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No charges but laws that criminalise journalism remain

MEAA, the union for Australia's journalists, welcomes the news that the Australian Federal Police has ruled out laying charges against News Corporation journalist Annika Smethurst following their raid on her home a year ago, but warns laws remain in place that could see any Australian journalist face the same fate.

The raid related to an April 2018 news story Smethurst had written about discussions that the Australian Signals Directorate would be granted powers to spy on Australian citizens. The story was true. In April this year the High Court ruled that the warrant the AFP used to search Smethurst's home was unlawful.

MEAA Media section federal president Marcus Strom said: "It has taken almost a year for common sense to prevail and for the AFP to rule out charging Annika Smethurst. But we still wait to hear if ABC journalists Dan Oakes and Sam Clark will be charged for their 2017 news story on alleged war crimes. Like Annika's story, their report on allegations made against Australian Defence personnel is also true but that still led to a raid on the ABC the day after the AFP raid on Annika's home.

"That's two raids in two days for reporting the truth. The raids represent a clear indication that the government and its agencies have been pursuing a war on journalism using the powers of a police state. It shows how Australia's national security laws are being misused in order to criminalise legitimate public interest journalism, punish whistleblowers who seek to expose wrongdoing, and deny the public's right to know the truth about what our governments are doing in our name," Strom said.

"The laws that enabled these assaults on press freedom still exist. Two Parliamentary inquiries have yet to report their recommendations on how to fix this crisis. Australia was denounced around the world for these raids and there are concerns that if such things can take place in Australia, that will only encourage other countries to do the same," he said.

MEAA, through the Australia's Right To Know industry group, has called for an urgent suite of reforms:

- The right to contest the application for warrants for journalists and media organisations;
- Exemptions for journalists from laws that would put them in jail for doing their jobs, including security laws enacted over the last seven years;
- Public sector whistle-blowers must be adequately protected – the current law needs to change;
- A new regime that limits which documents can be stamped secret;
- A properly functioning freedom of information (FOI) regime; and
- Defamation law reform.

Strom said: "Until our statutes are overhauled, Australians' right to know will continue to be threatened. Journalists will be jailed for doing their jobs, whistleblowers will be intimidated into silence, government information will be locked away and the public will be denied the right to know. In the current crisis, Australians need to be reassured that they are being kept informed – that's how a healthy, functioning democracy should work."

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