

East Timor bugging journalists ‘would have faced jail’ under new terror laws

BRENDAN NICHOLSON THE AUSTRALIAN SEPTEMBER 27, 2014 12:00AM

THE journalists who revealed the spy agency, ASIS, had bugged the East Timor government’s cabinet room could have been jailed for five years if the Abbott government’s tough new counter-terrorism laws existed when their reports appeared last year, says independent senator Nick Xenophon.

And Senator Xenophon claimed the new law could have prevented publication of the famous Spycatcher book by former MI5 agent Peter Wright if it had existed in 1985.

When the British government went to court in a bid to stop the book being published in Australia, it was defeated by Malcolm Turnbull, then a young lawyer and now the Communications Minister.

“I have real concerns about the impact of this particular piece of the legislation on the freedom of the press,” Senator Xenophon told The Weekend Australian.

Mr Turnbull’s spokesman declined to comment yesterday and referred inquiries to Attorney-General George Brandis.

Senator Brandis’s spokesman referred to the explanation he made this week when the bill was debated to the effect that Senator Xenophon was wrong because the provisions applied only to covert operations where publicity would put officers’ lives at risk.

But the journalists’ union, the Media, Entertainment & Arts Alliance, said the new law was an outrageous attack on press freedom. MEAA federal secretary Christopher Warren said the bill had been rushed through without proper discussion or debate of the implications it had in denying long-held freedoms in Australia.

“In a healthy functioning democracy this assault on the public’s right to know and the penalties applied to the media for scrutinising power must be condemned,” Mr Warren said.

“The bill criminalises legitimate journalist reporting of matters in the public interest. It overturns the public’s right to know. It persecutes and prosecutes whistleblowers and journalists who are dealing with whistleblowers.”

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