

# CHAPTER 1

## Introduction

1.1 On 19 March 2009, the Senate referred the Evidence Amendment (Journalists' Privilege) Bill 2009 (Bill) to the Standing Committee on Legal and Constitutional Affairs, for inquiry and report by 7 May 2009.

1.2 The Bill was introduced in the House of Representatives on 19 March 2009 by the Attorney-General, the Hon. Robert McClelland MP. It amends the professional confidential relationship privilege (privilege) provisions in Part 3.10 Division 1A of the *Evidence Act 1995* (Act).

### Summary of key amendments

1.3 The key amendments contained in Schedule 1 of the Bill are as follows:

- insertion of a new clause stating the object of Division 1A;
- extension of the provisions excluding evidence of protected confidences;
- repeal and replacement of the provisions relating to loss of the privilege;
- repeal and replacement of the provision relating to weighting of any risk of prejudice to national security; and
- extension of Division 1A and section 131A of the Act.<sup>1</sup>

### Conduct of the inquiry

1.4 The committee advertised the inquiry in *The Australian* newspaper on 25 March 2009. Details of the inquiry, the Bill and associated documents were placed on the committee's website. The committee also wrote to 50 organisations and individuals inviting submissions by 9 April 2009.

1.5 The committee received 13 submissions which are listed at Appendix 1. Submissions were placed on the committee's website for ease of access by the public.

1.6 The committee held a public hearing in Melbourne on 28 April 2009. A list of witnesses who appeared at the hearing is at Appendix 2, and copies of the Hansard transcript are available through the internet at <http://www.aph.gov.au/hansard>.

### Acknowledgement

1.7 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearings.

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1 Item 1, items 2 & 4, items 7 & 8, items 5 & 6, item 5, and item 9 of the *Evidence Amendment (Journalists' Privilege) Bill 2009*, respectively. Also, see Explanatory Memorandum, pp 1-2.

## **Scope of the report**

1.8 Chapter 2 provides an overview of the Bill. Chapter 3 discusses the key issues raised in submissions and evidence.

## **Note on references**

1.9 References in this report are to individual submissions as received by the committee, not to a bound volume.

1.10 Due to delays in the production of the Hansard Transcript, this report was prepared without reference to evidence received at the public hearing.