

Editors' Note

What an enormous year it has been!

This year, two thousand and nineteen years into this common era of ours, has brought us in the media and communications space a seemingly endless (the year is actually shortly to end) buffet of intrigues. We had orders suppressing the publication of 's trial details, the allegedly contemptuous alleged failure to comply with which led 36 media organisations and journalists to be brought before a Court for a pretty serious talking to. This year gave us the ACCC's final report in its **digital platforms** inquiry, and subsequent consultation and the Government's response. It brought us **Voller**, and its appeal. It brought us **Hanson-Young** and **Leyonhjelm** with all its stop-shagging-men-ness. It brought us an appeal of the **Rush** record damages award, and the introduction of **abhorrent violent material** laws. It brought us long-awaited **defamation reform** (discussions), and **ACCC v Google**. Our sports lawyers are barely catching their breath following a **Folau-ARU** settlement, when it was announced that **Russia** has been banned from international competitions for doping. Nice news for Essendon, I suppose.

Our **AFP** raided Our **ABC**'s offices and the home of News' investigative journalist **Annika Smethurst**. The journalists didn't like that much, and asked the judges of High Court to weigh in. We talk about it within.

This edition, we bring you such generous gifts. We're basically Santa, except we do it all year round. Minters' **Tess Maguire** discusses the ACCC's digital platforms final report. **Cheng Vuong** the winner of CAMLA's **Essay Prize** competition presents his paper on defamation law and the search engine exception. **Drs Derek Wilding** and **Karen Lee** (we got you a couple of PhD authors this time, you're welcome) discuss their recent study into self-regulation in the communications sector.

Dr Martyn Taylor (we're turning into The Conversation) gives an annual wrap-up of CAMLA's year, and **Katherine Sessions** tells us about the activities of the CAMLA Young Lawyers. **Chief Justice Bathurst** gives you his Honour's timely thoughts on open justice, for those unlucky enough to have missed his Honour's recent presentation at the CAMLA seminar (and for those who wish to relive it, we're inclusive like that). **Marque's Sophie Ciufo** and **Hannah Marshall** talk to us about publishing laws in a social media context. **Claire Roberts** of Eight Selborne Chambers gets us up to speed on the Royals and the right to privacy, commenting on the recent claim by **Prince Harry** and **Rachel Zane**.

And I have a bit of a sit-down to discuss the **Australia's Right To Know** campaign with a couple of friends who could give just about anyone some serious professional insecurities. Human Rights Commissioner **Ed Santow**; Head of the litigation team at the ABC, **Grant McAvaney**; superstar legal affairs reporter for the SMH **Michaela Whitbourn**; Head of Policy and Government Affairs at News Corp, **Georgia-Kate Schubert**; Baker McKenzie media guru **Andrew Stewart**; and investigative reporting royalty **Adele Ferguson** and **Nick McKenzie** come around to chat all things press freedom. Roping Michaela, Adele and Nick into this is *not* a crass ploy to score a Walkley nod for the CLB (but they've never written anything and not received a Walkley for it, so wait and see how this plays out).

Many thanks to **Cath Hill** for, well, everything, and to **Michael Ritchie** at MKR Productions for making us look so good.

On behalf of all of us at CAMLA, we wish you a safe and relaxing holiday, and a successful and happy new year in 2020! See you then!

Ash and Eli

Boyle's revelations, which were in the public interest. Hopefully the campaign will put pressure on governments to about change.

SANTOW: It's a good time to ask how effective are Australia's human rights protections. Since 2001, few if any countries have passed more counter-terrorism and national security laws than Australia. Those laws have progressively increased the powers of our police and security agencies and created a raft of new offences for people who receive or might have received information that falls within a broad understanding of 'national security'.

Australia now has several laws that make whistleblowing in the public interest more difficult and dangerous. We have been assured that such powers would be used sparingly. But the AFP raids have

shown that when our security and law enforcement agencies are given new powers, they can, and do, use them. It is of course legitimate for the government to take steps that are necessary and reasonable—even robust—to protect us from genuine threats to national security. But national security cannot simply be used as a trump card to justify all measures restricting a free press and freedom of expression more generally. In particular, adequate protections for journalists and their sources are essential to foster informed public debate, including about matters affecting fundamental human rights.

McKENZIE: It's vital because the public is being denied information they need to know about to hold politicians, government agencies and other powerful interests to account. Our jobs as journalists are about

servicing the public interest and this campaign is aimed at empowering our ability to do this.

McAVANEY: The campaign is of significant personal and professional importance to me (and of course the ABC). Having spent much of my legal career acting for media defendants, I am well aware that any and all media regulation requires careful consideration of rights or freedoms that might compete with free speech – privacy, reputation, national security and fair trials are but four examples. But more often than not when you look at the hundreds of legal examples where these interests are purportedly balanced, often the 'importance of a free media' takes the form of often-echoed starting-position rhetoric that then gives away to something else; put another way, the law as a whole tends to take a 'well it's just this once' kind of