

AUSTRALIA: Media freedom concerns over demands for ABC interview tapes



The Australian attorney-general has confirmed that there is an investigation into who leaked information related to Australia's dispute with Timor-Leste over oil. Image: Pacific Scoop

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ANALYSIS: BRISBANE (*JournLaw / Pacific Media Watch*): Just as the Australian government proposes tougher national security powers for its agencies and penalties for whistleblowing, we have learned this week that the Australian Federal Police has asked the ABC for unedited current affairs interview footage in its pursuit of a former spy and a lawyer.

Attorney-General George Brandis confirmed in the Senate last Monday that Australian Federal Police started an investigation into the sources of leaks of classified information after it was revealed Australia spied on East Timor during sensitive oil and gas treaty negotiations.

The targets of the investigation are reported to be lawyer Bernard Collaery (a former ACT Attorney-General now in London about to represent East Timor in The Hague) and a former Australian Secret Intelligence Service (ASIS) agent who was allegedly the whistleblower.

The Australian Security Intelligence Organisation (ASIO) raided Collaery's Canberra office last December and seized documents.

Tom Allard reported in the *Sydney Morning Herald* on Monday that the latest investigation had prompted requests from the AFP for the raw footage of Collaery's interviews with programmes including *7.30*, *Lateline* and *Four Corners*.

A report by Conor Duffy on *7.30* last December also featured actors' voices reading an affidavit from the former ASIS agent which the *Herald* has speculated could be important evidence the AFP needs for its investigation into the identity of the whistleblower.

However, in the Hansard record of Senator Brandis' comments on Monday (inset), the Attorney-General claims there are some inaccuracies in the *Herald* report. In particular, he claims it is inaccurate that he ordered the AFP investigation. Rather, it was ASIO-driven, he told the Senate.

As reported earlier at *journlaw.com*, the Australian government introduced the National Security Legislation Amendment Bill (No. 1) 2014 on July 14 which would extend security agencies' powers to search and use surveillance devices in the new communication environment, introduce a new 'multiple warrants' regime, offer immunity to intelligence personnel who break all but the most serious laws, while increasing penalties for whistleblowing and criminalising the reporting of leaked intelligence-related information.

Importantly, it would introduce a new offence carrying a five year jail term for anyone disclosing information relating to special intelligence operations.

This latest episode demonstrates how easily journalists and media organisations can get caught up in such investigations. It threatens to expose them to contempt penalties if they refuse to co-operate and will inevitably make sources reluctant to talk to reporters covering the important round of national security, particularly as it coincides with a push for even greater surveillance powers for federal agencies.

About the author



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