

AUSTRALIAN GOVERNMENT WHISTLEBLOWING REFORMS: PUBLIC SECTOR, STAGE 2 - REDUCING COMPLEXITY AND IMPROVING THE EFFECTIVENESS AND ACCESSIBILITY OF PROTECTIONS FOR WHISTLEBLOWERS



SUBMISSION OF THE MEDIA, ENTERTAINMENT & ARTS ALLIANCE

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Media, Entertainment & Arts Alliance (MEAA) is the leading voice in the media and cultural sectors and represents over 15,000 workers, over a third of which are journalists and media workers.

Our members in the media deal with whistleblowers and confidential sources as part of their day-to-day work. They are ethically obliged to protect sources via MEAA's Journalist Code of Ethics, which has been in force since the 1940s. Whistleblowers know this. Yet it is a very real threat that whistleblowers will be exposed, intimidated, and potentially prosecuted. Journalists can be jailed for failing to reveal their sources. It is imperative that acts of journalism are not criminalised.

The failure to protect and support whistleblowers fundamentally threatens the important role the media plays in holding the powerful to account.

The notable prosecutions of whistleblowers who have worked with journalists to expose matters in the public interest are a threat to media freedom in Australia. We have seen the Australian Federal Police raid the offices of the Australian Broadcasting Corporation and the home of a News Corp journalist, in search of evidence to pursue whistleblowers.

These raids have done irreparable harm to Australia's reputation as a free and strong democracy. Our world ranking for media freedom has fallen in recent years to a low of 39th place in 2022. We are seeing improvements on that score – Australia ranked 27th in 2023 – but MEAA has major concerns about the way laws and security agencies are used to undermine public interest journalism.

Such actions have a chilling effect on people coming forward to expose wrongdoing. Protecting whistleblowers is crucial to ensuring there is a relevant and sustainable media sector.

In November 2023, MEAA joined a coalition of civil society groups and unions highlighting the case of David McBride – a whistleblower pursued for exposing wrongdoing by Australian soldiers in Afghanistan (<https://www.hrlc.org.au/news/2023/11/13/mcbride-trial>).

As part of that campaign, MEAA's Federal Media Section President, Karen Percy, said:

“Whistleblowers are crucial to the work of journalists. Raids on the media and the prosecution of whistleblowers undermine Australia's reputation for press freedom and make it harder for journalists to do their jobs.”

Mr McBride has since pleaded guilty after failing to successfully mount a public interest defence. We welcome the proposals to overhaul and upgrade whistleblower protections for the federal public sector under the Public Interest Disclosure Act 2013 (PID Act).

As the review unfolds and looks to private sector and not-for-profit sector whistleblowers, we encourage uniform and consistent approaches across jurisdictions to uphold public confidence in any protection and support systems. We also seek transparent, clear, and consistent processes.

A national whistleblowing protection body is the best way to achieve this. It must be independent of the political whims of the day, it must be well resourced, and it must have a clearly defined role.

While you have not specifically asked for input around journalists' interaction with the PID Act in this phase of the consultative process, we would reaffirm the need for accountability and transparency. Journalists and media agencies need to be able to have confidence in knowing what the rules are and must be consulted about sections of the law or rules and regulations that affect their work.

Furthermore, we contend that great weight must be given to the public interest aspect of a disclosure - the impact of the disclosure, what it means for the public and taxpayers, what it means for Australia's standing in the world, and how it relates to public declarations of Australian actions and values.