



MEDIA RELEASE

Friday, February 19, 2021

Contempt case highlights Queensland's shield law delay

The prosecution of a Queensland journalist for refusing to reveal a confidential source highlights the urgent need for the Palaszczuk government to follow through on an election promise to introduce a journalist "shield" law.

The Media, Entertainment & Arts Alliance (MEAA), the union for Australia's journalists, says the public's right to know depends on whistleblowers and other sources having confidence that their identity will be kept anonymous when they deal with a journalist on a sensitive story.

While the Queensland Government promised at last year's election to introduce a shield law, until it does so other journalists also face prosecution if they maintain their ethical obligations not to reveal the identity of a confidential source.

MEAA Media director Adam Portelli said: "While other states and territories have introduced a shield law, Queensland has been a laggard. The last conviction for refusing to name a source was 14 years ago. But now a case could see a journalist convicted and fined or imprisoned because the Queensland government has yet to deliver on an election promise.

"It's critical that current Attorney-General Shannon Fentiman acts swiftly. Public interest journalism must not be criminalised. Queensland's reputation is at stake here."

In a matter currently before the courts, the journalist faces prosecution for maintaining their ethical obligation to never reveal a confidential source. The journalist cannot be identified and, to make matters worse, the media and the public were denied access to today's hearing because it had been declared a closed court.

In August last year, at the height of the state election campaign, the then Attorney-General Yvette D'Ath announced that the state government would consult on the proposed introduction of a "shield" law.

That followed an announcement that it would withdraw proposed legislation to impose fines and jail terms for journalists reporting corruption allegations made to the Crime and Corruption Commission during state elections.

MEAA welcomed the government's change of heart and sought consultation as a priority in the first sitting of Parliament following the state election. MEAA also delivered a petition from more than 440 Queensland journalists calling on the Palaszczuk Government to show it was fully committed to protecting journalists.

"The introduction of a shield law recognises that journalistic privilege is vital to ensuring the public's right to know. It is a cornerstone principle of journalism recognised the world over and is an obligation enshrined in the MEAA *Journalist Code of Ethics*," Mr Portelli said.

"This issue affects every journalist. In the era of borderless digital publishing, journalists across the country are vulnerable to actions that a plaintiff could opt to bring in Queensland using its lack of a shield law."

📍 PO Box 723 Strawberry Hills NSW 2012 📞 1300 656 513

BUILT ON INTEGRITY. POWERED BY CREATIVITY. MEAA.ORG

ABN 84 054 775 598

MEAA has been seeking shield laws across Australia but the laws in each jurisdiction differ in their scope and protections. These differences create vulnerabilities that can be exploited by plaintiffs seeking to go “jurisdiction shopping”.

That is why MEAA has long sought to remove these vulnerabilities through a uniform national shield law modelled on the uniform national defamation law regime currently being updated by the Council of Attorneys-General (CAG).

Mr Portelli said: “Shannon Fentiman has an opportunity to push ahead with reform by leading her CAG colleagues to introduce a uniform shield law regime that protects public interest journalism from prosecution throughout Australia.”

More information: Mike Dobbie, 03 9691 7101 or mike.dobbie@meaa.org