

Fines for 'contempt' journalists

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'Doing our jobs' ... Michael Harvey and Gerard McManus leave court yesterday. Picture: Ellen Smith

JOURNALISTS Michael Harvey and Gerard McManus were yesterday spared a jail term for contempt of court - but have both been hit with criminal convictions.

The senior political reporters for Melbourne's *Herald Sun* newspaper were convicted and fined \$7000 each for refusing to answer questions in court about a source of a newspaper report written by the pair in 2004.

Victorian County Court Chief Judge Michael Rozenes said despite upholding a professional code of ethics to protect their sources, journalists were not immune to criminal charges.

"Courts in Australia and England have made clear statements to the effect that journalists are not above the law and may not without penalty expect to be permitted to follow their personal collegiate

standards where those standards conflict with the law of the land," Chief Judge Rozenes said.

"Until that law is altered, if it is ever to be, then journalists remain in no different position than all other citizens."

Outside court, Harvey and McManus said they were relieved to avoid jail but were disappointed at receiving convictions.

"Essentially, we're here for doing our jobs and so it's a little hard to have a conviction," Harvey said.

McManus said if he and Harvey had revealed the source of their article, their reputations would be in tatters. "A journalist has to protect their sources – it's paramount to any journalist and I think any other journalist in the country would have done the same thing as we did," McManus said.

News Limited chairman and chief executive John Hartigan urged governments to take immediate action.

"It is essential to the way our democracy operates that the Federal Attorney-General and his state counterparts can agree on shield laws as soon as possible," Mr Hartigan said.

"This will allow courts to make judgments that properly balance the public's right to know how it is governed and whether disclosure of that information is clearly in the public interest."

The push for new legislation was backed by Democrats senator Andrew Murray, the Australian Press Council and the Media, Entertainment and Arts Alliance.

The Victorian Government said it would introduce its own state-based shield laws if national agreement could not be reached at July's meeting of the Standing Committee of Attorneys-General.

Victoria, the ACT and New South Wales supported the proposal in April but other states have refused to sign up.

"We will do it as soon as we can," Victorian Premier Steve Bracks said. He said it was regrettable Harvey and McManus now had criminal records.

The charges related to an exclusive report that exposed a Federal Government decision to reject a \$500 million increase in war veterans' entitlements.

In sentencing Harvey, Chief Judge Rozenes said he took account of Harvey's exceptional personal circumstances.

Harvey's partner Cynthia Banham was seriously injured in the Garuda airliner crash-landing in Yogyakarta in March and Harvey has been at her bedside ever since.