



Statement from the Executive Director

Executive Director's statement about recent articles in The Weekend Australian

The series of articles in The Weekend Australian (16-17 August 2014) about the Australian Press Council included a number of inaccurate and misleading statements. Some of the errors will be corrected when the Council's confidentiality obligations no longer apply. But others can be corrected now.

The Council's processes

Before doing so, it should be emphasised that the Council's processes for handling complaints are initiated solely by complaints from members of the public or other organisations, not by the Council itself. Also, it is the Executive Director, not the Chair, who decides whether a complaint will be referred to the relevant publication for a response. Each referral states clearly that it does not mean the Executive Director or anyone else at the Council necessarily thinks the complaint should be considered and upheld by its Adjudication Panel.

The great majority of complaints to the Council are not sent to the Adjudication Panel for a decision as to whether they should be upheld. The proportion which is adjudicated upon has remained steady at about 10 per cent for many years. In another 20 per cent or so of cases, an agreed outcome is achieved through discussions between Council staff, the publication and the complainant.

Two recent complaints

Incorrect claims about the Council's handling of recent complaints were included in two of The Weekend Australian articles (both on Page 2).

First, the Council did not complain about the recent publication of a pixelated photograph of a severed head, and the complaints made about it by members of the public are not being referred to the Adjudication Panel. Publication of the pixelated photograph was considered to be justifiable in the public interest.

Second, it was not inappropriate for the Council to check a newspaper's claim that police investigations would be hindered if a particular complaint against the newspaper was examined by the Council. When the relevant police officer was contacted by the Council, he said the newspaper's claim was incorrect.

Newspapers would be rightly concerned if the Council accepted without examination every statement made by a complainant. Due diligence and impartiality requires that the same principle be applied to statements by publications.

Other erroneous claims about the Council's handling of this complaint will be corrected after the relevant adjudication has been published.

The General Principles

Another article (on Page 16) incorrectly implied that the Council's recently revised General Principles substantially changed its previous views on matters relating to fact and opinion. The General Principles are now clearer and more succinct, but they have not changed the Council's long-standing practices. That is one reason why they were agreed unanimously by the Council, including by News Corp and all other publisher members.

The article also proceeded on the incorrect basis that the revised Principles impose an absolute obligation to ensure accuracy. But, like the previous Principles, they require only that "reasonable steps" be taken in this regard. The oversight meant that most of the article's subsequent argument about facts in opinion pieces was irrelevant.

The article seemed to be unaware that the Council's long-standing practice has been to require factual accuracy in opinion pieces. It was also unaware that the revised Principle about distinguishing between fact and opinion was a relaxation of the previous Principle, not a creation of a requirement where none existed previously.

The article did not mention that all eight Principles now require only that "reasonable steps" be taken to comply, thus explicitly allowing account to be taken of practical difficulties. Only one previous Principle was qualified in that way. There was also no mention that the previous Principle that opinion pieces should be "fair" was revised to reflect the Council's actual practice, which is less onerous. Finally, the Chair's views on "rights of reply" were misstated.

Breaches of confidentiality

Both The Weekend Australian and The Australian concede they have breached agreed obligations to maintain confidentiality of aspects of the Council's complaint processes. Repeated breaches of these obligations, and misrepresentations of the Council's work, can severely compromise its credibility as a preferable alternative to a statutory regulator, which currently applies to radio and television.

Strengthening the Council

A number of recent criticisms in the two newspapers have related to ways in which the Council has strengthened its effectiveness. News Corp and the other publisher members of the Council agreed that it should do so and accordingly increased its funding. The number and tone of the recent articles and editorials may assure some readers that the Council has been strengthened and is not, as has sometimes been claimed, a toothless tiger.