

Chapter 1 - The Reference

Terms of Reference

1.1 On 25 May 1993 the Senate resolved to refer to the Senate Standing Committee on Legal and Constitutional Affairs for report, on or before 31 March 1994, the following matters:

The rights and obligations of the media, with particular reference to:

- (a) the right to privacy and the right to know;
- (b) the need for journalists to protect the identity of their sources of information;
- (c) the right of access to the media by members of the public;
- (d) courts and tribunals and the media;
- (e) journalistic ethics;
- (f) disciplinary processes for journalists; and
- (g) any other matters relevant to the question of journalistic ethics and standards and the quality of reportage.

[*Journals of the Senate* No 12, 25 May 1993, pp. 244]

1.2 On 23 March 1994 the Senate agreed to extend the time for report to 9 June 1994.

[*Journals of the Senate* No 74, 23 March 1994, p. 1459]

1.3 The Committee's reporting date was extended again on 8 June 1994 until 31 August 1994 (*Journals of the Senate* No 89 p. 1778) and on 29 August 1994 until 13 October 1994 (*Journals of the Senate* No 102 p. 2096).

1.4 The Committee called for submissions from interested persons by placement of advertisements in the major national newspapers and by letters to particular persons and organisations known to have an interest in the relevant issues.

Priority for Shield Laws

1.5 Before commencing to take evidence in the inquiry, the Committee decided to divide it into parts, due to the wide ranging nature of the terms of reference. In the last few years there have been a number of journalists who have found themselves being dealt with by the courts for contempt when they have appeared in legal proceedings and refused to reveal the identity of their confidential sources of information. This confrontation between journalists and the legal system appeared to be receiving increasing public attention and needed resolution. The Committee accordingly decided to commence its public hearings by focussing on term of reference (b), the need for journalists to protect the identity of their sources of information. The laws proposed to provide legal recognition of that need are often referred to as 'shield laws'.

1.6 During the course of the first round of hearings it became evident to the Committee the issue of shield laws for journalists could not

be adequately dealt with without some consideration of term of reference (e), journalistic ethics.

1.7 After the tabling of this report the Committee will proceed to consider the balance of the terms of reference. Interested persons are invited to make further submissions addressing the remaining terms of reference if they wish. Further public hearings will be held.

Conduct of the First Stage of the Inquiry

1.8 The Committee received 134 written submissions most of which addressed all of the terms of reference. The list of individuals, organisations and agencies making submissions to the Committee is included in this Report as Appendix 1.

1.9 The Committee held public hearings in Sydney, Melbourne and Adelaide in November 1993 and in Brisbane in January 1994. The list of witnesses who appeared at those hearings is included in this Report as Appendix 2.