

PRESS COUNCIL ADJUDICATIONS

ADJUDICATION NO. 701

A complaint by well-known Sydney shareholder activist Jack Tilburn about an article in *The Australian Financial Review's* *Bourse Sauce* column has been dismissed by the Australian Press Council.

The column, edited by journalist Robert Weatherdon, is a racy, sometimes pugnacious, section, and it was in this vein that it dealt with the annual general meeting of Pioneer International.

It referred to one speech at the AGM as being "a welcome break from the rantings of human soapbox Jack Tilburn".

Mr Tilburn took objection to this and he complained to the editor in a letter accusing Mr Weatherdon of character assassination and of being a "rapist and prostitute of the word 'rantings'".

A letter to the editor by Dr James Hooper, complaining about the article and praising Mr Tilburn, was also not published.

In written complaints to the Press Council Mr Tilburn variously asserted that Mr Weatherdon was motivated by hatred, malice and jealousy.

In the Press Council's opinion, however, the columnist was entitled to his view of Mr Tilburn's behaviour and was entitled to express it in a by-lined section which steps vigorously into issues it regards as being of public interest.

The *Financial Review* could well have chosen to publish Dr Hooper's letter, but it was not obliged to do so, since it normally publishes only a handful of the letters it receives, and Dr Hooper was not the aggrieved party.

ADJUDICATION NO. 702

Mr Tim Anderson complained to the Press Council about an article published in the *Sun Herald* entitled "Hilton bomb thriller for TV". He complained that the *Sun Herald* published material was inaccurate and harmful to him and that the paper refused to apologise or retract. He further complained that background "facts" in the article were distorted and that the *Sun Herald* article had little regard for his privacy or sensibilities. He particularly objected to the use of his photograph as part of the story.

The article dealt with a television documentary on the Sydney Hilton Hotel bombing of 1978. It concentrated on the filming of the documentary, the

chronology and mysteries which still surround the incident. In the article Mr Anderson is described as having been accused of committing the bombing, having been committed to trial on three counts of murder after allegedly being named by an informer, having been found guilty and sentenced to ten years gaol and in June 1991 having been acquitted by the Court of Appeal. All references to Mr Anderson were contained in a single paragraph or in the chronology surrounding his photograph. The main theme of the article was the mystery surrounding the bombing and investigations.

Mr Anderson complained that the portrayal of him in the story was distressing. He claimed that the constant association between himself and the Hilton bombing was both offensive and damaging. He believed that the article reinforced reader prejudices and strengthened the guilt by association. Mr Anderson also complained that the writer did not consult him about the story, and that the story was misleading in using his photograph in the centre of the chronology which formed part of the story.

It is understandable that Mr Anderson, having been acquitted of the crime, is concerned to distance himself from the events and to discourage further association with the bombing. However this is not the same as inaccurate reporting of the events. In respect of the publication of the photograph of Mr Anderson in connection with the story, it is possible to see how Mr Anderson may feel that his privacy has not been respected. Mr Anderson has counted the various references to himself and concluded that the article was distorted and misrepresented his position. The newspaper did, however, make it clear that he had been acquitted by the Court of Appeal.

While it may have been painful for him to see his photograph once again associated with the Hilton bombing saga, use of the photograph was clearly within acceptable standards. Mr Anderson has been a central figure in this incident and his historical association with it is public knowledge. The chronology presented is a factual one and given Mr Anderson's history of association it was not unreasonable that the newspaper included his photograph in the story.

The complaint is dismissed.

ADJUDICATION NO. 703

The Press Council has upheld complaints by Professor John Pigram and Mr Ian Taylor against *The Daily Telegraph Mirror* over articles which referred to a conference held in Cairns organised by the Royal

Australian Institute of Parks and Recreation (RAIPR). Professor Pigram, who presented a paper at the conference, claimed that reports in the 13 September 1993 edition of the paper contained inaccuracies and misleading statements, were generally derogatory and hence damaging to his reputation as a committed researcher in parks management. Mr Taylor, the Executive Director of RAIPR, additionally lodged his complaints in relation to reports in the 14 September 1993 edition of the *Daily Telegraph Mirror*.

The complaints referred in common to an article in the 13 September 1993 edition which was headlined "\$10m SPREE". The article commenced by stating that local councils were "splurging up to \$10 million a year travelling the conference circuit venues around Australia, including week-long stays at luxury holiday resorts". A main thrust of the reports, including the editorial of 13 September 1993, was the size of various council delegations attending the RAIPR conference at ratepayers' expense. The editorial emphasised this point: "There seems to be no compelling reason to send more than one or two people (by a council) to such a conference". The acceptable size of a delegation may be a debatable point: nevertheless the newspaper is perfectly entitled to draw public attention to the issue.

However, in raising public awareness of councils' expenditure on conferences, the *Daily Telegraph Mirror* should have taken care not to attack an organisation which is genuinely engaged in organising conferences of educational value. Mr Taylor complained that references to "cruises through the Great Barrier Reef, snorkelling excursions and visits to the rainforests and local beauty spots" were denigratory of "field workshops" included in the conference programme.

Although the targets of such remarks were those delegates whose main interest in Cairns seemed to be in holidaying, the article failed to explain the true nature and value of the workshops, and implicated the Institute and its conference in the alleged misuse of public funds. This was clearly unfair, and the complaint is upheld.

In an associated matter, the Australian Press Council reiterates a point it has made several times in the past: the care newspapers must take in writing headlines. In one of several stories relating to one of the delegates, the paper used the header "MY JUNKET". In fact the story was about the delegate's denial of any junketing. Thus the headline was misleading and unfair to the delegate.

ADJUDICATION NO. 704

The Australian Press Council has considered a complaint against the Sydney Daily Telegraph-Mirror for publishing the names of nine people who committed suicide while suffering serious mental illness.

The Disability Council of New South Wales complained that the newspaper's publication of nine case histories in a special report on mental health on 18 October 1993 failed to respect the privacy and sensibilities of the bereaved families.

The report dealt with concerns about the New South Wales mental health policy of reducing hospital admissions by integrating patients into the community. The case histories were featured graphically in a page-length column under a headline "Some who didn't survive". Each gave the full name, age, diagnosis of illness, number of admissions to hospital, and cause of death.

The newspaper explained to the Press Council that the graphic was designed to emphasise the plight of those who suffer mental illness so that they might be assisted. It added that the information was on the public record of the coronial inquests.

The Disability Council complained that the names appeared to have been published without the consent of surviving relatives and friends. It suggested fictitious names would have served the newspaper's purpose without causing undue hardship or stress for those families. The newspaper says that such a device would not have made as great an impact on public consciousness.

The Press Council acknowledges that this complaint involves difficult questions regarding the balance between public interest and respect for privacy and sensibilities.

It would be the view of many people that the newspaper could have shown more sensitivity to the right to privacy, perhaps by some form of partial anonymity, but the Press Council held that the newspaper was entitled to take its stand that there was an over-riding public interest in its graphic presentation to draw attention to an alarming state of affairs.

The complaint is dismissed.

ADJUDICATION NO. 705

The Press Council has dismissed a complaint against the Northern Territory News by the Dripstone High School Council.

The complaint arose from a front page article, spilling on to page 2, headed "Teacher tied up boy for sex act. Student accuses".

The article contained a brief report of the recent dismissal and continuing police investigation of a teacher at the school who had admitted sexual offences against students. Most of it was devoted to a detailed account, obtained from one of the students, of several incidents in which sexual interference had allegedly occurred.

Although the teacher had not been formally charged — as he has since been — when the article was published, the School Council raised questions about its possible impact on any legal proceedings that might be instituted against him.

The School Council's main concern, however, was with what it regarded as the "apparent irresponsible, unprofessional, unethical and immoral methods used by the NT News journalists in deriving information about the reasons for the dismissal of the Music teacher".

The published description of incidents contained explicit references to sexual practices and the trauma had "no doubt been magnified for many families because of the gratuitous/explicit details contained in the NT News article".

While the paper and the complainant dispute details of the process of gathering information for the article, they agree that all Dripstone High School parents approached by the NT News had refused permission for their children to be interviewed. The paper says that it did not pursue this line of investigation.

However when, according to the editor, a student himself offered to talk to the paper, a reporter was sent to meet him, with instructions that the student was not to be questioned or put under any pressure. The NT News thus considered it had gathered news in "the universally accepted manner", and had acted properly as "every citizen in the Northern Territory has a right to know what has been allowed to happen in an NT school".

The Press Council dismissed the complaint because it held that the issue was one where the newspaper properly pursued discovery of relevant facts and was entitled to publish a matter of significant local public interest.

The Press Council did not accept that the newspaper's decision to publish infringed the tenets of fair press conduct.

At the same time, the Council reached the conclusion that the front-page article would be offensive to many readers in its details of alleged sexual activity, particularly in view of the fact that an identifiable group within the school community was involved.

ADJUDICATION NO. 706

The Australian Press Council has dismissed a complaint by Mr David Eastman against the Canberra Times.

The complaint concerned the failure of the Canberra Times to report allegations made by Mr Eastman in court.

The Press Council finds that this failure to report involves no breach of its principles.

ADJUDICATION NO. 707

The Press Council has upheld a complaint by Mr Peter Styles against a paragraph in the business section of the Herald Sun on 16 November 1993 headed "FRIENDLY FIGURES".

The paragraph, one of several brief comments on business affairs in "NEWSLINE", concerned the IOOF Friendly Society's Annual Report and Accounts for the year ended 30 June 1993 and referred to growth in the society's income.

Mr Styles' complaint was that other figures in IOOF's accounts showed a decline in the management surplus and in the assets owned by IOOF (although not in the total assets managed by the group). Mr Styles compared the Herald Sun summary unfavourably with a more detailed report published in the Australian Financial Review on the same day. He wrote to the Herald Sun and also voiced his complaint to the business editor.

The newspaper claimed the figures used in its summary were accurate (one was not but the premium income mistake did not alter the purport of the summary) and that any difference between the two newspaper summaries was a difference in interpreting relevant figures.

The Press Council accepts that, apart from a transposition, the sales figures quoted by the Herald-Sun were accurate.

The Council notes the brevity of "Newsline" reports and accepts there was no deliberate attempt to mislead readers. Nevertheless by not publishing the less friendly figures the newspaper failed to provide a balanced summary of the IOOF accounts.

Mr Styles' complaint is therefore upheld.

ADJUDICATION NO. 708

The Press Council has dismissed a complaint against The Age from Denis McCormack, a spokesman for Australians Against Further Immigration.

Following the publication of a bylined article, "A test of our tolerance", on 14 April 1993, Mr McCormack wrote a letter to the editor which was published after a negotiation between the newspaper and Mr McCormack, at the end of which he agreed to the deletion of a section of the letter.

The section deleted related to the alleged reproduction of material from non-attributed sources. The Press Council was satisfied on the evidence that the material was derived from legitimate sources.

As Mr McCormack agreed to the deletion of the section, the Press Council finds no basis for the complaint and it is dismissed.

ADJUDICATION NO. 709

The Press Council has dismissed a complaint against an opinion poll on sexual harassment published in The Age newspaper on 15 November 1993.

Mr Alan Salter complained that the Saulwick Age poll promoted the feminist cause against men.

The Press Council notes that the report on the poll fulfilled its guidelines on opinion polls.

Further, the day following the poll, an Age editorial warned that much of the behaviour that some feminists considered sexual harassment was not that at all and the poll showed that most people did not think that it was.

Mr Salter followed up his initial complaint with a more generalised complaint about an anti-male bias in The Age, citing a number of what he saw as examples. The Age argued that these represented no more than the expression of different views, which fulfilled the proper function of a newspaper.

On the evidence before it, the Press Council also found against this extension of the complaint.

ADJUDICATION NO. 710

The Press Council has upheld in part a complaint by Dr Bryan Walpole against The Mercury in relation to a front page article published in the 22 January 1992 edition under the headline "Doctors' Royal rip off".

The Council's consideration of this matter was delayed by the threat of legal action by a third party.

The article was claimed to be based on a confidential internal Department of Health memo accusing Royal Hobart medical staff of blatant abuses of overtime and meal allowance provisions. The article proceeded to highlight a number of alleged practices identified in the report: that salaried medical staff were claiming overtime for lunch meetings (which they were not required to attend) where lunch was provided free; that doctors were working hours to suit themselves, such as 11 hours one day but only four the next, but were getting penalty rates for hours in excess of eight a day; that doctors were claiming call-back payments for self-initiated ward rounds on weekends; that doctors were getting paid a full hour at penalty rates for call-backs of only 15 to 20 minutes; during a specified period "\$1204 was paid on call-back allowances to full-time medical staff, yet no call-backs occurred".

In his complaint, Dr Walpole said that the allegedly "leaked" report was unsigned; that no comment was obtained from the hospital, the medical staff or their industrial representatives in the writing of the article; that all the allegations could be satisfactorily explained "in terms of the nature of medical practice and the current structure of the award".

There is no doubt as to the authenticity of the report: the complaint that it was unsigned is irrelevant. The newspaper claimed that after publication it attempted to seek further information from members of the medical profession but that "none wanted to break the wall of silence". It added that it was limited as to whom it would approach for comments in the report as "there were strong indications of litigation including mention of injunctions to prevent publication or broadcast of certain material". The Press Council is of the view that, given the controversial and adverse nature of the allegations, the newspaper should have provided the affected parties an opportunity to comment on them before the publication of the article. The newspaper said that it did provide

such an opportunity by publishing on page 3 of the next day's (23 January 1992) edition a reply from the medical organisations. However, there was a failure to use this opportunity to respond to the reported allegations. Nevertheless, the Council is of the view that it was an insufficient attempt to remedy the unfairness arising from the original publication; to this extent the complaint is upheld.

ADJUDICATION NO. 711

The Australian Press Council has upheld a complaint by the Bias is Bad News Committee against The Age newspaper over a press release issued on 10 September 1993 by the Victorian Trades Hall Council (VTHC).

The complaint was made by the committee at the request of the VTHC. It arose out of a series of articles published by The Age between 11 August and 11 September 1993 dealing with criticism of the VTHC by the Federation of Industrial Manufacturing and Engineering Employees (FIMEE) and other unions.

The unions concerned claimed that the VTHC had become too political, and concerned itself too readily in matters which had little relevance to the union movement.

A news story in The Age on 9 September 1993 reported that the FIMEE had disaffiliated itself from the VTHC, accusing it of incompetence, and attacking the leadership of the council secretary, Mr John Halfpenny. A follow-up feature on 11 September summarised the dissatisfaction felt by some unions with the VTHC, and speculated on the its future.

Bias is Bad News said it had no complaint with any of these articles, all of which contained quotes from Mr Halfpenny in rebuttal of critics of the VTHC.

Its complaint was solely with The Age's failure to print in whole or in part, or to follow up, a VTHC press release of 10 September, which said that at a meeting the previous day more than 250 union delegates had unanimously rejected the FIMEE allegations, and voted in support of the VTHC's policies.

In reply, The Age said a reporter had filed a story on the meeting, but this had been cut from a larger story "for space reasons".

The Australian Press Council does not expect The Age or any newspaper necessarily to print press releases as written.

However, The Age had printed four news stories and a feature outlining the dissatisfaction of some unions with the VTHC. The fact that a sizeable meeting of union delegates had passed resolutions in support of the council was newsworthy and should not have fallen victim to a sub-editor's cut.

ADJUDICATION NO. 712

The Australian Press Council has dismissed a complaint by Professor John Henningham on the failure of the Courier-Mail, Brisbane, to report on the birth last year of a weekly paid newspaper, the Brisbane Weekend Times.

Professor Henningham, Professor of Journalism at the University of Queensland, wrote to the Courier-Mail on 13 October 1993 complaining about its lack of coverage when the same event had been reported by most or all of the other major Queensland news outlets, principally television.

He also suggested the Courier-Mail's professional journalistic standards may have been compromised by the threat of commercial rivalry.

His letter was not published.

The Courier-Mail informed the Press Council that many minor newspapers had been formed in Queensland, principally in the country, inferring that therefore the establishment of the Brisbane Weekend Times did not merit space.

The Council is unable to assume that this news was suppressed by the Courier-Mail. For this to be sustained, there would have had to be an editorial direction or an agreement to this effect among the Courier-Mail staff. Neither was alleged.

The Council cannot substitute its views for the newspaper's as to whether the report was sufficiently newsworthy, nor whether Professor Henningham's succinct letter was more appropriate for publication than the other letters the Courier-Mail received.

The Council concluded there was no breach of its principles.

ADJUDICATION NO. 713

The Australian Press Council has dismissed a complaint concerning a cartoon entitled "EARLY SETTLERS EXTINGUISHING NATIVE TITLE" in the Courier-Mail on 3 September 1993.

The cartoon accompanied a story on the Commonwealth's proposal for a national approach to the Mabo question. Mr D J Jones complains that it breached two of the Press Council's principles: that it was a lapse of taste so repugnant as to bring the freedom of the press into disrepute, and that it placed gratuitous emphasis on race. He argued that it was divisive at a time when real efforts were being made for reconciliation.

Cartoonists have traditionally enjoyed considerable licence in the satirical presentation of the issues of the day. Some readers may be offended by the cartoon, but the Council does not believe it breached either of the two principles.

ADJUDICATION NO. 714

The Press Council has upheld a complaint by the staff of the Balgowah Boys' High School against a headline in the Manly Daily, "SCHOOL STABBING. A 'skylarking incident'".

The complaint arose over the paper's front-page coverage of an incident at the school in which one student was accidentally cut by another who was attempting to hit a thrown soft-drink can with a Stanley knife.

The injury was clearly not deliberate, and the possession of the knife on premises was legitimated by its normal use in art classes.

The school's principal, staff and apparently a number of students were incensed by the article, and especially by the headline which, in their view, completely distorted what had actually happened, and unfairly damaged the reputation of the school.

They were concerned that the general public would read the word "stabbing" in the headline as a description of a premeditated violent attack with a weapon. This would reflect badly on the school which, despite claims to the contrary by the injured boy's father (also reported by the paper), insists it had no problem of students possessing offensive weapons.

The Manly Daily stood by its report of the incident. It pointed out that dictionary definitions do not necessarily associate "stabbing" with premeditated violence, and that the word can be used to describe any injury inflicted by piercing with a sharp object.

According to the paper, the headline reference to a "skylarking incident" (the principal's words), and the article itself, made it obvious that the injury in this case was accidental.

The paper also went to some lengths to acknowledge concerns about its article. It

printed three letters challenging the report, including one from the principal, and offered him an opportunity to write an article pointing out where he thought the Manly Daily had erred. The offer was not taken up.

The Press Council commends these steps by the paper to mitigate the offence given to the school by the article, but recognises that they could not fully counter the misleading impression which the headline may have created.

Headlines - especially those on a newspaper's front page - are often designed to attract readers' attention through the use of vivid language. They may thus run the risk of sensationalising otherwise relatively mundane events.

In this case, the Council believes that the use of the word "stabbing" did not provide a fair account of the incident.

ADJUDICATION NO. 715

The Australian Press Council has dismissed a complaint by an Adelaide couple about a front page story in the Adelaide Advertiser the headline of which summarises the text: "Is this SA's filthiest house?"

Accompanied by graphic pictures, the story described the "squalor" an Adelaide family had lived in for 10 years.

Though largely descriptive, the article and a subsequent one published the following day pointed to local concern about the house, counselling the family living there had been given and the involvement of the department for Family and Community Services and the local council, including disputes between them.

Readers had complained about the "journalistic standards and ethics" in publication of the story. They argued that while there was a "real and newsworthy" story in the failure to help the people concerned over a long period, the newspaper had sensationalised their plight.

The newspaper rejected the complaint, pointing out it had scrupulously protected the identity of the family concerned, and that the story had addressed the issue of "how government agencies tackled the problem, however ineffective those agencies might have been".

The Press Council agrees. Though some readers might be offended by the paper's dramatisation of the serious and long-standing plight of the family concerned, by any standards, the story itself drew attention to their plight and pointed to the failure of government agencies to address it over a long period.

None of the Press Council's principles was breached.