *"If we don't have (freedom of the press), who will inform us of the goings on in our country... who will give a voice for those who need to speak truth to power and shine a light on misconduct.*

*"(Freedom of the press) is important for journalists and their sources. We need to talk as much about protecting sources as protecting journalists..."*

*"This country owes an enormous debt to its whistle blowers who have faced so much to speak up."*

Elizabeth O'Hara

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