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ECONOMIC POLICY SCRUTINY COMMITTEE

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Litchfield Room, Parliament House, Darwin

Inquiry into the

Evidence (National Uniform Legislation) Amendment (Journalist Privilege) Bill 2017

Members: Mr Tony Sievers MLA (Chair), Member for Brennan
Mr Jeff Collins MLA (Deputy Chair), Member for Fong Lim
Ms Selena Uibo MLA, Member for Arnhem (via telephone)
Mr Gary Higgins MLA, Member for Daly
Mr Gerry Wood MLA, Member for Nelson

Witnesses: Ms Leonique Swart: Deputy Director of Legal Policy, Department of the Attorney-General and Justice

Ms Caroline Heske: Senior Policy Lawyer, Department of the Attorney-General and Justice

EVIDENCE (NATIONAL UNIFORM LEGISLATION) AMENDMENT (JOURNALIST PRIVILEGE) BILL

DEPARTMENT OF ATTORNEY-GENERAL AND JUSTICE

Mr CHAIRMAN: We will start, we have a quorum. Mr Wood is on his way. We have Selena Uibo, the Member for Arnhem on the phone over here.

Ms UIBO: Good morning.

Mr CHAIRMAN: We have Jeff Collins, Member for Fong Lim who is our Deputy Chair. We have Mr Gary Higgins, the Member for Daly, here as well.

I will go through a formal reading to set the scene. On behalf of the committee, our Economic Policy Scrutiny Committee, welcome everyone to this public briefing into the Evidence (National Uniform Legislation) Amendment (Journalist Privilege) Bill.

I welcome to the table to give evidence to the committee Ms Leonique Swart—do I have that right? Yes, very good—and Ms Caroline Heske. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee today and we look forward to hearing from you.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public meeting and is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you will say should not be made public you may ask the committee to go into a closed session and take your evidence in private.

I will ask you to state your name for the record and the capacity in which you appear here today. I will then ask you to make a brief opening statement before proceeding to the committee's questions, which you have a copy of. Could you please state your name and the capacity in which you are appearing here today, and would either of you like to make an opening statement?

Ms SWART: Good morning. My name is Leonique Swart. I am Deputy Director of Legal Policy. I will leave it to Ms Heske to provide the opening statement.

Ms HESKE: My name is Caroline Heske. I am a Senior Policy Lawyer in Legal Policy in the Department of Attorney-General and Justice.

Mr CHAIRMAN: Great. All right. The committee may wish to jump in at any stage and ask questions as we go. Oh, the opening statement. Yes, great. Thanks, Caroline.

Ms HESKE: The Journalist Privilege bill amends the *Evidence (National Uniform Legislation) Act*. It is designed to create a journalist privilege similar to the privileges they have interstate. Unfortunately, there is no single model that has been adopted interstate. Jurisdictions have gone with a variety of models.

So, as the committee noted from the questions, the first two provisions are very similar across a lot of the jurisdictions, but there are some differences, particularly in subsection (3) of the proposed section 127A. Sorry, did you want …

Mr CHAIRMAN: Yes, we will welcome Mr Gerry Wood, Member for Nelson.

Mr WOOD: Apologies.

Mr CHAIRMAN: Thank you, Mr Wood. Yes, continue.

Ms HESKE: The purpose of a journalist shield provision only relates to giving evidence in court. It is not about journalists being compelled to disclose who their sources are in other settings. It really applies only in a court proceeding when the court is weighing up whether all the relevant evidence should be made available. It becomes a reason on which relevant evidence can be excluded. The basis for that exclusion is the policy rationale is that there is value in the public interest in journalists being able to protect their sources so they can carry out public interest journalism.

That is a bit of the background. I have a bit of information I will reveal in response to the committee's questions about how the Commonwealth provision developed and then what happened in the other jurisdictions. Essentially, the Northern Territory provision tries to recognise that the Northern Territory is, I suppose, geographically a little different from the other areas in a way that may be relevant—in particular where, looking at some of the other jurisdictions, they have a high concentration of professional journalists acting in a full-time employed capacity. If the Northern Territory only protects those journalists—and we certainly want to protect those journalists—then protection is excluded for a whole lot of other smaller or Indigenous publications that do not fit within those traditional categories necessarily. That was taken into account in how we drafted the provision.

The second aspect is that there have been a lot of changes in the media landscape since 2010 when the Commonwealth introduced its bill. I will be particularly drawing the committee's attention to the recent report of the Senate Select Committee on the Future of Public Interest Journalism which was published in February 2018. It was looking in particular at the impact of organisations like Google and Facebook and what that has done to public interest journalism and journalism generally in Australia.

As a brief snapshot, since 2011 or 2012, I believe it is, a quarter of all Australian journalists lost their jobs. That is the impact it has had. There has been a massive drain of revenue out of those traditional sources of public interest journalism into what they call the aggregators like Google and Facebook. The result is that, apart from the impact on those organisations, we have seen a lot of start-ups based on the web. But the quality and the business models of those start-ups are not necessarily the same as traditional public interest journalism. For example, you have websites like The Conversation. The business model, in order to be financially viable, is to arrange to get academics and experts in the field to do one-off articles—usually on an unpaid basis. That kind of article would not be covered by a traditional journalist privilege because that is not a traditional journalist regularly publishing news work.

The idea is we wanted to have a provision that would cover any kind of journalism being carried out in accordance with ethical standards of public interest journalism, irrespective of whether it is a full-time employed journalist in a traditional role. To give the committee some background, that is why the provision is drafted in the way it is.

Mr CHAIRMAN: Right, great. We may start with our questions and go through them, because we know from our feedback that a lot of services are happy with some of the changes, but there are some concerns about clause 127A(3), which is drawing the most attention. We know the bill follows what other states have done, but our questions are particularly about why we have not gone further, as Western Australia has. Western Australia probably has an environment similar to the NT, with the vast amount of land and so many different areas. Yes, we will go through the questions and that way we can draw some answers through that process …

Ms HESKE: Sure.

Mr CHAIRMAN: … and catalogue that. Jeff, would you like to start.

Mr COLLINS: I have to duck out early. Sorry about this. Before we get into the questions. You mentioned the ethical standards of these other publications. Where are they obliged to follow any ethical standards? How does that apply?

Ms HESKE: Some organisations are obliged to follow ethical standards. For example, SBS and ABC are obliged to have codes of conduct. Some organisations voluntarily self-regulated. There is, for example—sorry, have to be accurate. Essentially, the Media, Entertainment and Arts Alliance that most journalists belong to has a code of conduct and all their members are obliged to follow that code of conduct. There is one for all the big press organisations—the acronym escapes me at the moment. They all have these codes of conduct along fairly similar lines.

Now, the new start-ups do not necessarily—some behave very ethically, but they are not necessarily obliged to follow any particular code of conduct. I suggest there is a great deal of variation in whether they follow certain standards that are the traditional standards.

Mr COLLINS: That was along the lines of the question you asked last time. We are providing a protection to some groups that are less than ethical.

Ms HESKE: The idea is that subsection (3) is supposed to mirror the obligations that a professional journalist would have under one of those codes. The codes are, indeed, more detailed and specific and go into all things

like the extent to which you can portray violence and young people—all those sorts of things. Some of the organisations have mandates. SBS has an amount of international coverage it is supposed to provide. Obviously, those kind of things do not translate across, but the general tenet of ethical journalism is what those points are supposed to catch up and direct the court as to whether that is being done in a particular case.

The idea is that then you can open it up to the people who are in different business models and employment roles and focus on how they are behaving rather than whether they meet that traditional definition of a journalist.

Mr COLLINS: Right. Sorry, Mr Wood.

Mr WOOD: I get a bit concerned about who is a journalist. You have a definition in the act, but it is broad as can be. Lawyers have a profession that is recognised. You go through, study and end up with a few letter behind your names. Even a priest has to go through eight years of study—and a doctor. A journalist can be—I do a newsletter. Am I a journalist? I do three newsletter a year and I can put some comments in that may be political, or I can just write articles about the local school. Does that make me a journalist?

Ms HESKE: That is inherently the difficulty in this policy area. Journalism is a very vexed term. I encourage the committee to look at the Senate select committee report that came out this year.

Also, the Legal and Constitutional Affairs Committee looked at the original bill when it was passed and had a discussion about this issue. That might be worth drawing on. This was a topic that came up at the time—how do we tell who is a journalist? Who should we be protecting? In 2010, they perhaps adopted a fairly cautious approach where they wanted to limit it to traditional career journalists, to some extent. I do not know if their definition entirely achieved that. It is a bit vague, as you say—open to interpretation.

I also draw the committee's attention to a New Zealand case. The Commonwealth provision was modelled on a New Zealand provision which was introduced in 2006. In 2014, a case came before the New Zealand High Court about a blog. The blog had published information alleging that a businessman was siphoning off money from a charity. The businessman sued for defamation and wanted to obtain the informant information. So, the question for the court there was, 'Is this person a journalist?' They were fairly prolific in publishing news, but it was highly—commentative, if you like—and had a certain spin. The court described it as using aggressive language, and that sort of thing—very highly partisan. Is this journalism? The court ended up deciding it was journalism. Those kind of factors of it being partisan are not really indicative of whether it is journalism, but the fact that the blog was followed by a lot of people and it published breaking news regularly—all those sorts of things—that is how they figured it out in that case.

The interesting thing about that case is that it shows that with the Commonwealth test—which does not put in indicia—is when you get a case before the court testing the issues, they will have to come up with indicia if it is not in the legislation. Because of the way the Commonwealth test is framed, it turned more on how regularly that person was publishing and the extent of its audience than on whether they had adhered to, say, a code of conduct standards.

Victoria recognised this problem when it was drafting its bill. It has attempted to define 'journalist' a bit more prescriptively. They have gone down the path of shoring up that this covers traditional journalists and traditional journalists only and this is what that means. There is a reference in it that a traditional journalist is someone who is accountable under a code of conduct, but it is mostly about how regularly they publish and that sort of thing.

Mr CHAIRMAN: Okay, thank you. All right. We have covered most of question 1. Does anyone have any? None on that. We will move to question 2. The SBS states there are other avenues through which journalists can be held to account including defamation proceedings and enforceable codes of conduct, and considers that 'pursuing concerns via these avenues is preferable to the outcome of stripping a source of their protection'. Are these other avenues sufficient safeguards to address the concerns that the subsection is seeking to mitigate?

Ms HESKE: I come back to my point that not all organisations are regulated by codes of conduct. There has been a policy choice to extend this beyond non-traditional journalists. As soon as you do that, though, you need some kind of mechanism to assess whether the person is behaving like a public interest journalist. That is the main point. Do you want me to address the defamation issue?

Mr CHAIRMAN: Yes.

Ms HESKE: Defamation is more the context in which this kind of privilege is argued, rather than a protection in and of itself. That would be the main response I would give to that. There is also a lot of issues which have been raised around defamation law, in particular how it is being used—which is that it tends to be used—a lot of cases do not get to court, it is more used as a threat by people who have a lot of money. The people who are able to print things are those who have a lot of money to resist the defamation threats.

It has become, in a practical sense, somewhat hijacked by these kinds of issues. This is something that is taken up in the recent Senate committee report. One of their recommendations is that there be a national review of the defamation laws. At the moment, we have uniform defamation legislation across the jurisdictions. I assume the idea would be to have a look at whether it is serving the purposes and then attempt to get some kind of uniform response.

Mr CHAIRMAN: Any other questions on that? All right. We will go to number three. Both SBS and Whistleblowers Australia raised a number of concerns as well, again about what considerations were given to whether this will have a chilling effect by discouraging sources to provide information to journalists.

Ms HESKE: Okay. The baseline for this question is asking whether there is a better way to do it which would have less of a chilling effect. Introducing a journalist privilege law, in essence, will help with the chilling effect that is already there. It will offer a protection that was not previously there. The question is whether we would be better to model ourselves more closely on something like the Commonwealth, or will this provision have more of a chilling effect than what the Commonwealth is doing. If you assume that informants are reluctant to speak to journalists at the moment because there is no shield law, having a shield law is a step forward.

Under the Commonwealth-type or Victoria-type model, there is arguably more certainty around disclosing to a traditional journalist because you have seen what that person does—that they tick certain criteria. However, to some extent, when you are evaluating what the risks are, there is always risk to an informant, irrespective of the privilege law. That risk is that the journalist does not handle their information with care and their identity comes out. It is not necessarily that it will come out in court, it will come out in things like gossip. If you have a journalist you are already confident enough in that they will protect your identity, you have to make that call anyway, irrespective of what the privilege law says. The kind of journalist who will adhere to ethical standards is probably the kind of journalist who will leak your identity anyway. Do you know what I mean? The risk is not just the journalist privilege law. In fact, for the informant there are probably bigger risks association with just having their name leak out generally. They always have to make a call as to whether a particular journalist will be one who is trustworthy, irrespective of what the journalist privilege test is.

I am not sure that will have a substantive additional chilling effect. What the Commonwealth provision might do which would have a chilling effect in the Territory, is it would not cover a lot of potential sources for getting information out there. Say you have a concerned community member who is not a full-time journalist but decides to write something for, say, the *Katherine Times*. They are getting some sources of information from other people in the community, they write it up, give it to the *Katherine Times* to present and have done it fairly and reasonably and tried to accurately portray what was said. That person is definitely not covered under the Commonwealth legislation, but would be covered under our legislation if they have behaved in an ethical manner.

It was similar to Gerry's point before. If you have a community newsletter or something like that nature—blogs—there is a lot of Indigenous-type start-ups on the web that cover these kinds of issues would not necessarily be covered by the traditional provision. This provision aims to cover them.

Mr CHAIRMAN: Oh, good. All right.

Mr HIGGINS: All of the discussion so far has been about protecting the source and the journalist, et cetera. What about the instance where there is no source and the journalist just makes something up? That is probably the biggest concern I have. What protections are there for that? If you give the journalist the privilege and protection and say, 'You do not have to disclose your source', there have possibly been journalists around who would say, 'I was told that', when they were not. What protection is there for that? You have already said, 'Okay, you can have defamation if you have heaps of money'. As you say, a journalist works for a newspaper—they have heaps of money and they will defend their journalist. He just tells them, 'I have a really good source'. What will stop that from happening?

Ms HESKE: That is a policy decision about having a journalist shield law at all. Essentially, that would be a misuse of the journalist shield law because the definition requires you to have an informant. Any of the tests require that. If it got to the stage where that became an issue, potentially it could be tested and the court could

consider whether there really is an informant. The journalist has to put forward information about the informant's position in this test in order to argue they would be adversely effected. It cannot just be, 'Oh, yes, we think that would be a bit of a problem'. They would have to argue why that person would be adversely affected.

Whether the journalist shield law gets it right 100% of the time—I could not say it necessarily does, but certainly the consistent position across the jurisdictions has been to move towards adopting a journalist shield law. It is not an absolute law, it is one where the court looks at all the circumstances, the case and what is necessary in the interest of justice in that case.

Mr HIGGINS: I see a big difference between a journalist and a doctor, lawyer or priest even. Your doctor, lawyer or priest has to have a client. That is it. A lawyer just cannot have privilege unless they have a client who is there in front of them. You have no evidence of that with a journalist. That is the thing I grapple with. A journalist can simply say, 'I have a client', whereas …

Mr WOOD: Yes.

Mr HIGGINS: … and it is to their advantage in certain circumstances to do it. That is the thing I am grappling with—how are we stopping that from happening? We say we are looking after the public interest. We are doing all of that, but how are we protecting some innocent person who will then be attacked by a journalist? There have been examples of it in every field.

Ms HESKE: The answer to that, to some extent, is it is a policy decision to introduce journalist shield. But the other part of the answer is that the court is able to require parties to give evidence about what has occurred. Our test is focusing, still, on what has happened in this case. It will be of significance who the informant is, what their position is and what kind of information was provided, but also the nature of the case which is being called and the impact of the informant's action—whether there is other evidence that could deal with whatever issues the informant could give evidence about. The court would look at all those issues and be able to require evidence on it. It is not an absolute right. The court can turn around and say, 'I am not satisfied that it applies in this case'.

Mr HIGGINS: The court, again, would be a defamation case. I come back to the fact that the journalist has the backing of the media outlet behind him, with the money. You are someone who does not have very much money. You will not go down that defamation path. I know you have said they need reviewing, so this is why I have a concern about it. How are the innocent people protected? The innocent people not being the whistleblower or whatever. That is on the basis that something has occurred that has been wrong. I am asking what happens if the thing that will be wrong is the journalist? What protections are there for that? That is what I would really like to see answered. What protections are there for those people, other than having to go through a full defamation court case and all of that?

You see continual apologies in the paper. The article is on the front page of the paper slamming someone, and the apology is on page 27 in the middle of the classifieds or something. It seems a bit unbalanced, that is all.

Ms HESKE: Thank you. Is there …

Mr COLLINS: Sorry, I have to run. Could I add a comment to that? Is it possible to include in the provision that you actually have to identify to the court who the source is? That is part of the issue you say they will have to determine. If they do not have a source, they will make one up. If that is not disclosed to the open court, but to the bench, then their decision then is very easy. If a source cannot be identified then they are unable to make a decision about whether anything ethical has been done. They then do not disclose the source.

Mr CHAIRMAN: Yes, but there is provision around undue harm section where the court can ask the identification of the person …

Ms HESKE: Yes, but …

Mr CHAIRMAN: What protection is in place for that person again, of being identified?

Ms HESKE: There are competing factors. It would be an unusual step. It was not something we considered. It is not in any of the other legislation. The legislation—here and in other jurisdictions—presumes that if it is an issue, it is something the court could ask for. On the converse side—the flip side—of that, there is concern

from the journalists and the media that people launch fishing expeditions to find out who an informant is in order to just pressure them to get into court to try to get that information, as opposed to using it for legitimate purposes.

There are some policy issues that would have to cut both ways. All I would say is it has not been done before on that issue. We did not give it further consideration. I imagine it is something that would probably exacerbate the concerns that SBS has raised—as opposed to allay them. It is coming from a different angle. That is all I can say about that, but if you want us to take that question on notice and have a bit more of a think about it, we could come back with a further response.

Mr CHAIRMAN: Thank you.

Mr COLLINS: Sorry, I do have to fly. Thanks for the information you have given me so far. It is really helpful. Thanks.

Mr CHAIRMAN: With the court process, it talks about 'determine whether the information was used in a fair manner and what amounts to undue harm'. What does that mean? Can you explain 'undue harm'?

Ms HESKE: The reason why 'undue' is in there, essentially, is because public interest journalism will not make everyone happy. If it points out true things that people are doing that are of concern, it may indeed cause them adverse effects. The idea of inserting the word 'undue' is that it allows the court to distinguish between harm and harm that is undue. 'Undue harm' might be deliberately distorting the facts to present a view that is not, in fact, accurate, in order to harm someone—along the lines of something like defamation, but not restricted by defamation's strict criteria.

Also, if you had a situation—let us say, someone is in public life, there is more of a case for public interest journalism to comment on that person than if the newspaper suddenly ran an article about Joe Blow down the road and what he is doing in his back yard. That could be argued much more strongly to be 'undue harm' and what is the public interest purpose.

It comes back to subsection (2). There is a public interest in the communication of fact and opinion to the public and accordingly, also in the ability of journalists to access sources of information. But the public interest is not in just knowing Kim Kardashian's butt size, for example. It is in knowing things that will make a difference to, say, the democratic process, the way we live our lives in our communities or things like that.

Mr CHAIRMAN: Yes.

Mr WOOD: I am not sure why being in public office is necessarily any different than just being an ordinary person on the street. I can give you quite a minor example of a journalist misquoting me—not misquoting me, but only quoting half of what I said in parliament, and deliberately leaving off the end of the sentence. As the sentence was published gave people a completely different point of view to what I actually said. I raised it with him when I saw him. He said, 'Oh, you know', and he laughed it off. But I felt it was very unfair. I have no comeback. I accept that I could go on radio or something and say it was a load of rubbish.

No matter who you are, journalists have to be honest and fair when they write something. I do not mind being criticised—you get that in the job all the time—but just because you are a journalist does not exempt you from proper ethical behaviour and writing honestly.

Ms HESKE: The purpose of the bill is to essentially agree with that. That is why we have a criteria where the information was used in a fair and accurate manner. Whether there has been undue harm—all those sorts of factors—the court can take into account.

Mr WOOD: I just get more phone calls, you see.

Mr CHAIRMAN: You are always in the news, mate.

Mr WOOD: That is because you only have a little opposition.

Mr HIGGINS: We share the love.

Mr CHAIRMAN: All right. Selena, do you have any questions you would like to ask?

Ms UIBO: Thanks, Tony. Can you hear me all right?

Mr CHAIRMAN: We can hear you well.

Ms UIBO: Thank you. Coming off the discussion we have just had about a fair manner. In the definition of what relates to—I am trying to find it, sorry, in my many bits of paper—about having an adverse effect and the court's interpretation of an adverse effect on an individual. I am wondering if the department could speak to that.

Ms HESKE: As in what that definition means?

Ms UIBO: Yes, in terms of the difference between the subjectivity of the court—of a judge—or an attached criteria, if possible.

Ms HESKE: Okay. It is, essentially, up to the court in a given case, depending on all the facts of the case. If you were to image, for example, an article being written about sexual assault of children in a small community. Someone might write an article and interview various people. All those people they interview—presumably most of them would not be names—would be the informants. So, then when the court comes to consider what kind of adverse effect, they might consider if the person, say, is an employee in a job and whether that person would suffer adverse effects in employment. They might consider whether a person would suffer adverse effects in community or family reactions. It could be financial adverse effects if there is a business.

All those examples someone might look at. It might be a very important public interest story, but the court has to balance the public interest and the impact on those different informants. They could form different views about different informants and the extent of the adverse impact on them versus what is at stake in the case. That would depend on the court case—it could be a defamation case or a criminal case—and the purpose for which they need the evidence. Is this evidence crucial to the case or is it really a peripheral fishing expedition?

The court would weigh up those factors. In evidence law, the court is weighing up these complex factors about admissibility using quite broad discretions all the time. One of the reasons we keep the discretions fairly broad is because we do not want to artificially limit the courts so they cannot take into account what is relevant in a case.

The indicia we are focused on in our journalist privilege provision are focused a lot on fairness and accuracy because there has been identification that these may be issues across the broader spectrum of the kind of information people are getting these days as news.

I will mention—if you give me a moment to find it—there is an annual survey called the Edelman Trust Barometer. It assesses the trust the community in Australia has in various institutions, including the media. Ah, here it is …

Mr HIGGINS: We do not need to know where politicians fall in that.

Ms HESKE: I do not have those figures, I am afraid.

As of this year, the trust in the media is at a record low at 31%, although there is a higher level of trust for traditional sources of media. The trust in social media is at 23%, 65% of Australians say they are not even sure how to tell what is true and what is not, 57% are worried about fake news being used as a weapon of propaganda, and 71% believe the Australian media is more interested in attracting an audience than telling the public what they really need to know.

This is some of the background. For journalists who are really trying to do public interest journalism, that makes it additionally hard for them to get their message out. At the same time, there are issues arising in the space around all the different players who are now in this field. It is a very complex issue. We thought the best approach would be for the court to be able to take it on a case-by-case basis. Does that answer your question?

Ms UIBO: Yes, thank you.

Mr CHAIRMAN: Thanks, Selena. We all recognise that we are moving one step closer to making the legislation and the bill better. But the question that is still in my head is why didn't we go as far as Western Australia?

Ms HESKE: Sorry, in what sense?

Mr CHAIRMAN: In the sense around the journalist privilege legislation. It has included provisions of section 127A(3), with the exception of Western Australia which has a much more extensive list of factors to be considered.

Ms HESKE: It is not necessarily always helpful to have a really long list. Western Australia's provision runs the risk of becoming overly complicated. It is a consideration. It is very broad. While they say the court can take into account misconduct, misconduct goes right down to "inappropriate impartiality"—whatever that means, and it is not defined—"corruption"—whatever that means, it is not defined. So, I am not sure it would actually assist in providing clarity unless you had definitions of all those terms.

It even has a really unusual provision, which is:

> *… conduct providing reasonable grounds for disciplining the informant or journalist in relation to unsatisfactory conduct or professional misconduct in relation to their profession, whether or not they are a member of the body that prescribed the standard.*

How would you evaluate that? How are you a member of the profession if you are not part of the body that prescribed the standard?

When you start unpacking that Western Australian definition, it is more detailed, but I do not know if it will necessarily help.

Mr CHAIRMAN: Help. Okay, great.

Mr WOOD: We have been told that we have had submissions from the Commissioner of Information and Public Interest Disclosure, the Media, Entertainment and Arts Alliance, SBS and Whistleblowers Australia. I see no journalists sitting in this public hearing. The question I then ask is are they concerned about the existing law or has this come from government trying to copy the law that the Commonwealth introduced? You would think that if journalists thought this was a great idea, they would be here. But I do not see them.

Ms HESKE: The Media, Entertainment and Arts Alliance represents a very large number of journalists.

Mr WOOD: I realise that, but we are talking Northern Territory. We have only a few traditional sources of information or news. Is it supported by the people we are trying to pass legislation for?

Ms HESKE: We briefed the journalists before the bill was introduced. By that I mean the major journalists of the news outlets operating in the Northern Territory were invited to the briefing. So, they are well aware that this is occurring. Again, journalists have been advocating strongly for a journalist shield law for some time. It is pretty clear they want a journalist shield law. There may be some differences of opinion around exactly what the model is. I do not think there is any doubt that they want a journalist shield law.

Mr HIGGINS: You said they were invited to the briefing. How many of them turned up? Which ones …

Mr WOOD: Oh, no they cannot give that, that is informing.

Ms HESKE: I do not have a full list off the top of my head, but I recall that the ABC was there and I believe Channel 9 and *The Australian* were there. I am not sure if I have everyone.

Mr CHAIRMAN: All right. That is all from me. Any other questions from the committee?

Mr WOOD: No.

Mr CHAIRMAN: Any from you, Leonique, you would like to add?

Ms SWART: No.

Mr CHAIRMAN: All right. On behalf of the committee, we thank you for coming in.

Ms HESKE: Thank you very much.

Ms UIBO: Thank you.

Mr CHAIRMAN: Thank you.

Ms HESKE: Did I end up agreeing to give you a follow-up response to something, or did we end up …

Mr HIGGINS: Yes, heaps.

Ms HESKE: I remember saying you can have one, but I do not remember what it was.

Ms SWART: We have a question on notice. Do you want to follow that up as well?

Ms HESKE: That is what I was checking.

MS SWART: I think it was Mr Collins' question on whether we should add in a requirement to disclose the informant's identity to the court. Do you want us to follow that up?

Mr CHAIRMAN: Yes, just follow it up. At least we can get some advice on that.

Ms HESKE: All right. No worries. Thank you.

Mr CHAIRMAN: Thank you.

The committee concluded.
