

## Rae Desmond Jones

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24 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 Secretary,

### **Re: Inquiry into the Evidence Amendment (Journalists' Privilege) Bill 2009**

I have been concerned for many years about Australia's libel and defamation laws, which have encouraged mediocrity in our media and enabled politicians of all political persuasions to sue media organisations for reasons that would not stand up in court in other international jurisdictions. This is not to say that laws in those jurisdictions are perfect. Nonetheless, the case of the Melbourne *Herald Sun* reporters Harvey and McManus was deeply disturbing, because of the extent to which it exposed journalists to imprisonment and effectively stifled whistleblowers from speaking to the media. While whistle blowers may not always fit within the comfort zone of politicians, they do perform an essential service in allowing otherwise uncomfortable but legitimate information to be aired publicly.

My understanding of the *Evidence Amendment (Journalist's privilege) Bill 2009*, is that it places the responsibility for protection of confidential sources on the Judiciary. This should not be the responsibility of Judges, despite the doctrine of separation of powers, because the possibility of exposure of sources (or imprisonment) remains a solid barrier to the public exposure of governmental error, maladministration, or corruption.

I therefore ask that the Bill be altered to ensure that journalists are able to maintain confidentiality. The balance of the flow of information is already tilted too far.

Yours truly,

*Rae Desmond Jones*