Readers will be aware, from a number of articles in the Media section of The Australian, that members of the Press Council have been discussing various reforms of the Council. One impetus for the reforms has been the current economic downturn, which has had a negative impact on publisher budgets. The publishers have sought from the Press Council similar restraints on its budget as have been applied to their own. This has meant that the Council has had to trim its Budget in order to make its operations more efficient.

At the same time, the Council has been looking at its long-term aims and is considering how it might operate in the future and in what areas it can offer its expertise in the mediation and settlement of complaints about the news media. One option being discussed is a move towards being a News Media Council, the first step of which would be to offer its services to online news websites. At this time, only the websites of Council-member newspaper and magazine publishers are subject to such oversight - a service that the Council has offered for most of the last decade. All other news websites are currently not subject to any regulatory or self-regulatory regime.

In the more immediate term, as a result of the need for cuts in the 2009-2010 Budget, the Council has had to plan for some changes, affecting the size of the Council itself, the frequency of its meetings and the size of its professional staff complement.

There are two possible scenarios being discussed to reduce the Council’s size. One would see the current 22-person Council reduced to 13 and the other to 15. The proposed set of constitutional changes to reduce the Council to 13 members would result in a Council comprising 5 industry members, an MEAA representative, 5 public members, one journalist/editor member and an independent Chair. The 15-member Council add an additional public member and have both a journalist and an editor member. The Council has agreed in principle that its size should be reduced but any such change requires a two-thirds majority of the Council. A determination on whether either model is adopted will be made at the Council’s July meeting.

In any case, the Council has agreed that there will be seven (rather than eight) meetings in 2009-2010 and all meetings will be held in Sydney. Additionally, it will seek to hold all its meeting (committees and the Council) on the same day, rather than over two successive days.

These measures will result in significant savings.

As a result of the Budget cuts, the Council is moving from having a complement of four full-time staff to two full-time and two part-time staff. The role of the Council’s administrative assistant will be reduced to three-days-a-week and that of the Policy Officer (largely responsible for the research into, and drafting of, the Council’s responses to legislative changes potentially affecting the freedom of the press) also will be move back to three-days-a-week in 2009-2010.

Finally the Council has, in the light of the money available to it, decided that, in 2009-2010, it will not continue with some of its initiatives. There will be no State of the News Print Media report nor an Annual Address during the year, and the number of issues of this newsletter will be reduced from four to three.

The Council believes that these changes will see no diminution in the work of the Council, which will continue as it has in the past. A greater emphasis will be placed on the speedy and effective resolution of complaints from readers about material in newspapers and magazines (and on their websites), a move which the publishers have undertaken to support strongly. And the operation of the Council itself, with greater reliance on electronic communications between meetings to develop policy responses, will become more efficient.

**Press Council News**

As noted above, from July 2009, there will be three editions only of the APC News each year. The publication months will now be July, November and March. This edition is the first since February 2009, and will therefore be numbered accordingly. There will be three issues only of the News in 2009.

**Prize and Case Studies**

The Council’s initiatives related to tertiary journalism courses will continue in 2009-2010. As in previous years, the Council will be making a series of awards for outstanding scholarship (the Press Council Prize) through the various journalism departments and faculties at Australian tertiary institutions. The Council is endowing a prize worth $300 this year, either for outstanding achievement in a course directly related to the study of print journalism, particularly in the area of ethics, or for a particular piece of work in that area. The Council will continue to offer the Case Studies seminars to university journalism departments and faculties, and members of the Council from the region concerned will, by and large, present them.
On the Council

While the size of the Council has not as yet been finalised, there will need to be some reduction in the number of members of the Council. In the light of this, Helen Edwards, a Public Member from South Australia, has offered her resignation, which the Council Chair has accepted with regret. First appointed in October 2002, Ms Edwards was in her final term as a member.

In February 2009, we reported the retirement of Wendy Mead, the Public Member from Queensland. In March 2009, it appointed Melissa Seymour-Dearness, who currently works for the Fraser Coast Regional Council’s town planning department. Melissa completed her Bachelor of Laws in 2003 and, until recently, practised as a solicitor at a regional firm in Hervey Bay with a particular interest in criminal defence, industrial relations law and anti-discrimination law. During this time she volunteered as a solicitor with the Taylor Street Legal Centre and is a member of the Management Committee of the Hervey Bay Neighbourhood Centre Inc, which operates a number of community-based programs. At the Fraser Coast Regional Council, she advises council in relation to planning legal issues and manages appeals lodged with the Planning and Environment Court. She also enjoys taking an active role in workplace matters such as workplace health and safety issues, equal opportunity and anti-discrimination practices and enterprise bargaining negotiations. Melissa enjoys the relaxed lifestyle of the Fraser Coast region and is a frequent visitor to Fraser Island. She is an avid reader of books, particularly period literature, and is slowly learning to play the piano.

Among the Industry Members, Fairfax Media has nominated Leonie Lamont, features editor at The Sydney Morning Herald, as Peter Kerr’s alternative.

The Office

As noted above, two of the office positions have been re-categorised as part-time. As a result, Inez Ryan, who has been the Council’s Policy Officer since October 2004, retired at the beginning of July. Her duties largely related to doing the legal and legislative research that underpinned the Council submissions to governments and parliaments on a range of proposals for legislative change. Inez was also responsible for the initial drafting many of those submissions, for consultation with the Council and the print media industry on the submissions and for representing the Council at various meetings related to the submissions. The Council has advertised for a replacement, to work on a permanent part-time basis, and expects to make an appointment in early August.

Elections Guideline

In March 2009, the Council issued a new reporting guideline:

Complaints to the Australian Press Council about material appearing in newspapers have obliged the Council to consider a number of issues relating to the rights and duties of the print media in reporting election campaigns. Some of the matters dealt with are applicable to other media.

Newspaper bias

In general, the experience of the Council is that all parties in election campaigns tend to complain about bias on the part of the media and frequently about the same newspaper! The Council has received, and dealt with, significant complaints alleging bias. But this is rare. As research commissioned by the Council in 2006-2007 showed, the print media are not generally partisan in their coverage of elections. This is specifically true in regard to news reports.

The Council has said that it upholds the right of a newspaper to have its own political position; to accept certain beliefs and policies and to reject others; and to favour the election of one party and to oppose the election of another. However, the Council has emphasised strongly that newspapers that profess to inform the community about its political and social affairs are under an obligation to present to the public a reasonably comprehensive and accurate account of public issues.

As a result, the Council believes that it essential that a clear distinction be drawn between reporting the facts and stating opinion. A paper’s editorial viewpoints and its advocacy of particular policies. It is important that this type of article treat the parties fairly. Generally equal space should be provided to them. If photographs are to be published all should be given the chance of success.

Unfairness and lack of balance

This issue particularises the matters set out above. The claims that are made relate to particular news items that candidates feel unfairly presents their position. They are judged on the same basis as any other complaint about unfairness or imbalance.

It is common for a newspaper to run a feature on candidates and invite them to present their views on topics or outline their policies. It is specifically true in regard to news reports.
The timing of material is another very important issue, especially for non-daily papers. Newspapers need to be wary about publishing material critical of candidates at a time when there would be no opportunity, before the election, for the candidate to supply a balancing response.

Publication of letters

The selection of letters for publication is an editor’s prerogative. But editors need to take particular care during election periods, when attempts to misuse the letters column can be more common. There are two matters that have come to the attention of the Council in relation to which editors should be on guard.

One is the writing of letters under a false name. Normal newspaper practice should address this issue. The other is the practice apparently used by some political parties of having party members flood papers with letters dealing with a particular topic where the letter has been written by the party itself.

Without suggesting that the practice is inappropriate, care should be taken in sub-editing letters from candidates to avoid allegations that the changes misrepresent the candidate’s position. It is much wiser to agree with the candidate the form the letter should take for publication. If agreement is not forthcoming, the paper can decline to publish the letter.

Newspaper policies during elections

Many newspapers have adopted particular positions during election periods, the most common of which, particularly among community newspapers, has been the non-publication of letters from candidates. The council believes that such policies are a matter for the newspaper itself to develop. However, when such policies are taken, it is incumbent on publications to advise their readers, with due prominence, of the existence of the policy and to stick by that policy throughout the election period.

Guideline: Adequate response

In May, it issued a further reporting guideline addressing the questions of adequate response and letters to the editor.

The question of adequate response is a vexed one for the press and for the Press Council. The Statement of Principles detail two sets of circumstances where there is a greater onus on publications to print a response:

Principle 2
Where it is established that a serious inaccuracy has been published, a publication should promptly correct the error, giving the correction due prominence.

Principle 3
Where individuals or groups are a major focus of news reports or commentary, the publication should ensure fairness and balance in the original article. Failing that, it should provide a reasonable and swift opportunity for a balancing response in an appropriate section of the publication.

The Principles are accompanied by Note 2, which notes that the Council interprets “due prominence” as requiring the publication to ensure the retraction, clarification, correction, explanation or apology has the effect, as far as possible, of neutralising any damage arising from the original publication, and that any published adjudication is likely to be seen by those who saw the material on which the complaint was based.

In the light of the adoption of Note 2 to the Principles, the Council sees no need for a detailed guideline on adequate response at this stage. It will generally interpret a publication’s actions on the basis of whether the printed response has been prompt and prominent enough to neutralise any damage that may have arisen.

Nonetheless, the Council notes the following issues that may affect the judgment as to what is an adequate response to a serious inaccuracy or a singling out for comment:

1. The Council’s existing policy is to encourage publications to have a regular place in the publication, or on its website, where corrections, clarifications and apologies are published.
2. The Council encourages publications to print follow-up material, whether in the form of articles or letters to the editor, in cases where there is a significant difference of opinion or where an individual or group has been the major focus of a report or a commentary.
3. The Council accepts that a published letter to the editor will not always be an adequate response to a published inaccuracy and that many readers will want to see the publication itself correct the inaccuracy. However, in respect of letters to the editor, the Council has said in the past that:
   a. Editors are not obliged to publish letters on demand. It is their responsibility, guided by fairness, balance and the public interest in the views submitted by correspondents to select and, where necessary, edit letters for publication.
   b. The editor’s prerogative includes the editing of letters for space, grammar or legal reasons, although such editing should not change the meaning or tenor of a letter.
   c. Where significant changes are made to the letter, the correspondent should be advised of the proposed changes before publication.

Informed Consent

The Australian Press Council has written to newspaper and magazine editors to bring to their attention the issue of informed consent, a matter that has been the subject of a number of adjudications in recent times. While a number of the complaints have involved the mixture of young people and alcohol, the issues are somewhat wider than that.

At this stage the Council has decided against either a Note to the Principles or a guideline statement as a way of dealing with the questions of consent but wanted to bring to editor’s attention, and to the attention of your newsrooms, that, when journalists are seeking consent for interviews with subjects, they need to be aware that there are times when the ability of subjects to give informed consent may be impaired.

The recent findings, which may be of interest, include:

No. 1316 (http://www.presscouncil.org.au/pcsite/adj/1316.htm) dealt with the way in which an interview with two young women at Gold Coast schoolies week was handled by a Sunday newspaper. Consent was a peripheral issue.

No 1329 (http://www.presscouncil.org.au/pcsite/adj/1329.htm) involved a Zoo magazine ‘confession’ about past sexual indiscretions from a young woman interviewed at a nightclub. The complainant said her daughter was drunk, the magazine said not. However, in this case, Zoo obtained written consent. This is important because the Zoo journalist, no matter ludicrous it may have seemed in the night-life environment, risked losing the story by seeking a written consent, a potentially sobering
action if the woman held any doubts, The magazine also produced a taped record of the interview.

No 1375 (http://www.presscouncil.org.au/pcsite/adj/1375.html) arose from an article about abuse of young women with an Indigenous community that featured interviews with, and images of, the young women. In this case the newspaper had obtained consent from all parties, including the women’s older female relations. Questions of privacy still arose but the question of consent was adequately addressed by the newspaper.

No. 1376 (http://www.presscouncil.org.au/pcsite/adj/1376.html) addressed the question of whether a patient immediately following surgery involving a general anesthetic is in position to give informed consent to an interview.

No 1413 (http://www.presscouncil.org.au/pcsite/adj/1413.html), the most recent, returned to the issue of young women being interviewed (and photographed) at a nightclub, while drinking, In this case the consent was oral, rather than written, and there was less evidence for the assertion that the young woman was capable of giving informed consent.

The Council has generally based its findings related to consent on the basis that those involved in situations of grief or shock, or whose ability to give informed consent is otherwise impaired, should be dealt with with special consideration for the sensibilities of those affected.

The recent cases have moved away from the discussion of intrusion into grief or at times of shock and into the area of impairment arising from drugs, alcohol, age or other causes.

The Council has decided against issuing any guidelines, leaving the question of what is proper informed consent in the hands of editors, where is properly belongs. The Council recognises that this is a classic ‘grey area’ where the distinction between what is proper informed consent and what is not can often be very difficult to discern. It will, of course, continue to take complaints in this area and judge them as best it can, based on the material provided by the complainant and the newspapers.

School League Tables

Following the adoption of amendments to the NSW Education Act, which made it an offence for newspapers to publish certain data related to the comparative performances of schools, the Council wrote to the NSW Opposition Leader and to the Leader of The Greens in the NSW Parliament.

In your public statements of the last week or so, you have suggested that the amendments you pushed through on the Education legislation were all about whether there should be school league tables but they aren’t really. And that concerns the Australian Press Council (http://www.presscouncil.org.au).

The amendments you proposed and supported, together with the Legislative Council minor parties, do not stop the production of league tables nor their distribution through any number of media. What they do is single out newspapers and the print media for punishment for printing what other media can publish or broadcast.

The Press Council believes that the freedom of the press is the freedom of the people to be informed on matters of public interest and concern. The Council had concerns when the federal government refused to release details of the impact of bracket creep on income tax rates or the take up of the first home-owners scheme. The excuse given by the then Treasurer was that the public might misunderstand the information when presented by the media.

That also seems to be the rationale for the amendments you proposed and supported. But, it seems to the Council, to be code for: we don’t trust the public to be able to properly use information.

It also seems to conflict with the guarantee of free expression in matters related to political concerns that the High Court ruled unanimously was implied by the Constitution.

By proposing and supporting amendments that do not in fact forbid the construction of “simplistic” league tables and allow for such tables to be posted to the internet, broadcast on radio and television, printed in non-commercial publications, or even posted on billboards outside schools, you have not achieved your stated aim of stopping such simplistic league tables.

By threatening newspapers with fines of up to $55,000, how is that anything other than a direct attack on the freedom of the press to report on matters of public interest and concern?

How can your party, which on other matters asserts a very liberal attitude to release of government information, support such a selective restriction on free speech?

The Press Council would urge you to support the withdrawal of the amendments and their replacement by legislation that actually achieves your stated aim, without unfairly targeting one section of the media, or the public’s right to information.

Submissions

The Australian Press Council has made a number of submissions in the last three months.

Queensland FoI

On March 30, it made a submission to the Queensland government in response to the draft Right to Information Bill and associated legislation, the Executive Summary of which read:

The Australian Press Council congratulates the government of Queensland on its proposed reforms to Freedom of Information.

The Press Council supports the introduction of proactive disclosure.

The Press Council supports the narrowing of the scope of exemptions, particularly the narrowing of the Cabinet exemption.

The Press Council objects to the inclusion of blanket exemptions of certain agencies from the legislation.

Section 64 should be removed from the draft Right to Information Bill and applicants should have the right to seek review of amounts cited in charges estimate notices.

The legislation should provide for reductions or exemptions of fees where it is in the public interest that information be disclosed.

The full submission has been posted to the website: http://www.presscouncil.org.au/pcsite/fop/fop_subs/qldfoi.html

Sports inquiry

On April 7, it made a submission to the Senate Environment, Communications and the Arts Committee on its inquiry into the reporting of sports news and the emergence of digital media, the
Executive Summary of which read:

The public has a right to receive sports news in the same way as other news. There should be minimal interference with the collection and reporting of sports news, in words and images, whatever the form that news takes and in whatever medium it is published or broadcast. The same principle should also apply to the publication in any medium of commentary upon that news. Sports bodies and media organisations need to get together and work out an agreement that will allow such reporting to occur.

The full submission has been posted to the website: http://www.presscouncil.org.au/pcsite/fop/fop_subs/sports09.html

On April 16, The Executive Secretary appeared on behalf of the Council before the Senate Committee. The questions largely related to the AFL’s disaccreditation of AAP photographers and to the “conflict” between publishers’ commercial interests and sports bodies’ commercial interest.

Shield Laws

On April 9, it made a submission to the Senate Standing Committee on Legal and Constitutional Affairs’ Inquiry into the Evidence Amendment (Journalists’ Privilege) Bill 2009, the Executive Summary of which read:

The Australian Press Council welcomes efforts to strengthen the protection for journalists whose ethics prevent them from disclosing the identities of their confidential sources of information.

To be an effective measure to protect journalists who refuse to disclose their confidential sources of information, legislation should include a rebuttable presumption that journalists cannot be compelled to do so.

The presumption should be rebuttable on presentation of evidence that the disclosure is in the public interest and that, in the circumstances, the public interest served by the disclosure outweighs the public interest in access to information that would be served by the non-disclosure of the confidential source of the information.

The proposed objects clause is an improvement but does not go far enough.

The Australian Press Council welcomes the strengthening of s126B(4) of the Evidence Act.

The Australian Press Council welcomes the inclusion of journalists within the scope of s126B(3) of the Act.

The Australian Press Council welcomes the removal of s126D of the Evidence Act.

Journalists’ shield laws are only effective when combined with adequate whistleblower protection legislation.

The full submission has been posted to the website: http://www.presscouncil.org.au/pcsite/fop/fop_subs/sources09.html

The Council Chair, Professor Ken McKinnon, appeared before the Committee by teleconference to add oral evidence to the written submission.

Federal FoI

On May 14, it made a submission to the Department of Prime Minister and Cabinet in response to the draft Freedom of Information Amendment (Reform) Bill and the draft Information Commissioner Bill 2009, the Executive Summary of which read:

The Australian Press Council endorses the proposed new objects clause to be inserted into the Freedom of Information Act 1982 and, in particular, the removal of any reference to exemptions from the objects clause.

The Australian Press Council supports the reduction of the length of restricted access for documents under the Archives Act, but is of the view that the periods of 30 years and 20 years respectively are still excessively long.

The Press Council endorses the principle that access to government information should be available to the public unless such access would be contrary to the public interest. However, the Press Council is of the view that this principle should apply to all government information rather than being restricted to specific classes of information.

The Press Council supports the notion that the exemption for Cabinet documents should be reformulated. However, the Press Council is of the view that the revised Cabinet exemption set down in the draft bill is still too restrictive. If there is no risk to the public interest from releasing material to the public, that material should be proactively published as soon as possible after the relevant meeting of Cabinet.

The “deliberative processes” exemption should be removed. The “research” exemption should be removed.

The revised legislation should include a clause making it an offence to withhold information for an improper purpose.

The Press Council endorses the proposed insertion of a clause excluding certain factors from being taken into account in the application of the public interest test.

The Press Council endorses the inclusion of factors favouring disclosure into the amended legislation.

The Press Council endorses the proposed removal of initial application fees.

The Press Council endorses the proposed five hours of free decision-making time for requests by journalists.

The Press Council endorses the proposed appointment of an independent commissioner to oversee Freedom of Information.

The Press Council endorses the introduction of “proactive disclosure” mechanisms.

The Press Council endorses the proposal to extend Freedom of Information to contractors who provide services on behalf of the Commonwealth.

The full submission has been posted to the website: http://www.presscouncil.org.au/pcsite/fop/fop_subs/fedfoi.html

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1 clause 5):
• the draft Bills’ emphasis on public interest considerations, and on recognisable harm, rather than on categories of exemption;
• the appointment of an independent Information Commissioner;
• the revised objects clause;
• the exclusion of embarrassment as reason for refusal;
• the introduction of offences for knowingly breaching the legislation, for influencing a knowing breach, and for the concealing or destruction of records;
• the narrowing of the Cabinet exemption; and
• the extension of open government to include state-owned corporations within its remit.

However, the Council expresses its strong concern with the inclusion of a “conclusive presumption of over-riding public interest against disclosure” in respect of Cabinet documents and continues to have concerns with regard to the charging of a processing fee on an hourly basis.

The full submission has been posted to the website: http://www.presscouncil.org.au/pcsite/fop/fop_subs/nswfoi.html

Charter of Rights
On May 29, it made a submission to the National Human Rights Consultation on the protection and promotion of human rights, the Executive Summary of which read:

The Australian Press Council believes that civil and political rights including, but not limited to, the freedom of expression, and of the press, should be protected preferably by Constitutional entrenchment. As the Consultation is precluded by its terms of reference from recommending constitutional entrenchment of rights, the Council would support the enactment of a statutory Bill or Charter of Rights that includes, but is not limited to, a protection of the freedom of expression and that its formulation be modeled on Article 19 of the International Covenant of Civil and Political Rights (ICCPR).

The full submission has been posted to the website: http://www.presscouncil.org.au/pcsite/fop/fop_subs/visurv.html

The Executive Secretary, together with the Policy Officer, participated in a community roundtable organised by the National Human Rights Consultation to consider a possible charter of rights for Australia.

Surveillance, Victoria
On June 29, it made a submission to the Victorian Law Reform Commission in response to Consultation Paper No. 7, 2009: Surveillance in Public Places, the Executive Summary of which read:

The Australian Press Council is concerned that any regulatory mechanisms risk unintended consequences, including impeding the ability of the media to report on matters of public interest.

Any regulatory mechanisms which have the potential to impact on newsgathering activities should include a media exemption based on adherence to a voluntary code of conduct

Any legislative or regulatory mechanisms must include exemptions and defences designed to ensure press is free to report on matters of public interest.

The full submission has been posted to the website: http://www.presscouncil.org.au/pcsite/fop/fop_subs/vic_surv.html

Police matters
Additionally, the Council has made brief submissions to the Queensland Police on its proposed “Media Relationship Principles”, a set of principles aimed at formalising the relationship between the police and the media, and to ensuring a flow of information; and to the Victorian Police on a fee for photos proposal, which suggests that media outlets be charged for the provision of images of accused and convicted persons.

East Timor
On April 8, 2009, the Council issued a press release related to the development of a proposed media law in East Timor:

The Australian Press Council has expressed concerns about proposals to license journalists in East Timor.

The Council Chairman Professor Ken McKinnon said the proposed scheme could greatly affect the operation of a free press in the world’s newest democracy.

The proposal is to establish a media council as part of a parcel of laws regulating the media in East Timor. Journalists who wished to work in the media industry, including foreign correspondents, would have to be licensed by the media council.

The council would have members appointed by the East Timor parliament and a further member selected by the parliamentary appointees.

Such a body could clearly been seen to politically aligned. It would also oversee complaints and have powers to revoke journalists’ licenses or impose fines on journalists for professional transgressions.

“These aspects were clearly outside internationally recognised standards for the media in a democracy and represented restrictions on free speech”, Prof McKinnon said.

Professor McKinnon said that the Australian Press Council had been represented at a workshop in Dili in July last year. The workshop was told how the Australian Press Council operated as a non-legal body for dispute resolution and a watchdog on threats to freedom of speech, and of the press.

“Journalists attending the workshop welcomed the suggestion that the country adopt the Australian Press Council structure as a model,” Prof. McKinnon said.

The licensing issue raised by the UN-appointed Portuguese lawyer tasked with suggesting media laws was widely criticised at the workshop. Despite this criticism, journalist licensing remained a part of the draft laws.

Prof McKinnon said other proposed new laws, which allowed for widespread freedom of information disclosure, were welcome as was the decision not to include defamation in the country’s penal code.

The laws will be further reviewed by Fernanda Borges, a member of parliament who chairs the committee that will make final recommendation to parliament.

Ms Borges has said that the registration of journalists remained problematic.

[continued page 11]
The Press Council has dismissed a complaint by Rabih Alkadamani about an opinion article in The Australian on 26 November 2008 dealing with the Israel-Palestine conflict. It was an account by Janet Albrechtsen of her experiences and views following an Israel-sponsored visit to the region.

Ms Albrechtsen spoke of Hamas rocket attacks, and briefly about what she saw as ‘intractable hurdles to peace’ before focussing on what she called ‘a generation of Palestinian children being raised on a full diet of hate education’ – partially funded by Western money - that negate the prospects of future peace.

Mr Alkadamani complained that Ms Albrechtsen’s article was racist, attributing ‘a host of odious ethics’ to Palestinian children. He said that it singled out Palestinians for criticism, and lacked fairness and balance by failing to convey the suffering of Palestinians at the hands of Israelis, and that Ms Albrechtsen was remiss in not reporting distortions in Israeli school textbooks.

Mr Alkadamani said that he had provided to The Australian an opinion article repudiating Ms Albrechtsen’s views, but this was not published. The Australian said that it had published a ‘lively’ selection of letters about Ms Albrechtsen’s column in the days following its publication.

Mr Alkadamani expressed concern that the person who rejected his article, Rebecca Weisser, the Opinion Editor, had herself been on a sponsored trip to Israel, which resulted in a pro-Israeli feature article in The Australian on November 29. He argued that this reinforced doubts about the newspaper’s balance in publishing opinions about the conflict. The Council considers that The Australian should have done more to encourage Mr Alkadamani to resubmit his piece in the form of a letter that could be considered for publication.

Opinion pieces will always be highly contestable elements in controversial debates, especially the Israeli-Palestinian debate. As long as a newspaper publishes a variety of views on such matters, and in a timely way, the requirements of balance and fairness are likely to be met. Newspapers have a heightened responsibility to ensure fairness when publishing opinion articles based on sponsored trips. In the Council’s view, the newspaper met this responsibility in this case.

The Australian Press Council has dismissed complaints from Matthew Joyce and Ron Lesh against The Age arising from publication of an article headed Israelis are living high on the US expense account in a comment column by Michael Backman published on Saturday January 16, 2009.

The complainants say that the column contained racial vilification and was anti-Semitic. They argued that The Age has not made a reasonable effort to rectify the harm caused by the publication.

The newspaper took immediate and wide-ranging steps following the column’s appearance.

On Monday January 19 the paper published several letters critical of the column, its contents and publication. On January 20 the newspaper published an apology for the distress caused and expressed its regret over the publication of the column. The Saturday Age of January 24 published a letter from Mr Backman and a news article reporting his apology for any hurt or distress caused by ill-chosen words, and further letters criticising the article. The newspaper suspended Backman’s column and is assessing his value as a commentator.

Despite these admissions and publications Mr Joyce says the newspaper’s actions do not expiate the publication of a viewpoint that perpetuates racial hatred. Mr Lesh claims that the publication of the article was “calculated and deliberate”.

In its response to the Council The Age vigorously denied this but acknowledged a breakdown in the editing process. The Council believes that the newspaper has been thorough and taken correct approaches to rectification.

Note: The adjudication has been amended from the original form, and re-issued in this form, after the newspaper pointed out that the Council had not accurately summarised the nature of the wider complaint.

The Australian Press Council has dismissed the main burden of a complaint brought by Justice Joselynne Scutt, a judge of the High Court of Fiji, against The Australian but upheld that part of the complaint relating to claims by the newspaper of &quot;links&quot; with the military regime.

In December 2006 a military coup took place in Fiji. Justice Scutt’s appointment occurred during the resulting military regime.

The article in the March 10, 2008 edition (Judge criticised over Fiji posting) reported her acceptance in November 2007 of her judicial appointment. It noted that she was among the High Court judges who have been used to fill the gaps in the Court of Appeal in the wake of the resignation of six expatriate judges. It quoted comments critical of Justice Scutt made by the Fiji Women’s Rights Movement and two prominent barristers. Additionally, it quoted a spokeswoman for the Australian Foreign Minister as saying that the state of the Fijian Judiciary is a matter of concern, as evidenced by the fact that most expatriate judges, including a number of Australian nationals, have resigned or have refused to renew their contracts ‘and are urging the Fijian interim government to return Fiji to democracy and the rule of law’.

The article in the March 15, 2008 edition featured comments from Angelina Heffernan, the executive director of the Pacific Centre for Public Integrity, a body described in the article as ‘Fiji’s democracy lobby’. The article centred on letters of complaint sent by Ms Heffernan to various legal bodies and authorities in Australia, calling for regulatory procedures ‘to deal with the activities of Australian lawyers overseas’. Ms Heffernan was reported as saying that acceptance by members of the Australian legal fraternity of ‘illegal appointments in the Fiji judiciary’ was ‘deeply unfortunate and ethically unconscionable’. Ms Heffernan’s complaint, particularly to Victoria’s Legal Services Commissioner, was highlighted in the March 28, 2008 edition. It was subsequently dismissed, a fact that The Australian reported.

Justice Scutt complained that the articles
were ‘highly critical’, ‘highly defamatory’ and ‘damaging’ and sought a retraction of the published materials and the publication by the newspaper of an apology.

A key point made by Justice Scutt is that the newspaper was wrong in asserting that she accepted a judicial appointment ‘from the military-backed regime’. She contends that such an assertion is inaccurate as her appointment was made by the President of Fiji. She asserts that judicial appointments in Fiji ‘are not political’ as they are made by the President upon the recommendations of a Judicial Services Commission. The newspaper describes this assertion as ‘disingenuous’ and said that various members of the Judicial Services Commission had been replaced by the military regime since the coup.

The newspaper justifies its focus on Justice Scutt on the ground that the other expatriate appointees lack the public profile of Justice Scutt who is an internationally known feminist and a former anti-discrimination commissioner in Tasmania. There is no doubting that Justice Scutt is a public figure, and that her acceptance of a judicial appointment in a country under the control of a military regime is a newsworthy story of public interest.

Justice Scutt also said that she found it surprising that the articles were written and published at all given that the matter of judicial appointment in Fiji is currently sub judice. In the Council’s view, this provides no effective or convincing justification for her complaint.

The Council is critical of what appears to be inadequate attempts by the newspaper to obtain comments from Justice Scutt prior to the publication of the first article. However, once an adequate opportunity was provided to her to address questions surrounding her acceptance of the judicial appointment, she declined to comment. This refusal by Justice Scutt to provide comments based on her belief that, as a judge she was &quot;not able to speak on the matter&quot;, did not preclude the newspaper from continuing to report, and comment on, her appointment. Nonetheless, the Council concluded that the newspaper went too far in statements such as that the complainant has &quot;links with Fiji’s military rulers&quot; and &quot;is involved with the military regime&quot;, statements which incorrectly imply collaboration with and/or personal connections with members of the military regime. The newspaper offered no evidence to justify these statements.

### Adjudication No. 1419

The Australian Press Council has upheld a complaint over an article headed ‘I escaped an Aussie sect’ in Woman’s Day on December 1, 2008 which told a woman’s story about her attempts to leave a church named as the Exclusive Brethren.

Phil McNaughton, a senior member of the Exclusive Brethren, which is also known as the Brethren, said the church had no knowledge of the woman named in the article having any affiliation with the Brethren or having married a member of the Brethren.

Mr McNaughton said the article made a number of false allegations about the activities of the Brethren including performing exorcisms and restricting children from taking medication.

The magazine said the article was written by a very experienced and well-respected journalist and the woman and another ex-member of the same church had confirmed on a number of occasions that they were ex-members of the Exclusive Brethren. The magazine considered that any enquiries made to the Exclusive Brethren were likely to be fruitful given the secretive nature of the church. The Brethren said contact numbers were available on its website and spokespeople had been quoted in other publications.

After the publication of the article the magazine sought clarification and was told by the woman that the group she had belonged to was “a breakaway” from the Exclusive Brethren.

Whether or not the woman was a member of the Exclusive Brethren, Woman’s Day failed to take reasonable steps to check the accuracy of the woman’s claims about the Exclusive Brethren, failed to pursue fairness and balance, and failed to make any offer of amends.

### Adjudication No. 1420

The Press Council has upheld a complaint by Moammar Mashni about a photograph accompanying an article entitled ‘Aussie war graves in line of fire that appeared in The Herald Sun on February 6, 2009. The report covered recent damage to Allied graves in the Gaza war cemetery. The print version of the article was accompanied by a photo of damaged headstones, which was digitally altered to include the image of a Palestinian soldier carrying a grenade launcher. The online version of the story did not contain the soldier’s image.

Mr Mashni, representing Australians for Palestine, argues that the report and photo create an impression that the Palestinians were responsible for the damage to the graves, which he says is unsubstantiated, and that the notation that the photo was digitally altered was not clear enough. He states that this is “a deliberate attempt by the paper to distort the Israeli/Palestine conflict”.

The Herald Sun responded that the article was accurate, fair and balanced, citing “clashes between Israeli and Hamas militants” rather than apportioning blame, and quoting a number of sources, including the General Palestinian Delegation to Australia. It asserts that the photograph was clearly marked “Digitally altered image". On February 27, 2009 the paper ran a follow up article entitled Israelis blamed in grave row, which reported new facts that had emerged about who was responsible for the damage to the graves.

The Press Council acknowledges that the articles satisfied its principles of fairness and balance. However, the use of the superimposed image of a Palestinian soldier bearing a grenade launcher and the unobtrusive reference to digital alteration may leave the reader with the impression that Palestinian soldiers were responsible for the damage, a fact not proved at the time of publication.

### Adjudication No. 1421

The Australian Press Council has dismissed a complaint by Moammar Mashni against The Herald Sun over the use of a map that accompanied a travel article in the newspaper’s extrago section on November 7, 2008.

Mr Mashni had claimed the map, which was used to identify the whereabouts of the tourism destination Wadi Rum, in Jordan, was inaccurate and insensitive.

The map, a small, simplified version of a section of the Middle East, picked out Jordan and neighbouring countries Syria and Israel. Mr Mashni, who is a representative of Australians for Palestine, argued that it should have also featured the Occupied Palestinian Territories. He sought a correction.

The newspaper said the map was not comprehensive, nor intended to be a political map of the region. Rather it was a ‘locator’ map, helping readers identify Jordan, and relate to the desert region of Wadi Rum, the subject of the accompanying article.

The Council agreed that the map was a simplified locator aid of the sort regularly found accompanying such articles and, as such, did not require further detail.
The Australian Press Council has upheld a complaint by the parents of a schoolboy against two reports and an editorial about alleged bullying at Sydney’s Moriah College published in the Australian Jewish News (AJN) on November 28, 2008.

The newspaper reported that a male student of Moriah’s middle school had been kicked in the head and a mobile phone video of the incident had been placed on the internet social network site, Facebook. The article said the video portrayed other students standing by and laughing at the plight of the student being bullied. Two students were suspended.

The school subsequently sent a letter to parents clarifying that the students had been suspended for what it termed “cyber-bullying”.

The AJN in its next edition sought to correct errors of detail in the original article and reported what it called a “partial back down” by the school by its reference to “cyber-bullying” rather than physical bullying. In the same edition, it carried a detailed feature article on bullying in schools.

The parents of one of the suspended boys said the newspaper breached Press Council principles in that the articles were not accurate, errors were not corrected, they were denied a balancing response in the original article, they were misrepresented and that information for the first article was obtained by unfair means.

The newspaper said that it relied in the original article on the school’s acting principal’s statement and believed at the time that the suspension was due to physical bullying.

The newspaper did publish follow-up material at the first opportunity. Nonetheless, the original article was inaccurate in its description of the incident that led to the suspensions, and unbalanced as a result of the absence of material from the parents, and the follow-up material did not provide adequate balance.

Bullying in all its forms is a serious problem schools across Australia. The AJN raised many important issues in its original article, its editorial and in the article and feature it published a week later, but it failed to meet its obligations to ensure accuracy and balance.

The Press Council has dismissed a complaint from the South Australian Attorney-General Michael Atkinson over articles in The Advertiser, Adelaide, and its online publication Adelaide Now.

Mr Atkinson complained about two articles on the same subject. The first appeared in the newspaper’s online site Adelaide Now on February 12, 2009 under the heading “Miah spin-doctors rush to highlight prosecutor’s retraction”. The second, under the heading “Spin doctors pounce on prosecutor’s apology”, appeared the next day in The Advertiser.

The articles dealt with a retraction by a crown prosecutor of a submission he had made during a case in the South Australian District Court.

A week before, The Advertiser reported that the crown prosecutor had submitted, during the opening of the case, that the laws about hit-run driving were ambiguous because they “had been rushed through parliament”.

Later in the case, the prosecutor told the judge that he unreservedly withdrew his submission critical of “those who had drafted the provisions”.

The prosecutor’s comments were distributed to the media gathered by the Attorney-General’s press secretary and with a request to run them “if your networks broadcast/printed the comments … in the case last week can you please ensure that today’s events before the court are included in your news tonight …”

The Attorney-General said the newspaper made much of his press secretary’s email and a reader could have been left with the impression that his actions were unusual. Mr Atkinson said that part of the press secretary’s job is to provide a “heads-up” to the media about court matters in South Australia and that this service is welcomed by all media.

A further complaint by the Attorney-General was that the use of the email amounted to a breach of the principle that says “news obtained by dishonest or unfair means or the publication of which would involve a breach of confidence” should not be published.

The Council does not agree that the principle was breached. Once the email was sent to the media, its contents were in the public domain.

On the substantive complaint, the Council concludes that the article accurately reported, albeit in a snide way, the fact of the prosecutor’s retraction, which was the action sought by the Attorney-General’s office.

The Press Council also notes that the response to the complaint by The Advertiser was inadequate. It sent one letter to Council in reply to Mr Atkinson’s complaint but did not, in any substantive manner, address the matters raised.

The Press Council has upheld a complaint from Vivian Pak, a member of the NSW Community Relations Commission (CRC), that a report in The Sydney Morning Herald implied that she had sought a remunerative position on the body by contributing financially to a NSW minister’s election campaign.

On February 25, 2009 the newspaper wrote that Ms Pak, a political donor to the Minister for Fair Trading, Virginia Judge, had been appointed by former premier, Morris Iemma, to the CRC in 2007.

The report said that Ms Pak and her firm, KP Lawyers, had donated more than $20,000 to Ms Judge’s campaigns over the previous six years, and that her husband, Keith Kwon, the Mayor of Strathfield, had donated $15,506 to Ms Judge over the previous five years. A second report, the following day, quoted a former Labor mayor alleging that Ms Pak and her husband had contributed a total of $30,000 to Ms Judge’s campaigns.

Both reports were follow-ups by the newspaper to its investigations into suspected political patronage of a corporation which donated $50,000 to Ms Judge’s campaign funds.

Ms Pak said that the first report was unfair in its implied link of her donations to the CRC appointment, and the second report erred in that the Election Funding Authority’s records showed that she and her husband, both members of the Labor Party, had donated only $21,856 since 2002. A further $10,000 donated by Ms Pak was to the Labor Party, not the minister.

Ms Pak said that the CEO of the CRC, Stepan Kerkyasharian, told her that, in an interview with the newspaper, he had explained that the process of appointing commissioners did not involve Ms Judge. This explanation did not appear in the February 25 article.

The newspaper argued that financial donations to political parties to gain government influence was an ongoing controversy in NSW politics and therefore of justified public interest. It said the report was aimed not at Ms Pak, but at Ms Judge and the Labor government which had appointed to a prestigious community body someone (Ms Pak) who had donated thousands of dollars to the Labor Party.

In this case, if the report did not imply, as the newspaper asserts, any wrongdoing by Ms Pak, then the unavoidable consequence is that Ms Pak became needlessly tainted by inclusion in the newspaper’s investigations regarding Ms Judge.
The Council finds that in this respect the first report is unfair to Ms Pak, and that the second report inaccurately reported her and her husband’s exact contribution to Ms Judge.

Adjudication No. 1425

The Press Council has dismissed a complaint from Claire delacey and Steve Chamberlin over an ‘Opinion’ article by columnist Miranda Devine which appeared in The Sydney Morning Herald on February 12, 2009, and in the newspaper’s on-line edition in both the ‘Opinion’ section and the ‘Environment’ section.

The article presented, in strong terms, Ms Devine’s view that poor forest management practices resulting from ‘the power of green ideology’ were a key driver in the scale and ferocity of the Victorian bushfires that devastated a number of communities and caused large scale loss of life.

The complainants asserted that the article had breached a number of Press Council principles. They described the piece, which was entitled Green ideas must take blame for deaths, as a highly derogatory polemic capable of inciting some people “to threaten, or even commit, acts of hatred or violence”. They took particular exception to the hyperbolic suggestion that politicians seeking to divert attention from themselves could offer a new target for a lynch mob: “it is not arsonists who should be hanging from lamp-posts but greenies”. This, they said, could be seen as an incitement to hatred, if not violence.

In seeking a resolution of the matters raised by the complainants The Sydney Morning Herald acknowledged concerns about some of the language in Ms Devine’s column and expressed regret at any offence taken. The newspaper also pointed to its “comprehensive and balanced” coverage of the Victorian fire tragedy in many reports. It also provided space for readers to respond to the article, and through ‘Opinion’ columns often free-ranging, provocative, and capable of generating heated debate.

In this case, the lead paragraphs of the article were dogmatic and confrontational. Ms Devine asserted that “It wasn’t climate change” and “It wasn’t arsonists’ which killed “as many as 300 people”; rather, it was the “power of green ideology” in preventing fuel hazard reduction measures that allowed the build up of ground fuel that powered the disastrous fires. At a time of high emotion and a national outpouring of sorrow the laying of blame at the door of a particular group, in this case “greenies”, was incautious and would be offensive to many readers. It’s also possible that her claimed facts would turn out to be wrong.

Nonetheless, in the context of the Herald’s extensive coverage of the Victorian fires in both news reports and commentary, and the newspaper’s actions in redressing concerns with the Devine article, the Council finds that the publication of the article did not breach its principles.

Adjudication No. 1426

The Australian Press Council has dismissed a complaint from Dr Marion Manifold of the Port Campbell Community Group Inc. over a front page article with the headline Show your faces and the sub text Town puts heat on mystery community voice that appeared in The Standard, Warrnambool, of January 9, 2009.

The piece features a balancing comment from a local resident who pointed out that the group’s postal address was in Camperdown. The resident was quoted as saying he would like to know how many full-time Port Campbell residents were members. He also said that the name possibly would be more accurately “Friends of Port Campbell”, if the majority of the group’s members were not actually residents of the town.

The complainant consistently refused, on the grounds of privacy, to tell the newspaper how many members were in the group and how many of those were residents of Port Campbell. Given the paper has only ever been able to make reference to Dr Manifold and the Group’s President, Donald Swanson, there is obviously genuine public interest on the part of the paper and other members of the local community to ascertain if the membership is significant and truly representative of many in the community.

The Press Council supports the right of people to be informed by the press on matters of public interest so that they may create their own opinions as citizens. The Standard appears to have taken reasonable steps to publish a fair and balanced report on issues related to a local interest group.

Adjudication No. 1427

The Australian Press Council has upheld complaints by Robert Norson and P.A. Robb over a series of articles in the Fraser Coast Chronicle concerning the decision by a flying school not to locate at Maryborough airport.

The articles appeared on October 25, November 20, 21 and 26 then almost daily from December 6 to December 19. “Snapshots of Opinion” supporting the school also appeared periodically.

Many of the articles contained material that could be classified as criticism of those who had opposed the school.

Mr Norson and Ms Robb have complained that the references to those opposing the school as “whingers”, “knockers”, being “small or narrow minded” and a “noisy minority” were published without an attempt to obtain balance from the school’s opponents.

In its response the Fraser Coast Chronicle said it believed there was no substance to the complaint. The flying school’s decision was a highly controversial issue and the number of articles published in response reflected the mood of the community.

The Press Council recognises that newspapers should report fully controversies within local communities.

While the newspaper did publish two letters from opponents to the flying school on December 23, there is no other reference to them in the publications complained of other than what could be described as “derogatory” comments.

The Press Council has a principle that where individuals or groups are a major focus of news reports or commentary publications should ensure fairness and balance in articles.

In this matter the Council believes the newspaper did not provide this balance and the complaint is upheld.
The Press Council has upheld a complaint brought by Dr Pat McIntosh against AAP regarding an internet article dated January 17, 2009.

The complainant said that the article was ‘poorly researched’ and that it amounted to ‘either grossly incompetent or mischievous reporting’.

The article reported comments made by the husband of a Sydney woman who had miscarried her baby in Maitland Hospital. Adverse comments against the hospital concerned included a claim of a 30-minute wait before being briefly seen by a junior doctor, who asked the wife if she was pregnant; and that the doctor after telling the wife to come back the next day and see the early pregnancy clinic said that ‘that’s all they could do’. It also reported that the patient’s husband had said that the doctor tapped the wife on the shoulder and told her that ‘Life’s a bitch’.

The complainant said that a wait of 30 minutes ‘is a normal and accepted reasonable waiting time for her degree of medical priority’; that being asked to return the next day to the early pregnancy clinic ‘is commonly reckoned to be best practice for a threatened miscarriage in the first 3 months of pregnancy’; and that comments made by the doctor should be construed as demonstrating appropriate sympathy and concern. The complainant also highlighted other aspects of the article to indicate the report was not based on a knowledge of current hospital practice.

AAP said that it did not offer an opinion nor attempt to provide an analysis of the events and that it was simply reporting ‘one person’s accounts of events and another’s reaction’. The agency also made the argument that it would be unreasonable to expect a general news reporter to be completely familiar with hospital procedures or protocols. AAP said its scrutiny of the standard of care at Maitland Hospital was justified as other similar incidents had been reported.

In the article, there were reported comments by a health service CEO and by the opposition health spokeswoman. It was also reported that the Health Minister could not be reached for comment.

Nonetheless, the article was unfair to the hospital and misleading and, for those reasons, the complaint is upheld.

The Australian Press Council has dismissed a complaint from Zarah Garde-Wilson over an article published in The Herald Sun on January 6, 2009.

The Press Council published a correction that included the correct data. The Press Council, the complainant’s letter was published together with a suitable heading.

The agency also made the argument that it report was not based on a knowledge of current hospital practice. The article was not published. The newspaper supplied a formal response in response to an inaccurate article about the school. The letter wished. The complainant was satisfied by the paper’s actions.

The Press Council has upheld a complaint that the complainant was critical of the complainant. The complaint submitted a letter in reply, which was not published. After the intervention of the Press Council, the complainant’s letter was published together with a suitable heading.

The headline to a letter published by a suburban newspaper was misleading. The letter in was response to the complainant’s letter. The paper offered to meet the complainant to discuss the matter, and offered to publish an apology. Although the complainant did not take up the paper’s offer, she was satisfied by the paper’s approach.

A metropolitan newspaper published an article about a real estate deal that the complainant believed was sensationalised and included made-up quotes. The managing editor of the paper discussed the matter with the complainant, during which he apologised and offered the complainant a follow-up story if he wished. The complainant was satisfied by the paper’s actions.

A country newspaper published a letter to the editor that was critical of the complainant. The complaint submitted a letter in reply, which was not published. After the intervention of the Press Council, the complainant’s letter was published together with a suitable heading.

The Council believes that the newspaper erred in publishing the address and motor vehicle details. But this matter was settled following a Press Council mediation between the parties.

That left as the remaining area of contention the extent of the seriousness of threats made by Roberta Williams to Garde-Wilson and whether they should have been reported. The newspaper pointed out that the complainant is a public figure who trades on her high public profile. Additionally, the newspaper said that the information it had included in the article was not specific enough to be a significant concern.

The issues raised were clearly matters of public interest and it was not irresponsible of the newspaper to publish the article.

The newly opened Museum of Australian Democracy housed in Old Parliament House has selected the formation of the Press Council as one of its 400 milestones in Australian democracy. At the exhibit, you’ll find our logo there right amongst votes for women and the Eureka Stockade, commemorating the Council’s work in promotion of freedom of speech, particularly through the development of the Charter of Press Freedom.

Milestone

The Council office tries to solve matters by direct contact with the publication concerned. This often leads to a settlement of the matter satisfactory to both parties. On rare occasions, a Public Member of the Council will convene a face-to-face conciliation, by agreement with the parties. Below are some examples of the matters recently settled in these ways.

- The online version of a metropolitan newspaper published a “Voteline” graph that the complainant said was incorrect. When approached by the Council office, the publication admitted that the graph was inaccurate as it was incomplete. It immediately published a correction that included the correct data.

- A metropolitan newspaper published an article about a real estate deal that the complainant believed was sensationalised and included made-up quotes. The managing editor of the paper discussed the matter with the complainant, during which he apologised and offered the complainant a follow-up story if he wished. The complainant was satisfied by the paper’s actions.

- A country newspaper published a letter to the editor that was critical of the complainant. The complaint submitted a letter in reply, which was not published. After the intervention of the Press Council, the complainant’s letter was published together with a suitable heading.

- The headline to a letter published by a suburban newspaper was misleading. The letter in was response to the complainant’s letter. The paper offered to meet the complainant to discuss the matter, and offered to publish an apology. Although the complainant did not take up the paper’s offer, she was satisfied by the paper’s approach.

- A school council submitted a letter to a regional daily newspaper in response to an inaccurate article about the school. The letter was not published. The newspaper supplied a formal response to the complaint. The parties then agreed that the editor would attend the next meeting of the school council. Given the cooperation of the paper in future, the complainant decided not to pursue the matter any further than that.

- Suburban newspaper published material that should have been sourced to a freelance contributor and made some inaccurate statements about him. The article was taken down from the website and a correction run in the next print edition.

[NEWS continued from page 6]
• A complainant was offended by a poll published by an online publication. The poll linked bikies with criminality and offered yes/no replies. The publication reviewed its poll policy. Future polls will have yes/no/unsure answer fields.
• A metropolitan newspaper published an article on the murder of a complainant’s brother that he believed to be inaccurate. The newspaper removed the link to the article from its website, and instructed Google to remove it from its cache as well.
• A regional newspaper published a headline that the complainant found to be offensive. The parties held a meeting. The complainant advised that the headline, and its authority rests on the willingness of publishers and editors to respect the Council’s views, to adhere voluntarily to ethical standards and to admit mistakes publicly. The Council consists of 22 members. Apart from the chairman (who must have no association with the press), there are 10 publishers’ nominees, ten public members (7 attend each meeting), two independent journalists, a journalist representing the MEAA and a retired editor. The publishers’ representatives are nominated by metropolitan, suburban, regional and country newspapers and by magazines and AAP. The public is represented by people with no previous connection with the press.
• A metropolitan newspaper referred to asylum seekers as “illegals”. The executive editor raised the issue with the reporter, discussed the Council’s guideline on the matter with the managing chief sub-editor and arranged for a note in its archives to alert other reporters.
• A former local councillor was upset at a regional daily’s coverage of her resignation from council. When brought to the paper’s attention, it immediately published a correction and removed the complainant’s details from the Shame File section of its website.
• Online version of a metropolitan newspaper published an inaccurate headline to an article about a dog attack. The publisher admitted two mistakes in the headline, and took immediate steps to correct them. The article and headline remain on the site’s archive with all the corrections made to it.
• A regional newspaper published a story with the headline that the complainant found to be inaccurate. The newspaper published a correction and removed the complainant’s details from the Shame File section of its website.

ABOUT THE PRESS COUNCIL

The Australian Press Council was established in 1976 with the responsibility of preserving the freedom of the press within Australia and ensuring the maintenance of the highest journalistic standards, while at the same time serving as a forum to which anyone may take a complaint concerning the press.

It is funded by the newspaper industry, and its authority rests on the willingness of publishers and editors to respect the Council’s views, to adhere voluntarily to ethical standards and to admit mistakes publicly. The Council consists of 22 members. Apart from the chairman (who must have no association with the press), there are 10 publishers’ nominees, ten public members (7 attend each meeting), two independent journalists, a journalist representing the MEAA and a retired editor. The publishers’ representatives are nominated by metropolitan, suburban, regional and country newspapers and by magazines and AAP. The public is represented by people with no previous connection with the press.

The Press Council is able to amend its Constitution with the approval of its Constituent Bodies. Significantly, great importance is placed on members acting as individuals rather than as the representatives of their appointing organisations.

Complaints Procedure

If you have a complaint against a newspaper or periodical (not about advertising), you should first take it up with the editor or other representative of the publication concerned. If the complaint is not resolved to your satisfaction, you may refer it to the Australian Press Council. A complaint must be specific, in writing, and accompanied by a cutting, clear photostat or hardcopy print of the matter complained of, with supporting documents or evidence, if any. Complaints must be lodged within 60 days of publication.

The Council will not hear a complaint subject to legal action, or possible legal action, unless the complainant signs a waiver of the right to such action.

Address complaints or inquiries to:

Executive Secretary
The Australian Press Council
Suite 10.02, 117 York Street
Sydney NSW 2000

Phone: (02) 9261 1930 or (1800) 02 5712
Fax: (02) 9267 6826
Email: info@presscouncil.org.au

A booklet setting out the aims, practices and procedures of the Council is available free from the above address.

It, together with other relevant material, is available from the Council website: http://www.presscouncil.org.au/

MAILING LIST AND MAILING LABEL

If you change address and would like to continue to receive the Press Council’s publications, or if there is an inaccuracy on the label, please advise the office of any such change.

Press Council publications will be sent by email to those who ask for delivery in that form. If you want the News sent direct to you, please send an email to info@presscouncil.org.au with subject line News by email and you will be placed on the direct email list.

As the News and all adjudications are now published direct to the Internet, if you would prefer to access it that way and therefore want your name removed from the mailing list for the printed version, please so advise the Council’s office. The Council’s URL is http://www.presscouncil.org.au/