

PRESS COUNCIL ADJUDICATIONS

ADJUDICATION NO. 771

REVISED VERSION

This adjudication was originally issued on 20 January 1995. The newspaper appealed on the ground that it had not understood that there were two complaints, not one. Having accepted that the newspaper had reasonable grounds, the Council reconsidered and revised one aspect of its adjudication. As a result, certain changes have been made to paragraph 3 and a new paragraph 4 has been inserted.

The Press Council has upheld complaints made by sporting official Arthur Tunstall against the Daily Telegraph-Mirror over a news report on an incident during the Commonwealth Games in Canada and a later feature profile on him.

The incident involved a reporter from a London paper who wrote that while trying to interview Mr Tunstall, the Australian *Chef-de-mission* at the Games, "he thumped and punched me; he pushed and shoved me; he threatened me". This followed Mr Tunstall's widely reported remarks on disabled athletes at the Games.

The incident was shown extensively on TV where the impression was given that it was Mr Tunstall who was under threat, not the reporter. Mr Tunstall said that the reporter had denied the original report and was so reported in the Canadian press. The reporter, however, insists that the incident took place as reported and says Mr Tunstall's assertion of her denial resulted from his misreading of a gossip-column item. The Daily Telegraph-Mirror had front-page coverage of the incident on 18 August 1994. A news report published on 19 August 1994 (which is the news report cited in the complaint) gave, in detail and with accompanying photographs, the British reporter's version of the incident. The Daily Telegraph-Mirror attempted to obtain further interviews with Mr Tunstall. He understandably referred them to the press liaison officer. As a result, Mr Tunstall's response, while sought, was not published. Four witnesses of the event, including the Vice-President of the Commonwealth Games Federation and an Australian

television producer, have informed the Council that Mr Tunstall did not assault the reporter.

Nevertheless, the impression left by the 19 August news report was that Mr Tunstall had assaulted the reporter. This now needs to be redressed, and damage to Mr Tunstall's reputation restored. The prominent publication of this adjudication should assist in this correction.

The second complaint from Mr Tunstall covered 21 points of alleged error in a profile on him which appeared under the headline "Arthur's sporting strife". This followed both his remarks on disabled athletes and his objecting to runner Cathy Freeman carrying the Aboriginal flag after winning her races.

It would be tedious to detail every point. Certainly there are errors, and the writer of the profile claims that they arise from the files used by him as the basis for his feature; he says that Mr Tunstall refused his repeated requests for an interview and thus the file references could not be checked. Mr Tunstall denies that he was approached for an interview.

Some of the errors are of little importance, and some of the incidents recorded can easily have differing interpretations. However the overall impression is that the article supported the reported critics' description of Mr Tunstall as "a bumbling old fool" whose manner and methods were archaic. Several points in Mr Tunstall's favour are made, but they are heavily outweighed by the negative.

The Press Council believes that overall Mr Tunstall was not treated fairly in the profile. In making this adjudication, the Council considers that many media outlets in Australia went overboard in their reporting of the words and actions of Mr Tunstall at the Games. His remarks inevitably provoked a vigorous response, but the wave of criticism that washed over him, while not entirely engendered, was certainly forced on its way by a wolf-pack of outrage.

Did no one support him in his positions? That seems unlikely given that he has since been re-elected President of the NSW Commonwealth Games Association, and elected Vice President of the Commonwealth Games Federation. With the exception of Stuart Littlemore's *Media Watch* and some press and radio commentators, little was

said in his favour in the media during the furore.

The Press Council believes that, no matter how outrageous statements or actions may appear to be, the supporting and contrary points of view should always be considered and even sought.

It is all too easy to run with the pack; it is a fault the press and the media in general should guard against.

ADJUDICATION NO. 778

The Press Council has dismissed a complaint by Michael Adamo against the Manly Daily.

There were several elements in Mr Adamo's complaint about the paper's reporting on 21 October 1994 of a court case in which he was cleared of assaulting a bus driver.

These elements included the use of the magistrate's name in the headline, that the evidence of the man he was alleged to have assaulted was reported "verbatim" while his was not, that the defence case was "merely skimmed over", that some of the evidence Mr Adamo thought was significant was overlooked and that the honorific "Mr" was omitted from references to him throughout the report.

However, given the obvious space constraint on a newspaper that it cannot record every word of such a court case, the Press Council concluded that the report was fair and balanced and that the headline was not only unexceptional but accurately summarised the story.

On the question of honorifics, the report was in accordance with accepted newspaper practice to omit honorifics in references to the accused. However, the Council is of the view that it is now timely for this practice to be reviewed.

ADJUDICATION NO. 779

The Press Council has dismissed a complaint by the Northern Rivers Branch of the Sporting Shooters Association of Australia (SSAA) against the Lismore Echo newspaper.

The sporting shooters complained about an article headed "DAAS (Doug Anthony All Stars) Guide to Fun", published in the Lismore Echo on 11 August 1994.

The article, noting the comedy group's appearance in Lismore two days later, said that the newspaper "at great expense to the management" had commissioned "an extensive guide to rural amusement".

There followed a satirical guide, written by a member of the DAAS, which suggested Echo readers should drink a vast amount of beer, buy "high calibre rifles with laser lights and snub nosed bullets" and drive "through the streets spotlighting Lismore locals. If you feel really tense drive to Byron Bay and waste some hippies". The guide further suggested that if readers were arrested, they should start sobbing and blame society before burning down the University Union building and leaving Lismore quickly.

An Echo reader, J. W. L. Dittmar, wrote to the paper, identifying himself as a member of the SSAA. The letter, which was published in full, said the Echo should be ashamed for printing irresponsible rubbish adding: "I regard our view of gun ownership [as] far more enlightened".

In a subsequent complaint to the Press Council, the SSAA (Northern Rivers Branch) said the DAAS Guide to Fun "excites unstable people to gun-violence and arson".

The branch felt that "the high percentage of mental patients in the Lismore area could be influenced by such an article" and added: "No doubt if an 'incident' occurred like [the] Strathfield [massacre], the Echo would gleefully editorialise against 'guns'".

The Echo's entertainment editor, Simon Thomsen, said the article had been intended "to convey the humorous nature of the Doug Anthony All Stars, as well as conveying some insight into the nature of DAAS's brand of humour".

In the Press Council's view, the newspaper, in publishing a satirical article, did not breach any of its principles and it fulfilled its obligations to those principles by promptly publishing the only letter objecting to the article it received.

ADJUDICATION NO. 780

Ken Barty complains that the Bendigo Advertiser violates Press Council principle seven which relates to newspaper discretion in matters of taste when it promoted (16 November 1994) a

competition about summer snake tales, entitled "My Dead Snake", on the grounds that such a competition implicitly encouraged readers to kill a protected species.

Readers were invited to submit, for publication and reward, firsthand evidence and/or photographs which would substantiate the general claims rampant each season about the fearsome specimens.

The newspaper was obliged to reconsider the appropriateness of its competition when its readers responded not only with tales and photographs but with telephone calls and letters (which were published on 19 November and 23 November) of strong protest against what were seen to be inducements to destroy snakes and the encouragement of behaviour risky to the person.

Consequently the competition was brought to an abrupt halt (30 November) by the editor who conceded in retrospect that, while some of the articles published could have been misconstrued, the newspaper had not intended to encourage illegal acts and that it had no intention of repeating the episode.

The Press Council does not consider that there was any breach of its principle relating to taste.

Snakes have always had a bad press, see Genesis, chapter 3, verse 14:

"And the Lord God said unto the serpent, because thou hast done this, thou art cursed above all cattle, and every beast of the field; upon thy belly shalt thou go, and dust shalt thou eat all the days of thy life ..." [King James version]

The complaint is dismissed.

ADJUDICATION NO. 781

A "letters-to-the-editor" wrangle over Roman Catholic Church doctrine has brought a complaint of unfairness to the Australian Press Council.

The complaint by reader and letter-writer William H Smith, of Kedron, Queensland, against the Courier-Mail newspaper has been dismissed.

Mr Smith's published letter to the newspaper (21 December 1994) accused Archbishop John Bathurst of a "gratuitous one-liner that even Christ must have found celibacy difficult". This, wrote Mr Smith, was "sacrilegious" and gave scandal to the laity.

This brought a letter of response (published on 24 December 1994) from AJ Dixon, finance general manager, Archdiocesan Offices, the Catholic Centre, Brisbane, saying among other things that Mr Smith's letter was defamatory of the Archbishop.

Mr Smith says he was denied the right of reply. The editor of the Courier-Mail says Mr Smith "wrote a provocative letter and got a provocative response".

The Press Council holds that the newspaper was entitled to leave it at that.

ADJUDICATION NO. 782

The Press Council has dismissed a complaint against the Sydney community paper Capital Q Weekly over its coverage of the controversial annual general meeting of a charity, the Bobby Goldsmith Foundation (BGF).

Bo C Vilan complained that an article published in July last under the headline "Scandal plagues BGF elections" offended a number of the Council's principles dealing with truth, balance and misrepresentation and, as a result, damaged the standing of the charity.

The headline was strong but was over a story about an organisation with a membership of around 200 faced with another 100 or so applications for membership immediately before the meeting.

People seeking membership were reportedly supporters of a rival ticket to the incumbent committee and only a few of the applications were accepted by the meeting date.

Selection of the committee was obviously of vital interest to some people and was the subject of other letters and stories in Capital Q Weekly.

The Press Council believes that, while the story complained of could be read to favour one side over the other, overall the author presented both sides of the debate in a fair and responsible manner and that the community had the right to know of the upheaval in an organisation they were being asked financially to support.

ADJUDICATION NO. 783

In upholding in part a complaint against the Canberra Times, the Australian Press Council points out the problems that are created when a newspaper bases a report on a transcript of a meeting at which its reporter was not present.

Ali Kazak, Head of Delegation of the General Palestinian Delegation in Australia, complained about a story in the Canberra Times of 14 October 1994, headed "Ali Kazak, PLO chief in clash".

The story said there had been a "clash" between Mr Kazak and Dr Nabil Sha'ath, the Minister for Planning and Inter-

national Cooperation in the interim Palestinian Self-Governing Authority, and a close associate of Yasser Arafat, during Mr Sha'ath's visit to Australia in September.

The Canberra Times' story said Dr Sha'ath had had a secret meeting in Canberra with members of a pro-Israel group, Australia-Israel Publications (AIP), and it was during this meeting that the clash with Mr Kazak had taken place.

In his complaint, Mr Kazak said the meeting had not been secret and had taken place in Sydney, not Canberra. The source of the Canberra Times' story had been an unofficial transcript, and critical remarks by him interpreted by the newspaper as addressed to Dr Sha'ath had in fact been addressed to the AIP delegates. The suggestion of a "clash" was therefore incorrect. He had written to the newspaper to this effect, his letter had not been published.

In reply, the newspaper conceded that the meeting had not been secret and had taken place in Sydney, not Canberra. It offered to publish a correction to this effect.

On the main issue of the headline, "Ali Kazak, PLO chief in clash", Mr Kazak claimed there had been a misreading of the transcript. The Canberra Times story said:

According to the transcript, Mr Kazak said: "Israeli troops killed two Palestinians in the last few days and it wasn't condemned by the Israeli Government. Why don't you tell Israel to recognise our right to self-determination?"

Mr Sha'ath replied: "Forgive him, he has difficulties with the changes ... Our dueller is still at his sword."

The heading and the story itself suggest that Mr Kazak, described by the transcript as "shouting", was addressing Dr Sha'ath, who had earlier in the meeting criticised his own leader, Mr Arafat, for not condemning terrorist attacks in Ramla, and allegedly closing down two newspapers.

In fact, Mr Kazak said he was not "clashing" with Dr Sha'ath, but was addressing his remarks to the AIP delegation. In this interpretation, Dr Sha'ath was not "replying", but making a conciliatory aside to the AIP members.

In the follow-up letter to Mr Kazak, the newspaper conceded that the remark had not been directed to Dr Sha'ath, but said that Dr Sha'ath had distanced himself from Mr Kazak's position, and this validated the word "clash", though admittedly with somewhat less strength.

The newspaper offered to add to its suggested correction a paragraph saying

that the remark by Mr Kazak had in fact been directed to the AIP group, and not to Dr Sha'ath.

Mr Kazak was not satisfied by this offer, however, on the grounds that it did not correct the misconception that he had "clashed" with Dr Sha'ath, a friend and political associate of many years standing.

The Press Council upholds Mr Kazak's objection to the word "clash" as it obviously arises from a mistake in reading the transcript, and the newspaper's suggested correction, though conciliatory, does not fully clarify the situation, at least in the mind of the general reader.

ADJUDICATION NO. 784

The Australian Press Council has upheld a complaint by the coordinator of the Cairns and Far North Environment Centre (CAFNEC) against an editorial in the Cairns Post.

The editorial of December 3, 1994, strongly criticised the Federal Environment Minister, Senator Faulkner, for having stopped work on a major development at Oyster Point, Hinchinbrook, near Cardwell, and said the Federal Government should allow a resumption.

Major claims in the editorial were that the Minister's decision "appears to have been based on little scientific evidence" and that the developer "had received all the necessary approvals" before the Minister blocked work.

The CAFNEC coordinator, Sean Purcell, said both claims were demonstrably wrong, based on correspondence between the Minister and his State counterpart, Molly Robson, obtained under Freedom of Information legislation, as well as other openly obtainable documents, including Hansard reports.

He said all the information had been given by CAFNEC to the Cairns Post in repeated visits and letters before the editorial ran but was not published at that time. The main points had been printed later in major metropolitan and other newspapers.

Defending the editorial, the newspaper relied on a statement by the Queensland Premier that the developer had been given approvals. It also relied on a report that a scientific workshop set up by Senator Faulkner had reported there was not likely to be long-term environmental damage from the envisaged development.

The newspaper also made what appears to the Council to be a curious and contradictory pair of claims that CAFNEC was too close to the issue to be objective, and that CAFNEC was not given "all that much say" as "it was not directly involved."

It is not the Council's role to tell editors what they should or should not print, even though it believes that in this case had any of the information sent to the paper been published at the time of the Premier's statement, as it was elsewhere, readers' perceptions of the issue could have been altered.

But having the information in its possession and then writing an editorial based on premises that the information showed to be at best suspect, at worse false, the Cairns Post left itself open to the complaint of not presenting comment honestly and fairly.

Council principles say a newspaper is justified in strongly advocating its own views providing (among other things) that it does not misrepresent or suppress relevant facts. It is the Council view that the paper breached these tenets by its failure to publish facts that were vital to the editorial's balance.

On a separate issue relating to the above judgment, the Council criticised the CAFNEC coordinator for a press release issued by Mr Purcell on the eve of the Council hearing of the complaint.

The Council said the release, based on the fact that the Council had agreed to hear the CAFNEC complaint, went beyond fair comment. Part of it purported to summarise the Cairns Post arguments but in doing so omitted the main reasons given for the paper's actions, thus making the defence appear frivolous.

ADJUDICATION NO. 785

The Australian Press Council has upheld part of a complaint about a "vox pop" style report in The Advocate newspaper in Burnie, Tasmania.

The report was based on the comments of visitors arriving in Devonport on the Spirit of Tasmania who were asked their views on a proposed link road between Smithton and Zeehan on Tasmania's west coast.

An opponent of the road plan, Peter Sims, complained that the article was "typical of the biased reporting and skewed editorial content that has, for many months, misled readers and distorted the facts on this issue".

Five of the six visitors quoted said they thought the proposed road was a good idea.

The Council found that, in the context of the fierce local debate, the article was unfair because the visitors were unlikely to be aware of all the issues the road involved. Indeed, one of the quoted supporters prefaced his remarks with the observation that he was not exactly sure

where the road was.

However, in upholding this point of the complaint, the Council felt it was more a case of poor reporting than of deliberate bias.

The Council did not agree that the paper's extensive coverage of the controversy over a long period could be held to be biased.

Though The Advocate's position, as expressed in its editorials, supported the road, its news reports and numerous letters published canvassed all sides of the debate.

ADJUDICATION NO. 786

The Press Council has upheld a complaint that a headline in the Weekend Australian breached the Council's principles with respect to the sensibilities of individuals. But it rejected a claim that the headline was racist.



Applications are invited from interested persons in Tasmania and South Australia for appointment to the Australian Press Council as representatives of the public.

The Council is concerned to maintain the standards of the press and to that end adjudicates on complaints against the press, and considers matters affecting freedom of the press.

The Constitution of the Council provides that public members and alternates shall be appointed from persons otherwise unconnected with the press.

Further information may be obtained from the office of the Council:

Suite 303, 149 Castlereagh Street, Sydney 2000.

Telephone: (02) 261 1930 or (1800) 025712
Fax: (02) 267 6826

Applications should be addressed to the Executive Secretary, to reach him by 30 May 1995.

Steve Campbell complained about the headline over a brief item reporting the death from cancer of a woman described as "one of the leading belly dancers in the Arab world".

Mr Campbell said the headline, "Belly Flop", treated the late dancer with con-

tempt and ridicule, and was racist. He contrasted it unfavourably with other, purely factual headlines in the column which also referred to deaths ("Child murdered"; "Actor dies").

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 21 members. Apart from the chairman (who must have no association with the press), there are 10 publishers' nominees, seven public members, two journalist members and an editor member. The newspapers' representatives are drawn from the ranks of metropolitan, suburban and country publishers as well as from AAP. The public is represented by people from all walks of life, none of whom can have had any 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, 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 or clear photostat of the matter complained of, with supporting documents or evidence, if any. Complaints must be lodged within three months of publication.

The Council will not hear a complaint subject to legal action or, in the Council's view, possible legal action, unless the complainant is willing to sign a waiver of the right to such action.

Address complaints or inquiries to:

Executive Secretary
The Australian Press Council
Suite 303,
149 Castlereagh Street
Sydney NSW 2000

For information or advice, telephone (02) 261 1930; callers from outside the Sydney Metropolitan area can ring on Free Call (1800) 02 5712.

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

Managing Editor: David Flint; Editor: Jack R Herman

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