

7 November 2014

Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Secretary,

The media organisations that are parties to this correspondence AAP, ABC, APN, ASTRA, Bauer Media, Commercial Radio Australia, Fairfax Media, FreeTV, MEAA, News Corp Australia, SBS, The Newspaper Works and West Australian News (the Media Organisations) – welcome the opportunity to make this submission to the Parliamentary Joint Committee on Intelligence and Security regarding the *Counter-Terrorism Legislation Amendment Bill (No.1) 2014* (the Bill).

As we have expressed to the Committee previously, the Media Organisations regard free speech, a free media and access to information as fundamental to Australia's modern democratic society that prides itself on openness, responsibility and accountability.

We note that the Bill contains a package of amendments to the *Intelligence Services Act 2001* (IS Act) and the *Criminal Code 1995* which address three areas including amendments to the control order regime.¹

While the Media Organisations make no comments on the specific provisions of the Bill, we seek to highlight the importance of the need to ensure that national security legislation does not erode the freedom of communication and freedom of the media. In particular, we seek to highlight the outstanding concerns that we have with the first two major tranches of national security legislation that the Government, with the support of the Opposition, recently introduced – being the *National Security Legislation Amendment Bill (No. 1) 2014* and the *Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014*.

As the Committee is aware, the media organisations made submissions to the inquiries regarding the both of the above Bills, and we refrain from repeating here the detailed analysis outlined in those submissions.

We acknowledge that some amendments were made to the Bills as they passed through the Parliament. However, our concerns remain outstanding, that journalists doing their jobs risk jail time for undertaking and discharging their legitimate role in our modern democracy – reporting in the public interest. In short we remain opposed to the operation of such serious criminal offences without exceptions for reportage.

Similarly, as section 15HK of the *Crimes Act 1914* provides for a similar criminal offence in relation to disclosing information relating to a controlled operation, the Media Organisations remain of the view that an amendment should be made to that provision to provide for a defence for a report that is in the public interest. As we noted in our submission to the *National Security Legislation*

Amendment Bill (No. 1) 2014, the existence of the offence regarding disclosure of a controlled operation does not justify the imposition of similar provisions in the context of special intelligence operations or other operations.

We urge the Committee to consider appropriate amendments that provide exceptions for reporting to the provisions identified above.

