

Supplementary submission
supplied: John Fairfax.
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Fairfax

John Fairfax Holdings Limited

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Secretary:

**STATEMENT OF BRUCE C. WOLPE
 MANAGER CORPORATE AFFAIRS
 JOHN FAIRFAX HOLDINGS LIMITED
 PARLIAMENTARY JOINT COMMITTEE ON ASIO, ASIS AND DSD
 SYDNEY
 JUNE 6 2005**

John Fairfax Holdings Limited (Fairfax) is pleased to appear before the Joint Committee today.

On December 3 2003, as amendments were pending in Parliament, Fairfax joined other major media organisations in opposing key provisions of the ASIO Legislation Amendment Bill 2003 [No 2]. No substantive amendments in response to our concerns were made to the Bill as the legislation was finalised.

Our views have not changed since this legislation was enacted. Very dangerous and troubling precedents have been set in the legislation under Section 34VAA on secrecy with respect to "operational information", the length of time (2 years) such secrecy is imposed on the issuance of warrants, and the criminal sanctions that are imposed on lawyers or parents of a detainee for communicating to unauthorised persons – including journalists.

These provisions were incompatible with bedrock values in a democracy of open judicial proceedings when they were enacted – and they remain incompatible with such fundamental values today.

The underlying legislation -- the ASIO Terrorism Bill 2002 -- also contains provisions that permit the detention and questioning of journalists.

Fairfax made a submission to the Senate Legal and Constitutional Committee on this issue, and suggested a balancing test should the detention and questioning of journalists be sought.

The principle issue before this Joint Committee is whether the sun should set on this legislation, or whether it should be extended. If the choice is simply a binary exercise, this legislation should, as my colleagues have said today, be extinguished. If in your judgment it is to be extended, that I respectfully urge consideration of amendments to fix the provisions of greatest concern.

In a democracy confronting times of challenge – as we most assuredly are since 9/11 – it is imperative to reconcile the interests of the protection of national security and the exercise of the rights of freedom of the press. We have a responsibility, jointly, to try to do so. This Committee should not urge a repeat of the mistakes made in 2002 and 2003.

We hope there is genuine interest by the Joint Committee in revisiting these provisions and developing proposed amendments to address these issues. Fairfax pledges to work earnestly and in good faith with interested Members to help reach a consensus on these matters.

Thank you.