

22 January 2018

Mr Russell Keith  
Secretary to the Economic Policy Scrutiny Committee  
GPO Box 3721  
DARWIN NT 0801

*Via email: EPSC@nt.gov.au.*

**RE: Evidence (National Uniform Legislation) Amendment (Journalist Privilege) Bill**

Thankyou for the opportunity to comment on this Bill which allows a journalist to claim journalist privilege in a hearing before a court or judicial entity (e.g.NTCAT) in order to protect the identity of a confidential source. However, the court can waive this privilege if it considers that public interest considerations outweigh the need to keep the identity of the informant confidential.

This proposed legislation follows the enactment of similar laws in the Commonwealth and several other states.

I have read the Explanatory Statement and the Statement of compatibility with human rights and I consider that those documents give good background to the Bill itself and to the types of competing interests that a court or judicial entity might need to consider in the public interest.

This might include considerations such as whether a plaintiff would be denied an effective remedy if a journalist was protected from disclosing their source, the likely impact of disclosure of their identity on the informant himself or herself and the importance of the identity of the informant to public understanding of the facts in any particular case.

The proposed legislation is supported by this Office.



Brenda Monaghan

Commissioner, Information and Public Interest Disclosures