

TO NAME OR NOT TO NAME

One of the perplexing dilemmas facing editors is whether to name people connected with court proceedings. A Victorian magistrate brought the Council's attention to an article by editor DON GUNN in *The Kyneton Guardian* which is here reprinted with permission, together with a commentary by PAUL MURRAY, editor of *The West Australian* and a member of the Press Council. In a related piece, JULIE NELSON, from Melbourne's Northern Problem Gambling Service, looks at the effect of the naming of a gambler.

CRIME ... AND PUNISHMENT

Editors Note: *Victorian magistrate, Clive Alsop, sent to the Council the enclosed article, published in the Kyneton Guardian of 22 May 1998. He comments: I was the Magistrate ... on the occasion referred to in the article and consider that the professionalism and ethical stance taken by the editor ... should be formally acknowledged in some way. ... By acting as he did, the editor has earned the justified respect ... [of] the majority of his readers ... The editor's actions have ensured the preservation of this man's right to privacy and assisted him to put the past behind him. I consider this was an act which would not even occur to some of the larger newspapers in this country."*

The Council agreed to reprint the magistrate's comments and the article in the News as an incentive to debate, without necessarily endorsing the editor's actions in this case. It also invited Paul Murray to comment on the actions by way of providing another view. Neither article should be taken as a statement of the Council.

There is a belief, not without some foundation, that the Code of Ethics which guides journalists, is breached much more than it is observed, especially as far as the mass media is concerned.

A discerning reader or viewer can, on any given day, read a daily newspaper or watch a TV news-current affairs

program, and find something ethically unsound, or at least questionable.

It is the stuff which keeps the ABC's *Media Watch* busy.

In rural journalism, where journalists are closer to their readers, ethical breaches are far less common, but at this level, journalists and editors often wrestle with difficult ethical problems, especially in court reporting.

Take, for example, a matter heard recently in a district court.

Before the court was a man who gained notoriety some years ago as a participant in a very serious crime.

He completed his sentence some time ago and set about constructing a new, honest life ... yet his past continues to haunt him.

It was this fact which led to his court appearance.

He persuaded another person to assist him in obtaining documents which gave him a new identity ... but their scheme was discovered, hence the day in court.

His plea, which the court accepted, was that his name alone was enough to have contracts worth over \$100,000 cancelled in the business he was running. The business employed four other people.

Hence his need for a 'new' identity.

The magistrate fined the 57 year old \$200 for what he described as "an exercise in stupidity that went wrong", but didn't record a conviction.

Before any pleas had been heard, the magistrate said he had one question: 'why?'

The reason given for the ill-informed scheme, that the past refused to go away, convinced him, hence the small fine.

The dilemma for the court reporter?

Does the journalist report the case, name the man and his co-defendant, and in so doing drive another nail into the 'coffin' of rebuilding a new life?

Normally, such a case would attract immediate media attention, but in this case, no other media was in court.

If the names and places aren't mentioned, what are the implications for general court reporting?

Once reporters start playing favourites with what is and what isn't reported they are bound to be seriously challenged by those whose cases do rate a mention.

As the court reporter in this instance, and given the reason for the 'crime', I come down on the side of rehabilitation. Leave the man alone to get on with his life ... and if he makes a go of it, good luck to him.

There are obviously many who neither forgive, or forget.

They can wrestle with their conscience.

Mine is clear.

DON GUNN