




Speech By  
**Dr Christian Rowan**

**MEMBER FOR MOGGILL**

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Record of Proceedings, 25 May 2022

### **EVIDENCE AND OTHER LEGISLATION AMENDMENT BILL**

 **Dr ROWAN** (Moggill—LNP) (6.47 pm): I rise to address the Evidence and Other Legislation Amendment Bill 2021. Madam Deputy Speaker Bush, can I also acknowledge your contribution today, particularly your lived experience. As a fellow parliamentarian, I found that to be a very important part of the debate. I certainly appreciated listening to that and obviously what it means with respect to this legislation.

On 16 November 2021, the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence introduced the Evidence and Other Legislation Amendment Bill 2021 into the Queensland parliament. It will amend a number of pieces of legislation and acts. The objectives of the bill are to: establish a statutory framework that allows protection against the disclosure of the identity of journalists' confidential informants, which are known as shield laws; introduce a legislative framework to support a pilot enabling videorecorded statements taken by trained police officers to be used as an adult victim's evidence-in-chief in domestic and family violence related criminal proceedings; provide a specific process for the viewing and examination of the body of a deceased person in a criminal proceeding to implement the Queensland government's response to recommendation 2 in the findings of the inquest into the disappearance and death of Daniel James Morcombe; clarify the operation of computer warrants in relation to bail; and enable service as a magistrate in Toowoomba to constitute regional experience for the purpose of a transfer decision under the Magistrates Act 1991.

In my contribution today, I wish to address those matters which specifically pertain to the introduction of a statutory protection for the journalist-source relationship, which is more commonly referred to as the introduction of shield laws. As outlined by the Department of Justice and Attorney-General in evidence to the Queensland parliament's Legal Affairs and Safety Committee—and indeed as all members of the Queensland media are well aware—the state of Queensland is currently the only jurisdiction in Australia that does not have an equivalent shield law and statutory protection for journalists and their sources.

This legislation which is before the Queensland parliament will create a qualified journalist privilege, one which will apply when an informant has provided information to a journalist with the expectation that it may be published in a defined news medium and where the journalist has promised that the identity of the informant as the source will not be revealed. It must be noted, and as advised by the Department of Justice and Attorney-General, this privilege only protects the identity of the informant and will not apply to all journalistic material that a journalist or relevant person may wish to keep confidential.

It is also very important to note that the Queensland government has sought to enact a broad function based definition of 'journalist' which places a greater focus on whether the activities of the individual are 'journalistic in nature, rather than on their employment state and organisational links'. As outlined by the Attorney-General, such a distinction has been made so as to accommodate the emergence of new and innovative methods of communication whilst also ensuring that journalists are

not excluded from those protections on the basis that they are not acting within the traditional construct of journalism and news media. Whilst the introduction of this legislation and statutory protection is widely welcomed, as is too often the case with the Palaszczuk state Labor government, this is yet another area of reform where there has been a significant and missed opportunity.

Overwhelmingly, relevant stakeholders and submitters to the Legal Affairs and Safety Committee supported the extension of the statutory protection for journalists and their informants to apply to matters before the Crime and Corruption Commission. There is virtually no reason why such provisions cannot be extended to the Crime and Corruption Commission, given that a court would still be able to overrule the privilege. In fact, as the Queensland Law Society highlighted—

A court would act as a check and balance on this privilege and be able to hear reasons from the CCC as to why, in a particular case, the shield should be overridden.

It should be noted that other respected stakeholders, including the Bar Association of Queensland and the Queensland Council for Civil Liberties, have also expressed very similar concerns and advocacy for the extension of these laws to include the Crime and Corruption Commission. To that end, I support the Liberal National Party's amendment which seeks to rectify the Labor government's missed opportunity and extend these laws to include matters that are before the Crime and Corruption Commission.

As recent events have clearly demonstrated, Queenslanders must be able to have full trust and confidence in the Crime and Corruption Commission and its independence in fully examining the matters that have been referred to this important integrity and investigative body. As my colleague, the Liberal National Party's shadow Attorney-General has already articulated, the extension of this legislation and shield laws to capture the Crime and Corruption Commission will ensure that, where it is deemed appropriate, informants will remain protected whilst also encouraging more to come forward.

I believe it is important to state unequivocally that in any democracy, especially our own here in Queensland, journalists and the media have an incredibly important role. A strong, dedicated, independent and fair media is crucial to not only reporting on the matters which are most important to the lives of Queenslanders but also in holding our institutions and governments to account and also what is debated here in the Legislative Assembly of Queensland. Journalists and the media have a vital role in shining a light on some of the darkest areas and issues concerning our state of Queensland. The role of a journalist and the media is accurately and fairly reporting on matters, especially those pertaining to issues of corruption, maladministration, neglect or incompetence, and they should not be hindered and their sources, where it is shown to be applicable and appropriate, must be protected.

In our democracy here in Queensland with a unicameral parliament, which places us in a unique position, and where we have a government dominated parliamentary committee system, journalists too often must rely on the confidential sharing of pertinent information from relevant sources. If nothing else, the last 12 months alone has shown the growing number of whistleblowers who have felt compelled to go to the media to shine a light on matters of potential or alleged corruption or maladministration that, up until that point, often those whistleblowers have felt that they have had very little recourse or other opportunities to raise serious matters in relation to public administration.

All this being said, whilst the so-called Fourth Estate has an incredibly important role in our society, and one which will be afforded further special protections in order to ensure that this role can be fulfilled, there has been a noticeable decline in the standards, professionalism and care that some in the media have taken when reporting factually on stories and also in handling complaints. With journalists and the media being afforded such important protections, it must be matched by an understanding and willingness to accept the great responsibility that they have in ensuring they are reporting on matters accurately, fairly and that they are in the genuine public interest.

Unfortunately, too often once a story is reported on, published or in the public domain, following inaccurate, biased or unfair reporting, the damage to individuals and groups is already done. It is a small number that unfortunately tarnish the industry and the media as a whole, however until journalism and reporting standards improve, along with genuine and efficient complaints handling processes, many in our society and broader community will continue to review the reporting of some journalists and some within the media with scepticism.

In closing, I also briefly acknowledge and support other measures contained within the legislation before the House, including those which will enable the use of videorecorded statements and evidence as evidence-in-chief. It is envisaged that such a positive step forward will assist many in reporting crime, especially victim survivors of domestic and family violence and abuse, and eliminate the trauma for a victim who would otherwise be asked to retell their story repeatedly.

Finally, can I take the opportunity to thank all members of the Queensland parliament's Legal Affairs and Safety Committee, including the deputy chair, the member for Currumbin, as well as the now former committee member, the member for Glass House, who has become our Manager of

Opposition Business, the committee secretariat for its support and all stakeholders who contributed to the committee's consideration of this legislation. It is very important legislation. They certainly provided important submissions into the committee and allowed a diligent report to be prepared. Certainly this legislation will provide some protections. It will certainly enhance those who come forward and talk to journalists and our media, and it will also ensure that those journalists and the media have relevant protections.