



Australian  
Press Council



# ANNUAL REPORT

2016-2017

No. 41



The Australian Press Council

Address: Level 6, 309 Kent Street Sydney 2000 Phone: (02) 9261 1930 or 1800 025 712 Fax: (02) 9267 6826  
Email: [info@presscouncil.org.au](mailto:info@presscouncil.org.au) Web: <http://www.presscouncil.org.au>



# ANNUAL REPORT

2016-2017

**Annual Report No. 41**  
**Year ending 30 June 2017**

Level 6, 309 Kent Street  
SYDNEY NSW 2000  
Australia

Telephone: (02) 9261 1930  
1 800 025 712

E-mail: [info@presscouncil.org.au](mailto:info@presscouncil.org.au)  
Website: [www.presscouncil.org.au](http://www.presscouncil.org.au)

ISSN 0156-1308



## Contents

<b>1. About the Press Council</b> .....	<b>11</b>
Overview .....	11
Membership of the governing body .....	13
Changes to membership .....	15
Constituent bodies of the Press Council .....	16
Press Council sub-committees .....	17
Secretariat .....	17
<b>2. Standards and policy</b> .....	<b>19</b>
The Standards of Practice .....	19
Reporting on children and young people .....	20
Discussion Day on Guidelines and Standards .....	21
Reconciliation Action Plan .....	23
<b>3. Complaints</b> .....	<b>25</b>
Complaints-handling .....	25
Complaints charts .....	28
Remedies without adjudication .....	30
Feedback from complainants .....	31
<b>4. Public Affairs</b> .....	<b>33</b>
Freedom of speech and of the press .....	33
Awards and prizes .....	34
Meetings with outside organisations .....	35
Media coverage .....	37
<b>5. Finances</b> .....	<b>39</b>
Funding in 2016-2017 .....	39
Triennial commitments .....	39
Assets and liabilities .....	40
Statement of financial position .....	41
<b>Appendices</b> .....	<b>43</b>
A1. Designated Resolutions .....	45
A2. Reconciliation Action Plan .....	49
A3. Member Publications .....	59
A4. Detailed complaints statistics .....	77
A5. Summaries of adjudications 2016-2017 .....	81
A6. Full adjudications 2016-2017 .....	85



## Foreword from the Vice-Chairs

The 2016-17 reporting period was a successful one for the Press Council in a number of ways, despite some challenges that arose as the year drew to an end.

We welcomed four new member publications as constituent bodies, among them Australia's leading Indigenous newspaper, the Koori Mail, and the country's only newspaper aimed at children, Crinkling News.

We continued work on refining our Standards and Advisory Guidelines and conducted community consultations in several cities with a view to developing a new Standard or Guideline on reporting about and relating to children. We awarded prizes to outstanding university journalism students, we developed a major training package for journalism schools, and we launched the Council's first Reconciliation Action Plan.

Our Chair, Professor David Weisbrot AM, spoke out frequently on the challenges facing the media industry and media freedom. He called publicly for Facebook to begin playing a more responsible role in editorial control over what is disseminated via this increasingly powerful news channel. We strengthened our contacts and cooperation with other press councils around the world, particularly in Europe and the Asia-Pacific region.

The next few years will be crucial for media in Australia and elsewhere, as publishers and editors strive to adjust to a rapidly changing environment and to ongoing financial pressures. Those pressures are likely to have an impact on the Press Council. It is vital that the Press Council's funding be adequate for the tasks it performs in this changing environment, and that its funding base not be eroded. It is also vital that the Press Council adjusts its approach to its regulatory function, as the media adjust in response to the need for change.

A number of Council members departed in the reporting period, as their terms ended or for other reasons: Julian Gardner AM (Vice-Chair), Melissa Seymour-Dearness (public member), Susan Skelly (Bauer Media) and Bryce Johns (APN News & Media). We are grateful to them for their invaluable contributions.

We welcomed Zione Walker-Nthenda and Carla McGrath as public members of the Council, as well as Kirstie Parker as an industry panel member.

The appointment of Carla McGrath was criticised in the media and elsewhere on the basis that it was said to be likely to give rise to significant and ongoing conflicts of interest, arising from Ms McGrath's membership of the Board of GetUp!. Much of this criticism was directed at Professor Weisbrot, although the appointment was made by the Council after consideration of his recommendation that she be appointed.

Some of the criticism was of a personal nature. Professor Weisbrot decided, to the disappointment of the Council, that in the light of the criticisms made of him, criticisms he disputed, he no longer wished to continue as Chair. Accordingly, he resigned in July 2017, seven months before the expiry of his initial three-year appointment.

Professor Weisbrot's departure is a significant loss to the Council and to journalism in this country. His wisdom and dedication, and his affable personality, will be missed.

We remain committed to the Australian Press Council as an energetic, respected and effective standards body.

**Julie Kinross**  
**Hon John Doyle AC**





## Executive Director's Report

In my work as Executive Director, I witness on a daily basis the valuable role the Australian Press Council plays—for the community interested in or concerned by print and online media coverage, and for print and online media itself—by advancing robust free speech and holding publications to account in accordance with its Standards of Practice.

Naturally, complainants and publishers do not always agree with the decisions of the Press Council's Adjudication Panels. It is not surprising that many times one party may be disappointed by what is decided. But I continue to believe that all parties share the view that the Press Council plays a crucial role in Australian society and is a necessary bulwark against the possibility of government regulation of the print and online media. This is demonstrated by messages received from complainants and publishers, thanking the Council for its handling of complaints. Some of those messages are included in this Annual Report. It is one of the highlights of my work when complainants and publishers take time to send such messages.

I will not summarise here the work and achievements of the Press Council over the last financial year; that has been done by the Vice-Chairs in their Foreword and is the subject of the body of this Annual Report. Suffice to say, we continued to work on improving and setting standards, dealing effectively with complaints and building a strong reputation as a vocal defender of free speech and freedom of the press.

The Press Council's work continued to receive widespread media coverage during the year and we issued a number of public statements about free speech and freedom of the press.

To ensure that the Press Council continues with its important work—to develop and refine its practices and standards and to adapt to changing technologies and community attitudes in such a fast-changing media landscape—it is critical that the Council retain its independence. This means total independence from government and a high level of functional independence from publishers, notwithstanding they are the source of its funding. It is just as critical that the community is aware that the Press Council has such a high level of functional independence.

I thank all members of the Council, its Adjudication Panels and other sub-committees for their time, energy and commitment to our mission. All members are accomplished professionals in their own right and busy with many other aspects of their lives. Their passion for the important work done by the Press Council is always clear, even when they differ on some of the important issues that come before them.

David Weisbrot's departure from his role as Chair was a great loss to us all. It was my pleasure and privilege to have worked alongside a man of his outstanding experience and character. His intelligence, dedication and affable personality will be sorely missed.

I particularly wish to express my deepest appreciation to the Vice-Chairs, Hon John Doyle AC and Julie Kinross, for their wisdom and outstanding support.

Finally, I wish to acknowledge the work of the extraordinary staff of the Secretariat. On a daily basis they deal with controversial issues and significant conflicts between complainants and publications—possibly otherwise resolved at enormous costs in the court system—which they handle with admirable and expert diplomacy skills. I extend my most heartfelt thanks to them all.

**John Pender**

---

Complainants in 2016-17

1387

---

**“The raison d’etre of the Australian Press Council is to provide sufficiently effective self-regulation of the print and online space to obviate any need for formal government regulation, and potentially control, of the independent news media in this country.”**

Press Council Chair David Weisbrot

---

Complaints

582

Formal Adjudications

36

72%

Complaints upheld or  
partially upheld by  
the Adjudication Panel

10

Staff working  
at the Council  
Secretariat

---

“It’s not always an easy path to walk, since complainants often feel personally aggrieved and of course we are dealing with controversial issues. That’s why it’s so important for our code to be clear and sensible, and for our processes to be scrupulously fair and independent.”

Executive Director John Pender



# 1

## About the Press Council

### Overview

The Australian Press Council was established in 1976 and is responsible for promoting good standards of media practice, community access to information of public interest, and freedom of expression through the media. The Press Council is also the principal body with responsibility for setting standards and responding to complaints about material in Australian newspapers, magazines, their associated digital outlets, as well as a growing number of online-only publications.

The Press Council pursues its goals by:

- developing Standards of Practice and assessing levels of compliance with them;
- considering complaints and concerns about material in newspapers and magazines published either in print or digital form;
- encouraging and supporting initiatives to address the causes for readers' complaints and concerns;
- keeping under review and, where appropriate, challenging developments which may adversely affect dissemination of information of public interest;
- undertaking research and making representations to governments, public inquiries and other forums on matters concerning freedom of expression and access to information; and
- promoting an understanding of the workings of the Council and its Standards of Practice within the print and online media and the broader community, through forums and consultations and encouraging feedback for the Council's consideration.

The Press Council's work can be broadly divided into the following three areas:

<b>Standards</b>	The Press Council's Standards of Practice are contained in its Statements of Principles and Specific Standards. The Standards of Practice are applied by the Council when considering complaints and as the basis for statements about good media practice.
<b>Complaints</b>	The Press Council considers complaints and other expressions of concern about any print or online publication. Where appropriate, it seeks to achieve agreed remedies, issues letters of advice to publishers, or publishes an adjudication.
<b>Policy</b>	The Press Council issues statements on policy matters within its areas of interest. It also undertakes research and convenes or participates in Round Tables, seminars and conferences on policy issues.



News Corp Australia



Community Newspapers of Australia  
delivering news to your door

Daily Mail Australia

## Membership of the governing body

At the conclusion of the reporting year, the governing body of the Press Council had 22 members, comprising:

- the independent Chair and 10 public members who have no affiliations with a media organisation;
- seven constituent members who are nominated by publishers of newspapers, magazines and online media, as well as by the principal union for employees in the media industry;
- four journalist members who are not employed by a publisher which is subject to the jurisdiction of the Council.

David Weisbrot completed his second full reporting year as Chair of the Press Council. He began his term as Chair for a period of three years from 1 March 2015.

The following were the members of the governing body of the Press Council as at 30 June 2017:

<b>Chair</b>	<ul style="list-style-type: none"> <li>• <b>Prof David Weisbrot AM</b> Emeritus Professor of Law</li> </ul>	
<b>Public members</b>	<ul style="list-style-type: none"> <li>• <b>Hon John Doyle AC (Vice-Chair)</b> former Chief Justice of South Australia, Adelaide</li> <li>• <b>Julie Kinross (Vice-Chair)</b> Adjunct Professor, University of Queensland, Brisbane</li> <li>• <b>John Bedwell</b> former high school principal, Sydney</li> <li>• <b>Jennifer Elliott</b> former Managing Director Moody's Asia Pacific, Sydney</li> <li>• <b>Dr Felicity-ann Lewis</b> Adjunct Lecturer, Flinders University, Adelaide</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Carla McGrath</b> Consultant, Cairns</li> <li>• <b>Dr Suzanne Martin</b> Veterinary Surgeon, Deloraine (TAS)</li> <li>• <b>Andrew Podger AO</b> Professor of Public Policy, Australian National University, Canberra</li> <li>• <b>Robyne Schwarz AM</b> former President, Health Services Review Council, Melbourne</li> <li>• <b>Zione Walker-Nthenda</b> Lawyer and Director, Change Architects, Melbourne</li> </ul>
<b>Constituent members</b>	<ul style="list-style-type: none"> <li>• <b>Sean Aylmer</b> Fairfax Media Editorial Director, Sydney</li> <li>• <b>Tony Gillies</b> Australian Associated Press Editor-in-Chief, Sydney</li> <li>• <b>Peter Holder</b> Daily Mail Australia Managing Director, Sydney</li> <li>• <b>Anita Quigley</b> Community Newspapers Australia Executive Editor, NewsLocal, Sydney</li> <li>• <b>Matthew Ricketson</b> MEAA Professor of Communication Deakin University, Melbourne</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Glenn Stanaway</b> <i>News Corp Australia</i> Executive Editor, Sydney</li> <li>• <b>Bob Yeates</b> <i>Country Press Australia</i> Managing Director, East Gippsland Newspapers, Bairnsdale (VIC)</li> <li>• <b>HT&amp;E (formerly APN News &amp; Media)</b> Vacant at 30 June 2017</li> <li>• <b>Bauer Media Group</b> Vacant at 30 June 2017</li> <li>• <b>nine.com.au</b> Vacant at 30 June 2017</li> <li>• <b>smaller publishers' representative</b> Vacant at 30 June 2017</li> </ul>

<b>Independent journalist members</b>	<ul style="list-style-type: none"> <li>• <b>Peter Kerr</b> former Executive Editor, <i>Sydney Morning Herald</i>, Sydney</li> <li>• <b>Simon Mann</b> former Senior Deputy Editor, <i>The Age</i>, Melbourne</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Anna Reynolds</b> former Managing Editor, <i>The Courier-Mail</i>, Brisbane</li> <li>• <b>Mike Stekete</b> former National Affairs Editor, <i>The Australian</i>, Sydney (Six month's leave from May 2017)</li> </ul>
<b>Panel members</b>	<ul style="list-style-type: none"> <li>• <b>Cheryl Attenborough</b></li> <li>• <b>David Fagan</b></li> <li>• <b>John Fleetwood</b></li> <li>• <b>Julian Gardner AM</b></li> <li>• <b>Bob Osburn</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Kirstie Parker</b></li> <li>• <b>Russell Robinson</b></li> <li>• <b>Melissa Seymour-Dearness</b></li> <li>• <b>Susan Skelly</b></li> <li>• <b>Barry Wilson</b></li> </ul>



Director of Strategic Issues Isabella Cosenza with Research and Standards Officer Betheli O'Carroll



## Changes to membership

The following changes in membership of the Press Council occurred during the reporting period:<sup>1</sup>

- John Doyle was reappointed as a public member for three years from 28 August 2016 after expiration of his first term.
- Dr Suzanne Martin was reappointed as a public member for three years from 29 August 2016 after expiration of her first term.
- Mike Steketee was reappointed as a journalist member for three years from 1 January 2017 after expiration of his first term. He began a six month leave of absence from 19 May 2017.
- Susan Skelly resigned as a constituent member from 13 January 2017.
- Julian Gardner resigned as a public member and Vice-Chair from 1 March 2017.
- Bryce Johns ceased to be a constituent member from 3 March 2017.
- Melissa Seymour-Dearnness ceased her role on the Press Council on 9 March 2017.
- Peter Holder was appointed as a constituent member for three years from 17 March 2017.
- Julie Kinross was appointed as a Vice-Chair from 19 April 2017 to 31 December 2018.
- Zione Walker-Nthenda was appointed as a public member for three years from 19 April 2017.
- Carla McGrath was appointed as a public member for three years from 19 May 2017.
- Chris Graham ceased office as a constituent member on, and was appointed to a casual vacancy from, 19 May 2017.
- John Bedwell was reappointed as a public member for three years from 30 June 2017 after expiration of his first term.

The following changes in industry and public panel members occurred during the reporting period:

- Russell Robinson was reappointed as an industry panel member for two years from 1 July 2017 after expiration of his first term.
- Barry Wilson was reappointed as an industry panel member for two years from 1 July 2017 after expiration of his first term.
- David Fagan was reappointed as an industry panel member for two years from 31 August 2016 after expiration of his first term.
- Cheryl Attenborough was reappointed as a public panel member for one year from 1 January 2017 after the expiration of her second term.
- John Fleetwood was reappointed as a public panel member for one year from 1 January 2017 after the expiration of his second term.
- Julian Gardner was appointed as a public panel member for one year from 17 March 2017.
- Melissa Seymour-Dearnness was appointed as a public panel member for two years from 17 March 2017.
- Susan Skelly was appointed as an industry panel member for one year from 17 March 2017.
- Kirstie Parker was appointed as an industry panel member for two years from 19 April 2017.

---

<sup>1</sup> Peter Kerr was reappointed to the Press Council as a journalist member for three years from 31 May 2016 after expiration of his first term. This membership change was omitted from the 2015-2016 Annual Report, No. 40.

## Constituent bodies of the Press Council

The 'constituent bodies' are the publishers and other organisations in the media industry that have agreed to abide by the Australian Press Council's Constitution, provide funding, cooperate with the Council's consideration of complaints against them and publish any resultant adjudications.

The constituent bodies are responsible for virtually all newspaper and magazine sales in Australia. They are also responsible for most of the country's major news and current affairs websites.

Echo Publications Pty Ltd and Independent Australia Pty Ltd joined the Press Council as constituent bodies on 13 July 2016.

Crinkling News Pty Ltd, trading as Crinkling News, joined the Press Council as a constituent body on 25 November 2016 and Budsoar Pty Ltd, trading as the Koori Mail, joined the Press Council as a constituent body on 13 February 2017. The Koori Mail, a fortnightly newspaper with a readership of some 100,000, was the first Indigenous publication to become a member of the Press Council.



Press Council member Matthew Ricketson



Council members Felicity-ann Lewis and Jennifer Elliott

## Press Council sub-committees

The Press Council has an Adjudication Panel (Complaints Sub-Committee), a Constituent Funding Sub-Committee and an Administration and Finance Sub-Committee:

<b>Adjudication Panel</b>	This Panel considers and decides complaints referred to it for adjudication by the Executive Director. It usually comprises the Chair, a Vice-Chair or an appointed Panel Chair, three public members and three constituent members.
<b>Constituent Funding Sub-Committee</b>	This sub-committee determines the overall level of funding for the Press Council and the contributions to be made by each constituent body. It comprises the Chair, Vice-Chairs and one nominee of each constituent body.
<b>Administration and Finance Sub-Committee</b>	This sub-committee oversees administration and finances for the Press Council. It comprises the Chair and at least two other public members, two publisher members and either one journalist member or the Council member nominated by the MEAA.

## Secretariat

The Press Council Secretariat is based in Sydney and headed by an Executive Director appointed by the Council. The staff members as at 30 June 2017 were as follows:

<b>Executive Director</b>	John Pender
<b>Director of Complaints</b>	Paul Nangle
<b>Director of Research and Communications</b>	Michael Rose
<b>Director of Strategic Issues</b>	Isabella Cosenza
<b>Complaints and Compliance Officer</b>	Justin Levy
<b>Complaints and Governance Officer</b>	Catherine Nguyen
<b>Research and Standards Officer</b>	Betheli O'Carroll
<b>Office Manager</b>	Shamim Islam
<b>Information Officer</b>	Amado Jovellana
<b>Administration Officer</b>	Lynda Burke



# 2

## Standards and Policy

### The Standards of Practice

The Australian Press Council's Standards of Practice are developed after consultation with the media industry and members of the broader community. They comprise the Statement of General Principles, the Statement of Privacy Principles and some Specific Standards.

These, along with the Press Council's various Advisory Guidelines, are subject to ongoing review in the light of experience, research and consultation. They are also subject to ongoing assessment against current media practices to ensure they are promoting good practice, as well as freedom of expression, access to reliable information and an independent and vigorous media.

The Press Council's Statement of General Principles is set out below.

### The General Principles

Publications are free to publish as they wish by reporting facts and expressing opinions, provided they take reasonable steps to comply with the following Principles and the Council's other Standards of Practice.

#### Accuracy and clarity

1. Ensure that factual material in news reports and elsewhere is accurate and not misleading, and is distinguishable from other material such as opinion.
2. Provide a correction or other adequate remedial action if published material is significantly inaccurate or misleading.

#### Fairness and balance

3. Ensure that factual material is presented with reasonable fairness and balance, and that writers' expressions of opinion are not based on significantly inaccurate factual material or omission of key facts.
4. Ensure that where material refers adversely to a person, a fair opportunity is given for subsequent publication of a reply if that is reasonably necessary to address a possible breach of General Principle 3.

#### Privacy and avoidance of harm

5. Avoid intruding on a person's reasonable expectations of privacy, unless doing so is sufficiently in the public interest.
6. Avoid causing or contributing materially to substantial offence, distress or prejudice, or a substantial risk to health or safety, unless doing so is sufficiently in the public interest.

#### Integrity and transparency

7. Avoid publishing material which has been gathered by deceptive or unfair means, unless doing so is sufficiently in the public interest.
8. Ensure that conflicts of interests are avoided or adequately disclosed, and that they do not influence published material.



## Reporting on children and young people

The Australian Press Council consulted extensively on media reporting on children and young people during this reporting period. This included conducting Round Tables in Sydney, Adelaide and Perth; consulting individually with some other key stakeholders; and examining relevant Press Council complaints, guidelines on this topic issued by other organisations, and a wide range of research literature. The Round Tables brought together experts from the sector, as well as publisher and community representatives.

The Australian Press Council was prompted to consider this issue following an examination of complaints received about media reporting on children and young people, in particular, complaints about breaches of children’s privacy (including in the context of reporting on adults) and the reporting of children in distress. Moreover, a family directly affected by insensitive reporting on tragic events involving their child made representations to the Press Council, calling for greater education and training of journalists.

The Press Council will consider issuing an Advisory Guideline on Reporting on Children and Young People once a new Chair is appointed to the Council.



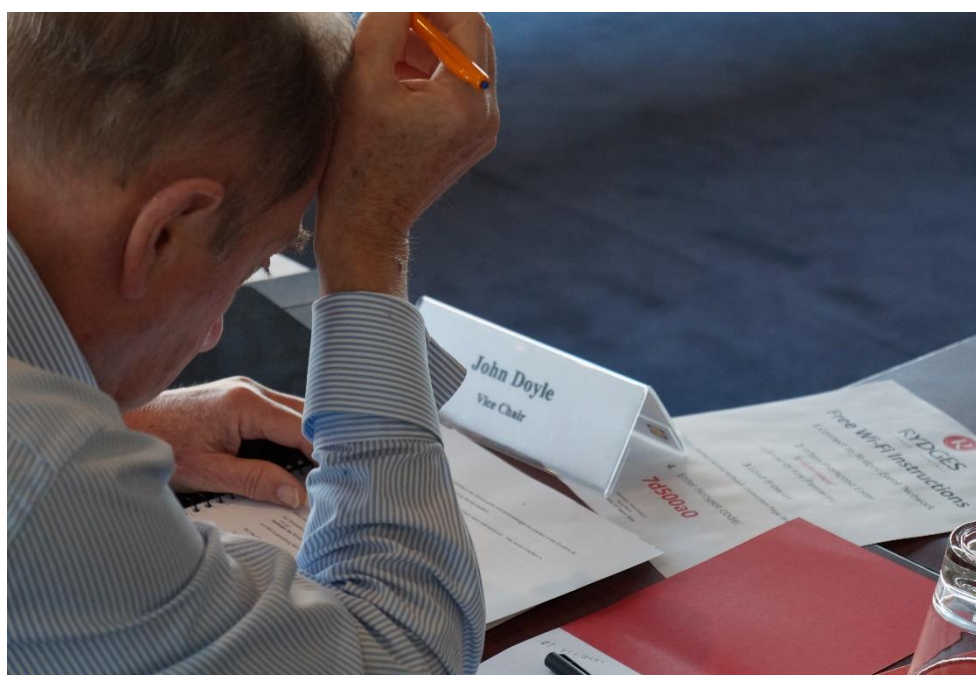
Council Chair David Weisbrot with Executive Director John Pender (top image, centre) and participants at a Round Table in Perth.

## Discussion Day on Guidelines and Standards

During the year, the Council undertook some preliminary work and held discussions to explore the possibility of developing new Advisory Guidelines or educational programs in other areas.

On 18 August 2016, the Press Council held a Discussion Day on Guidelines and Standards. Press Council members reviewed the current Australian Press Council Advisory Guidelines and discussed the current activities and priorities for the standards work. This included agreeing to update a number of Advisory Guidelines, and to remove others which had outlived their relevance or utility.

The Discussion Day also included a Panel Session on "Changing landscape – the new content environment", with guest panelists from Junkee Media, Outbrain, Essential Media Communications and the Public Relations Institute of Australia.



Participants in a panel discussion at the 18 August 2016 Discussion Day:  
(left to right) Ayal Steiner (Outbrain), Jennifer Muir (Public Relations Institute of Australia),  
Tim Duggan (Junkee Media) and Peter Lewis (Essential Media Communications).





Participants at a Round Table in Sydney (above). Industry panel member Susan Skelly (below, at left) with staff members Betheli O'Carroll and Isabella Cosenza.



## Reconciliation Action Plan

During the reporting period, the Australian Press Council launched its first-ever Reconciliation Action Plan (RAP), which documents the objectives and strategies that the organisation will employ over the next two years to promote understanding and reconciliation between Indigenous and non-Indigenous Australians.

The Chair of the Press Council, other Council members, Indigenous community leaders and representatives of a range of other organisations celebrated the launch at the National Centre for Indigenous Excellence in Redfern, NSW.

The Press Council's draft RAP was developed in 2016 and submitted to Reconciliation Australia for review, in accordance with established processes, after which it was officially endorsed by that organisation.

The CEO of Reconciliation Australia, Justin Mohamed, said: "Reconciliation Australia congratulates the Press Council on developing its first Reconciliation Action Plan. By adopting an Innovate RAP, they are demonstrating readiness to develop and test innovative approaches to reconciliation and champion reconciliation at every level of the organisation. The Press Council is well placed to continue its progress across the key pillars of reconciliation—relationships, respect and opportunities."

The Press Council's RAP commits the organisation to:

- encouraging membership by Indigenous newspapers, magazines and online news and current affairs sites;
- engaging and consulting with Indigenous groups, individuals and organisations regarding the Press Council's work;
- promoting employment and internship opportunities for Indigenous people at the Press Council and among member publications;
- promoting Indigenous cultural competence among staff;
- considering the impact on Indigenous peoples of current and proposed Standards of Practice;
- encouraging the Australian news media to report issues of importance for Indigenous communities in a respectful way; and
- endeavouring to promote high quality reporting in relation to Indigenous peoples.



General Manager of the Koori Mail, Naomi Moran, Council Chair David Weisbrot and CEO of the National Centre of Indigenous Excellence, Kirstie Parker, at RAP launch.



# 3

## Complaints

### Complaints-handling

The continued public confidence in the Press Council’s complaints-handling system is borne out by the 2016-17 statistics. This year, the Press Council received ‘in-scope’ complaints from 1387 individuals and organisations concerning 582 items published by newspapers, magazines and their associated websites, and by online-only publications.

The number of in-scope complaints represents an increase from the previous year, when the Press Council received complaints from 801 individuals and organisations. This increase coincides with a high volume of complaints received about particular articles given attention by social media campaigns.

TOTAL NUMBER OF COMPLAINTS, COMPLAINANTS AND ISSUES						
	2016-17	2015-16	2014-15	2013-14	2012-13	2011-12
New in-scope complaints received during year <sup>1</sup>	582	500	525	467	504	562
Complainants making these complaints <sup>2</sup>	1387	801	3742	849	713	753
Issues raised by these complainants <sup>3</sup>	1182	577	678	650	1106	923
Out of Scope complaints received during the year	120	167	287	78	130	81

**Notes:**

1. Where there was more than one complainant about a particular matter, only one complaint is recorded in this total.
2. In Annual Reports until 2012, this was the result presented as “complaints received”.
3. Two issues will be counted here if, for example, one complaint relates to alleged inaccuracy *and* to breach of privacy.

The Press Council also received 120 complaints that were assessed to be ‘out of scope’. An out-of-scope complaint may refer, for example, to a complaint about a program or website associated with a television or radio station. Such complaints may also concern a non-member publication that does not agree to participate in the Council’s complaints processes.

Upon receipt of a complaint, Press Council staff members undertake a triage process. This requires making an initial assessment and analysis of each complaint received to determine whether, among other things:

- an arguable breach of the Council’s Standards of Practice has been alleged;
- the alleged breach is significant enough to pursue further;
- any further information is required;
- the complainant was directly affected by the material in question or is a ‘secondary complainant’;
- any analogous matters have been handled previously by Council; and
- the complainant may agree to a remedy other than an adjudication.

Complaints to the Press Council may lead to one of the following outcomes:

- Adjudication - the Council publishes an adjudication indicating whether a breach of the Council's Standards of Practice occurred; or
- Remedy without adjudication - the publication takes action facilitated by Council staff; for example, provides a right of reply, correction or an apology, as a result of which the complaint does not proceed to an adjudication by the Council; or
- Other - the Executive Director issues a Letter of Advice or decides that the matter is unlikely to be a breach of the Council's Standards of Practice or the complainant does not pursue the matter.
- The outcomes of all complaints finalised by adjudication during 2016-17 are shown in Appendices 5 and 6. Thirty-six adjudications were published, in 26 of which the complaint was upheld either fully or in part.

### **Complaint Management System**

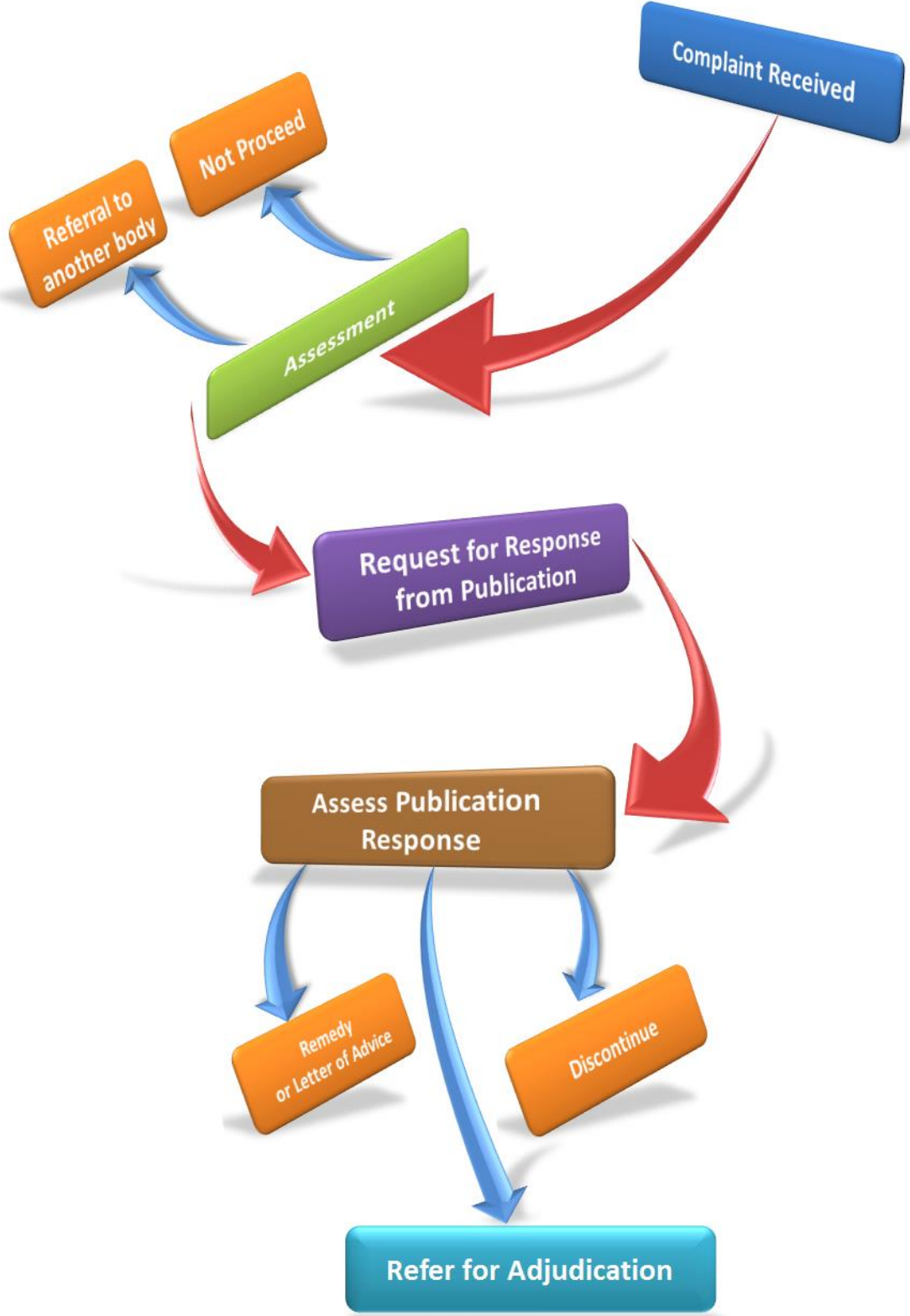
The implementation of the Complaint Management System (CMS) in June 2016 has enabled the Press Council to improve its ability to accurately capture complaint data, providing it with insightful information on what is driving complaints to the Press Council.

The CMS enables the Press Council to identify trends in complaint data and to generate reports that show, for example, that the Press Council may be receiving more complaints concerning matters relating to offence and distress, than complaints relating to accuracy, fairness and balance. The ability to accurately capture complaint data also allows it to report on complaint trends over periods of time, which may reflect changes in content and also changes in what readers complain about.

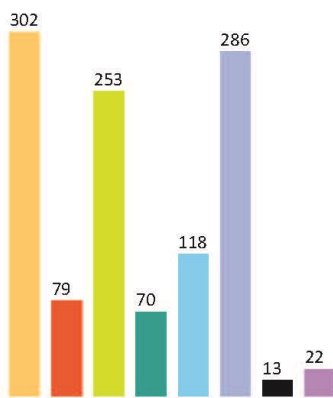


Complaints and Governance Officer Catherine Nguyen with Complaints and Compliance Officer Justin Levy.

# Handling of a Complaint - Workflow

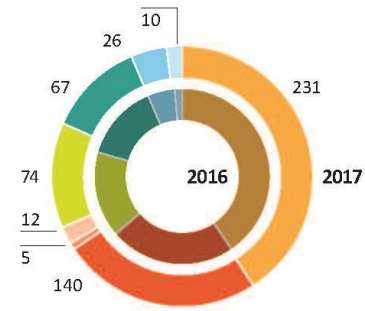


## Issues Raised in Complaints



- Accuracy/misleading
- Corrective action
- Fairness and balance
- Publication of a reply
- Intrusion on privacy
- Offence/prejudice/distress
- Unfair or deceptive means
- Conflict of interest

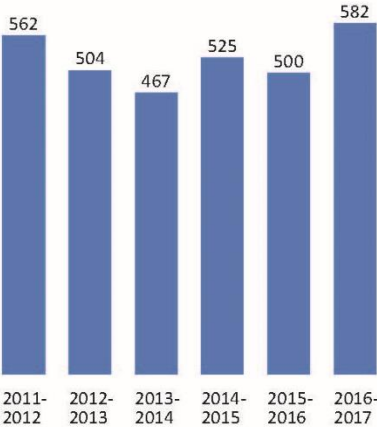
## Outcomes of Complaints



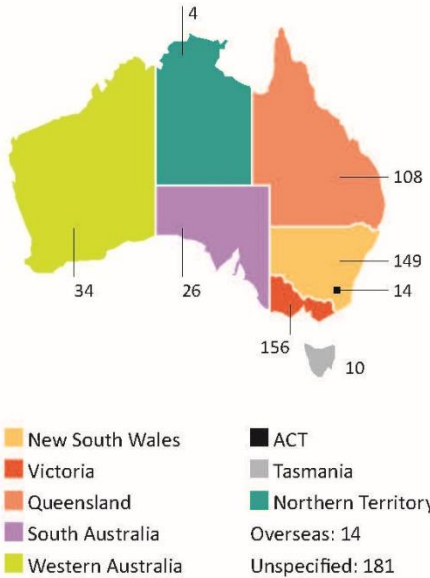
- Declined by the council at initial stage
- Discontinued
- Discontinued with Letter of Advice
- Withdrawn
- Remedy without adjudication
- Not pursued by complainant
- Adjudication: Complaint fully or partly upheld
- Adjudication: Complaint not upheld



### Number of Complaints over time



### State or Territory of Complaint



## Remedies without adjudication

Upon receipt of a complaint, Press Council staff may discuss with the complainant options for resolving the matter. Such remedies are achieved by staff working closely with the complainant and the publication to try to find an outcome that is mutually acceptable. A remedy may be proposed by the complainant, the publication or Council staff. Where a remedy is not achieved, the matter may be referred to adjudication.

The following are some examples of remedies achieved without adjudication in 2016-17.

### Example 1

The complainant expressed concern in relation to accuracy, fairness and distress about an article which reported on a former tenant of a property he managed.

In response to the matter, the publication agreed to publish a print correction, acknowledging identified errors and apologising for distress caused, as well as a correction involving multiple amendments to the online version of the article.

### Example 2

The complainant expressed concern that a letter to the editor published in a non-member newspaper, responding to one from her, included personal remarks which she considered unfair and prejudiced.

In response to the matter, the publication said it commonly allowed wide latitude of expression in the letters page, though it would be amenable to publishing a further letter from the complainant in reply. The complainant indicated that her preferred remedy was to have the offending letter removed from the still-accessible digital print version. The publication arranged this, which entailed republishing the entire digital print edition.

### Example 3

The complainant expressed concern about a favourable review of a new model Swiss Army knife, which raised issues of public safety by omitting to notify readers that carriage of knives may be contrary to state law.

In response to the matter, the publication updated the online article to notify readers of the circumstances in which carrying such a knife may be unlawful.



## Feedback from complainants

---

“I would like to take this opportunity to thank everyone in the Australian Press Council for their professionalism and understanding provided throughout this process.

My family and I are very appreciative.”

“It is no small matter that the Australian media funds and self-regulates in the interests of good standards of media practice, and I am grateful ... that it does so in the interests of a just and fair society.”

“During the teleconference, I couldn't find the thoughts that I needed or words to express them. Fortunately, there were journalists and community members on the panel and they asked the questions that I couldn't think of. I was very grateful for their presence.”



# 4

## Public Affairs

### Freedom of speech and of the press

The Press Council continued in 2016-17 to build a strong reputation as a vocal defender of free speech, freedom of information and freedom of the press. The Chair foreshadowed new emphasis on these important matters immediately after his appointment in 2015, noting then that the traditional view of the Press Council, dating from the tenure of the first Chair, retired High Court Justice Sir Frank Kitto, was that its role in advancing freedom of the press should be largely restricted to its complaints-handling function, which ensures public confidence in the integrity and standard of media practice.

The Press Council under David Weisbrot has proceeded from the viewpoint that while freedom of speech and freedom of the press may have a strong cultural hold in Australia, they rest on flimsy legal foundations. In these circumstances, it is not sufficient to hope that publishers will be successful in resisting incursions. The Press Council must take a stand in favour of free speech and press freedom and work to diminish obstacles to investigative and public interest journalism.

The Press Council issued a number of public statements on these matters in the 2016-17 reporting period, including a call for Facebook to develop and open and coherent editorial policy in light of its growing power as a global aggregator of news and other crucial information.

“With great power comes great responsibility. Facebook is now a leading global publisher in all but name,” Professor Weisbrot said in a statement issued on 13 September 2016. “The Australian Press Council calls on senior management at Facebook to review urgently the way it aggregates and disseminates the world’s news and to make public the editorial policy, if there is one, which guides this work.”

The Press Council also spoke out strongly about the need for the Australian government to take seriously its obligations to the multilateral Open Government Partnership (November 2016) and the dangers of a plan by the Australian government to sell off its corporate register database to a private monopoly operator (September 2016).

As well, the Press Council lent its strong support to the Dili Declaration on the role of press councils in democratic societies, welcoming it as a significant step forward in ensuring press freedom in Southeast Asia and the Pacific Islands.

The Declaration—signed by David Weisbrot and representatives of six other regional Press Councils on 10 May 2017—was the culmination of an international conference to mark the first anniversary of the establishment of the Timor-Leste Press Council.

Professor Weisbrot said: “Press councils have a vital role in supporting the development of quality journalism and a free media, as well as promoting the safety of journalists, and enhancing media inclusion of under-represented and vulnerable groups in society. The Dili Declaration recognises the essential role that the free press plays in a democratic society.”

## Awards and prizes

The Australian Press Council awarded its Press Freedom Medal to two outstanding individuals for their major contributions to ensuring a free and open society:

- Peter Timmins - Australian Open Government Partnership Network
- Michael Cameron - News Corp Australia.

The 2017 Press Freedom Medals were awarded at a special ceremony in Sydney on 19 May 2017. As well as members of the Press Council, journalists and guests from a variety of organisations attended.

Peter Timmins is a well-known advocate of improved standards of transparency and accountability and Australia's leading expert on Freedom of Information policy and privacy, as well as being a leader of the Australian Open Government Partnership Network and publisher of the Open and Shut blog.

Michael Cameron is the National Editorial Counsel for News Corp Australia. He leads an in-house legal team, which he established, whose members have appeared in dozens of matters involving challenges to suppression orders, injunctions, defamation actions and so on, advocating for transparency and open justice.

"The purpose of the Australian Press Council is to promote responsible journalism to inform the Australian public and support effective democratic institutions. This year's winners have been exemplary in their tireless pursuit of the critical principle that citizens have a right to know, and so governments, and other important public and private institutions, must operate in an open and transparent manner," the Council's Chair, David Weisbrot, said.

The Press Council has awarded Press Freedom Medals in its earlier years, but they was reserved for people affiliated with the organisation. It was decided in early 2016 to revitalise the award and open it up to people who, through their work as journalists, legal practitioners, community activists or advocates, help ensure the preservation of free speech, press freedom and open and transparent government.

In May 2016, Kate McClymont of Fairfax Media and Paul Maley of News Corp Australia received the first of the medals awarded under the new criteria, to great acclaim.



Press Freedom Medal winners Peter Timmins (left) and Michael Cameron.

The Press Council also, in association with the Journalism Education and Research Association of Australia (JERAA), awarded the first of its new prizes for excellence in journalism studies.

These were added to an existing program, known as the Ossie Awards, organised by JERAA to recognise outstanding achievement by students in university journalism schools in Australia, New Zealand and Fiji.

The inaugural winners of the three Press Council-funded prizes were:

- Jeremy Stevens, University of Canberra - Australian Press Council Undergraduate Prize for an essay on the topic of press freedom or media ethics (\$200).
- Cameron Scott, Monash University - Australian Press Council Postgraduate Prize for an essay on the topic of press freedom or media ethics (\$200).
- Anna James, Griffith University - Australian Press Council Prize for Journalism Student of the Year (\$750). This is for a student who has performed well in all academic subjects and who has also produced outstanding journalism as part of their coursework.

The Press Council has been awarding annual prizes to journalism students at a small number of universities since 1985. The three new JERAA prize categories replace that program.

More than 120 entries were submitted to the Ossie awards across 18 categories, with some three dozen universities in Australia, New Zealand and Fiji eligible to take part.

The Press Council also developed in the reporting period an extensive package of training materials for use in university journalism schools. This comprises case studies of a large number of articles that have in the past been subject to the Press Council's adjudication process, along with teaching notes for lecturers. This was extremely well-received by JERAA members.

## Meetings with outside organisations

During the reporting period, the Press Council consulted widely with the media industry and the broader community as it considered the need for new standards or guidelines. This effort included Round Tables and discussions with editors and journalists, as well as with community and industry groups.



Council Chair David Weisbrot (standing, centre) with Executive Director John Pender (behind Professor Weisbrot, left) at their meeting with African Community Leadership Forum members in Melbourne on November 2016.



During the 2016-17 reporting year, the Press Council received at the office in Sydney, or met externally with, representatives of a number of other organisations to discuss matters of mutual interest, including:

- Professor David Robie — Director, Pacific Media Centre, Auckland University of Technology
- ACMA — Elizabeth Press and Michelle Reddy, Broadcasting Investigations Section
- Attorney General’s Department — Information Frameworks Project Team
- Belinda Moffat and Patricia Windle — NZ Broadcasting Standards Authority
- Professor Wanning Sun — Media and Communication Studies, University of Technology Sydney
- Mimi Chau — Asian Media Centre
- Jessica Roberts — Senior Project Officer, Hunter Institute of Mental Health (Mindframe)
- Tasneem Chopra — cross-cultural consultant
- Justin Bowden — The Beltin Group
- Simone Proctor — Reconciliation Australia
- Stephen Davis — Macleay College
- Glynn Greensmith — Curtin University
- Shannon Sedgwick — Global Media Risk
- Mark Hollands — NewsMediaWorks
- Ellen Skladzien — Down Syndrome Australia
- Australian Police Journal — delegation of Board members



Members of a visiting delegation of senior Chinese journalists from Yunnan Province, December 2016.



Timor-Leste Press Council member Hugo Fernandes during a Sydney visit with colleagues in November 2016.

On 5-8 October 2016, the Chair David Weisbrot and the Executive Director John Pender attended the annual conference of the Association of Independent Press Councils of Europe in Stockholm. John Pender attended a Round Table of regional press council representatives in Jakarta on 1-3 May. Professor Weisbrot attended an international conference on 10 May to mark the first anniversary of the establishment of the Timor-Leste Press Council.

On 11-13 April 2017, the Chair and several other members of the Secretariat travelled to Perth for an Adjudication Panel meeting, a community Round Table, as well as meetings with potential new publisher members and a representative of the Independent Media Council.

The Executive Director delivered an address to the International Society of Weekly Newspaper Editors in Melbourne on 29 June 2016. John also addressed the Australian Institute of Management on 10 May 2017 on the topic: “The Australian Press Council and Digital Disruption”.

The Director of Research and Communications, Michael Rose, attended on 10 April 2017 a meeting of the Expert Advisory Panel of the Reporting Islam Project, a major initiative undertaken by Griffith University in Brisbane. He also attended the World Journalism Education Congress on 13-16 July 2016 in Auckland, New Zealand.



Director of Research and Communications Michael Rose met with Aterina Samasoni-Pele of UNESCO on the sidelines of the World Journalism Education Congress in Auckland in July 2016.

## Media coverage

The Press Council’s work continued to receive widespread media coverage during the year. Outlets such as Crikey, Mumbrella and Guardian Australia regularly reported on Council adjudications, as did the respected New York-based iMediaEthics website. The Press Council and its work also received regular attention on social media platforms, particularly Twitter.

The Chair was interviewed on Sky TV’s The Speers Report on 27 April 2017. In that nationally broadcast segment he spoke out about press freedom and the work of the Press Council in a changing media landscape. He also challenged some unfounded and erroneous assumptions made by certain commentators about the alleged lack of impact and influence of Press Council adjudications.

The Chair was also interviewed for a report in the Communications Law Bulletin’s April 2017 edition on developments in Australian media regulation. He was also interviewed for items that appeared in the Gazette of Law and Journalism, NewsMediaWorks and the newsletter of IMPRESS, one of the UK’s press complaints bodies.

The appointment of Carla McGrath as a public member in May 2017 and the resignation of David Weisbrot as Chair received substantial media coverage.





# 5

## Finances

As stated in its Constitution, the Australian Press Council Inc. is an incorporated association of organisations and persons established on 22 July 1976. It is funded by contributions made by its constituent bodies and receives no government funding.

There was no significant change to the nature of activities that occurred during the financial year. The main activities of the Press Council were to promote good standards of media practice and to be the principal body for responding to complaints about material in Australian newspapers, magazines and online media.

Total member contributions for the year 2016-2017 amounted to \$2,041,932, an increase of 2.5 per cent from 2015-2016, plus a small amount of additional funding from new members.

### Funding in 2016-2017

Contributions are made by constituent bodies according to a sliding scale based on the agreed budget for the year. Contribution bands for 2016-2017 were as follows:

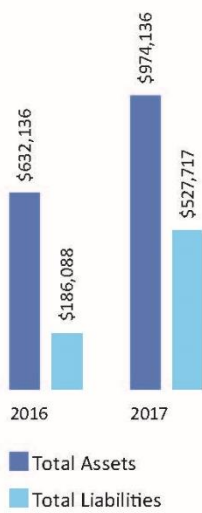
- Up to one per cent each: Adelphi Printing Pty Ltd, At Large Media, Australian Rural Publishers Association, Budsoar Pty Ltd trading as The Koori Mail, The Bushland Shire Telegraph Pty Ltd, Emanila Pty Ltd, Community Newspapers Australia, Country Press Australia, Crinkling News Pty Ltd trading as Crinkling News, Echo Publications Pty Ltd, Focal Attractions, The Huffington Post Australia Pty Ltd, Independent Australia Pty Ltd, The New Daily, Private Media, propertyreview.com.au, Schwartz Media (in relation to The Saturday Paper owned by Trustee for the Liberty 2701 and The Monthly owned by Trustee for the Monthly Trust), Urban Cinefile, WorkDay Media;
- 1-10 per cent each: Australian Associated Press, Bauer Media Group, Dailymail.com Australia Pty Ltd; HT&E Limited, Media Entertainment and Arts Alliance, nine.com.au;
- 11-30 per cent: Fairfax Media; and
- 31-60 per cent: News Limited.

### Triennial commitments

Constituent bodies agree specific funding commitments three years in advance. The agreed increase in contributions for 2016-17 was set at 2.5 per cent, for 2017-18 at 2.5 per cent and for 2018-19 at 2 per cent.

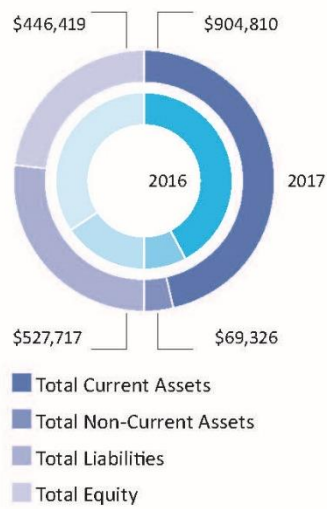
## Assets and Liabilities

2017 and 2016



## Assets and Liabilities

(as at 30 June 2017)



## Statement of financial position

(as at 30 June 2017)

	2017	2016
	\$	\$
<b>ASSETS</b>		
<b>CURRENT ASSETS</b>		
Cash and cash equivalents	877,153	525,500
Trade and other receivables	27,657	7,678
<b>TOTAL CURRENT ASSETS</b>	<b>904,810</b>	<b>533,178</b>
<b>NON-CURRENT ASSETS</b>		
Property, plant and equipment	19,799	68,882
Intangible assets	49,527	30,076
<b>TOTAL NON-CURRENT ASSETS</b>	<b>69,326</b>	<b>98,958</b>
<b>TOTAL ASSETS</b>	<b>974,136</b>	<b>632,136</b>
<b>LIABILITIES</b>		
<b>CURRENT LIABILITIES</b>		
Trade and other payables	54,852	57,660
Current tax liabilities	33,912	67,171
Short-term provisions	25,000	–
Employee benefits	67,681	61,257
Other liabilities	333,024	–
<b>TOTAL CURRENT LIABILITIES</b>	<b>514,469</b>	<b>186,088</b>
<b>NON-CURRENT LIABILITIES</b>		
Employee benefits	13,248	–
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>13,248</b>	<b>–</b>
<b>TOTAL LIABILITIES</b>	<b>527,717</b>	<b>186,088</b>
<b>NET ASSETS</b>	<b>446,419</b>	<b>446,048</b>
<b>EQUITY</b>		
Retained earnings	446,419	446,048
<b>TOTAL EQUITY</b>	<b>446,419</b>	<b>446,048</b>





# Appendices

- A1. Designated Resolutions
- A2. Reconciliation Action Plan
- A3. Member Publications
- A4. Detailed complaints statistics
- A5. Summaries of adjudications 2016-2017
- A6. Full adjudications 2016-2017





# A1. Designated Resolutions

The following are Designated Resolutions passed by the Australian Press Council Inc. under section 27 of the Constitution as at 30 June 2017.

Designated Resolution 1 lists publishers and associations of publishers, which together with the MEAA media union, were the constituent bodies of the Press Council at 30 June 2017. These bodies agree to abide by the Council's Standards of Practice and complaints-handling processes, as well as to provide the organisation's core funding.

## 1. Constituent Bodies

In accordance with section 7(3) of the Constitution, the following organisations are confirmed as constituent bodies of the association and the number, if any, of constituent members of the Council whom they may nominate is indicated in parentheses after their names. All constituent bodies that do not have a number after their name are entitled to vote in a collective process to nominate one person as a constituent member of the Council under section 7(3) and (4) of the Constitution. The voting will be conducted in accordance with a process specified by the Council.

Adelphi Printing Pty Ltd (the Monthly Chronicle)

At Large Media

Australian Associated Press (1)

APN News and Media<sup>2</sup> (1)

Australian Rural Publishers Association

Bauer Media Group (1)

Budsoar Pty Ltd trading as the Koori Mail

Community Newspapers of Australia (1)

Country Press Australia (1)

Crinkling News Pty Ltd trading as Crinkling News

Dailymail.com Australia Pty Ltd (1)

Echo Publications Pty Ltd

Emanila Pty Ltd

Fairfax Media (1)

Focal Attractions

Independent Australia Pty Ltd

Media Entertainment and Arts Alliance (1)

News Limited<sup>3</sup> (1)

ninemsn<sup>4</sup> (1)

Private Media

propertyreview.com.au

---

<sup>2</sup> HT&E Limited as at 30 June 2017

<sup>3</sup> Now known as News Corp Australia

<sup>4</sup> nine.com.au as at 30 June 2017

Schwartz Media (in relation to The Saturday Paper owned by Trustee for the Liberty 2701 and The Monthly owned by Trustee for the Monthly Trust)

The Bushland Shire Telegraph Pty Ltd

The Huffington Post Australia Pty Ltd

The New Daily

Urban Cinefile

WorkDay Media.

## **2. Members of the Council**

In accordance with sections 7(3) and (7) of the Constitution, the numbers of members of the Council at any one time, in addition to the Chair, shall be as follows:

constituent members – 9-12;

public members – 9-12;

journalist members – 4-6.

## **3. Administration and Finance Sub-Committee**

In accordance with section 15(4)(c) of the Constitution, the publisher members on the Administration and Finance Committee will include those representing the two constituent bodies which are contributing the highest proportions of CB core funding.

## **4. Publication of Adjudications**

- (1) Each publisher must ensure that any Council adjudication relating to a publication which it controls is published in that publication.
- (2) The adjudication must be published in full and headed “Press Council Adjudication” or “Press Council Ruling”, together with the Council’s logo. It must not be accompanied by editorial comment, and any subsequent reporting of or comment upon, the adjudication must comply with the Council’s Standards of Practice.
- (3) In the case of daily publications, the adjudication must be published within seven days of the final adjudication being notified to them. In the case of other publications, it must be published no later than the first issue after the seven day period.
- (4) The adjudication must be published with due prominence in a position in the publication which the Executive Director has approved as likely to be seen by those who saw the material on which the complaint was based.
- (5) Where the adjudication relates to online material, a brief summary note providing a link to the full adjudication must be published for at least 24 hours on the home page of the website. The content of the summary note and its position on the home page must be approved by the Executive Director.
- (6) An annotation in terms approved by the Executive Director must also be added to the publisher’s online versions (whether archived or publicly available) of the material to which it relates, together with a link to the full adjudication.
- (7) A publisher or complainant may request the Executive Director to relax the above requirements in relation to a particular adjudication. Both the publisher and the complainant should usually be consulted before any substantial relaxation is approved.
- (8) The request may be granted if the Executive Director considers that the requested relaxation

- (a) will enhance, or at least not reduce, the likelihood of the adjudication being seen by people who saw the original material; or
  - (b) is necessary to avoid an unreasonable burden on the publisher (especially where the complaint was wholly or partially dismissed by the Council); or
  - (c) is in the interests of the complainant.
- (9) At the request of the publisher or complainant, a decision by the Executive Director under paragraph (8) is subject to review by a three-person Review Committee. The Review Committee will be appointed by the Chair and include at least one publisher member and one public member.

## **5. Publication of notices about the Council**

- (1) Each publisher must publish a notice about the Council in each print publication it controls and on each website it controls.
- (2) The content and format of the notice will be as determined from time to time by the Council. The notice is to be published in a prominent position on the same page as letters to the editor or the home page of a website, or in such other position as is agreed with the Executive Director of the Council.

## **6. Provision of contact lists**

Each publisher is obliged to provide the Council with

- (a) up-to-date lists of the names of all print and online media publications which it controls;
- (b) the name of the relevant contact persons for dealing with complaints to the Council relating to its respective publications (including a person who acts in that role during the absence of the usual contact person).

## **7. Composition of Adjudication Panels**

The following definitions shall apply in relation to section 15(4) of the Constitution:

- (a) “Panel Chair”: the Chair of the Council; the Vice-Chairs of the Council; any other public member appointed for that purpose by the Council;
- (b) “industry panel member”: any person appointed as such by the Council who is
  - (i) a journalist member of the Council;
  - (ii) a constituent member of the Council who has been nominated by an association or similar corporate entity, not by a particular publisher; or
  - (iii) eligible to be appointed as a journalist member of the Council;
- (c) “public panel member”: any person appointed as such by the Council who is
  - (i) a public member of the Council; or
  - (ii) is eligible to be appointed as a public member of the Council.



## A2. Reconciliation Action Plan

The Australian Press Council launched its first-ever Reconciliation Action Plan (RAP) in March 2017. This documents the objectives and strategies that the organisation will employ to promote understanding and reconciliation between Indigenous and non-Indigenous Australians.

The Chair of the Press Council, other Council members, Indigenous community leaders and representatives of a range of other organisations celebrated the launch at the National Centre for Indigenous Excellence in Redfern, NSW.

The Press Council's draft RAP was developed in 2016 and submitted to Reconciliation Australia for review, in accordance with established processes, after which it was official endorsed by that organisation.

# Innovate Reconciliation Action Plan

## Australian Press Council

### March 2017—March 2019



Australian  
Press Council



RECONCILIATION  
ACTION PLAN

INNOVATE

#### Message from Press Council Chair



I am absolutely delighted that Reconciliation Australia has approved the Press Council's first-ever Reconciliation Action Plan, which documents the objectives and strategies we will employ to promote understanding and reconciliation between Indigenous and non-Indigenous Australians.

The draft plan was developed by our RAP Committee, comprising staff and Council members. Reconciliation Australia gave us very strong support throughout the process, working patiently with us as we developed a plan appropriate for our organisation. We could not have done this without their expertise and wisdom.

Many of the 900 mastheads that make up the Council have their own RAPs. However, as the body charged with setting media standards of practice, handling complaints and advocating for free speech and press freedom, it is essential that the Council has its own plan to guide our policies, priorities and relationships. Our member publications tell Australia's story, including the hardships faced by Aboriginal and Torres Strait peoples as well as their successes. This RAP will help ensure that Indigenous perspectives help shape that narrative.

The challenge now is to make sure that we implement these ambitious plans fully and effectively. There is no doubting the Press Council's commitment to make that happen.

Professor David Weisbrot AM

Chair  
Australian Press Council

#### Message from Reconciliation Australia CEO

Reconciliation Australia congratulates the Australian Press Council on developing its first Reconciliation Action Plan.

The Press Council is demonstrating its readiness to develop innovative approaches to reconciliation and champion reconciliation at every level of the organisation. It is well placed to continue its progress across the key pillars of reconciliation—relationships, respect and opportunities.

The Press Council displays its dedication to relationship building with Aboriginal and Torres Strait Islander peoples, communities and organisations through its goal to celebrate and promote community events such as National Reconciliation Week.

The Press Council champions respect as part of its core values by committing to develop and implement a cultural protocol document for Welcome to Country and Acknowledgement of Country.

Driving reconciliation through employment and training opportunities is outlined in the Press Council's RAP through its commitment to develop an Aboriginal and Torres Strait Islander consultation strategy.

I commend the Press Council on its Innovate RAP. I look forward to following its continued reconciliation journey.



Justin Mohamed

Chief Executive Officer  
Reconciliation Australia



## Message from Press Council Chair



I am absolutely delighted that Reconciliation Australia has approved the Press Council's first-ever Reconciliation Action Plan, which documents the objectives and strategies we will employ to promote understanding and reconciliation between Indigenous and non-Indigenous Australians.

The draft plan was developed by our RAP Committee, comprising staff and Council members. Reconciliation Australia gave us very strong support throughout the process, working patiently with us as we developed a plan appropriate for our organisation. We could not have done this without their expertise and wisdom.

Many of the 900 mastheads that make up the Council have their own RAPs. However, as the body charged with setting media standards of practice, handling complaints and advocating for free speech and press freedom, it is essential that the Council has its own plan to guide our policies, priorities and relationships. Our member publications tell Australia's story, including the hardships faced by Aboriginal and Torres Strait peoples as well as their successes. This RAP will help ensure that Indigenous perspectives help shape that narrative.

The challenge now is to make sure that we implement these ambitious plans fully and effectively. There is no doubting the Press Council's commitment to make that happen.

Professor David Weisbrot AM

Chair  
Australian Press Council

## Message from Reconciliation Australia CEO

Reconciliation Australia congratulates the Australian Press Council on developing its first Reconciliation Action Plan.

The Press Council is demonstrating its readiness to develop innovative approaches to reconciliation and champion reconciliation at every level of the organisation. It is well placed to continue its progress across the key pillars of reconciliation—relationships, respect and opportunities.

The Press Council displays its dedication to relationship building with Aboriginal and Torres Strait Islander peoples, communities and organisations through its goal to celebrate and promote community events such as National Reconciliation Week.

The Press Council champions respect as part of its core values by committing to develop and implement a cultural protocol document for Welcome to Country and Acknowledgement of Country.

Driving reconciliation through employment and training opportunities is outlined in the Press Council's RAP through its commitment to develop an Aboriginal and Torres Strait Islander consultation strategy.

I commend the Press Council on its Innovate RAP. I look forward to following its continued reconciliation journey.



Justin Mohamed

Chief Executive Officer  
Reconciliation Australia

## Our Business

The Australian Press Council is an Incorporated Association operating under the *Associations Incorporation Act 2009* (NSW), as amended. The Press Council was established in 1976 as an independent, self-governing body, responsible for developing and promoting standards of practice in journalism; handling complaints about material published in Australian newspapers, magazines, online news and current affairs websites and associated digital outlets; and advocating for free speech, press freedom and community access to information. The membership of the Press Council covers more than 900 mastheads (representing 95 per cent of circulation) and most of the major news and current affairs websites. As of late 2016, the Press Council's Sydney-based secretariat had ten staff members, including the Chair, none of whom identify as being of Aboriginal and Torres Strait Islander heritage. The Press Council acknowledges that the Gadigal people of the Eora nation are the Traditional Custodians of the land on which our office is located, and we pay our deepest respect to their Elders past, present and future.

More information about the Press Council may be found at [www.presscouncil.org.au](http://www.presscouncil.org.au)



## Our Reconciliation Action Plan

The Press Council's Reconciliation Action Plan documents the objectives and strategies that we will employ over the next biennium to promote reconciliation between Aboriginal and Torres Strait Islander people and the broader community. The Press Council's deep commitment to the reconciliation process—with a focus on developing relationships with, and respect and opportunities for, Aboriginal and Torres Strait Islander people—led to the establishment of an internal RAP Group in 2015, comprising the Chair, the Executive Director, the then Deputy Executive Director and other staff in the Council's secretariat. The initial RAP Group was later joined by Council member and publisher Chris Graham, who has extensive experience working with Indigenous media and land rights groups. On 14 February 2017, Naomi Moran, a Bundjalung woman from Lismore, NSW and the General Manager of the Koori Mail newspaper, joined the group.

To date, the Press Council's efforts in promoting reconciliation and supporting Aboriginal and Torres Strait Islander peoples have been limited to making some initial approaches to a number of relevant publications, such as the Koori Mail and others to encourage them to join. (The Koori Mail officially joined the Press Council in February 2017.) The Chair and senior officers of the Press Council also routinely include an Acknowledgement of Country or Welcome to Country at the beginning of significant meetings and events.

The Press Council's RAP focuses on relationships, respect and opportunities. Increased engagement with Aboriginal and Torres Strait Islander stakeholders will yield a better understanding of these communities among staff, allowing them to make informed judgements about the nature and impact of media coverage of those communities and related matters.

The Press Council recognises that while our RAP needs to capture the right spirit, the most important thing is to facilitate the achievement of practical, beneficial outcomes. Consequently, the Press Council commits to:

- encouraging membership by Aboriginal and Torres Strait Islander newspapers, magazines and online news and current affairs sites;
- engaging and consulting with Aboriginal and Torres Strait Islander groups, individuals and organisations regarding our work;
- promoting employment and internship opportunities for Aboriginal and Torres Strait Islander peoples at the Press Council and among constituent members;
- promoting Aboriginal and Torres Strait Islander cultural competence among our staff;
- considering the impact on Aboriginal and Torres Strait Islander peoples of current and proposed Standards of Practice;
- encouraging the Australian news media to report issues of importance for Aboriginal and Torres Strait Islander communities in a respectful way, especially those that highlight inequality and the need to take active steps reduce it, in order to improve outcomes in education, health, life expectancy, employment and other sectors; and
- endeavouring to promote high quality reporting in relation to Aboriginal and Torres Strait Islander people.



### 1. Relationships

The Press Council regularly hosts meetings, consultations and Round Tables with community groups, peak associations, experts and individual stakeholders to inform its complaints-handling processes and especially the development of standards, guidelines and educational materials. This engagement will be substantially enhanced by maintaining strong, ongoing relationships with Aboriginal and Torres Strait Islander peoples groups, organisations, scholars and individuals.

#### Focus area

To encourage greater participation of Aboriginal and Torres Strait Islander peoples in the work of the Press Council, we will focus on improving engagement and consultation strategies.

Action	Responsibility	Timeline	Deliverable
1.1 RAP Committee to actively monitor RAP development and implementation of actions, tracking progress and reporting.	Chair and Executive Director (ED)	March 2017	RAP Committee to oversee the development, endorsement and launch of the RAP
	Chair and Executive Director (ED)	May and November meetings in 2017 and 2018	APC RAP Committee to meet two or more times per calendar year to monitor and report on RAP implementation.
	Chair, ED and Director of Research and Communications (DRC)	Review in June and December 2017, 2018	All meetings to be noted on the APC website and in the Annual Report.



	Chair and ED	April 2017	Ensure Aboriginal and Torres Strait Islander peoples are represented in the RAP Committee
	Chair and ED	April 2017	Establish Terms of Reference for the RAP Committee
<b>1.2 Celebrate and participate in National Reconciliation Week (NRW) by providing opportunities to build and maintain relationships between Aboriginal and Torres Strait Islander peoples and other Australians. NRW runs from 27 May-3 June each year, marking the anniversaries of the 1967 referendum and the Mabo decision, respectively. 2017 marks the 50<sup>th</sup> and 25<sup>th</sup> anniversaries of these historic milestones in reconciliation.</b>	Chair, ED and DRC	May-June 2017 and 2018	Organise at least one internal event for NRW each year
		March 2017 and 2018	Register all NRW events on Reconciliation Australia's website
		May-June 2017 and 2018	Support an external NRW event. Ensure our RAP Committee participates in an external event to recognise and celebrate NRW
<b>1.3 Develop and maintain mutually beneficial relationships with Aboriginal and Torres Strait Islander peoples, communities and organisations to support positive outcomes.</b>	Chair, ED and DRC	June 2017	Develop and implement an engagement plan to work with our Aboriginal and Torres Strait Islander stakeholders
	Chair, ED and DRC	May 2017, review in December 2017, 2018	Meet with local Aboriginal and Torres Strait Islander organisations to develop guiding principles for future engagement

	Information Officer	March 2017	Maintain an up-to-date contact database of relevant Aboriginal and Torres Strait Islander community groups, organisations and individual stakeholders, and use it to ensure regular contact.
	Director of Research and Communications	March 2017	Invite Indigenous people to participate in APC consultations, roundtables, social functions and other activities, and to make the APC accessible by hosting some of these events in or near local Indigenous communities.
<b>1.4 Raise internal and external awareness of our RAP to promote reconciliation across our business and sector</b>	Chair, ED and DRC	April 2017	Implement and review a strategy to communicate our RAP to all internal and external stakeholders
	Chair, ED and DRC	April 2017, review in December 2017, 2018	Promote reconciliation through ongoing active engagement with all stakeholders
	Chair, ED and DRC	March 2017	Encourage all Constituent bodies to engage with reconciliation by developing RAPs
	Chair, ED, DRC and Information Officer	March 2017	Upload RAP to the APC website
	Chair, ED and Office Manager	March 2017	Provide APC's RAP to all newly recruited staff, interns and Council members as part of the induction process.



## 2. Respect

The Press Council's vision of social equality and inclusion is underpinned by respect for all Australians. Evident respect shown to Aboriginal and Torres Strait Islander peoples will promote trust, foster good relationships and encourage greater engagement of Aboriginal and Torres Strait Islander people with the Press Council, leading to higher quality policies and processes in the public interest.

### Focus area

Improve the cultural awareness and competence of Press Council staff and ensure the respectful engagement of Aboriginal and Torres Strait Islander peoples in events and processes.

Action	Responsibility	Timeline	Deliverable
<b>2.1 Engage employees in cultural learning opportunities to increase understanding and appreciation of Aboriginal and Torres Strait Islander cultures, histories and achievements.</b>	Chair, ED and DRC	April 2017, reviewed annually	Develop and implement a cultural awareness training strategy for our staff and Council members that defines cultural learning needs of employees in all areas of our business and considers various ways cultural learning can be provided including online, face to face workshops or cultural immersion.
	Chair, ED and DRC	April 2017	Investigate opportunities to work with Traditional Owners and/or Aboriginal and Torres Strait Islander consultants to develop cultural awareness training.
	Chair, ED and DRC	April 2017, review April 2018, 2019	Provide opportunities for RAP Committee, RAP Champions and Council members and other key leaders to participate in cultural learning.

<b>2.2 Engage employees in understanding the significance of Aboriginal and Torres Strait Islander cultural protocols, such as Welcome to Country and Acknowledgement of Country, to ensure there is shared meaning</b>	Chair, ED and DRC	March 2017, 2018	All management and secretariat staff to undertake Aboriginal and Torres Strait Islander cultural awareness training at least once in each two year period.
	Chair, Executive Director, and all staff	March 2017	Develop, implement and communicate a cultural protocol document for Welcome to Country and Acknowledgement of Country.
		March 2017	Develop a list of key contacts for organising a Welcome to Country and maintaining respectful partnerships.
		March 2017, 2019	Invite a Traditional Owner to provide a Welcome to Country at significant events including any conference or other major public event staged by the Press Council.
		March 2017, 2019	Ensure an Acknowledgement of Country or Welcome to Country is included at APC Council meetings, events and public functions.
		April 2017, 2019	Consider engaging local Aboriginal and Torres Strait Islander consultants and interpreters, as well as being conscious and flexible in the design of consultation processes, so that Aboriginal and Torres Strait Islander protocols, perspectives and opinions are understood and valued.

2.3 Provide opportunities for Aboriginal and Torres Strait Islander staff to engage with their culture and communities by celebrating NAIDOC Week and other dates of significance. (NAIDOC Week is held annually in the first full week of July.)	Chair, ED and DRC	March 2017 and March 2018	Review HR policies and procedures to ensure there are no barriers to staff participating in NAIDOC Week
		March 2017	Develop a calendar of significant events to be celebrated and/or acknowledged on the APC website and in Annual Reports
		July 2017 and 2018	Provide opportunities for all Aboriginal and Torres Strait Islander staff to participate in a local NAIDOC Week event
2.4 Support relevant Aboriginal and Torres Strait Islander newspapers, magazines and websites through subscriptions and other means.	Chair, ED and DRC	Review in March 2017, 2018	Note on the APC website, in the Annual Report, and elsewhere as appropriate the support provided to Indigenous newspapers, magazines and websites and journals through subscriptions and other means.



### 3. Opportunities

The Press Council is committed to creating opportunities for Aboriginal and Torres Strait Islander peoples to be involved as Council members, staff members, interns, committee members, panel members, consulted stakeholders, and contracted service providers and suppliers.

#### Focus area

The Press Council's permanent workforce is small and stable, but where vacancies occur there will be a genuine effort to promote the inclusion of Aboriginal and Torres Strait Islander people. On a more routine basis, the main focus will be on recruiting for internship positions, including Aboriginal and Torres Strait Islander people in consultation and advisory processes, and enhancing the participation of Aboriginal and Torres Strait Islander people as Council members, staff members, committee members, panel members, consulted stakeholders, and contracted service providers and suppliers.

Action	Responsibility	Timeline	Deliverable
3.1 Investigate opportunities to improve and increase Aboriginal and Torres Strait Islander employment outcomes within our workplace	Chair, ED and Office Manager	April 2017	Develop and implement an Aboriginal and Torres Strait Islander employment and retention strategy
		Review in March 2019	Engage with existing Aboriginal and Torres Strait Islander staff to consult on employment strategies and professional development.
		Review March 2019	Advertise all vacancies in Aboriginal and Torres Strait Islander media, through educational institutions and through external community stakeholders.
		March 2019	Collect information on our current Aboriginal and Torres Strait Islander employees to inform future employment

		June 2017	Review HR and recruitment procedures and policies to ensure there are no barriers to Aboriginal and Torres Strait Islander employees and future applicants participating in our workplace.
<b>3.2 Support Aboriginal and Torres Strait Islander students through training pathways.</b>	Chair, ED, DRC and the Office Manager	December 2017, review June 2018	Encourage Aboriginal and Torres Strait Islander students to apply to the APC's internship program by ensuring that opportunities are made known to the institutions and advertised to Aboriginal and Torres Strait Islander students.
		December 2017, 2018	Record the number of Aboriginal and Torres Strait Islander interns applying to the APC intern program and the percentage of successful applicants, in order to inform future planning and opportunities
<b>3.3 Consult with Aboriginal and Torres Strait Islander communities and organisations about APC Standards and Guidelines.</b>	Chair, ED, DRC, Standards Director and Complaints Director	April 2017, review in April 2018, 2019	Develop an Aboriginal and Torres Strait Islander consultation strategy for each issue, where relevant (eg the development of specific standards, guidelines and educational materials, or possible changes to the complaints handling process).
	DRC, Information Officer	April 2017, review April 2018, 2019	Report all significant consultations on the APC website, in the Annual Report, and to the RAP Committee, listing in detail the organisations and individuals involved and the tangible outcomes of the consultations.

	DRC, Information Officer	April 2017, review April 2018, 2019	Provide feedback to First Australian communities and groups following APC consultations, roundtables and projects through the APC website, the Annual Report, and through direct communications (e.g. email or newsletters), published articles, conferences and seminars.
	DRC, Information Officer	April 2017, review April 2018, 2019	Establish and maintain an Aboriginal and Torres Strait Islander consultation section on the APC website.
<b>3.4 Identify opportunities to engage with and support Aboriginal and Torres Strait Islander suppliers of goods and services</b>	Chair, ED, Office Manager	March 2017	Review procurement policies and procedures to identify barriers to Aboriginal and Torres Strait Islander businesses to supply APC with goods and services
		March 2017	Develop and communicate to staff a list of Aboriginal and Torres Strait Islander businesses that can be used to procure goods and services
		November 2016	Develop one commercial relationship with an Aboriginal and/or Torres Strait Islander owned business
<b>3.5 Encourage membership in the Council from Aboriginal and Torres Strait Islander print and online publications</b>	Chair, ED and DRC	March 2017	Investigate Supply Nation membership
		April 2017, review April 2018, 2019	Recruit Aboriginal and Torres Strait Islander print and online publications as members of the Press Council, such as the Koori Mail, the National Indigenous Times and Land Rights News.



		April 2017	Recruit Aboriginal and Torres Strait Islander people as independent journalist members of Council, public members of Council or Adjudication Panel members.
		April 2017	Apply for membership of the Media Reconciliation Industry Network Group (MediaRING).



#### 4. Tracking progress and reporting

Action	Responsibility	Timeline	Deliverable
<b>4.1 Report RAP achievements, challenges and learning (internally and externally)</b>	Chair, ED and DRC	December 2017, 2018	RAP Progress report to be included in each Annual Report and published on APC website
		December 2017, 2018	Report on RAP progress internally
<b>4.2 Report RAP achievements, challenges and learning to Reconciliation Australia</b>	Chair, ED and DRC	September 2017, 2018	Complete and submit the RAP Impact Measurement Questionnaire to Reconciliation Australia annually
		May 2018	Investigate participating in the RAP Barometer.
<b>4.3 Review and update RAP</b>	Chair, ED, DRC and RAP Committee	June 2018	In partnership with Reconciliation Australia, develop a new RAP based on learnings, challenges and achievements.
		March 2019	Send draft to Reconciliation Australia for formal feedback and endorsement.



## **A3. Member Publications**

*The following titles are published by, or are members of, the constituent body under which they are listed. They are subject to the Press Council's jurisdiction in relation to standards of practice and adjudication of complaints.*

## **Australian Rural Publishers Association**

Agriculture Today

ALFA Lot Feeding

Australian Cotton and Grain Outlook

Australian Dairyfarmer

Australian Farm Journal

Australian Horticulture Farm Weekly

Farming Small Areas

Good Fruit and Vegetables

GrapeGrowers and Vignerons

Horse Deals

Irrigation and Water Resources

North Queensland Register

Northern Dairy Farmer

Queensland Country Life

Ripe

Smart Farmer

Stock and Land Stock Journal

The Grower

The Land

Turfcraft International

## Bauer Media Group

4 x 4 Australia  
Aus Gourmet Traveller Magazine  
Aust Bus and Coach  
Australian Geographic  
Australian House & Garden Magazine  
Australian Transport News  
Australian Women's Weekly  
Belle (excluding Band-ons)  
Cosmopolitan  
Cosmopolitan Body  
Cosmopolitan Brides  
Cosmopolitan Extensions  
Deals On Wheels  
Earth Movers & Excavators Magazine  
Elle  
Empire Magazine  
Expert Parenting Oneshots  
Farms & Farm Machinery  
Good Health Magazine  
Harper's Bazaar  
Homes +  
Men's Style Magazine  
Money Magazine  
Mother & Baby Magazine  
Motor  
NW  
OK Magazine  
Owner Driver Magazine  
People Magazine  
Picture Magazine  
Puzzle Book  
Real Living Magazine  
Recipes Plus Magazine  
Shopping for Baby Magazine  
Street Machine  
Take 5  
Take 5 Pocket Puzzler  
Take 5 Mega Puzzler  
The Pic-Home Girls Restricted  
The Pic-Home Girls Unrestricted  
TV Week  
Unique Cars Magazine  
Weight Watchers Magazine  
Wheels  
Woman's Day  
Woman's Day Super Puzzler  
World of Knowledge  
Yours

## Community Newspapers Australia

Advocate  
Adelaide Matters  
Albert and Logan News  
Auburn Review Pictorial  
Bankstown Canterbury Torch  
Bayside Leader  
Berwick Leader  
Berwick News  
Blacktown Advocate  
Blacktown Sun  
Brimbank & Northwest Star Weekly  
Brimbank Leader  
Caboolture Shire Herald  
Camden Narellan Advertiser  
Campbelltown-Macarthur Advertiser  
Canning Times  
Canterbury-Bankstown Express  
Caulfield Glen Eira/Port Phillip Leader  
Central Coast Express Advocate  
Central Sydney  
City North Messenger  
City North News  
City South News  
Cooks River Valley Times  
Cranbourne Leader  
Cranbourne News  
Dandenong Journal  
Diamond Valley Leader  
East Torrens Messenger  
Eastern Courier Messenger  
Echo  
Fairfield Advance  
Fairfield City Champion  
Ferntree Gully Belgrave Mail  
Frankston Standard Leader  
Free Press Leader  
Fremantle Cockburn Gazette  
Geelong Indy  
Geelong News  
Greater Dandenong Leader  
Guardian Messenger  
Hawkesbury Gazette  
Heidelberg Leader  
Hills Gazette/Avon Valley Gazette  
Hills News  
Hills Shire Times  
Hobsons Bay Leader  
Hornsby Advocate  
Hume Leader  
Inner West Courier  
Journal News  
Knox Leader  
Leader Messenger  
Lilydale & Yarra Valley Leader  
Liverpool City Champion  
Liverpool Leader  
Logan West Leader  
MacArthur Chronicle  
Manly Daily  
Manningham Leader  
Maribyrnong & Hobsons Bay Star Weekly  
Maribyrnong Leader  
Maroondah Leader  
Melbourne Leader  
Melton & Moorabool Star Weekly  
Melton Leader  
Melville Times  
Midland/Kalamunda Reporter  
Mitcham & Hills Messenger  
Monash Leader  
Moonee Valley Leader  
Moorabbin Kingston/Moorabbin Glen Eira Leader

Mordialloc Chelsea Leader  
Moreland Leader  
Mornington Peninsula Leader  
Mosman Daily  
Mount Druitt & St Marys Standard  
Mountain Views Mail  
North Lakes Times  
North Shore Times  
Northcote Leader  
Northern District Times  
Northern Messenger  
Northern Star Weekly  
Northern Times  
Northside Chronicle  
North-West News  
Pakenham Gazette  
Pakenham Officer News  
Parramatta Advertiser  
Parramatta Sun  
Penrith City Gazette  
Penrith Press  
Pine Rivers Press  
Port Stephens Examiner  
Portside Messenger  
Preston Leader  
Progress Leader  
Ranges Trader Mail  
Redcliffe & Bayside Herald  
Rouse Hill Courier  
Rouse Hill Times  
South-East Advertiser  
South-West News  
Southern Courier  
Southern Gazette  
Southern Times Messenger  
Springfield News  
St George and Sutherland Shire Leader  
St Marys Mt Druitt Star  
Stonnington Leader  
Sunbury & Macedon Ranges Star Weekly  
Sunbury/Macedon Ranges Leader  
The City  
Upper Yarra Mail  
Weekly Times  
Weekly Times Messenger  
Wentworth Courier  
Westside News  
Whitehorse Leader  
Whittlesea Leader  
Wollondilly Advertiser  
Wyndham Leader  
Wyndham Star Weekly  
Wynnum Herald



## Country Press Australia

Alexandra Eildon Marysville Standard  
Bairnsdale Advertiser  
Barrier Daily Truth  
Benalla Ensign  
Bendigo Weekly  
Casterton News  
Castlemaine Mail  
Cobden Timboon Coast Times  
Coonabarabran Times  
Corowa Free Press  
Corryong Courier  
Deniliquin Pastoral Times  
East Gippsland News  
Fassifern Guardian  
Geelong Independent  
Gippsland Times & Maffra Spectator  
Gilgandra Weekly  
Golden Plains Miner  
High Country Herald  
Hopetoun Courier & Mallee Pioneer  
Koondrook & Barham Bridge  
Kyabram Free Press  
Lakes Post  
Latrobe Valley Express  
Mansfield Courier  
Midland Express  
Midstate Observer  
Mildura Midweek  
Mildura Weekly  
Molong Express  
Moorabool News  
Moree Champion  
Moruya Examiner  
Mountain Views Mail  
Mudgee Guardian & Gulgong Advertiser  
Myrtleford Times & Alpine Observer  
Nhill Free Press  
North Central News  
North West Express  
Numurkah Leader  
Pakenham Gazette  
Phillip Island & San Remo Advertiser  
Portland Observer and Guardian  
Pyrenees Advocate  
Rainbow Jeparit Argus  
Riverine Herald  
Sea Lake & Wycheproof Times Ensign  
Seymour Telegraph  
Shepparton News  
Snowy River Mail  
South Gippsland Sentinel Times  
Southern Riverina News  
Tatura Guardian  
Terang Express  
The Baw Baw Shire & West Gippsland Trader  
The Border Times  
The Border Watch  
The Buloke Times  
The Bunyip  
The Camperdown Chronicle  
The Colac Herald  
The Courier  
The Courier Cobram  
The Courier - Mt Barker  
The Dimboola Banner  
The Euroa Gazette  
The Gannawarra Times  
The Guardian Swan Hill  
The Leader  
The Loddon Times  
The Loxton News  
The Maryborough District Advertiser

The Mclvor Times

The Mirror

The Mortlake Dispatch

The Murray Pioneer

The North Central Review

The Ovens & Murray Advertiser

The Penola Pennant

The Plains Producer

The River News

The Riverine Grazier

The Robinvale Sentinel

The Shepparton Adviser

The Southern Argus

The Spectator

The Tarrangower Times

The Warragul & Drouin Gazette

The Weekly Advertiser

Wangaratta Chronicle

Warracknabeal Herald

West Wimmera Advocate

West Wyalong Advocate

Yarram Standard

Yarrawonga Chronicle

Yorke Peninsula Country Times

## Fairfax Media

AgTrader Monthly  
Augusta-Margaret River Mail  
Australian Cotton Outlook  
Australian Senior  
Barossa & Light Herald  
Bay Post  
Beaudesert Times  
Bega District News  
Blacktown City Sun  
Blayney Chronicle  
Blue Mountains Gazette  
Bombala Times  
Boorowa News  
Border Chronicle  
Border News  
Braidwood Times  
Brimbank & North West Star Weekly  
Bunbury Mail  
Busselton-Dunsborough Mail  
Camden Haven Courier  
Camden Narellan Advertiser  
Canberra Times  
Canowindra News  
Central Western Daily  
Coastal Leader  
Coleambally Observer  
Collie Mail  
Cootamundra Herald  
Country Leader  
Country Music Capital News  
Cowra Guardian  
Crookwell Gazette  
Daily Liberal (Dubbo)  
Domain Adelaide  
Domain Canberra  
Domain Geelong  
Domain Melbourne  
Domain Sydney  
Donnybrook-Bridgetown Manjimup Mail  
Dungog Chronicle  
Eurobadalla Independent  
Eastern Riverina Chronicle  
Explore Tasmania  
Express Extra (Armidale)  
Eyre Peninsula Tribune  
Fairfield City Champion  
Farm Weekly Magazine  
Farming Small Areas  
Financial Review BOSS  
Financial Review Smart Investor  
Focus (Coffs Coast)  
Focus (Greater Port Macquarie)  
Focus (Manning-Great Lakes)  
Focus (New England)  
Forbes Advocate  
Gippsland Farmer  
Gippsland Times  
Glen Innes Examiner  
Gloucester Advocate  
Good Fruit + Vegetables  
Good Weekend  
Good Wine Guide  
Goondiwindi Argus  
Goulburn Post  
Goulburn Post Weekly  
Great Lakes Advocate  
Great Lakes Extra  
Guardian News (Nambucca)  
Harden Murrumburrah Express  
Hawkesbury Courier  
Hawkesbury Gazette  
Hibiscus Happynings

Highlands Post	Newcastle Herald
Hills News	North Queensland Register
Horse Deals	Northern Argus
Hortguide	Northern Star Weekly
Hunter Valley News	Nyngan Observer
Hunter Valley Star News	Oberon Review
Illawarra Mercury	Official Guide to Tamworth Country Music Festival
Jimboomba Times	On the Coast
Katherine Times	Out & About
Kiama Independent	Parkes Champion–Post
Latrobe Valley Express	Parramatta & Holyroyd Sun
Life & Leisure Luxury	Penrith City Gazette
Life & Leisure The Sophisticated Traveller	Port Lincoln Times
Lithgow Mercury	Port Macquarie Express
Liverpool City Champion	Port Macquarie News
Lotfeeding	Port Stephens Examiner
Macleay Valley Happynings	Post Weekly
Magnet	Pro-Ag
Mailbox Shopper	Property Press
Mandurah Mail	Public Sector Informant
Manning River Times	Queensland Country Life
Maribyrnong & Hobsons Bay Star Weekly	Queensland Grains Outlook
Melton & Moorabool Star Weekly	Queensland Senior
Merimbula News Weekly	Queensland Smart Farmer
Mid Coast Happenings	Redland City Bulletin
Mid Coast Observer	Review Magazine
Mid State Observer	Ripe
Milton Ulladulla Times	Rouse Hill Courier
Moree Champion	Sapphire Coaster
Moruya Examiner	Senior Post
Mudgee Guardian	Senior Traveller
Muswellbrook Chronicle	Shoalhaven & Nowra News
My Family Magazine	Smart Farmer
Namoi Valley Independent	SMH Good Café Guide
Naracoorte Herald	SMH Good Food Guide
Narooma News	SMH Good Food Guide under \$30
Narromine News	

SMH Good Pub Food Guide	The Bellingen Shire Courier Sun
Snowy Times	The Border Mail
South Australia Senior	The Campbelltown Macarthur Advertiser
South Coast Register	The Courier (Ballarat)
South West Advertiser	The Daily Advertiser (Wagga Wagga)
Southern Cross (June)	The Esperance Express
Southern Highland News	The Examiner
Southern Weekly	The Flinders News
St George & Sutherland Shire Leader	The Grenfell Record
St Mary's-Mt Druitt Star	The Grower
Stock and Land	The Guyra Argus
Stock Journal	The Guardian (Swan Hill)
Sunbury & Macedon Ranges Star Weekly	The Inverell Times
Sunday Canberra Times	The Irrigator (Leeton)
Sunday Examiner Tasmanian Parent	The Islander
Sunday Life	The Lakes Mail
Sunraysia Daily	The Land
Tamworth Times	The Leader (Wagga Wagga)
Tasmanian Farmer	The Macleay Argus
Tasmanian Senior	The Maitland Mercury
Tenterfield Star	The Moyne Gazette
The Advertiser (Bendigo)	The Mudgee Weekly
The Advertiser (Cessnock)	The Murray Valley Standard
The Advertiser & Lake Times	The Newcastle and Lake Macquarie Star
The Advocate (Burnie)	The North West Star
The Advocate (Hepburn)	The Northern Daily Leader
The Age	The Queanbeyan Age incorporating The Chronicle
The Age Bar Guide	The Queensland Good Food Guide
The Age Good Food Guide	The Recorder
The Age Good Food Guide Under \$30	The Rural
The Ararat Advertiser	The Scone Advocate
The Area News (Griffith)	The Singleton Argus
The Armidale Express	The Standard (Warrnambool)
The Australian Dairyfarmer	The Stawell Times-News
The Australian Financial Review	The Sunday Age
The Australian Financial Review Magazine	The Sun-Herald
The Avon Valley & Wheatbelt Advocate	

The Sydney Morning Herald  
The Times (Port Lincoln)  
The Transcontinental  
The Weekend Financial Review  
The Weekly Review  
The Weekly Review Bayside & Port Phillip  
The Weekly Review City  
The Weekly Review Eastern  
The Weekly Review Ivanhoe & Valley  
The Weekly Review Melbourne Times  
The Weekly Review Moonee Valley  
The Weekly Review Stonnington & Boroondara  
The Wimmera Mail-Times  
The Young Witness  
Town & Country (Hunter Valley/North Coast)  
Town & Country Magazine  
Travelways  
Turfcraft  
Victorian Senior  
Walcha News  
Wauchope Gazette  
Wellington Times  
West Australian Senior  
West Coast Sentinel  
Western Advocate  
Western Magazine  
Western Times  
Whyalla News  
Wingham Chronicle  
Wollondilly Advertiser  
Wyndham Star Weekly  
Yass Tribune

## News Limited

Advertiser Advocate  
Albert & Logan News  
The Australian  
Australian Country Style  
Ballina Shire Advocate  
Balonne Beacon  
Bayside Leader  
Bayside Northern Suburbs Star  
Big League  
Big Rigs  
Blacktown Advocate  
bodyandsoul.com.au  
Bowen Independent  
Bribie Weekly  
Brisbane News  
Buderim Chronicle  
Buro.com.au  
Byron Shire News  
Caboolture News  
Caboolture Herald  
Cairns Post  
Cairns Sun  
Caloundra Weekly  
Canning Times  
Canterbury-Bankstown Express  
Capricorn Coast Mirror  
Caulfield Glen Eira/Port Phillip Leader  
Central (Sydney)  
Central & North Burnett Times  
Central Coast Express Advocate  
Central Queensland News  
Central Telegraph  
Centralian Advocate  
Chinchilla News  
City Messenger  
City North News  
City South News  
Coast City Weekly  
Coastal Views  
Comment News  
Cooloola Advertiser  
Coolum & North Shore News  
Courier-Mail  
Cranbourne Leader  
Dalby Herald  
Daily Mercury  
Daily Telegraph  
Darwin Sun  
Delicious  
Derwent Valley Gazette  
Diamond Valley Leader  
Donna Hay  
Eastern Courier  
Eastern Reporter  
Echo – Geelong  
Fairfield Advance  
Frankston Standard/Hastings  
Fraser Coast Chronicle  
Fremantle/Cockburn Gazette  
Gatton  
Geelong Advertiser  
Gold Coast Bulletin  
Gold Coast Sun  
GQ  
Greater Dandenong Leader  
Guardian Express  
Heidelberg Leader  
Herald Sun  
Herbert River Express  
Hervey Bay Independent  
Hervey Bay Observer  
Hills Shire Times



Hornsby and Upper North Shore Advocate  
Hume Leader  
Inner West Courier  
Innisfail Advocate  
Inside Out  
Isis Town & Country  
Joondalup/Wanneroo Times  
Kidspot  
Knox Leader  
Laidley Plainland Leader  
Lilydale & Yarra Valley Leader  
Lismore Echo  
Liverpool Leader  
Lockyer and Brisbane Valley Star  
Macarthur Chronicle  
Mandurah Coastal Times  
Manly Daily  
Manningham Leader  
Maribyrnong Leader  
Maroochy and Kawana Weekly  
Maroondah Leader  
Melville Times  
Mercury  
Midland-Kalamunda Reporter  
Monash Leader  
Moonee Valley Leader  
Moorabbin Kingston Leader  
Mordialloc Chelsea Leader  
Moreland Leader  
Mornington Peninsula Leader  
Mosman Daily  
Mt Druitt-St Marys Standard  
Murilla Advertiser  
Nambour Weekly  
news.com.au  
NewsMail  
Noosa News

North Coast Times  
North Shore Times  
Northcote Leader  
NorthEastern Weekly  
Northern District Times  
Northern Weekly  
Northern Miner  
Northside Chronicle  
North-West News  
NT News Darwin  
Parramatta Advertiser  
Penrith Press  
Pine Rivers Press/North Lake Times  
Port Douglas & Mossman Gazette  
Portside Weekly  
Preston Leader  
Progress Leader  
Redcliffe & Bayside Herald  
Rouse Hill Times  
Rural Weekly  
Scenic Rim Leader  
Seniors Newspaper  
South-East Advertiser  
Southern Courier  
Southern Gazette  
Southern Star  
Southern Times  
South-West News/Springfield News  
Sportsman Sydney  
Stanthorpe Border Post  
Stirling Times Stonnington Leader  
Style Magazine  
Sunbury/Macedon Ranges Leader  
Sunday Herald Sun Melbourne  
Sunday Mail  
Sunday Mail  
Sunday Tasmanian

Sunday Telegraph  
Sunday Territorian Darwin  
Sunshine Coast Daily  
Super Food Ideas  
Tablelands Advertiser  
Tasmanian Country  
Taste  
The Chronicle  
The Coffs Coast Advocate  
The Daily Examiner  
The Gympie Times  
The Ipswich Advertiser  
The Leader (Wagga Wagga)  
The Maryborough Herald  
The Midweek  
The Morning Bulletin  
The Northern Star  
The Observer  
The Queensland Times  
The Richmond River Express Examiner  
The Tablelander  
The Western Star  
The Woolgoolga Advertiser  
South-West News/Springfield News  
Townsville Bulletin  
Tweed Daily News  
Vogue Australia  
Vogue Living  
Wanneroo-Joondalup Weekender  
Warwick Daily News  
Weekend Courier  
Weekly Times  
Wentworth Courier  
Western Times  
Westside News  
Whitehorse Leader  
Whitsunday Times  
Whitsunday Coast Guardian  
Whittlesea Leader  
Whimn.com.au  
Wynnum Herald

## **Adelphi Printing Pty Ltd**

Monthly Chronicle

## **At Large Media**

New Matilda

## **Budsoar Pty Ltd**

Koori Mail

## **The Bushland Shire Telegraph Pty Ltd**

Bush Telegraph Weekly

## **Crinkling News Pty Ltd**

Crinkling News

## **Dailymail.com Australia Pty Ltd**

Daily Mail Australia

## **Echo Publications Pty Ltd**

The Byron Shire Echo  
Echonetdaily

## **Emanila Pty Ltd**

The Filipino Australian

## **Focal Attractions**

Mumbrella

## **HT&E Limited**

The Roar  
Lost at E Minor  
Techly

## **The Huffington Post Australia Pty Ltd**

HuffPost

## **Independent Australia Pty Ltd**

Independent Australia

## **The New Daily**

The New Daily

## **nine.com.au**

nine.com.au

## **Private Media**

Crikey

The Mandarin

SmartCompany

StartupSmart

## **propertyreview.com.au**

propertyreview.com.au

## **Schwartz Media**

The Saturday Paper

The Monthly

## **Urban Cinefile**

Urban Cinefile

## **WorkDay Media**

Banking Day





## A4. Detailed complaints statistics

### The nature and outcome of complaints

The following tables provide details of the nature and outcome of complaints that were finalised by the Council in 2016-17, including any opened earlier. The methodology and presentation of these statistics was revised in 2012-13, and again this year, in order to improve clarity and accuracy. Aspects of the new methodology are summarised below.

#### **In-scope complaints**

Where complaints are made to the Council about items published by newspapers, magazines and their associated websites, or by online-only publications, these are considered 'in-scope complaints'.

#### **Complainants**

Where in-scope complaints are made by a number of different complainants about the same material and on broadly similar grounds, they are counted as only one complaint for the purposes of the statistics based on numbers of complaints (see Tables 1 and 4-7). However, all of the complainants are counted in the statistics relating to numbers of complainants (see Tables 1, 2 and 3).

#### **Issues**

Where a number of different issues are raised in a complaint (eg alleged inaccuracy and breach of privacy) each issue is counted separately for the purposes of the statistics relating to issues.

#### **Out-of-scope complaints**

Where complaints are made to the Council about material that is not within its jurisdiction (for example, advertising material or radio broadcasts) these are considered 'out-of-scope complaints'.



## SECTION A OVERVIEW OF CASES CLOSED DURING THE YEAR

**Table 1**  
**TOTAL NUMBER OF COMPLAINTS, COMPLAINANTS AND ISSUES**

	2016-17
In-scope complaints	565
Complainants	1526
Issues raised in complaints	1143
Out-of-scope complaints	131

## SECTION B COMPLAINANTS

**Table 2**  
**TYPE OF COMPLAINANT**

For complaints closed during year	2016-17
Individuals	616
Associations, companies and other non-government bodies	41
Government and other public bodies <sup>1</sup>	12
Politicians, councillors, electoral candidates and political parties	7
Other <sup>2</sup>	16
<b>Total (in scope and out of scope)</b>	<b>696</b>

**Notes:**

1. This includes local Councils but, for example, does not include individual councillors or members of parliament.
2. This includes complaints not otherwise classifiable.

**Table 3**  
**LOCATION OF COMPLAINANT**

For complaints closed during year	2016-17
New South Wales	149
Victoria	156
Queensland	108
Western Australia	34
South Australia	26
Tasmania	10
Australian Capital Territory	14
Northern Territory	4
Overseas	14
Unspecified	181
<b>Total (in scope and out of scope)</b>	<b>696</b>

## SECTION C PUBLICATIONS

**Table 4**  
**TYPE OF PUBLICATION**

For complaints closed during year	2016-17
Newspapers and their digital platforms	
- National	74
- State	289
- Regional and rural	104
- Suburban	12
Magazines and their digital platforms	13
Online-only publications <sup>1</sup>	181
Other	23
<b>Total (in scope and out of scope)</b>	<b>696</b>

**Notes:**

1. Not including the websites and other digital platforms of print publishers.

**Table 5**  
**TYPE OF PLATFORM**

For complaints closed during year <sup>1</sup>	2016-17
Online only	331
Online and social media	11
Print	121
Print and online	216
Print, online and social media	3
Social media	9
Unspecified	5
<b>Total (in scope and out of scope)</b>	<b>696</b>

**Notes:**

1. These figures relate to the platforms in which the relevant material appeared, not only the platform in which the complainant accessed it.

## SECTION D OUTCOMES OF COMPLAINTS

**Table 6**

### OUTCOME OF COMPLAINT

For complaints closed during year	2016-17
Declined by the Council at initial stage	231
Discontinued	140
Discontinued with Letter of Advice	5
Withdrawn	12
Remedy without adjudication	74
Not pursued by complainant	67
Adjudication	
Complaint fully or partly upheld	26
Complaint not upheld	10
Out of scope	131
<b>Total</b>	<b>696</b>

**Table 7**

### DETAILS OF REMEDIES WITHOUT ADJUDICATION

For complaints closed during year <sup>1</sup>	2016-17
Apology (public or private)	7
Retraction, correction or clarification published	6
Material deleted entirely	13
Follow up article published	2
Amendment to article	39
Other private action/explanation	1
Other published action	6
<b>Total</b>	<b>74</b>

**Notes:**

1. The table provides a breakdown of the remedies recorded in Table 6.

## SECTION E ISSUES

**Table 8**

### ISSUES RAISED IN COMPLAINT

For complaints closed during year	2016-17
Accuracy/Misleading	302
Corrective action	79
Fairness and Balance	253
Publication of a reply	70
Intrusion on Privacy	118
Offence/Prejudice/Distress	286
Unfair or deceptive means	13
Conflict of Interest	22
<b>Total</b>	<b>1143</b>

**Annex to Table 8**

**Categories of Issues**

**Accuracy and clarity**

1. Ensure that factual material in news reports and elsewhere is accurate and not misleading, and is distinguishable from other material such as opinion.
2. Provide a correction or other adequate remedial action if published material is significantly inaccurate or misleading.

**Fairness and balance**

3. Ensure that factual material is presented with reasonable fairness and balance, and that writers' expressions of opinion are not based on significantly inaccurate factual material or omission of key facts.
4. Ensure that where material refers adversely to a person, a fair opportunity is given for subsequent publication of a reply if that is reasonably necessary to address a possible breach of General Principle 3.

**Privacy and avoidance of harm**

5. Avoid intruding on a person's reasonable expectations of privacy, unless doing so is sufficiently in the public interest.
6. Avoid causing or contributing materially to substantial offence, distress or prejudice, or a substantial risk to health or safety, unless doing so is sufficiently in the public interest.

**Integrity and transparency**

7. Avoid publishing material which has been gathered by deceptive or unfair means, unless doing so is sufficiently in the public interest.
8. Ensure that conflicts of interests are avoided or adequately disclosed, and that they do not influence published material.



## A5. Summaries of adjudications 2016-2017

Summaries of all the Press Council's adjudications for the 2016-17 reporting year are provided below. Copies of the full adjudications follow this list of summaries.

### **Adjudication 1672: Wade Laube/The Australian (July 2016)**

A complaint that an article included inaccurate and misleading statements about a senator's plans regarding nuclear energy.

### **Adjudication 1684: Complainant/The Sydney Morning Herald (July 2016)**

A complaint that an article referred to allegations of rape and the ethnicity of the alleged perpetrators breached a number of the Press Council's General Principles.

### **Adjudication 1676: Complainant/The Daily Telegraph (July 2016)**

A complaint that an article about a Royal Commission which featured a large picture of Bill Shorten was misleading and unfair.

### **Adjudication 1680: Rami Yousif/The Sunday Telegraph (August 2016)**

A complaint that an article referred to the complainant as being named on the Football Federation of Australia's banned list was in breach of his privacy, misleading and unfair.

### **Adjudication 1683: Complainant/The Courier-Mail (September 2016)**

A complaint that an article which identifies an eight-year-old boy as a witness in his father's murder trial breached a number of the Council's General Principles.

### **Adjudication 1682: Complainant/news.com.au (September 2016)**

A complaint that an article about a US Powerball draw being open to Australians was misleading and unfair.

### **Adjudication 1668: Margaret Masters/The Sunday Times and PerthNow (September 2016)**

A complaint that statements about a man's involvement with child abuse at an orphanage was misleading, inaccurate and unfair.

### **Adjudication 1681: Complainant/The Weekend Australian (September 2016)**

A complaint that an article concerning a resigned minister's involvement with a staff member breached the staff member's privacy.

### **Adjudication 1695: Complainant/The Canberra Times (September 2016)**

A complaint that two articles which identified a former police officer as a victim of a car crash, the subject of court proceedings, breached his privacy and caused him added distress.

### **Adjudication 1685: Rita Timbery-Curtin/Southern Courier (October 2016)**

A complaint that the reporting of a prominent Aboriginal figure being in an unmarked grave was misleading, inaccurate and distressing to her family.

### **Adjudication 1690: Complainant/news.com.au (October 2016)**

A complaint that use of the words 'wild sex' in the headline of an article concerning the rape and murder of a woman was offensive.

### **Adjudication 1686: John Stansfield/Newcastle Herald (October 2016)**

A complaint that an article making reference to an individual's autism was misleading, unfair, an intrusion of privacy, and offensive and distressing.

**Adjudication 1688: Complainant/The Australian (November 2016)**

A complaint that a cartoon depicting a number of figures in traditional Indian clothing was offensive and prejudicial.

**Adjudication 1678: Lost Dogs' Home/The Age (November 2016)**

A complaint about an article referring to an animal shelter's alleged treatment of a dog was inaccurate, misleading, unfair and unbalanced.

**Adjudications 1687: Complainant/The Daily Telegraph (November 2016)**

A complaint that an opinion blog post concerning the ABC staff union's claims for family violence leave was misleading and offensive and distressing.

**Adjudications 1692: Complainant/The Sun-Herald (November 2016)**

A complaint that an article disclosing a man's HIV status after his death was an intrusion of privacy.

**Adjudication 1694: Michelle Goldsmith/Bendigo Weekly (December 2016)**

A complaint that the publication of a letter to the editor including the author's residential address was an intrusion of privacy and a risk to her safety.

**Adjudication 1693: Complainant/The Age (January 2017)**

A complaint that an article alleging a senator was underpaying au pairs was inaccurate, misleading and unfair.

**Adjudication 1697: Complainant/Herald Sun (January 2017)**

A complaint that an article's focus on an audience member of a television show was an intrusion of privacy and offensive, distressing and prejudicial.

**Adjudication 1674: Judith Kenny/Fremantle Herald (January 2017)**

A complaint that an article concerning a killing in East Fremantle was inaccurate, an intrusion of privacy and offensive.

**Adjudication 1696: Australian Defence Force/The Australian (February 2017)**

A complaint that published material concerning the Australian Defence Force and its diversity programs was misleading, unfair and unbalanced.

**Adjudication 1698: Complainant/The Courier-Mail (February 2017)**

A complaint that an article concerning an apparent murder-suicide of a young mother and son breached the Council's Specific Standards on the Coverage of Suicide.

**Adjudication 1699: Liam Pickering/Herald Sun (February 2017)**

A complaint that an article concerning court proceedings involving an AFL players' agent was misleading, inaccurate and unfair.

**Adjudication 1701: Australian Council for Education Research/Gold Coast Bulletin (February 2017)**

A complaint that the headline of an article concerning research into teacher training inaccurately summarised the research.

**Adjudication 1700: Complainant/The Daily Telegraph (March 2017)**

A complaint that an article alleging that thousands of welfare recipients were rorting the system with medical certificates was misleading and unfair.

**Adjudication 1705: Industry Super Australia/The Australian (March 2017)**

A complaint that an article critical of industry super funds in several respects was inaccurate and misleading.

**Adjudication 1702: Colin Hampton/Frankston Standard Leader (March 2017)**

A complaint that an article concerning a councillor's conduct was misleading, inaccurate, unfair and unbalanced.

**Adjudication 1703: Osher Günsberg/Daily Mail Australia (March 2017)**

A complaint that an article including shirtless photographs of a television presenter was an intrusion on privacy and distressing.

**Adjudication 1704: Sharon Doyle Lyons/Parramatta Advertiser (March 2017)**

A complaint that an article about the suicide of a man intruded on the privacy of his family and breached the Council's Specific Standards on the Coverage of Suicide.

**Adjudication 1712: Complainant/Herald Sun (April 2017)**

A complaint that an article's report of some government departments having free days off was misleading and inaccurate.

**Adjudication 1708: Complainant/The Sunday Mail (April 2017)**

A complaint that the headline accompanying an article concerning allegations of sexual abuse against Donald Trump was offensive and distressing.

**Adjudication 1707: Complainant/news.com.au (May 2017)**

A complaint that the emphasis on the transgender identity of a woman accused of a violent attack was substantially offensive and prejudicial.

**Adjudication 1711: Complainant/Inner West Courier (May 2017)**

A complaint that the publication of an email as a letter to the editor involved material gathered by unfair means, intruded on privacy and was distressing.

**Adjudication 1710: Complainant/Daily Mail Australia (June 2017)**

A complaint that an article including footage of a dog being boiled alive was offensive and distressing.

**Adjudication 1709: Complainant/Daily Mail Australia (June 2017)**

A complaint that the emphasis on a woman's transgender identity in an article was offensive, distressing and prejudicial.

**Adjudication 1717: Complainant/Northern District Times (June 2017)**

A complaint that an article identifying details about a couple and their purchased apartment was inaccurate and an intrusion of privacy.



## A6. Full adjudications 2016—2017

### **Wade Laube/The Australian**

*Adjudication 1672 (July 2016)*

The Press Council considered a complaint by Wade Laube, on behalf of Senator Sean Edwards, about an article published by The Australian on 13 March 2015. The article was headed “Nukes never free, senator told” in print and “Nuclear energy never free, senator Sean Edwards told” online. It followed an announcement by the Senator on 12 March that urged governments to investigate the importation and recycling of spent nuclear fuel.

The article referred to comments made following the Senator’s announcement by a former chairman of Britain’s Office for Nuclear Development, Dr Tim Stone, who was in Adelaide addressing a nuclear energy forum. The article said Dr Stone had “questioned claims” by the Senator and had said that nuclear energy was “no free lunch” and “[e]nergy is never free”

The complainant said the article and headline implied that Dr Stone was directly rebutting the Senator’s proposed nuclear energy plan, when in fact Dr Stone made clear he had not seen the Senator’s proposal and his remarks were general.

The complainant said the article inaccurately reported that Senator Edwards claimed his “plan to use spent fuel rods to generate nuclear power would revive South Australia’s ailing economy within five years” and that he was “promising it would lead to free power and the abolition of \$4.4 billion in state taxes”. The complainant said the Senator had in fact told the publication there was “a scale of possibilities” and a five year time frame was never mentioned. The complainant said the article was also inaccurate in implying that the Senator had said nuclear power would be free because the Senator had identified in the business model where and by whom the costs would actually be borne.

The complainant said the Senator should have been given an opportunity to respond to comments in the article that “Labor Treasurer Tom Koutsantonis said Senator Edwards was becoming increasingly worried about his upcoming preselection”, as this unfairly implied the proposal was motivated by the Senator’s personal interest in re-election.

The complainant also said he had sought a correction by the publication to clarify that Dr Stone had not seen the proposal and was not questioning it and that the proposal had a funding model. The complainant said that prior to publication of the article, The Australian had agreed to publish an opinion piece by the Senator and it was not reasonable to require him to use that opportunity to correct the factual inaccuracy, when it should be the responsibility of the publication.

The publication, in the initial part of the Council’s complaint process, said that it was inconceivable that Dr Stone had not seen the Senator’s comments and in any event the Senator could have used the opinion piece published after the article to raise his concerns. It also noted that it had published a follow-up article, headed “Nuclear path ‘leads to riches’”, which reported on a speech the Senator was to make about his proposal.

However at a late stage of the Council’s process, after reviewing its records, the publication accepted Dr Stone had not seen the Senator’s proposals and that the article inaccurately implied Dr Stone was commenting on the proposal. It published a clarification, including an apology, to this effect and said that this was adequate redress.

The publication said it was an accurate summary of the Senator’s proposal— which had been covered broadly in the media in the day before the article—to say that it could revive South Australia’s economy within five years, that power could be free and that state taxes of \$4.4 billion could be replaced, and it



had no obligation to cover every detail of the proposal. It was also consistent with subsequent comments by the Senator and the reporting of them.

The publication also said Mr Koutsantonis' comments were a small part of the article and would be regarded by readers as a comment made for political purposes.

### **Conclusion**

The Council's Standards of Practice require reasonable steps to ensure that factual material is accurate and not misleading (General Principle 1), is reasonably fair and balanced (General Principle 3), that a correction or other adequate remedial action is provided if published material is significantly inaccurate or misleading (General Principle 2) and that a fair opportunity is provided for a published reply if reasonably necessary (General Principle 4).

The Council considers that the publication failed to take reasonable steps to ensure accuracy and fairness and balance in reporting that Dr Stone had directly questioned the Senator's proposal and that Dr Stone rejected a claim made by the Senator that energy could be free when Dr Stone had not done so. Consequently, the publication breached General Principles 1 and 3 of the Council's Standards of Practice, and its later correction did not obviate the breach. Accordingly, the complaint in these respects is upheld.

The Council considers reporting that the Senator claimed his "plan to use spent fuel rods to generate nuclear power would revive South Australia's ailing economy within five years" and that he was "promising it would lead to free power and the abolition of \$4.4 billion in state taxes" was open to a range of reasonable interpretations. In addition, on the material available to the Council, it is unable to form a final view about the communications between the complainant and the newspaper prior to publication. Accordingly, it is unable to determine whether or not reasonable steps were taken to ensure accuracy, fairness and balance in relation to this part of the reporting.

The Council considers that the Labor Treasurer's comments could reasonably be regarded as a political comment and were not given prominence, and so finds no breach of General Principle 3 of its Standards of Practice in this respect.

While the Council acknowledges and gives credit for the publication's later clarification about the reporting of Dr Stone's comments, the Council considers it should have been published earlier. The Council concludes there was a breach of General Principles 2 and 4 of its Standards of Practice. Accordingly, this aspect of the complaint is also upheld.

### **Complainant/The Sydney Morning Herald**

*Adjudication 1684 (July 2016)*

The Press Council considered whether its Standards of Practice were breached by the publication of an article in The Sydney Morning Herald on 22 February 2016 headed "The horrifying untold story of Louise" in print and "The story of Louise: we'll never know the scale of the rape epidemic in Sydney" online. The article reported on the graphic account of the alleged rape of "Louise" by a number of men whom she said were Arabic-speaking and whom she described as "MERCs. Middle Eastern raping c----". The article also stated that the NSW Police took no action when Louise reported the rape.

The Council asked the publication to comment on whether the material breached its Standards of Practice, which require it to take reasonable steps to ensure that factual material is accurate and not misleading (General Principle 1) and presented with reasonable fairness and balance (General Principle 3). If the material is significantly inaccurate or misleading, or unfair or unbalanced, publications must take reasonable steps to provide adequate remedial action or an opportunity for a response to be published (General Principles 2 and 4). The Standards also require that publications take reasonable steps to avoid

contributing to substantial offence, distress or prejudice, unless doing so is sufficiently in the public interest (General Principle 6).

In response, The Sydney Morning Herald acknowledged that publication of the article “represented unacceptable breaches of fundamental journalistic practice”, and “expressed its regret.” The publication said that a subsequent article, “The story of Louise: police have no case to answer, but I do” by the same author, attempted to publicly address some of the failings that occurred in the article complained about. The publication said that on 24 February it redacted the most contentious allegations—including aspersions cast about the Middle Eastern community and allegations of inaction against the NSW Police—which was noted on the article, and on 1 March the article was retracted in its entirety. The publication also pointed out that it had published apologies in print and online and through its social media channels on 29 February, and also published additional articles and letters which were highly critical of its original decision to publish the article and its content. The publication added that it has implemented and undertaken editorial safeguards to avoid, or at least minimise, the risk of such unacceptable practice occurring in the future.

### **Conclusion**

The publication conceded that the article breached fundamental standards of journalistic practice. The article concerned serious and distressing allegations that would likely cause substantial offence, distress and/or prejudice to the Middle Eastern community in Australia, the NSW Police, victims of sexual assault and the wider community. Accordingly, it was necessary to be especially rigorous in determining the veracity of the claims made by Louise that she had been raped by Arabic-speaking men and of the subsequent police inaction and indifference. All of these claims would have been readily dismissed with some further interviews and basic fact-checking, but this was not done. The Council concludes that reasonable steps were not taken to verify or justify the report and that its Standard of Practice relating to accuracy and fairness was clearly breached in this respect. The Council also concludes that reasonable steps were not taken to avoid substantial offence, distress and prejudice and without sufficient justification in the public interest, especially in reporting Louise’s description of the Arabic-speaking men as “MERCs. Middle Eastern raping c----”.

The Council’s Standards also require that reasonable steps be taken to publish a correction or take other adequate remedial action where published material is significantly inaccurate or misleading. Although the original decision to publish the article was deeply regrettable, given the subsequent steps taken by the publication, including its publication of critical articles and letters, the Council does not consider that there was a failure to provide adequate remedial action. Accordingly, there was no breach in this respect.

### **Complainant/The Daily Telegraph**

*Adjudication 1676 (July 2016)*

The Press Council considered whether its Standards of Practice were breached by the publication of an article headed “THE SILENCE OF THE DEAD” in the Saturday Extra section of The Daily Telegraph on 2 January 2016.

The article was spread across two pages. On the left-hand page, under the headline, a sub-headline “ROYAL COMMISSIONER DYSON HEYDON HAS EXPOSED THE MURKY WORLD OF UNION POWER IN A DAMNING REPORT ON CORRUPTION ...” appeared next to a large image of Royal Commissioner the Hon John Dyson Heydon AC QC. Below this were two quotes, apparently of findings, which were; “He was almost always unbelievable. He conveyed an impression of being a phony”; and “The advantage of blaming a dead man ... dead men tell no tales”. Set out opposite on the right hand page was a large screen shot image of Federal Opposition Leader Bill Shorten appearing as a witness at the Royal Commission including the words “Witness: Bill Shorten”. There were also smaller images of two other men on this page and below these was a second smaller “COMMENT” article.

The Council asked the publication to comment on whether, given the words used and the layout, the article breached its Standards of Practice. The Standards applicable in this matter require that publications take reasonable steps to ensure that factual material is accurate and not misleading (General Principle 1) and is presented with reasonable fairness and balance (General Principle 3). If the material is significantly inaccurate or misleading, or not reasonably fair and balanced, publications must take reasonable steps to provide adequate remedial action or an opportunity for a response to be published (General Principles 2 and 4).

The publication said the material published was not inaccurate or misleading and was fair and balanced. It said it would be clear to anyone who read the story that the quotes featured in the article were not referring to Mr Shorten and the article itself identified the other men to which each of the quotes referred and included smaller images of them which were not located near Mr Shorten's image. The publication said the Royal Commission had been running for a lengthy period and had attracted a great deal of publicity, part of which related to a trade union of which Mr Shorten had once been leader, and he was the highest profile witness to appear at the Royal Commission. It also said Mr Shorten had repeatedly described the Royal Commission as a "witch-hunt". For those reasons, the publication said it was appropriate to include a large image of Mr Shorten in the article.

The publication said the Royal Commission's report was released five days before the article appeared and the publication had reported the Royal Commission's findings about Mr Shorten on each of those five days on all of its publishing platforms.

The publication said it had not received any complaints from Mr Shorten or the Australian Labor Party about the article. It also said while critical findings had been made against other union leaders, the adjacent comment article expressly reported that Mr Shorten had escaped censure by the Royal Commission.

### **Conclusion**

The Council considers that the publication failed to take reasonable steps to ensure the article was not misleading or unfair. Mr Shorten was exonerated by the Royal Commission. The Council considers that the presentation of the article including the sub-headline, the large image of the Royal Commissioner and the screen shot of Mr Shorten giving evidence set out opposite each other, the presentation of the quotes in large font without an indication of who they referred to all combined to convey a misleading and unfair impression that the quoted adverse findings referred to Mr Shorten. Mr Shorten was not named in the text of the article and though the adjacent comment article did say (in the third-last paragraph) that Mr Shorten "dodged censure for his time at the helm" of the Australian Workers' Union, this did not offset these other adverse aspects. Accordingly, the Council considers that the publication breached General Principles 1 and 3.

In light of the nature of the breach and the lack of complaint by Mr Shorten himself, the Council does not make any finding of a breach of General Principles 2 and 4.

### **Rami Yousif/The Sunday Telegraph**

*Adjudication 1680 (August 2016)*

The Press Council considered a complaint by Rami Yousif about a front page article published in The Sunday Telegraph on 22 November 2015, headed "REVEALED SECRET POLICE FILES" and "BANNED: The 198 louts barred from every soccer game ground in the country". The article continued on page four, headed "FACES FROM THE SOCCER SHAME FILE". The article also appeared online under a different headline.

The article stated that the Football Federation of Australia (FFA) had banned 198 people, including the complainant, from attending "every soccer ground in Australia". The complainant's photograph (among

others) appeared on the front page with a caption “10 years”, and again on page five with his name and the words “Wanderers supporter. Ban 10 years. Spectator violence in a group.”

The article said the FFA’s dossier amounted to the “shame file Australian football bosses did not want you to see”, suggesting the FFA had not sufficiently accepted the extent of its crowd violence problem.

The complainant said he witnessed an assault after a match in early 2015 and “willingly gave a witness statement to the police in order to assist them with their investigation”. He was never charged or convicted of any offence in relation to the incident. The complainant said the article incorrectly implied he had been involved in wrongdoing, was a “lout” and was implicated in an “act of violence”. He said he asked the publication to provide evidence that he was involved in spectator violence, which it had not done. The complainant acknowledged that the publication offered him a right of reply and has continued to do so, but said he had “lost confidence” in the publication and feared he would be treated unfairly.

The complainant also said the publication used two images of him from his Facebook account, which he said was an “unreasonable intrusion on [his] private life”, which caused him great anxiety, depression and panic attacks. He said the FFA banned list was confidential and only meant to be distributed to police, security consultants and football clubs, and that it was “not in the public interest to ... shame him”.

The publication replied that the complainant had been banned for 10 years, one of the longest bans imposed, reflecting the FFA’s view of the seriousness of his conduct. The publication said it was entitled to rely on the FFA’s statement that banning was the result of being identified by “the various state police forces” as having engaged “in serious anti-social behaviour”.

The publication said that after the article appeared, the FFA reviewed its processes and established an appeal system, and if the complainant appealed successfully, it would report this prominently. The publication said it had offered the complainant a right of reply, which he had not taken up, and it had repeated its offer.

The publication denied it had taken the photographs from Facebook, stating that they were part of the FFA’s dossier. It said the banned list was circulated widely and could not be regarded as confidential. The publication said it was strongly in the public interest for police, club officials, stadium security and the general public to know the identity of banned individuals, in order to protect public safety and highlight the extent of the problem.

## **Conclusion**

The Council’s Standards of Practice require publications to take reasonable steps to ensure factual material is accurate and not misleading (General Principle 1) and reasonably fair and balanced (General Principle 3), to publish a correction or take other adequate remedial action if material is significantly inaccurate or misleading (General Principle 2) and provide a fair opportunity for subsequent publication of a reply if necessary (General Principle 4). The General Principles also require reasonable steps to avoid intruding on a person’s reasonable expectations of privacy or contributing materially to substantial offence, distress or prejudice – unless doing so is sufficiently in the public interest (General Principles 5 and 6).

The Council notes that the complainant strongly denies any involvement in “spectator violence in a group” and points to the fact that he was never charged as strong evidence for his position. The Council is not in a position to form an independent conclusion about whether the complainant was involved in anti-social conduct. The question is whether the publication took reasonable steps to determine the accuracy and fairness of the information in the article. In the absence of any significant doubts about the veracity of the FFA dossier, the publication was entitled to report its findings, and accordingly the Council concludes it took reasonable steps.

Given the 10-year ban imposed on the complainant, a penalty normally reserved for serious anti-social behaviour, the same logic can be applied to the publication's use of the terms "louts" and "shame file". Accordingly, the Council does not uphold the complaint in relation to General Principles 1 and 3. In light of these conclusions and the publication's offer of a right of reply, the Council also considers there was no breach of General Principles 2 and 4.

The Council accepts that the publication obtained the photographs of the complainant from the FFA's dossier. The Council considers that the complainant's expectation of privacy was outweighed by the significant public interest in the disclosure of the banned list, given the concerns about public safety and the need to document the extent of the problem. Accordingly, the Council concludes there was no breach of General Principle 5.

While the publicity may have caused the complainant considerable distress, the Council considers there was a significant public interest in disclosure of the banned list, and accordingly does not uphold the complaint in relation to General Principle 6.

### **Complainant/The Courier-Mail**

*Adjudication 1683 (September 2016)*

The Press Council considered whether its Standards of Practice were breached by an article published in The Courier-Mail on 26 March headed "'DADDY DID IT': Eight-year-old star witness in murder trial, court told" in print and "Boy 8, to be key witness at father's murder trial" online.

The article reported on a bail application by a man accused of murder, in which the prosecution was considering calling as a key witness the man's eight-year-old son, who was six at the time of the alleged murder. The article identified the boy by his full name as well as the accused and the location of the alleged murder.

The Council asked the publication to comment on whether the material breached its Standards of Practice with regard to avoiding intruding on reasonable expectations of privacy and not causing substantial distress, particularly as the material involved naming an eight-year-old child as a potential witness in his father's murder trial.

The publication said the article was a fair and accurate report of court proceedings that complied with the law. It said the boy was a witness and not a victim of crime and the prosecution's concern had been that if released on bail the accused might seek to influence his son. It said the reference to the boy's identity was necessary for a full and accurate reporting of the proceedings and it was not appropriate for the publication to choose not to identify him. The publication based this on the fact that the judicial officer had not made any orders suppressing the boy's identity and, in a case heard in open court, witnesses do not have an expectation of privacy and it is in the public interest for them to be named so that justice is seen to be done. It also said other publications had published the name of the boy.

### **Conclusion**

The Council's Standards of Practice require publications to take reasonable steps to ensure that they avoid intruding on a person's reasonable expectations of privacy and contributing materially to substantial offence, distress or prejudice, or substantial risk to health or safety, unless doing so is sufficiently in the public interest (General Principles 5 and 6).

The Council accepts that the court did not make any orders suppressing the boy's name in this case, nor were there any other legal restrictions on identification, so the publication clearly did nothing unlawful. However, beyond the strict requirements of the law, publications have a further responsibility to ensure compliance with the Standards of Practice.

The Council considers that given the age of the boy, the nature of the allegations against his father and the fact that the prosecutor was contemplating calling him as a witness against his father, there was a reasonable expectation that the boy's privacy should not be intruded upon by being named in the article. This was so even if his name had been used by the prosecutor in open court during the course of the bail application. The Council considers that the reporting of his name was not sufficiently in the public interest to outweigh this expectation of privacy in the circumstances. Accordingly, the Council concludes that its General Principle 5 was breached in this respect.

The Council also considers that the publication failed to take reasonable steps to avoid causing substantial offence, distress or prejudice or substantial risk to health or safety of the boy. Identifying him left him open to distress or worse, for instance at school and in the schoolyard. Publishing his name added nothing to the impact of the story and was not sufficiently in the public interest to justify risking such consequences. Accordingly, the Council concludes that General Principle 6 was also breached in this respect.

### **Complainant/news.com.au**

*Adjudication 1682 (September 2016)*

The Press Council considered whether its Standards of Practice were breached by the publication of an article on news.com.au on 13 January 2016, headed "Record \$US1.5 billion Powerball draw now open to Australian punters".

The article reported on a betting company, Lottoland, "giving Australians the chance to enter the world's biggest ever lottery, the whopping \$US1.5 billion (\$2.15 billion) Powerball jackpot." The article quoted a Lottoland representative saying: "It's quite incredible now to think Australian citizens through Lottoland can join in on the race to win a mega international lottery without having to leave the comfort of their own lounge room or office."

Following a complaint, the Council asked the publication to comment on whether the material breached its Standards of Practice by suggesting Australian citizens are able to "enter" directly into a lottery normally reserved for American residents. The Council also asked the publication to comment on whether it had adequately addressed any possible breaches.

The publication acknowledged that Lottoland did not in fact offer Australians the opportunity to enter the Powerball lottery but rather bet on the outcome of that lottery, and said the information in the article was based partly on a Lottoland press release. The publication said it published a subsequent 'explainer' article on 19 January 2016, headed "It's in the fine print – why your lotto ticket is not what it seems", which informed readers that Lottoland was not a lottery agency but operated more like a bookmaker, taking bets on which numbers would be drawn. The publication also said that on about 15 February 2016, after being made aware of the complaint about the original article, it amended the article to ensure the source of any reader confusion was removed and attached an Editor's Note to inform readers that it had been amended.

### **Conclusion**

The Council's Standards of Practice require publications to take reasonable steps to ensure that factual material is accurate and not misleading (General Principle 1) and is reasonably fair and balanced (General Principle 3), to publish corrections or take other adequate remedial action if published material is significantly inaccurate or misleading (General Principle 2) and to give a fair opportunity for subsequent publication of a reply if necessary (General Principle 4).

The Council considers that the information in the original article may have led readers to believe that they could enter directly into the American lottery by dealing with Lottoland. Notwithstanding the article on

19 January, the key errors of fact in the original article went uncorrected for a week. Accordingly, the Council concludes that General Principles 1 and 3 were breached in this respect.

The Council's Standards also require that reasonable steps be taken to publish a correction or take other adequate remedial action where published material is significantly inaccurate or misleading. The Council acknowledges the publication made changes to the original article on about 15 February 2016, after being alerted to the complaint, but would expect the publication to have become aware that the original article was inaccurate or misleading when it published the article on 19 January 2016. The Council considers that the obligation to take reasonable steps required the publication to link the 19 January article to the original article, in order to draw this corrected information to readers' attention. In addition, although the article of 19 January did give a prominent explanation of the differences between Lottoland and the American lottery, the original article as amended did not appear on the publication's homepage where the original article had been prominently published, and the subsequent amendments and Editor's Note were unlikely to have been brought to the attention of readers of the original article. Accordingly, the Council considered there was a breach of its General Principles 2 and 4.

**Margaret Masters/The Sunday Times and PerthNow**  
*Adjudication 1668 (September 2016)*

The Press Council considered a complaint by Margaret Masters about two articles in The Sunday Times headed "Swan Homes hired killer" on 13 September 2015 and "Church calls cops over Swan Homes" on 20 September. The articles were also published online by PerthNow with different headlines. The articles reported on allegations by former child residents of the Swan Homes orphanage of abuse by a former house master, Leonard Darcey, and Mrs Master's father, children's home director Angus Peterkin.

The Council's Standards of Practice require publications to take reasonable steps to ensure factual material is accurate and not misleading and presented with reasonable fairness and balance (General Principles 1 and 3). If the material is significantly inaccurate or misleading or not reasonably fair and balanced, publications must take reasonable steps to provide adequate remedial action or an opportunity for a response to be published (General Principles 2 and 4).

Mrs Masters complained that statements about her father in the articles were inaccurate and misleading and not presented with reasonable fairness and balance. She said the statement in the first article that "the Anglican Archdiocese ... confirmed at least four children were abused ..." was inaccurate and misleading because the Archdiocese's 4 September statement acknowledged receiving four complaints and compensating three but did not confirm that abuse had occurred.

Mrs Masters said statements in the first article that two brothers "were physically and sexually abused by Peterkin and Darcey" and in the second article, that Mr Peterkin and Mr Darcey had "physically and sexually abused boys in the 1950s", reported allegations of physical and sexual abuse against her father as fact. She said no such claims had been made previously nor had they been established as fact. Mrs Masters said the statement in the first article that Mr Darcey "served 22 months before he was released and employed at the orphanage after receiving favourable character evidence from Angus Peterkin", implied that her father had facilitated Mr Darcey's release to employ him when in fact the evidence was given earlier at his trial.

Mrs Masters also said the publication had not contacted her or other members of her family prior to publishing to provide balancing comments and it had not published any of the subsequent letters by former residents containing positive comments about her father.

The publication said the articles were based on the recollections of seven former residents which included allegations of sexual and physical abuse by Mr Peterkin, that it reported the experiences of the two brothers on the basis of compelling and believable first-hand accounts, and also took into account

the statement made by the Anglican Archdiocese of Perth confirming it had assessed four cases of abuse. The publication said that on considering the complaint from Mrs Masters it had changed the online article to refer to confirmation of complaints instead of confirmation of abuse.

The publication said it was a fact that Mr Peterkin gave favourable character evidence for Mr Darcey and that after his release he was employed by Mr Peterkin at Swan Homes, and there was no other implication in what was reported.

The publication said the journalist had made several unsuccessful attempts to locate and contact Mr Peterkin's family members prior to publication and the journalist's email address was contained in the online stories in a further effort to make contact.

The publication said it chose not to publish the letters it received as these were not specific to the abuse allegations raised in the articles, and it offered to incorporate the family's views and recollections of their father in a follow-up article or letter to the editor and to include Mrs Master's comments in any future articles.

### **Conclusion**

The Press Council considers the Archdiocese's statement acknowledged only that "[f]our complaints have been made ... and three of these persons have accessed the pastoral care and support scheme of the Diocese which includes counselling, pastoral care, an apology and financial redress". The Council does not consider that this is a definitive finding that abuse had occurred, nor that it provided a factual basis for reporting four former residents had been abused.

The Press Council also considers the first article reported the allegations of physical and sexual abuse by Mr Peterkin as a fact. Given the serious nature of the allegations, in the absence of a conviction or further proof, reasonable steps to ensure accuracy required that the allegations be qualified by use of a word such as "alleged".

As to the report that Mr Darcey was released from gaol early "after receiving favourable character evidence" from Mr Peterkin, Council concludes Mr Peterkin provided evidence in mitigation at Mr Darcey's trial before he was sentenced, and that on his subsequent release from gaol he was employed at Swan Homes. The sequence of these facts as set out in the first article misleadingly suggests that the giving of the favourable character evidence caused his early release from gaol.

As a result, the publication failed to take reasonable steps to ensure the articles were accurate and not misleading, in breach of General Principle 1. Accordingly, these aspects of the complaint are upheld. The Council accepts the publication made attempts to contact Mr Peterkin's family prior to the first article and that the family had elected not to contact it between the first and second articles. However, the publication received correspondence from ex-residents of Swan Homes responding to the first article that, contrary to the allegations of abuse, contained positive recollections. The Council considers that in not publishing any of this correspondence the publication failed to take reasonable steps to present the material with fairness and balance in breach of General Principle 3. Accordingly, this aspect of the complaint is also upheld.

The Council acknowledges the publication's steps to subsequently correct the articles, and its offer to publish a follow-up article or letter or include comments by the family in subsequent articles. The Council considers the publication took reasonable steps to provide adequate remedial action and a right of reply. Accordingly, it complied with General Principles 2 and 4 and these aspects of the complaint are not upheld.



## **Complainant/The Weekend Australian**

*Adjudication 1681 (September 2016)*

The Press Council considered whether its Standards of Practice were breached by the publication of an article in The Weekend Australian on 2-3 January 2016, headed “The minister, the texts and the Stormies night” in print, with a similar headline online. The article reported allegations made against the then federal Minister for Cities and the Built Environment, Jamie Briggs MP, who was in Hong Kong on official business, and which led to Mr Briggs’ resignation from his post. The allegations were made by a junior official employed by the Department of Foreign Affairs and Trade (DFAT) in the Hong Kong consulate, suggesting Mr Briggs had engaged in inappropriate conduct. Although the woman did not make a formal complaint, reports of the allegations came to the attention of the Minister and the Secretary of DFAT, and an investigator was appointed.

The article expressly said the woman’s name had not been published “to protect her privacy”. An accompanying photograph of the woman pictured with Mr Briggs on the night in question was pixilated to obscure her face. However, the article did go on to detail her exact age, specific position in DFAT, academic qualifications, that she was on her first posting overseas and the other meetings she attended in her official capacity on the day in question.

The Council received a complaint expressing concern about whether the article intruded upon the woman’s privacy by offering such identifying information. The Council asked the publication to comment on whether the material breached the applicable Standards of Practice requiring publications to take reasonable steps to “avoid intruding on a person’s reasonable expectations of privacy, unless doing so is sufficiently in the public interest” (General Principle 5).

The publication noted that the article reported on a matter of significant public interest, which resulted in the resignation of a minister. The publication restated its intention to protect the woman’s privacy, and to this end suppressed her name and pixilated her image. The publication said it had done this not only to protect the specific individual, but also to ensure others are not deterred from reporting inappropriate or unlawful conduct for fear of public exposure in circumstances that might threaten their safety or career. The publication contended that even with the details published about the woman, there was no evidence that her identity could be discovered through an Internet search. The publication indicated that the reporting of the woman’s age and that it was her first posting was meant to convey her relative inexperience, and so her greater vulnerability.

### **Conclusion**

The Council notes that reporting on the conduct of the Minister was in the public interest, involving a serious question of acceptable ministerial standards of behaviour. However, the identity of the woman was not a matter of public interest.

The Council accepts the publication intended in good faith to protect the privacy of the woman concerned by withholding her name and pixilating her image, recognising both her own sensitive situation and the general policy not to discourage reporting inappropriate or unlawful conduct in future.

However, the Council considers the question is not whether there was specific evidence that the woman’s identity could be discovered through an Internet search or that any particular person in fact identified the woman as a result of the article, but whether the publication took sufficient steps to minimise the risk that she would be identified by some means.

The Council does not consider that sufficient reasonable steps were taken to protect the woman’s reasonable expectation of privacy in this instance, given the amount of identifying information supplied in the article. The Council considers that the information provided in the article would quickly narrow the field, allowing friends, professional colleagues or others to identify the woman. The conduct of the Minister – which it was in the public interest to report on – could have been reported without disclosure

of so much personal information, such as the woman's age, specific position, academic qualifications, that it was her first posting and her other appointments on the day. Accordingly, the Council concludes that General Principle 5 had been breached and upholds the complaint in this respect.

This matter highlights for all publications the need to exercise care with respect to protecting the anonymity of individuals where this is appropriate. Where it once may have been sufficient simply to suppress a name or pixelate an image, greater care must now be taken in an era of powerful search engine capability.

### **Complainant/The Canberra Times**

*Adjudication 1695 (September 2016)*

The Press Council considered a complaint about two articles published in The Canberra Times headed "Former cop sues for psychiatric injury caused by horror car crash" on 14 May 2015, and "Former cop in horror crash to be paid \$1.225 million. But who will foot the bill?" on 31 August 2015.

The articles stated that a former NSW Police officer, who was identified by name, was a passenger in a police car which had pursued a stolen vehicle, apparently unregistered and uninsured, from New South Wales into the Australian Capital Territory after attempting to stop that vehicle. The police car had ceased the pursuit shortly before that vehicle ran a red light and caused a high speed collision with a third vehicle, killing all occupants of the third vehicle. The driver of the stolen vehicle later died in hospital and a passenger in that vehicle suffered serious injuries. The former officer provided first aid to the occupants of two vehicles involved in the collision at the scene.

The first article reported the former officer's case that he suffered post-traumatic stress disorder (PTSD) and depression as a result of the negligence of the driver of the stolen vehicle. The ACT Government authority defending the claim argued that the driver of the police vehicle and the NSW Government were also negligent and claimed contribution from them to any compensation payment made to the former officer. The former officer claimed \$960,000 for economic loss to himself and his wife, who had been forced to leave her job to care for him. The second article reported the agreement in July 2013 between the former officer and the ACT Government authority to \$1.225 million in compensation, and the ACT Supreme Court case in May 2015 on the issue of contribution.

The complainant said the articles breached the former officer's privacy and risked aggravating his mental health condition. The complainant said that if the publication had made enquiries before the articles were published it would have revealed a history of court orders suggesting public disclosure of the former officer's mental health condition would likely exacerbate it.

The complainant referred, for example, to orders of the ACT Coroners Court in February 2012 that publication of the officer's "mental condition and the content of the documents given to the Coroner by his solicitor is prohibited".

The complainant also said that the publication's reporter attending the Supreme Court proceedings on 11 May 2015 would have heard submissions about setting aside a subpoena for the former officer to attend as a witness due to the potential of this to aggravate his mental health condition. The complainant added that evidence tendered to the Court established that the former officer was hospitalised at that time and at significant risk of further health problems.

The publication responded that two Supreme Court decisions relating to the former officer's claim for compensation—both mentioning the former officer's psychiatric injury—had been published on the Supreme Court website. It said the first article was based on the second of the Supreme Court decisions, and there was nothing in the decisions that raised concerns about public disclosure of the former officer's

name or mental health status. The publication said the findings of the coronial inquest into the collision, which also mentioned the former officer's mental and emotional state, were also published online.

The publication said the former officer's mental health had no bearing on the coronial inquest, which focused on the cause of the collision, whereas his mental health and who, if anyone, was liable to pay compensation were the central issues in the Supreme Court proceedings. The publication added that it is entitled to report what is said in open court, in the absence of any law or suppression orders to the contrary.

### **Conclusion**

The Council's Standards of Practice require publications to take reasonable steps to ensure that they avoid intruding on a person's reasonable expectations of privacy and avoid causing or contributing materially to substantial offence, distress or prejudice, or a substantial risk to health or safety, unless doing so is sufficiently in the public interest (General Principles 5 and 6).

The Council notes that beyond the strict requirements of the law (such as the need to comply with statutory obligations and suppression orders), publications have a further responsibility to ensure compliance with the Standards of Practice, which may extend to moderating or not reporting particular information said in open court. The question in this instance is whether, in the absence of any suppression order by the Supreme Court, the publication has any obligation under the Standards of Practice to omit the former officer's name or the details of his mental health condition, even though this information was on the public record and accessible via the Court's website.

The Council is sensitive to the distress that might be caused to a person suffering from mental health conditions such as PTSD where this is revealed publicly. However, the details of the former officer's mental health condition were central to the Supreme Court's considerations, no orders for suppression had been made, they were discussed in open court and repeated in the published decision of the Court which is publicly accessible on the Internet, and it was not directly brought to the publication's attention that revealing the former officer's name risked aggravating his condition. The Council does not consider the circumstances of the case or the earlier coronial and court orders gave the former officer a reasonable expectation that his name and mental health condition would not be published, or that the publication failed to take reasonable steps to avoid intruding on any reasonable expectation of privacy.

In addition, both General Principles 5 and 6 allow publication where it is sufficiently in the public interest. The Council considers that in this case there was a strong public interest in open justice, including the freedom of the press to explore matters of public importance, such as police pursuits and the effects of road accidents on victims and first responders.

In all the circumstances, the Council is satisfied the publication took reasonable steps to avoid intruding on any reasonable expectation of privacy of the former officer or to avoid contributing to substantial offence, distress or prejudice, or substantial risk to health or safety. In any event, the reporting was sufficiently in the public interest. Accordingly, there was no breach of General Principle 5 or 6 and the complaint is not upheld.

### **Rita Timbery-Curtin/Southern Courier** *Adjudication 1685 (October 2016)*

The Press Council considered a complaint by Rita Timbery-Curtin, great-granddaughter of La Perouse Aboriginal figure Emma Timbery, also known as "Queen Emma", about two articles published on 16 February 2016 in the Southern Courier. The first article was headed "IT STARTS HERE" on page 1, which continued on page 11 headed "Gravesite oversight", published next to a second article headed "COMMENT: Time we stood up". On the cover, and in both the articles on page 11, the publication stated

that Emma Timbery still remains in an unmarked grave 100 years after her death. The material was also published online.

The Council's Standards of Practice require that publications take reasonable steps to ensure factual material is accurate and presented with reasonable fairness and balance (General Principles 1 and 3), if inaccurate or unfair, to provide adequate remedial action or a balancing response (General Principles 2 and 4), and to avoid contributing to substantial offence or distress, unless justified in the public interest (General Principle 6).

Ms Timbery-Curtin said the articles inaccurately stated that her great-grandmother remained in an "unmarked grave". She said a tombstone with Emma Timbery's name and other details had marked her grave since 2013 and this was something the publication could easily have checked by visiting the gravesite or asking a family member. She said the articles were prominent and widely read in her community and inaccurately suggested her family and community did not care about honouring her legacy, which caused substantial distress.

The complainant acknowledged the publication subsequently removed the online material, but said considering the prominence of the printed version and the distress caused, this was not sufficient redress. She said after she complained the editor telephoned her, apologised and placed an Editor's Note in the following edition, but this did not contain any reference to a correction or clarification, nor was any apology published.

The publication said the Eastern Suburbs Memorial Park Trust, where the grave is located, had informed it the grave was unmarked. In a meeting with the Trust in November 2015, the publication discussed advice from former Trust staff that Emma Timbery was in an unmarked grave and that the Trust was working with the local community to have a headstone installed. The publication said it checked again with the Trust prior to publication and was told the grave still had no headstone.

The publication said it had previously spoken with the members of the family in 2012 when the headstone issue had first arisen, and the subsequent conversations with the Trust led the publication to believe the grave was still unmarked. The publication said prior to publication it contacted La Perouse Local Aboriginal Land Council, but was unable to reach the contact it recommended. The publication had not conducted its own site check prior to publication.

The publication said the articles were not intended to criticise or imply that descendants or the La Perouse Aboriginal community did not care about Emma Timbery's legacy. Rather, with the centenary of her death approaching, the newspaper wanted to ensure her legacy was honoured appropriately.

The publication said when the error was recognised on the day of publication, it amended the online material, removed it the following morning and took steps to remove the material from aggregator sites. It then conducted telephone discussions with the complainant's niece and the editor apologised personally to the complainant and the family. The editor also offered to rectify the error by inviting the family to contribute to a follow-up story to appear among a package of articles commemorating Emma Timbery and, in an attempt to achieve this, visited community members.

The publication said it did not secure the family's cooperation in an interview and instead relied on alternative sources, including the local mayor and relatives of another figure from the La Perouse Aboriginal community, who cooperated for some articles published in the following edition. The publication said these provided the context for the Editor's Note in that edition, which noted the previous report about the grave was incorrect and expressed regret. The publication said it remained prepared to write a personal apology to the complainant, to work with the family on a follow-up article and to publish a second correction in a more prominent location if the family were amenable to this as a way of resolving the issue. During the Council's complaint process the publication published a "Correction" on page 7 in a later edition which included an apology.

## **Conclusion**

The Council considers the articles inaccurately stated that Emma Timbery's grave was unmarked. As the discussions with the Trust took place months before publication, the Council considers the publication had sufficient time to conduct its own site inspection or otherwise check the accuracy of the assertion, and there was no urgency to publish without doing so. The Council concludes that the publication failed to take reasonable steps to ensure accuracy in breach of General Principles 1 and 3. Accordingly, these aspects of the complaint are upheld.

The Council considers that the factual inaccuracy was not adequately addressed by the Editor's Note because it was not headed "Correction" and lacked due prominence. Given the nature of the inaccuracy, a published apology would have been appropriate. The later correction included an apology but the Council considers it was provided late and also lacked due prominence. The Council concludes the publication failed to take reasonable steps to provide an adequate remedy, in breach of General Principle 2. Accordingly, this aspect of the complaint is upheld.

The publication made a number of attempts after publication to provide an opportunity for the family to reply to the articles. The Council considers it took reasonable steps to provide a fair opportunity for a reply in accordance with General Principle 4. Accordingly, this aspect of the complaint is not upheld.

The Council also considers that given the nature, prominence and repetition of the error, the publication failed to take reasonable steps to avoid causing substantial offence and distress to the family and others in the community. The Council concludes the publication breached General Principle 6, and this aspect of the complaint is upheld.

## **Complainant/news.com.au**

*Adjudication 1690 (October 2016)*

The Press Council considered whether its Standards of Practice were breached by an article published on news.com.au on 10 May 2016 headed "Campaign for justice over death of Lynette Daley, left to bleed after 'wild sex'".

The article concerned the death of Lynette Daley in January 2011. It said Ms Daley was found "stark naked, bruised and bloodied" on a northern NSW beach, and that an autopsy found "she died from blunt force trauma to her genital tract, and had suffered horrific internal and external injuries after a violent sex act." The article identified "[t]he two men who were with her [who] both admitted to having sex with the woman, but claimed it was consensual." It said "a coroner later found that, with an extremely high blood alcohol reading of 0.352, there was no way the woman would have been able to consent to the sex acts performed on her. She may not have even been conscious." The article said that although the men had been charged over the incident, "the NSW Director [of] Public Prosecutions [DPP] formally declined to prosecute on two separate occasions" and referred to protests by Ms Daley's family against the DPP's decision and a petition addressed to the DPP.

The Council asked the publication to comment on whether the material breached General Principles 1 and 3 of its Standards of Practice, which require that a publication take reasonable steps to ensure factual material is accurate and not misleading, and is presented with reasonable fairness and balance. The Council also asked the publication to comment on whether it took reasonable steps to provide a correction or other adequate remedial action if the material was inaccurate or misleading as required by General Principle 2, and to avoid causing or contributing materially to substantial offence, distress or prejudice, or a substantial risk to health or safety, unless doing so is sufficiently in the public interest, as required by General Principle 6.

The publication emphasised that the article was the fifth in a series of six articles over consecutive days which drew attention to the death of Ms Daley, the coroner's findings and the explanation provided by the men. The publication said using the term "wild sex" in the headline did not imply Ms Daley consented to the sexual acts, and the story referred explicitly to the finding by the coroner that Ms Daley could not have consented to sexual acts. It said it had published a number of articles which addressed this issue and the campaign for justice. Its regular readers would be well aware of the "wild sex" claim and the coroner's view, and the reader of this particular article would also be clear about their relevance when they read the story.

It was not its intention at all to blame Ms Daley. It said the use of the term "wild sex" was not in breach of the Standards of Practice because readers needed to understand why the men had, until the time of the story, not been prosecuted.

The publication said after the Council raised a concern with it a few days after the article first appeared, the publication added a URL link to a later article in another publication to explain that the term "wild sex" arose from the fact that the men claimed they had engaged in a drunken night of "wild sex" and claimed it was consensual. It also added an Editor's Note that the story had been updated to clarify that this is what the men told police, although the coroner had since found Ms Daley would have been unable to consent to the sexual acts performed on her.

### **Conclusion**

The Council considers that the original article should be read independently, and that it cannot be assumed all readers would have read the later or earlier articles in the publication. The words "wild sex" as used in the headline and the first paragraph were not attributed to the two men or their representatives.

The Council acknowledges that the article was one in a series which were sympathetic to complaints by Ms Daley's family about the decision by the DPP not to prosecute. However, the Council considers that the heading and the first paragraph misleadingly and unfairly suggested Ms Daley had consented to sexual acts immediately before her death. Accordingly, the Council considers the material breached General Principles 1 and 3.

As the true situation was made sufficiently clear when the Editor's Note was added and the URL link included in the article, the Council considers the publication took reasonable steps to take remedial action. Accordingly, it concludes that General Principle 2 was not breached.

The Council considers that the article is likely to have caused some offence, distress or prejudice but, as it was corrected quickly, the Council concludes the publication took reasonable steps to avoid causing substantial offence, distress or prejudice. Accordingly, the Council concludes that its General Principle 6 was not breached.

### **John Stansfield/Newcastle Herald** *Adjudication 1686 (October 2016)*

The Press Council considered a complaint by John Stansfield about an article in the Newcastle Herald, headed "A Waratah family complains about unwanted visits from an 'aggressive' autistic group home resident" on 11 December 2015 online and "WHO CARES: The group home, the screaming resident, the neighbourhood nightmare" on 12 December 2015 in print. The article reported disturbances experienced by a "neighbour" of the group home in which the complainant's grandson was resident, and a named family living "two blocks away" who expressed concerns about the security and management of the group home. The photo caption in the print article said the family "live near" the group home and that "[a]n autistic resident screams through the night and bangs on their windows".

The Council's Standards of Practice require that publications take reasonable steps to ensure factual material is accurate and not misleading, and is presented with reasonable fairness and balance (General Principles 1 and 3). If the material is significantly inaccurate or misleading, or unfair or unbalanced, publications must take reasonable steps to provide adequate remedial action or an opportunity for a response to be published (General Principles 2 and 4). The Standards also require that publications take reasonable steps to avoid intruding on a person's reasonable expectations of privacy, and to avoid causing or materially contributing to substantial offence or distress – unless doing so is sufficiently in the public interest (General Principles 5 and 6). Being in the public interest does not refer to being of interest to members of the public but to the interests of society.

The complainant said the information reported about his grandson was inaccurate, misleading and unfair. He said the photo caption in the print version of the article misleadingly implied the family were living near enough to the home to hear a resident screaming through the night though they lived two blocks away, which presented the situation unfairly.

The complainant also said the article breached his grandson's privacy and caused considerable distress to his family and incited prejudice against people with intellectual disabilities. He said despite the publication's use of a pseudonym, his grandson's identity was "thinly veiled" as the pseudonym used was very close to his grandson's real name, and references to his age, disability and family would have made him recognisable, particularly among the local readership where he had grown up. The complainant said the article had "demonised" his vulnerable grandson in an article about the potential closure of state-run institutions under the National Disability Insurance Scheme (NDIS). He also said the paper had not sought the appropriate consent to feature his grandson in the article.

The publication responded that the article was well-informed, fair and balanced, and was an account of the experience of a family living two blocks from the group home as well as that of a closer neighbour. It said the article accompanying the caption made it clear these were separate sources.

The publication said the article arose from a matter of "public concern" and the complainant's grandson was not its focus. Rather, the article was one of several reports it had published on the NDIS and its impact on local disability services. The publication also referred to its editorial "When things go wrong with disability care", which accompanied the original article and lent further context to its reporting.

The publication said it had consulted the group home's management and had sought permission to speak with the resident concerned, but the contact person had declined to comment or give permission. It said care was taken to anonymise the resident concerned, and that including this material was justified given the significant public interest in the issue. The publication also said substantial space was given to the responses of the group home's management.

### **Conclusion**

The Council concludes that the publication took reasonable steps to ensure the article was not inaccurate or misleading and was fair and balanced. Although the caption to the photograph in the print article said the family "live near" the group home and that "[a]n autistic resident screams through the night and bangs on their windows", the article went on to qualify that the group home is "two blocks away from their house", and the comment about the resident "screaming all night" is clearly attributed to a second source described as "a neighbour". As a result, any ambiguity in the caption was clarified. In addition the accompanying editorial contextualised the article, using the personal experience of the named family to shed light on the wider debate on local disability services. The Council concludes there was no failure to take reasonable steps to ensure accuracy, fairness or balance. Accordingly, this aspect of the complaint is not upheld.

As there was no breach of General Principles 1 and 3, the Council considers there was no requirement for the publication to address General Principles 2 and 4. Accordingly, these aspects of the complaint are not upheld.

The Council acknowledges a degree of intrusion on the group home resident's privacy, but this is outweighed by the significant public interest in an article concerning vulnerable people in care. The publication took steps to conceal the young man's identity and did not reference him gratuitously. Despite this, he may have been recognisable in the report to those in the local community who already knew him. The Council also considers that the apparent public nature of the reported behaviour reduced the reasonable expectation of privacy under General Principle 5. Accordingly, this aspect of the complaint is not upheld.

The Council appreciates that the depiction of the group home resident's behaviour resulted in a degree of offence and distress for family members and friends. However, the Council also recognises the reported behaviour was essential in describing the experience of the local family, presented in the context of the wider community debate on disability services. In this respect, the publication has taken reasonable steps to sufficiently balance any likely offence with the overall public interest as required by General Principle 6. Accordingly, this aspect of the complaint is also not upheld.

### **Complainant/The Australian**

*Adjudication 1688 (November 2016)*

The Press Council considered whether its Standards of Practice were breached by the publication of a Cartoon captioned "AID À LA MODE" in The Australian on 14 December 2015. The cartoon depicted a number of people in traditional Indian clothing, one with a hammer smashing a box bearing United Nations logos and labelled "SOLAR PANELS", another throwing away a fragment of broken panel saying "IT'S NO GOOD, YOU CAN'T EAT THEM" and another saying "HANG ON, LET ME TRY ONE WITH A BIT OF MANGO CHUTNEY".

In response to a complaint, the Council asked the publication to comment on whether the material breached its Standards of Practice, which require it to take reasonable steps to avoid causing or contributing materially to substantial offence, distress or prejudice, unless doing so is sufficiently warranted in the public interest (General Principle 6).

The publication said the cartoon did not intend to ridicule Indians but rather the climate change activists who would send poor people solar panels rather than give them something they needed—cheap power, aid and assistance. This had been a long-running theme throughout the UN Climate Change Conference Paris 2015. It said that author and academic Bjorn Lomborg pointed this out in his recent post on the Dharnai solar experiment in India, where the publication "Scientific American" found the town, sent solar panels, had to reconnect to the grid to get power it could afford and rely on. The publication said those following the debates in and around the Paris conference in its pages would have realised the target of the cartoon was not Indians. It was quite the opposite and its readers would have and, in fact, have understood this.

The publication said the cartoon did not intend to, and did not, ridicule Indian people. It refers to mango chutney in the context of a typically Indian food, but this reference was not offensive. The cartoon had depicted Indian people in a barren, rural environment, but this was a reference that was accurate and not offensive.

The publication said the cartoon's depiction of Indian people stating that they could not eat the solar panels provided by the UN was not substantially offensive or distressing. It did not in any way denigrate the intellectual capacity of Indian people, nor their capacity to manage modern life. Instead, the cartoon denigrates the UN by ridiculing its decision to provide solar panels at the expense of more appropriate aid. It is not an attack on Indians for being poor or uneducated, but an attack on those advocating what the cartoonist considered to be useless aid.



The publication also said that while the cartoon may have been offensive to some people, it was nevertheless in the public interest for the cartoon to be published in the wake of the Paris conference.

### **Conclusion**

The Council notes that cartoons are commonly expressions of opinion examining serious issues and which use exaggeration and absurdity to make their point. For this reason, significant latitude will usually be given in considering whether they breach Council's Standards of Practice.

However, a publication can still fail to take reasonable steps to avoid contributing to substantial offence, distress or prejudice in publishing a particular cartoon and in that way can breach the Council's General Principle 6.

The Council considers that the cartoon is an example of drawing on exaggeration and absurdity to make its point. While some readers may have found the cartoon offensive, the Council does not consider that the publication failed to take reasonable steps to avoid causing substantial offence, distress or prejudice. Accordingly the Council concludes that its Standards of Practice were not breached.

### **Lost Dogs' Home/The Age**

*Adjudication 1678 (November 2016)*

The Press Council considered a complaint by the Lost Dogs' Home about an article in The Age on 28 November 2015 headed "It's concrete pens and barking dogs" in print and an online version which included a video and a different heading.

The article said a dog at the Home, "Dino" was treated for problems with impulse control and kept in a cage for five months with little exercise until "he was filmed for [a] video. Then he was killed". The article gave descriptions of the stays, medications and fates of six other dogs. The article quoted sources claiming dogs were routinely given high doses of drugs for "anxiety, depression and other problems" despite "questionable testing", and that there were drastic cuts to the time the dogs spent outside of cages. The voiceover in the video said "this is what life is like for hundreds of dogs, they are fed sedatives and antidepressants", and quoted a source saying dogs were "heavily drugged" and "drugged for normal dog behaviour".

The Council's Standards of Practice require publications to take reasonable steps to: ensure that factual material is accurate and not misleading (General Principle 1) and reasonably fair and balanced (General Principle 3); publish a correction or take other adequate remedial action if published material is significantly inaccurate or misleading (General Principle 2) and give a fair opportunity for subsequent publication of a reply if necessary (General Principle 4); avoid publishing material gathered by deceptive or unfair means, unless in the public interest (General Principle 7) and ensure conflicts of interests are avoided or disclosed and do not influence material (General Principle 8).

The complainant said the article failed to note Dino's long stay was partly due to untreatable aggression and to pancreatitis, which had led to his hospitalisation and then euthanasia after an expert assessment. The complainant informed the publication about these matters in a telephone discussion on the day before publication and Dino's pancreatitis was referred to in his adoption profile on its website. The complainant also said the article failed to note Dino was walked twice daily and had 45 minutes in a dog-run every day.

The complainant said the reporting about the six other dogs was also inaccurate and unfair because the information—taken from notes on pens and screen grabs from the Home's computers—was incomplete and these were not official records. The complainant said if the publication had requested information on these dogs, the Home would have provided official medical histories, which included details of the dogs' conditions, the medical treatment provided and attempts to find them homes.

The complainant said the statements in the video that “hundreds of dogs” were “fed sedatives and antidepressants” and “drugged for normal dog behaviour” were wrong. It said no dogs were sedated and only eight of 170 dogs were on medication, following expert assessment related to treating anxiety and antisocial behaviour.

The Home said the audio of its staff member used in the video was recorded without permission and, when combined with other incorrect claims, was unfair to her and not justified in the public interest. It said insufficient time had been given for it to respond to the publication’s requests for information and the reporter had declined an invitation to visit the Home. The complainant also said the newspaper initially invited it to submit an opinion piece when it raised concerns, but the newspaper was only prepared to publish its response as a shorter letter to the editor and this did not adequately present its position, and was published a week after the article.

The publication said the complainant never mentioned Dino’s pancreatitis, his hospitalisation or that this had inhibited his adoption. It said the promotional video featuring Dino did not mention these matters and it would not explain keeping the dog for so long or euthanising him. It said Dino’s adoption profile was difficult to find; mentioned only “a bout of pancreatitis” which was common and suggested a mild condition; and the complainant had only drawn its attention to the profile after publication of the article. Although the complainant said during the telephone discussion on the day before publication that Dino had tried to get at a rabbit in a hutch, the publication did not consider this unusual enough behaviour to include in the article as it was ‘normal dog behaviour’. It said Dino had first been given anti-anxiety medication four months after coming to the Home.

The publication said the reporting about the six other dogs was taken from the Home’s computers or whiteboards and constituted the Home’s own records; it did not imply these were full histories of each dog; and this information illustrated that a range of dogs were given anti-depressants and anti-anxiety medication. It said the article included a comment by the Home about the use of medication. The publication also said the reference to concern about the dog “Misty” possibly being sedated was a direct quote and therefore fair and accurate.

The publication said the video did not actually say that hundreds of dogs were fed sedatives and antidepressants and if this was implied, it was accurate as a figure “over time”. It said the video was short and all of the claims and responses were explained in more detail in the print article. The publication said the information in the article concerning animal welfare at the Home was derived from sources including a retired veterinarian, former board members of the Home and an animal behaviouralist.

The publication said the complainant was given sufficient opportunity to respond to all claims; was allowed an additional day upon request; had taken part in a telephone discussion; and its responses were taken into account in the article.

The publication said the audio recording about ending group dog walks was in the public interest and the substance of it had been put to the complainant for comment. The publication said it had disclosed the interest of the source who had initiated the previous program; the individual had ceased working there in 2013; and her concerns were echoed by a current staff member and two board members. The publication said the complainant agreed to publication of its response as a letter to the editor, which was longer than usual, and the delay in publishing it was reasonable.

## **Conclusion**

The Council acknowledges the conflicting accounts of whether the publication was informed about Dino’s pancreatitis. Weighing the material on both sides, the Council considers it more likely than not that this was communicated, particularly as it goes some way to explain the length of Dino’s stay. The short promotional video for the Home did not refer to Dino’s pancreatitis, but the Council considers this was not surprising. Given the inference in the article that Dino was euthanised for no valid reason, the Council

considers it inaccurate and unfair not to include specific reference to Dino's aggression and pancreatitis, as this would have provided a more fair and balanced background to Dino's length of stay and the decision to euthanise him.

As to the six other dogs, the Council considers the article covered their general treatment and not just the administration of drugs. It would have been reasonable for the publication to have sought their medical histories before the article was published and included material from these—which indicated the problems and assessments leading to the various outcomes—to provide a fair and balanced report. The Council concludes that in not doing so, the publication failed to take reasonable steps to avoid a misleading and unfair report of the dogs' treatment.

The Council considers the voice-over in the video commencing with "this is what life is like for hundreds of dogs" inaccurately and unfairly implied that hundreds of dogs were fed sedatives and antidepressants at the time of publication. The Council considers it would have been reasonable for the publication to seek a specific response to these claims from the Home for inclusion in the article.

Consequently, the Council concludes that the article breached General Principles 1 and 3, and the complaint is upheld in these respects.

Given that the publication had been working on the story for more than a month, the events described in the article had taken place over many months and required attention to the detailed histories of the dogs, the Council doubts whether allowing the Home only two days to respond—one of which was the day of its Annual General Meeting—afforded the Home a reasonable time to respond, but reaches no conclusion in this respect.

The Council considers it may have been unfair to make and use the recording without consent, but there was a sufficient public interest to justify doing so. As to the potential conflict of interest of one of the sources, the Council considers the publication took sufficient steps to draw readers' attention to this issue. Accordingly, the Council does not uphold these aspects of the complaint.

Finally, the Council considers the published letter to the editor included the major elements to which the complainant sought to respond and was published within a reasonable time, and accordingly this aspect of the complaint is not upheld.

### **Complainant/The Daily Telegraph**

*Adjudication 1687 (November 2016)*

The Press Council considered whether its Standards of Practice were breached by the publication of a blog by The Daily Telegraph on 10 April 2016 online. The blog was headed "TAX-FUNDED SPOUSAL ASSAULT COMMUNITY" and suggested that a claim by the ABC staff union for "Family Violence Leave" was because "the ABC employs so many victims of domestic violence that they require their own special leave allowance category". The blog added: "What kind of carnage-strewn bloodhouse are they operating over there? Is that why ABC staff work so few hours – because they're always recovering from the previous night's beatings?" The blog also commented: "Home is the last place they need to be. That's where the violence happens."

The Council received complaints from a number of people expressing concern that it was offensive and unfair to use the subject of domestic violence in an attempt to criticise or make light of ABC employee claims for family violence leave.

The Council asked the publication to comment on whether the material breached the applicable Standards of Practice requiring publications to take reasonable steps to ensure factual material is

presented with reasonable fairness and balance (General Principles 1 and 3), and avoid contributing to substantial offence or distress, unless doing so is sufficiently in the public interest (General Principle 6).

The publication said it was an opinion article in a blog well-known and recognised for its satirical and frequently mocking commentary on political and social issues which favoured a “very specific Centre of Right readership”. The blog entry was clearly satire with the writer engaging in his own style to make a point about the changing nature of workplace ambit claims, and a reasonable reader would have regarded it as such. However, the publication recognised there would have been readers beyond the target audience who may have taken a different view. The publication said the intention of the blog was not to diminish the seriousness of domestic violence, an issue frequently examined by the blog’s author.

### **Conclusion**

The Council considers that a reasonable reader would have recognised the blog was satirical and was using exaggeration to make its point.

The Council considers that the blog offered a reasonable summary of the ambit claim by ABC employees. The Council concludes that in the overall context of the blog, its style and its readership, the publication took reasonable steps to ensure factual material in the blog relating to the claim was accurate, fair and balanced and that the opinions expressed in it were not based on significantly inaccurate material or the omission of key facts. Accordingly, the Council concludes that General Principles 1 and 3 were not breached.

As to General Principle 6, although the publication may not have intended to diminish the seriousness of domestic violence, there was a significant risk some readers might draw this conclusion. On balance however, the Council concludes that the level of offence must be considered in the overall context of the blog, its style and its readership. In the circumstances, the Council concludes that the publication took reasonable steps to avoid substantial offence, distress or prejudice and the Council’s Standards were not breached in this respect.

### **Complainant/The Sun-Herald**

*Adjudication 1692 (November 2016)*

The Press Council considered whether its Standards of Practice were breached by an article headed “The Secret Life of Gary Low” in The Sun-Herald (in print) and The Sydney Morning Herald (online) on 24 January 2016.

The article reported on a man who “is as much a mystery in death as he was in life”, one who “had so assiduously concealed from the world”. He was “a quiet man, a diligent worker” who “was kind and generous with his time ... For years, possibly decades, he cultivated extreme privacy, and scrupulously avoided his most basic details being recorded by government departments, agencies or businesses.” He apparently lived under the assumed name of Gary Low, used various birth dates, had no known next of kin, was vague about where he actually lived, had no bank account, no driver’s licence, and no immigration or citizenship records. The article also noted that Mr Low mentioned in passing to an acquaintance that he had a son and a grandson, but did not offer further details. The article reported that Mr Low’s health declined very rapidly in 2014, since “[h]is immune system had been ravaged by HIV, which had gone untreated for as long as a decade and had now advanced to AIDS”. Mr Low died three weeks after admission to hospital. A coronial inquest was conducted and his body remained unclaimed at the morgue.

After receiving a complaint, the Council asked the publication to comment on whether the material breached its Standards of Practice, in particular those requiring that publications take reasonable steps to avoid intruding on a person’s reasonable expectations of privacy, and to avoid causing or materially contributing to substantial offence or distress or a substantial risk to health or safety, unless doing so is

sufficiently in the public interest (General Principles 5 and 6). The Council asked the publication to comment on whether in disclosing Mr Low's HIV status, it may not have taken reasonable steps to avoid breaching his and others' reasonable expectations of privacy, or contributing to substantial distress or prejudice or risk to health and safety, and whether there was a public interest in such disclosure—even if it was on the public record, given the stigma often associated with it and the effect it might have on those communicating their status to others who should be told.

In response, the publication said the article amounted to a fair and accurate report of a court process and that the information relating to the circumstances of Mr Low's death was obtained from publicly available court documentation made available by the Coroner's Court. The publication noted the strong public interest in ensuring courts remain open and transparent. The publication also noted that the hospital in which Mr Low was a patient did not make any submissions to suppress or redact the information about his HIV status, nor did the Coroner's Court make any non-publication orders. Further, the journalist who wrote the story had sought confirmation and comment from the hospital authorities before publication, but they declined to comment.

The publication said it was keenly aware of the issue of privacy about HIV and conscious of its responsibilities to the community in this regard. However, this was discussed at length by senior editorial staff and was seen as an integral part of the story about Mr Low. The publication stated that there was a strong public interest in providing a sensitively told account of the fringe existence of a man who lived in our society with a diagnosable, treatable condition for 10 years.

### **Conclusion**

The Council considers the article provided a remarkable account of a life lived on the fringes of society. The only issue to be considered is whether the publication took reasonable steps to ensure that disclosure of Mr Low's HIV status did not contravene the Standards of Practice with respect to privacy or involve a substantial risk to health or safety, unless doing so is sufficiently in the public interest.

With regard to privacy, the Council considers that beyond the strict requirements of the law, publications have a further responsibility to ensure compliance with the Standards of Practice, which may extend to moderating or not reporting particular information that has been said in open court. However, in this case the Council considers there was no reasonable expectation of privacy particularly because (a) Mr Low is deceased; (b) the facts were stated in open court and recorded in official and accessible court reports; and (c) no suppression or redaction order was sought by the relevant hospital and health authorities or made by the Court. Further, in this case, had the publication failed to take reasonable steps to avoid intruding on a reasonable expectation of privacy, the reporting was sufficiently in the public interest to outweigh such an intrusion, given the significance and public policy implications of the story. Accordingly, the Council concludes that its Standards were not breached in this respect.

Similarly, the Council considers the publication took reasonable steps to ensure the article did not cause or contribute materially to substantial offence, distress or prejudice, or to a substantial risk to health or safety. The article was sensitively written and sympathetic to Mr Low, did not use any stigmatising or discriminatory language, and is considered unlikely to dissuade anyone from seeking medical advice in appropriate circumstances. Accordingly, the Council concludes that its Standards were not breached in this respect.

### **Michelle Goldsmith/Bendigo Weekly**

*Adjudication 1694 (December 2016)*

The Press Council considered a complaint by a candidate for Bendigo in the Victorian Local Government Elections, about publication in the Bendigo Weekly in print and online on 10 June 2016 of a letter to the editor written by her. The letter was headed "THE POWER OF VOTING" and argued the benefits of compulsory voting. Although it did not refer to any election or any matter that could influence the way a

vote might be cast by a voter, it was published with her name, residential address and the ward for which she was a candidate.

The complainant said she had written letters to the editor for publication in the Bendigo Weekly for many years, had always included her name, telephone number and residential address but she had never expected her address or telephone number to be published, and they never had been. She said she had taken care to avoid her residential address becoming public knowledge.

The complainant said when she saw that the letter had been published with her address, she was concerned that local members of certain groups opposed to positions she had taken publicly would know her home address. She said she complained to the publication, and while it immediately changed the address on its online version to her office address, it maintained that it was required and reasonable for it to publish an address. A few weeks later the complainant saw a letter from another local government candidate published without an address. When the complainant contacted the publication, it said its policy had been in error, which was then changed such that it no longer published candidates' addresses on letters to the editor. It apologised for earlier publication of the complainant's home address. The complainant told the Council she appreciated the apology and acknowledgement of fault but said there needed to be a formal guarantee the problem would not reoccur.

The publication said that following an internal review of Australian Electoral Commission (AEC) guidelines regarding electoral advertising, it introduced a new policy for publication of contributors' addresses on letters to the editor, effective 10 June 2016. The policy required a contributor's name and address to be published in letters to the editor making election-related comment which it said was to ensure no room for error in complying with its legal obligations to publish a contact address in material containing electoral matter.

However, the publication said the change in policy was based on an incorrect interpretation of the AEC guidelines and also that in implementing the policy on 10 June, it should have checked with the complainant that she was willing to proceed with publication of her letter, given it would be published with her address. It said it was not aware the complainant had taken care to avoid her home address being public knowledge and when the complainant raised her concerns, it immediately removed her residential address from its online outlet. It said that within a week it altered the policy, offered an apology to the complainant and assured her the incident would have no effect on their future relationship, and circulated a memorandum to staff and had a staff meeting directing that private email addresses not be published. The publication also indicated it was happy to write an apology to the complainant and intended to hold further staff training in anticipation of upcoming local elections.

## **Conclusion**

The Council's Standards of Practice require that publications take reasonable steps to avoid intruding on a person's reasonable expectations of privacy, or contributing to substantial offence, distress or prejudice, or a substantial risk to health or safety, unless doing so is sufficiently justified in the public interest (General Principle 5 and 6).

On the information available, the Council considers it likely that either the policy put in place from 10 June or its implementation in this case was not required by law. However, the Council is unable to conclude whether or not the publication failed to take reasonable steps to avoid intruding on reasonable expectations of privacy or contributing to substantial distress or prejudice, or a substantial risk to health or safety in these respects.

However, the Council considers that the publication could have contacted the complainant prior to publishing the letter and advised her of the new policy. It also could have advised that it proposed to publish the letter with her address and given her an opportunity to withdraw the letter or seek a different outcome. The Council concludes that the publication failed to take reasonable steps to avoid intruding on a person's reasonable expectations of privacy or contributing to substantial offence, distress or prejudice,

or a substantial risk to health or safety in this respect. Any public interest in the complainant's address was not sufficient to justify the intrusion and the risk and General Principles 5 and 6 were breached. Accordingly, the complaint is upheld.

### **Complainant/The Age**

*Adjudication 1693 (January 2017)*

The Press Council considered a complaint about an article in The Age on 19 May 2016 headed "Election 2016: Greens leader Richard Di Natale fails to declare home, pays au pairs low wage" online and in print the next day, headed "Greens leader fails to declare family farm". The article appeared shortly after a federal election had been called, in the early stages of the campaign.

The article reported that "Senator Di Natale has paid three au pairs to help with his family as little as \$150 a week after tax, or \$3.75 an hour —based on a standard 40-hour week —as well as room and board worth \$300 a week". It also reported that the Senator "says he made up the difference and paid above minimum wage requirements [based on advice from a payroll services company] and by requiring only 25 hours of work a week".

The article went on to report: "The \$150 weekly wage was a quarter of the national minimum wage in 2012 of \$606.40 per week, or \$15.96 per hour. A couple working for \$150 a week would be earning just \$1.88 per hour." The article also said the "Greens leader has made workers' pay and conditions, and a promise to protect penalty rates, a central feature of the 2016 election campaign". The online version added: "He has attacked Bill Shorten over the penalty rates issue too after the Labor leader vowed to respect the rulings of the independent Fair Work Commission and said he would not - unlike the Greens - legislate to protect penalty rates."

In response to a complaint, the Council asked the publication to comment on whether the material breached its Standards of Practice.

The publication said it reported that the Senator paid the minimum wage through a combination of a \$150 cash wage payment and then made up the difference by providing \$300 in food and board, for a total payment of \$487 for 25 hours work each week. It said a 40-hour week comparison was used because the Senator had provided no proof to support his claim that the au pairs worked 25 hours per week. The publication said it requested proof of this from the Senator after publication of the article and subsequently reported that, first, the Senator said he would release documents and contracts relating to the au pairs' employment and, subsequently, that the Senator conceded timesheets were not kept to record the hours worked by the au pairs.

The publication said based on a University of Melbourne student guide on estimated living costs which takes into consideration rent, food and utilities, the cost of living in Deans Marsh, where the au pairs resided, would be much less than the \$300 deducted by the Senator for this purpose. The publication said even if the au pairs were paid on the basis of a 25 hour work week they were possibly paid below minimum wage.

### **Conclusion**

The Council's Standards of Practice require that publications take reasonable steps to ensure that factual material is accurate and not misleading (General Principle 1) and is presented with reasonable fairness and balance (General Principle 3). If the material is significantly inaccurate or misleading, or not reasonably fair and balanced, publications must take reasonable steps to provide adequate remedial action or an opportunity for a response to be published (General Principles 2 and 4).

The Council notes that, under its Standards of Practice, the publication was required to take reasonable steps to ensure accuracy and fairness in reporting that the au pairs may have worked a standard 40-hour week and therefore may have been underpaid.

The Council considers that an au pair role involves living in the family home —often almost as part of the family—doing work of a domestic nature with a significant amount of flexibility and informality. The Council considers it is likely many such roles may not involve keeping of careful records or bear comparison to the standard 40-hour working arrangements in less domestic roles.

Based on the available material, the Council concludes that before the article appeared, the Senator told the publication that the au pairs worked 25 hours per week, he had made the employment arrangements in accordance with employment advice he received, and offered to provide documents relating to that advice to the publication. Although it took five days for the publication’s repeated requests for documents to be met and then only partially, at the time the article was published the publication had no evidence to contradict the initial information provided by the Senator’s office. At the time of publication, there was no reasonable basis for the publication to imply the au pairs may have worked a 40-hour week and on this basis, may have been paid “as little as \$150 a week after tax”. The publication could also have contacted the au pairs to establish the nature of the employment arrangement but did not attempt to do so.

In the circumstances, the Council concludes that the publication failed to take reasonable steps to ensure the article was accurate and not misleading, and was fair and balanced. Accordingly, General Principles 1 and 3 were breached in these respects.

The Council is not in a position on the available material to determine whether the cost of living in Deans Marsh was less than \$300 per week and whether, because of this, the au pairs were possibly paid below minimum wage even though for 25 hours work per week. However, this does not affect its other conclusions.

Having regard for the absence of a complaint by the Senator himself, the Council does not make any finding of breaches in relation to General Principles 2 and 4.

### **Complainant/Herald Sun**

*Adjudication 1697 (January 2017)*

The Press Council has considered whether its Standards of Practice were breached by an article headed “ABC HERO A VILLAIN: Q&A sob story star exposed as a thug as public donate \$60,000” published on the front page of the Herald Sun on 13 May 2016 and with a similar heading online the day before.

The articles followed a sequence of events in which: (a) a man posed a question from the audience on ABC TV’s ‘Q&A’ Budget Election Special on Monday, 9 May 2016, asking why government policy favoured large corporate tax cuts while low income-earners like himself could not afford to take his family to the cinema; (b) an ABC producer tweeted that the man had become a ‘new national hero’ (which was subsequently deleted); (c) the man received considerable media attention in the following days; and (d) members of the public initiated a public funding campaign on the ‘GoFundMe’ platform for the man, which raised over \$60,000 in donations.

The article sought to challenge the man’s ‘hero’ status, reporting that he had a number of convictions for crimes of violence (including threats to kill, unlawful assault, criminal damage and breaches of intervention orders) and had been imprisoned “at least three times over the past 25 years”. The articles also contained quotes from the man’s adult son from a previous relationship, suggesting he had not been a good father or role model and asking members of the public to exercise their generosity by donating to a cancer charity instead of his father.



After receiving complaints about the article (not from the man himself), the Council asked the publication to comment on whether the material breached its Standards of Practice, including those relating to fairness and balance, and not intruding on privacy or causing greater offence, distress or prejudice, or risk to health or safety, than is justifiable in the public interest.

The publication said the man chose to appear on Q&A and made other media appearances and interviews making statements about the nation's political landscape, in the midst of a federal election campaign in which social welfare issues were part of the campaign. This was reported extensively as a high profile issue for three days before the online article appeared. The publication said it was fair and balanced to provide readers with further details about the man and his life, his criminal record and his son, particularly in light of the GoFundMe campaign. It said it did not report all information available to it. It also said it was fair and balanced to address the readiness of the ABC to elevate people like the man who were critical of the federal government to hero status without properly scrutinising them. The publication noted that it had made extensive efforts to contact the man by phone and email before the article appeared, but without success. The publication also said its use of the terms of "thug" and "villain" were justified given the man's criminal record.

The publication also said it is normal and legitimate journalistic practice for the media to investigate individuals who are the subject of considerable public debate. Given the man's choice to make such public comments it was reasonable in the circumstances for it to publish the material and the man had foregone any reasonable expectation of privacy. In any event there was a legitimate public interest in investigating the man's background including his criminal record and the comments of his son. The public interest was even greater because the debate surrounding the issue arose in the context of an election campaign and because the public was being invited to donate money for the man, with substantial donations being made. The publication said that had it not published the material, it would in fact have been misleading its readers.

### **Conclusion**

The Council's Standards of Practice applicable in this matter require that publications take reasonable steps to ensure factual material is presented with reasonable fairness and balance (General Principle 3) and avoid intrusion on a person's reasonable expectations of privacy (General Principle 5) and causing or contributing materially to substantial offence, distress, prejudice or risk to health or safety (General Principle 6), unless doing so is sufficiently in the public interest.

In relation to fairness and balance, the Council considers that the publication's reporting of the man's background resulted from the entirety of the circumstances, in which he had: become part of the public debate about taxation fairness during an election campaign, been described as a national hero, made multiple media statements himself and, especially, become the subject of a significant public fundraising campaign. While the man did not necessarily seek this level of attention or financial rewards, it was not a breach of General Principle 3 for the publication to report frankly about his background and to use epithets that reflect his criminal record. Accordingly, General Principle 3 was not breached.

In relation to privacy and distress, the Council considers the publication of some aspects of the man's criminal record and family background may have been an intrusion on the man's privacy and may have caused some level of offence, distress, prejudice, and risk to health and safety. The Council might have been concerned if such exposure was the consequence for anyone daring to ask a challenging question, so producing a chilling effect on free speech. However, in the particular circumstances, given the man's previous convictions—the most recent one being in 2014—his appearance on Q&A, his subsequent interviews, the GoFundMe Campaign and the reporting of the issue in the three days leading up to the article, the Council is not satisfied the publication failed to take reasonable steps to avoid intruding on his reasonable expectation of privacy or causing substantial offence, distress, prejudice or risk to health or safety.

In any event, the Council concludes that to the extent the article did intrude on the man's reasonable expectations of privacy or contribute to substantial offence, distress, prejudice, or risk to health or safety, it was justified in the public interest to report his background, especially given the GoFundMe campaign. The Council considers there is a public interest in all Australians—including those who have committed offences in the past or otherwise behaved in ways which might rightly be criticised—having a fair opportunity to participate in public debate, especially in the context of an election campaign. However, in this particular situation there was a greater public interest in informing the public about the man's background. Accordingly, the Council concludes that General Principles 5 and 6 were not breached.

**Judith Kenny/Fremantle Herald**

*Adjudication 1674 (January 2017)*

The Press Council considered a complaint by Judith Kenny about an article concerning the killing of her son Reuben Stack on 21 May 2015. The article was published in the Fremantle Herald in print and online on 29-30 May 2015, headed "Brutal killing shocks leafy East Fremantle".

The article reported the nature and circumstances of Mr Stack's killing, possible motives for his apparent murder, and local speculation about it. The article said "early reports to Sky News and other electronic media within a few days of the death speculated on an "execution style" killing, with Mr Stack said to have suffered serious stab wounds and a bullet to his head". It said "[e]merging though is a picture of a 'troubled' young man who may have got in too deep in an increasingly violent and unpredictable drug scene which, for him, spun wildly out of control", and "there has been added speculation as to whether a dog-fight for control of the local drug scene may have played a part".

The complainant said the article was based on unsubstantiated rumour and speculation. It inaccurately reported that her son had died in an "execution-style" killing when in fact it had occurred in the midst of a robbery, when the murderer was surprised to find him at home. The killing did not occur by the methods referred to in the article. The complainant said while the circumstances suggest her son had foolishly been involved in some drug activity, the speculation about a "dog-fight for control of the local drug scene" was baseless. She also said her son was happy, sociable, friendly and kind and his description as "a 'troubled' young man" was inaccurate. She said the publication had no credible information about these matters and had not attempted to substantiate any of these assertions with her family or the police. She said the only police statement about the death was a short press release, approximately three weeks after the death, reporting that a person had been charged with murder and making no reference to motive or any such "drug scene".

The complainant said the article was proven to be inaccurate in significant respects by the facts found in the Supreme Court of Western Australia's sentencing judgment for Mr Stack's murderer in July 2016.

The complainant said the article, appearing so soon after her son's death, unreasonably intruded on her and her family's privacy and grief, and caused them immense distress, which was not justified in the public interest.

The publication said the article was a sympathetic account of a tragic death and that it had taken reasonable steps to ensure the article was accurate, fair and balanced. The publication said the article was well informed and based on comments provided by many trusted and reliable people acquainted with the family and the wider community, including some close to the crime scene on the night of the killing. Information about the nature of the assault came from a variety of sources, including attendant emergency services. The "execution-style" killing reference came from Sky News and other "electronic media" immediately after the murder and was not denied by police after the publication had spoken with them twice. It said a number of people had come forward verifying the story before and after publication and, as the article stated, these sources did not wish to go on the record. It said that police had advised that Mr Stack's injuries were "very severe" and were hallmarks of a drug-related killing, and an

investigator in the case indicated that WA Police were investigating "numerous tips about the theft of cash from a safe". The publication said it also had other information from a drug user that someone had moved into the area and wanted to set up "four new drug houses".

The publication said the sentencing judgment of the WA Supreme Court was very much a validation of the accuracy and fairness of the article. It said the judgment established that Mr Stack was a substantial dealer of drugs and had a thriving business, and the murder occurred during the course of a robbery of a very substantial amount of drugs from his home. Although the method of killing was different than what was reported, the publication said it had taken reasonable steps to ensure the accuracy of what it published at the time and it was not unreasonable for it to report the electronic media speculation about the details of the killing. The publication said the article's statement that Mr Stack was "troubled" was strongly based on local sources and supported by the Supreme Court's finding about the extent of his drug activities. With regard to any distress caused to the family, the publication said the article was as sympathetic to Mr Stack as it could be, and the publication had a responsibility in the public interest to report the detail of the circumstances as it had drawn them from reliable sources. The publication noted it had also provided the opportunity for readers to air their views on the matter, and it had published several letters critical of the article.

### **Conclusion**

The Council's Standards of Practice require that publications take reasonable steps to ensure that factual material is accurate and not misleading (General Principle 1) and presented with reasonable fairness and balance (General Principle 3). If the material is significantly inaccurate or misleading, or not reasonably fair or balanced, publications must take reasonable steps to provide adequate remedial action or an opportunity for a response to be published (General Principles 2 and 4). The Standards also require that publications take reasonable steps to avoid intruding on a person's reasonable expectations of privacy and avoid contributing to substantial offence or distress, unless doing so is sufficiently in the public interest (General Principles 5 and 6).

Having regard to the sentencing judgment, the Council considers that the article was inaccurate in implying the details of the killing and that a "dog-fight for control of the local drug scene" was involved. The publication did not seek any balancing comments by the family or the police, which could have either supported or qualified the claims made. While there may have been some justification in reporting about such electronic media speculation in the first hours after the crime, the intervening eight days gave the publication sufficient time to check whether the speculation was accurate. In repeating the speculation in electronic media about the method of killing and speculation from un-named sources about a "dog-fight" eight days after the event, the Council concludes the publication failed to take reasonable steps to ensure accuracy. Accordingly, this aspect of the complaint is upheld. Given Mr Stack's drug activities, the Council does not uphold the complaint in relation to Mr Stack being described as "troubled".

The Council also considers that in not taking reasonable steps to ensure accuracy in implying details of the killing and a "dog-fight for control of the local drug scene", the publication failed to take reasonable steps to avoid contributing materially to substantial distress for the family. Given the article appeared soon after the violent death of a young man from a prominent family in the local community, there was a public interest justifying a report on the events, however that public interest did not justify the manner of reporting in this case and the distress caused to the family. As such, the Council concludes that the article breached General Principle 6, and this aspect of the complaint is also upheld.

The Council notes that Ms Kenny did not ask the publication for a correction, right of reply or other remedial action. Having regard to the circumstances, including the nature of the material published, the Council does not reach any conclusion about whether General Principles 2 and 4 were breached.

The Council considers it legitimate for the article to report on a homicide in the community and the coverage was sufficiently in the public interest to outweigh any reasonable expectation of privacy that may have existed under General Principle 5. Accordingly, this aspect of the complaint is not upheld.

**Australian Defence Force/The Australian**  
*Adjudication 1696 (February 2017)*

The Press Council considered a complaint by the Australian Defence Force (ADF) about material published in *The Australian*: an editorial headed “Military no place for tokenism” published on 8 April 2016, and the editing of a letter to the editor from the ADF, headed “The defence force is taking steps to ensure needed cultural change” published on 13 April along with an editorial headed “ADF Mission must be restored” and a report headed “Brass fight back on ‘diversity’ in defence”. All the material was published in print and online, with the editorial and report on 13 April having different headlines online.

The first editorial criticised the role and actions of the Navy’s “Islamic affairs strategic advisor”, as reflecting a cultural change strategy that has institutionalised “identity politics” in the ADF. It suggested this caused a “culture of division”, threatened “the military cohesion required” and was causing the redirection of resources “to impotent causes”, instead of the ADF concentrating on “fortifying critical combat capabilities”.

The letter as published after editing defended the ADF policy of “a culture of inclusion” accommodating diversity. It said the ADF was changing to ensure it was “representative of the community we defend” and “[d]iversity is not about identity politics”. It referred to the ADF “missions around the world” and the overhaul of “equipment acquisition processes”. The letter as submitted included details of ADF’s current operational capacity and capability achievements which were not in the letter as published.

The second editorial again criticised the ADF’s “cultural change program” and problems with “Australia’s ailing submarine fleet” and said the ADF’s letter “contains a series of motherhood statements praising the ADF’s culture of inclusion without any supporting evidence”. The report referred to points made in the letter and the editorial, and cited a commentator’s view that there must be a balance between diversity and cohesion in the ADF.

The complainant said the first editorial’s statement that the ADF was “redirecting resources to impotent causes” unfairly omitted to refer to publicly available evidence demonstrating the ADF’s proven operational success and ongoing investment in military capability. It said the editorial implied the ADF had lost focus on its primary mission when in fact the ADF had been deployed in near constant combat operations for years.

The complainant said the letter from the ADF specifically responded to criticisms in the first editorial of the ADF’s operational activity and to the claim it was neglecting key areas such as submarine capability. It said these points were so significant that to edit them out was to mislead.

The complainant was particularly concerned with the second editorial because it repeated criticisms raised in the first editorial to which the submitted letter responded by summarising the ADF’s operational activity and responding to the claim of neglecting key areas such as submarine capability.

The publication responded that the first editorial was not unfair. It focused on the issue of the ADF’s cultural change strategy which emerged following controversy surrounding the Navy’s Islamic affairs advisor. The editorial argued that the ADF’s increasing concern with social inclusion and diversity programs could potentially undermine military capability, and that the ADF should focus on its core responsibilities. The publication said submarines were a brief example of an area of operational weakness in the broader context of ADF capability. The publication emphasised that it was primarily concerned with cultural change strategies employed by the ADF and that it was not incumbent on it to report on the ADF’s successful operations.

The publication said by publishing the letter, the ADF was given a right of reply. It said the published letter was only slightly edited for space reasons; at 375 words, it was at least 100 words longer than other published letters on the day. It did not accept that the edits to the letter changed its meaning or tenor.

The edited paragraphs were a summary of the ADF's current deployments, which was not a specific response to issues raised in the first editorial concerning the ADF's approach to diversity and identity politics. The publication said it drew attention to the letter by quoting liberally from it in the article published on the same day.

### **Conclusion**

The Council's Standards of Practice applicable in this matter require publications to take reasonable steps to ensure that factual material is accurate and not misleading (General Principle 1), and is presented with reasonable fairness and balance and does not omit key facts (General Principle 3). If these requirements are not met, publications must take reasonable steps to provide adequate remedial action or an opportunity for a response to be published (General Principles 2 and 4).

The Council considers that the first editorial was an expression of opinion about the ADF's diversity programs and the risk of compromising the capacity of the ADF in the future. The Council is satisfied the publication took reasonable steps to ensure it was not based on significantly inaccurate factual material or an omission of key facts concerning what the complainant referred to as evidence of its successful operations and ongoing investment in military and submarine capability. The Council considers the editing of the letter preserved the essence of the points made by the ADF, omitting only details of the points made in support. Publications have a broad discretion to edit letters, provided it does not change their meaning or tenor, which the Council considers did not occur in this instance. The Council considers that in editing the letter as it did, the publication took reasonable steps to ensure that it was an accurate and not misleading reflection of the complainant's submitted letter.

As to the second editorial, the Council notes that while the letter as submitted provided details of successful operations and ongoing investment in capability, it did not refer to the Islamic affairs strategic advisor and whether that role and the actions of the adviser reflected a cultural change strategy which institutionalised identity politics. Also, while the second editorial referred to a portion of the submitted letter which had not been published, it referred accurately to the omitted portions. In the circumstances, the Council considers the publication took reasonable steps to ensure that factual material in the second editorial was accurate and fair and balanced, and that the opinion was not based on inaccurate factual material or omission of key facts. The Council also considers that the letter as published amounted to a fair opportunity for the complainant to reply.

Accordingly, the Council does not uphold the complaint.

### **Complainant/The Courier-Mail**

*Adjudication 1698 (February 2017)*

The Press Council considered whether its Standards of Practice were breached by an article published in The Courier-Mail online on 31 March 2016, headed "Mother, son found dead beneath cliff at Maroubra".

The article reported on an apparent murder-suicide by a 25-year-old mother and her two-year-old son in Maroubra, NSW. It was accompanied by several photographs identifying the scene, and referred to the method and location of the incident and extracts from an apparent suicide note. It said the mother "described killing herself and [her son] as the 'bravest thing' she had ever done" and quoted a "family member [who] also paid tribute" as saying "People say what a coward, but I say how brave was that ...".

The Council asked the publication to comment on whether the material breached General Principle 6 of its Standards which requires that reasonable steps be taken to avoid causing or contributing materially to substantial offence, distress or prejudice, or a substantial risk to health or safety, unless doing so is sufficiently in the public interest, and Coverage of Suicide Standards 5, which requires that the method and location of the suicide not be described in detail, unless the public interest in doing so clearly outweighs the risk, if any, of causing further suicides.

The publication said that the report was syndicated from another related publication. Due to the automation involved the publication had no input into compiling the article and the published article could only be changed by alteration to the source article. On being contacted by the Council, it contacted the originating publication and arranged to alter the headline to remove reference to “beneath cliff”, the tribute referring to the act being “brave” and reference to the suicide note.

The publication said it had no intention to breach either Standard. As the article concerned an apparent murder-suicide, reporting on the murder aspect was in the public interest and outweighed any substantial offence or distress, or risk to health and safety which may otherwise have been in breach of General Principle 6. As to the Coverage of Suicide Standard, it said there was a real question of whether the Standard should apply to murder-suicide reporting as this might prevent proper reporting of murder.

### **Conclusion**

The Press Council notes that the publisher of syndicated material is responsible for the content of that material in the same way as the material that publisher originates.

The Council considers that the details of the method, the precise location, the suicide note and the tribute to the mother being “brave” were likely to cause or contribute materially to substantial offence, distress or prejudice, or a substantial risk to health or safety. While there was a public interest in reporting the apparent murder-suicide, it could have been reported without including such details. The Council concludes that the publication failed to take reasonable steps to avoid breaching General Principle 6.

As to Coverage of Suicide Standard 5, the Council considers that reporting the details of the method, the precise location, the suicide note and the tribute to the mother being “brave” gave rise to a risk of further suicides. The apparent murder-suicide could have been reported without these details. The public interest in reporting these details did not outweigh the risk of causing further suicides. The Council concludes the publication breached Coverage of Suicide Standard 5 in this respect.

The Council acknowledges that the publication took prompt action to have the article altered after being contacted by the Council.

### **Liam Pickering/Herald Sun**

*Adjudication 1699 (February 2017)*

The Press Council considered a complaint by Liam Pickering, an accredited agent for AFL players, about an article in the Herald Sun on 7 June 2016 headed “AFL Player agent Liam Pickering takes biggest hit in Supreme Court” online and “STRATEGIC ERROR WILL COST AGENT” the following day in print, which was accompanied by the SPORT section pictured by-line “360 VIEW Mark Robinson”. The article referred to a judgment of the Supreme Court of Victoria arising out of Mr Pickering’s departure from Strategic Management Australia, a management firm at which he was Managing Director, to establish a new firm. A related article headed “Pickering slam” in print and “Liam Pickering could lose AFL player agent licence after Supreme Court ruling” online was not the subject of complaint.

The article mentioned the Court ordered the complainant “to pay a former business partner ... a sum of up to \$625,000 in compensation”. It also mentioned “claims of dubious dealings, not least that Pickering took a \$90,000 cut of [a player’s] contract and endorsements two months after the pair parted ways” though “[t]he money was returned”; that “Pickering had to pay [his former partner] for lost earnings”; that he “took a major hit to the hip pocket and his reputation”; that “worse might be to come”, with the AFL Players’ Association, which accredits player agents, likely to engage in “some serious questioning” of him following “a case involving as much money as this”; and that this is “the second time Pickering has been involved in a messy exodus from a player management company”.

The complainant said the article was inaccurate, misleading, unfair and unbalanced in a number of key respects, and which were not ameliorated by the related article, which in any event might not have been read by the same readers. He also complained that none of these matters were put to him before publication to get his side of the story.

First, the complainant said it was incorrect to state he had been ordered to compensate his former business partner, as the Court's order was for him to compensate Strategic Management, in which he had a 40 per cent shareholding. Further, the Court ordered his former partner to purchase the complainant's shareholding, meaning a significant proportion of the compensation would be returned to the complainant. The related article repeated this error.

Second, the complainant said the article implied he had suffered a catastrophic defeat and that his player management licence was in jeopardy as a result. It failed to refer to serious adverse findings made by the Court against his former partner, including taking substantial sums without disclosure to the complainant, fabricating loan agreements, and giving false evidence. The publication previously reported, in a front page article on 23 October 2014, his former partner's denial of misusing company funds and asserting that loans were legitimate.

Third, the complainant said he had not engaged in "dubious dealings" and had not taken a \$90,000 cut of a player's earnings and, therefore, it had not been "returned". An issue had been raised in the case as to which agent was entitled to a commission on a sum of \$90,000 but there was no issue about the \$90,000 itself and, in fact, no finding about the commission in the judgment.

Fourth, the complainant said it was not true that he had a "messy" exit from a previous management firm or that he had faced questioning from the Players' Association, nor was there any suggestion his accreditation as a player agent was under threat.

The complainant said he did not take up an offer by the publication to submit a succinct letter to the editor for publication, as it would not sufficiently address the harm done by the inaccuracies in the article. The complainant also said the writer of the article was a former coach and personal friend of the complainant's former partner and this relationship ought to have been declared.

The publication responded that the article was an opinion piece focused on the broader repercussions of the court judgment for the complainant as a high profile player agent on the receiving end of court orders costing him and associated companies a large amount of money. The publication said it had unsuccessfully sought comment from the complainant for publication in the related article, but was under no obligation to do so as the article was an opinion piece.

The publication said first that the case was seen by the public as a battle between the complainant and his former partner, not with the detail of the particular corporate structures involved, and its reporting of the amount of the judgment was qualified by stating that the complainant could liable for an amount "up to" \$625,000, not necessarily the full amount. The publication said it was appropriate to focus its attention on the complainant because of his much higher public profile compared with the lesser-known former partner.

Second, the publication said the article dealt with broader issues on which the author was expressing an opinion, and should be considered in the context of the related article, which provided greater detail about the court proceedings, including that the Court ruled in his favour in relation to a counterclaim for oppression. The publication also said it was fair to raise the possibility of an investigation into the complainant's accreditation as the Players' Association had previously demonstrated its willingness to be active in investigating such concerns.

Third, the publication said it did not present the assertion about taking a \$90,000 cut from a player's remuneration as fact but as a claim made in the proceedings, which merely provided readers with some important background, and it had stated that the money had been returned.

Fourth, the publication said it was fair to characterise the complainant's departure from a previous organisation as "messy" because it involved a legal dispute over a non-compete clause, with the previous employer investigating whether the complainant had breached his contract.

The publication said it would be happy to publish a succinct letter from the complainant, outlining his take on the outcome of the court proceedings.

With regard to the alleged conflict of interest, the publication said the journalist concerned was not a personal friend of the other party to the case, nor was he influenced in the slightest by their passing acquaintance, which is not at all uncommon among those involved in the AFL industry.

### **Conclusion**

The Council considers that the Court's judgment made clear its order was for the complainant to compensate Strategic Management, and for his former partner to purchase the complainant's 40 per cent shareholding. While some members of the public may have seen the dispute as one between partners, the Council considers that by reporting the outcome in this manner, the publication failed to take reasonable steps to ensure the article was accurate and not misleading in this respect.

The Council also considers the article implied the complainant had suffered a significant defeat, and did not refer to serious adverse findings made by the Court against his former partner, or its conclusion that "both parties have won and lost". While the related article did note one of the aspects on which the complainant's counterclaim for oppression was upheld, the Council considers that this was not sufficient to ensure fairness and balance in the article complained about, especially given the front page article on 23 October 2014 reporting his former partner's denial of misusing company funds. Accordingly, the Council concludes that the publication failed to take reasonable steps to ensure fairness and balance in this respect. The Council does not have sufficient information to form a conclusion as to the claim the complainant's player management licence was in jeopardy.

The Council considers the article implied the complainant had taken a \$90,000 cut of a player's earnings, had returned it, and that this was dealt with in the judgment, none of which is established. In reporting these matters, the publication failed to take reasonable steps to ensure the article was accurate and not misleading.

The Council considers that a "messy" exit does not necessarily imply any wrongdoing and may simply suggest restraints on behaviour due to compliance with legal obligations. The Council does not consider there was a failure to take reasonable steps to ensure accuracy or fairness in this respect.

As the material was inaccurate and misleading in breach of General Principle 1, the publication was obliged to take reasonable steps to provide a correction or other adequate remedial action. The Council considers that the inaccuracies were sufficiently apparent that the publication should have taken steps to correct them, and in failing to do so it breached General Principle 2. Accordingly, this aspect of the complaint is upheld.

As the material was also presented without reasonable fairness and balance in breach of General Principle 3, the publication was obliged under General Principle 4 to take reasonable steps to give the complainant a fair opportunity for a reply if reasonably necessary to address the breach. In this case, the publication eventually offered to publish a "succinct letter" from the complainant. However, given the number and complexity of the issues, as well as the delay involved, the Council concludes that this offer did not amount to a fair and timely opportunity for a response. Accordingly, this aspect of the complaint is also upheld.



With regard to the failure to take reasonable steps to avoid or disclose a conflict of interest under General Principle 8, the Council recognises that a high number of people involved in playing, coaching, or reporting on AFL would be known to each other. In this case, there was insufficient evidence available to the Council to suggest the publication failed to take reasonable steps to avoid or disclose a conflict of interest and having one influence published material. Consequently, this aspect of the complaint is not upheld.

**Australian Council for Education Research/Gold Coast Bulletin**  
*Adjudication 1701 (February 2017)*

The Press Council considered a complaint from the Australian Council for Education Research (ACER) about an article in the Gold Coast Bulletin in print on 28 July 2016, headed “Teachers found lacking”.

The brief article (four paragraphs in length) reported that a review conducted by academic consultants on behalf of ACER urged that teachers’ training be subject to a regime similar to that applying to doctors, pilots and lawyers, under which new entrants proceeded in stages under a formal system of supervision and control. The authors of the review argued this would help develop teachers’ personal and motivational skills, build confidence and inspire students’ learning in the classroom.

ACER complained that the headline was inaccurate and misrepresented the finding of the review, which was critical of the structure of the accreditation process but did not find that teachers themselves were “lacking”. ACER said the headline suggested it was engaged in “teacher bashing” rather than in improving standards through better training and accreditation. ACER noted that this article was an abridged form of a longer piece that appeared in a related publication on the same date, though under a different headline which did not carry the same negative connotation.

In response, the publication said the headline was the product of limited space above a short article. There was no intention to denigrate teachers, only to reflect the report’s findings that new teachers needed more supervision and support through the accreditation process. It argued that if accreditation and training were inadequate, it was reasonable to infer as a result that teachers were lacking. The publication noted that it had offered to publish a letter to the editor from ACER to clarify any concerns, but this was not taken up.

**Conclusion**

The applicable Standards of Practice require that publications take reasonable steps to ensure factual material in news reports and elsewhere is accurate and not misleading (General Principle 1) and is presented with reasonable fairness and balance (General Principle 3), to provide a correction or other adequate remedial action if published material is significantly inaccurate or misleading (General Principle 2), and to ensure that where material refers adversely to a person, a fair opportunity is given for subsequent publication of a reply if reasonably necessary to address a possible breach (General Principle 4).

The accuracy, fairness and balance of the text in the article were not called into question by the complainant. The only issue under consideration by the Council is whether the publication took reasonable steps to ensure the headline met these Standards. The Council considers that the headline implies the review was critical of teachers generally, however it was critical of the accreditation process and training, not of teachers generally. The Council considers that the publication could have sought better detail about the review and expressed the headline in a manner that better reflected its findings. The Council concluded that the publication failed to take reasonable steps to ensure the headline was accurate and not misleading, in breach of General Principle 1. Accordingly, this aspect of the complaint is upheld.

The Council notes that the publication did offer to publish a letter from ACER explaining why the headline did not satisfactorily summarise the review, but ACER chose not avail itself of this opportunity. The Council considered that in doing so, the publication took reasonable steps to offer an adequate remedy in this instance. Accordingly, the Council does not uphold the complaint in relation to General Principle 2.

Given these conclusions, the Council did not consider it necessary to reach a conclusion about other aspects of the complaint.

### **Complainant/The Daily Telegraph**

*Adjudication 1700 (March 2017)*

The Press Council considered a complaint about a front page article in The Daily Telegraph on 26 April 2016 headed “BLUDGERS’ DISGRACE: BOOZE DRUGS DOLE RORT”, with a secondary headline, “EXCLUSIVE: Crooked doctors helping layabouts get out of finding a job”. The full print report was on page four, headed “Cynical bludge makes us sick: Dole grubs shirking work”. The online article was headed “Dole bludgers used medical loophole to avoid getting work”.

The article reported on “[a]n investigation by the Department of Human Services”. The front page began: “TENS of thousands of bludgers are using a medical scam – claiming “illnesses” including drug and alcohol abuse – to get the dole without having to find a job.” It added: “More than 70,000 people – almost 8 per cent of all recipients of Newstart, single parent and youth allowance payments – have been using medical certificates to avoid mandatory job-seeking requirements.” On page four, the article began: “MORE than 70,000 dole bludgers are exploiting a medical loophole to avoid having to get a job by claiming they are too sick to work.”

Following a complaint, the Council asked the publication to comment on whether the article had breached its Standards of Practice.

The Standards of Practice require that reasonable steps be taken to ensure factual material in news reports and elsewhere is accurate and not misleading and is presented with reasonable fairness and balance, and that writers’ expressions of opinion are not based on an omission of key facts (General Principles 1 and 3), and if the material is significantly inaccurate or misleading, or not reasonably fair and balanced, to provide adequate remedial action or an opportunity for a response to be published (General Principles 2 and 4).

The publication said in the context of the article, reasonable readers would agree with the description of those who would prefer to abuse the social security system and enjoy taxpayers’ money rather than look for work as “dole grubs” and “dole bludgers”. It said the article’s focus was not to vilify welfare recipients but to focus public attention on the extent of the welfare burden on the federal budget.

The publication initially contended that that the figure of 70,000 was accurate and factual, saying that the federal government had identified a “loophole” whereby doctors were being used to exploit the requirement to look for work. However, during the course of the Council’s complaints process, the publication said it had not been its intention to say that all 70,000 recipients were “dole bludgers exploiting a medical loophole” but that government sources supported the notion that tens of thousands of people were exploiting the medical certificate exemption. In November 2016, the publication altered the first sentence of the online version to “Tens of thousands of dole recipients”, and subsequently removed reference to “thousands” altogether, and it also published a print clarification stating the publication accepted that “not all 70,000 were abusing a medical loophole”.

### **Conclusion**

The Council considers that merely because 70,000 Newstart Allowance, Parenting Payment and Youth Allowance recipients provided medical certificates, it does not rationally follow that all 70,000 were “dole

bludgers” or were “exploiting a loophole”; medical certificates may be used to demonstrate legitimate inability to work due to illness. Nor did statements attributed to the Minister for Human Services give any support to this suggestion. Accordingly, the Council considers that the publication failed to take reasonable steps to ensure the statements about the 70,000 being “dole bludgers” and “exploiting a loophole” were accurate and not misleading in breach of General Principle 1.

The Council also considers that the headline “Cynical bludge makes us sick: Dole grubs shirking work”, read with the inaccurate statement that 70,000 were “dole bludgers ... exploiting a medical loophole”, was also inaccurate and misleading, and could not be regarded as reasonably fair or balanced in its portrayal of welfare recipients. Accordingly, the publication failed to take reasonable steps to ensure accuracy or balance in this headline, in breach of General Principles 1 and 3.

The Council considers that the headline “Crooked doctors helping layabouts get out of finding a job” implied that doctors were dishonestly assisting recipients to receive benefits. The only support for this assertion in the story was the disparity in rates of medical certificates being submitted in different geographical areas of Australia; the Minister’s statement that he could not accept that one suburb had eight times more illness than another and some people appeared to be taking advantage of the system; and the suggestion in the article that consideration was being given to “using government doctors”. The Council considers that there was no reasonable basis in this material to make the definitive statement in the headline that “crooked doctors were helping layabouts get out of finding a job”. Accordingly, the Council concludes the publication also breached General Principle 1 in this respect.

As to remedial action, the Council considers that the online amendment and print clarification could have been published shortly after the publication was made aware of the complaint. In any event, the Council is not satisfied from the article or the information provided to the publication that there was a sufficient basis for maintaining that “tens of thousands” are exploiting the exemption. The Council concludes that the amendments did not provide sufficient remedial action and concludes that the publication failed to take reasonable steps to comply with General Principle 2.

Accordingly, the Council concludes that its Standards of Practice were breached in these respects.

### **Industry Super Australia/The Australian**

*Adjudication 1705 (March 2017)*

The Press Council considered a complaint from Industry Super Australia about an article in The Australian on 3 December 2015, headed “Industry Super must be taken to task” in print and “Industry super must be taken to task over monopoly” online. The article discussed standards of governance of industry super funds.

Although the complainant said it had several concerns about the article, it focused its complaint on statements in the article that industry super funds’ “supply chains are tightly held by union-related entities — in relation to funds management, investment, financial advice and custodial services” and “[t]he market is never tested because doing business with union mates is so much easier, it would seem”.

The complainant said that although the statement about supply chains being tightly held by union-related entities appeared as a “COMMENT” article in print and “OPINION” online, it was a statement of fact and was inaccurate. It said custodial services for industry funds are provided almost entirely by major commercial financial institutions that have no relationship whatsoever with unions. The circumstance that one organisation providing custodial services is a listed company, which acquired an entity originally set up by a number of super funds, does not make it a “union-related” entity.

The complainant said that while some funds management and financial advice providers are owned by groups of industry super funds—many of which are half-owned by unions and employer associations—

the service providers operate as commercially separate businesses and it is not accurate to describe them as union-related. The fact that individual board members of these organisations may have had previous careers in, or links to, the union movement is irrelevant because this does not make the entity union-related.

It said that in any case it is inaccurate to say “supply chains are tightly held by union-related entities” as demonstrated by publicly available information on the funds’ websites. This demonstrates that the vast majority of mandates for such services have not been awarded to industry/employer association-owned entities. Custodial services are all provided by commercial organisations. Fewer than 15 out of 80 not-for-profit funds have financial advice services provided by an industry-owned entity. Industry funds spread their funds across a large number of investment managers and the vast majority are not owned by, or related to, industry funds at all.

The complainant said the statement “[t]he market is never tested because doing business with union mates is so much easier,” is also a statement of fact, notwithstanding the addition of the words “it would seem”. It said it was not fair and balanced and was inaccurate since service providers owned by industry super funds compete with other providers for industry fund mandates in an open market through rigorous tender processes generally conducted by an independent third party.

The complainant said as both statements were inaccurate, a correction or clarification by the publication would have been appropriate. It said the inaccuracy would not be properly remedied by an opinion piece by the complainant, even if an opportunity to publish such an article were to be provided, because the matter was not just a contest of opinion.

The publication said that the statements were made in the context of a comment article and should be read as opinion and not as statements of fact. The author of the article was a leading economics commentator providing a reasonable and balanced approach to a contentious issue from an outsider’s point of view. The author was putting an overarching argument about industry super funds in the nation’s financial system and the statements were not inaccurate or misleading. It said when the article was published, the issue of federal government regulation was a contentious point and the complaint to the Council should be seen as part of the complainant’s campaign against proposed regulation.

The publication said “tightly held” was a phrase without a defined meaning and there was considerable evidence to support the views expressed about industry super funds’ supply chains being tightly held by union-related entities in relation to the four areas identified and the market not being tested.

The publication said custodial services are provided in some cases by organisations that are union-related because a business set up by super funds to provide back-office functions to super funds had failed and was sold to a listed entity with guaranteed contracts to provide such services to industry funds. Although some custodial service providers used by the funds have no obvious links with a union, this is not inconsistent with the article.

The publication referred to: industry super funds using a bank owned by 29 industry super funds and several board members with union links; three organisations with several board members who have union links and one named firm with union links; the establishment of an organisation funded by a number of industry super funds and now sold off to a listed entity but with guaranteed contracts with industry super funds; and interconnecting directorships of persons with links to the Australian Council of Trade Unions. It added that it was not simply a matter of considering numbers or percentages, as qualitative and functional aspects were also important.

The publication said the statement that “the market was never tested” is the opinion of the author, as is made clear by the words “it would seem” and said allowance had to be made for the fact that it was the view of someone outside the industry.

The publication said it would be open to publishing a balancing opinion piece to contribute to a robust debate on the issues, but it was not prepared to make a correction or clarification as there was no inaccuracy, and the complainant did not make such a request before lodging a complaint with the Press Council.

### **Conclusion**

The Council's Standards of Practice applicable in this matter require that publications take reasonable steps to ensure that factual material is accurate and not misleading and is distinguishable from other material such as opinion (General Principle 1), and presented with reasonable fairness and balance, and that writers' expressions of opinion are not based on significantly inaccurate factual material or omission of key facts (General Principle 3). If the material is significantly inaccurate or misleading, or unfair or unbalanced, publications must take reasonable steps to provide adequate remedial action or an opportunity for a response to be published (General Principles 2 and 4). The Council notes that a comment article may contain factual material, notwithstanding that the piece overall is presented as the comment of the author.

The Council considers that although the article was headed "COMMENT" or "OPINION", the statements in the article that industry super funds' "supply chains are tightly held by union-related entities — in relation to funds management, investment, financial advice and custodial services" was expressed as a statement of fact and not merely an expression of the author's opinion. The Council considers it meant that union-related entities dominated each of the named supply areas. The Council is satisfied on the material available that the publication failed to take reasonable steps to ensure this statement was accurate and not misleading.

The Council considers the statement that "[t]he market is never tested because doing business with union mates is so much easier" is also presented as a statement of fact, notwithstanding the addition of the words "it would seem". The Council considers that the publication did not take reasonable steps to ensure this statement was accurate and not misleading, having regard to its definite terms. Accordingly, the publication breached General Principle 1 in these respects and the complaint is upheld.

As the publication offered a balancing opinion piece in response, given the nature and context of the material, the Council considers that the publication has taken reasonable steps to provide adequate remedial action. Accordingly, it does not consider that General Principles 2 and 4 were breached.

### **Colin Hampton/Frankston Standard Leader** *Adjudication 1702 (March 2017)*

The Press Council considered a complaint by Cr Colin Hampton about a front page article in the Frankston Standard Leader on 4 July 2016 headed "Councillor stoush", which continued on page three headed "Councillor in breach of code of conduct". The article followed the release of the Councillor Conduct Panel Determination on the behaviour of the complainant and another councillor at the launch of an apartment complex in 2015.

The Council's Standards of Practice require that publications take reasonable steps to ensure factual material is accurate and not misleading, and is presented with reasonable fairness and balance (General Principles 1 and 3). If the material is significantly inaccurate or misleading, or unfair or unbalanced, publications must take reasonable steps to provide adequate remedial action or an opportunity for a response to be published (General Principles 2 and 4).

The complainant said the publication reported earlier, on 14 December 2015, that the developer had complained by letter that the complainant made comments disparaging of the development, had tapped the developer "vigorously on the back", and was critical that the other councillor had addressed the launch. It included denials from the complainant.

He also said the publication reported on 18 January 2016 that the Frankston Council received multiple complaints about the complainant's conduct at the launch, repeated the allegations about the complainant's disparaging comments, noting that the complainant would ask the Panel to examine the protocol relating to the other councillor speaking at the launch. On 27 June 2016, it repeated the allegations about the complainant's comments, including a denial from the complainant, and said the Panel's Determination had been prepared and was likely to be released shortly.

The complainant said the article on 4 July 2016 was unfair given the earlier reporting because it did not include that the developer's complaints had been dismissed. The complainant said the only allegation by the other councillor which was accepted concerned an interaction between the complainant and two Council employees, which the Panel found was in breach of a Code of Conduct and ordered a formal apology. Nine additional allegations by the other councillor had been rejected, and the publication did not report on this or the relationship between the developer and the other councillor. The complainant also said the publication's reporter was at the launch, standing beside witnesses who in their evidence to the Panel entirely refuted the allegations made against the complainant.

The complainant also said that after the article appeared he contacted the publication, summarising his concerns, but it had not addressed them.

The publication said it was in the public interest to report in the first three articles the claims being made about the complainant and his response, the fact that the Panel had been set up, and that the Panel had prepared its Determination which would probably be made public. It said the article on 4 July 2016 was a fair and balanced representation of its findings, and it was not possible to cover the whole Determination in the article. As the complainant was found to have breached the Code of Conduct, it was reasonable that the majority of the article reported on that aspect. It also included some allegations which were not upheld, that the other councillor exaggerated his evidence and that questions had been raised over the relationship between the developer and the other councillor, including allegations the other councillor co-authored the developer's letter of complaint.

The publication also said it was clear from the article that its reporter was present at the launch, that he had limited involvement and that reporters are not usually made part of a story.

## **Conclusion**

The Council notes that the Panel dismissed all allegations against the complainant, except that his conduct in relation to two Council employees was found to be objectively threatening behaviour in breach of the Code of Conduct. It ordered a formal apology be made. It found that his conduct in questioning how the other councillor came to speak was inappropriate but not in breach of the Code.

The Panel found the other councillor deliberately exaggerated his evidence, and advanced nine additional allegations to assist his case without a sound factual basis, including one that the complainant was ejected from the event. Further, the Panel did not uphold allegations made by the developer—if these were in fact maintained—that the complainant had made comments disparaging of the development at the launch or had tapped the developer "vigorously on the back". It dismissed the allegations that the other councillor speaking at the launch was a breach of the Code of Conduct.

The Council accepts that the Determination is lengthy and that not all aspects could be covered in the article. However, the fact the Panel disbelieved the other councillor's evidence of his observations while speaking onstage and found he made nine additional allegations without factual basis, simply to advance his case, were very significant to presenting the report in a fair and balanced way, particularly given earlier coverage of the Panel's formation and preparation of its report. The fact that the developer's allegations that the complainant had made comments disparaging of the development and had tapped the developer "vigorously on the back" were not upheld was also significant, given the article in 2015 raised these allegations.

Accordingly, the Council considers that reasonable steps to ensure fairness and balance required the 4 July article to include these matters. It concludes that in failing to do so, the publication breached General Principle 3, and in not providing a fair opportunity for a reply after the article appeared, the publication also breached General Principle 4.

The Council does not consider the reporting went so far as to be misleading, and accordingly, does not consider that it breached General Principle 1 or 2.

**Osher Günsberg/Daily Mail Australia**  
*Adjudication 1703 (March 2017)*

The Press Council considered a complaint by Osher Günsberg about an article published by Daily Mail Australia on 5 September 2016 headed “The Bachelor host Osher Gunsberg shows off his 'Bali belly' as he goes shirtless while filming finale of reality TV show on Indonesian island”.

The article referred to the complainant as “never [having] a hair out of place”, but who “showed a very different side of himself” and “revealed his portly frame and unkempt hair”. The article featured three photographs of the complainant shirtless, in at least one of which he appeared to be dressing or undressing.

The Council’s Standards of Practice require publications to take reasonable steps to ensure factual material is presented with reasonable fairness and balance, and provide a fair opportunity for subsequent publication of a reply if necessary (General Principles 3 and 4); and to avoid intruding on a reasonable expectation of privacy, causing or contributing materially to substantial offence, distress or prejudice, or a substantial risk to health or safety (General Principles 5 and 6), or publish material gathered by unfair means (General Principle 7), unless doing so is sufficiently in the public interest. Privacy Principle 1 notes that public figures do not forfeit their right to privacy altogether, and intrusion into their right to privacy must be related to their public duties or activities.

The complainant said that although he was a host of entertainment programs on television, he had never allowed photographs to be taken of him shirtless. He said he had experienced mental illness for a long time and weight gain was a side effect of the medication for the illness. He said he is involved in an organisation concerned with the stigmatisation of those with mental health issues.

The complainant said he was in Bali filming a television program. He was living in a secure hotel and the first time he set foot outside the hotel was on a day off, when he was driven for two hours to a remote village for snorkelling. Shortly after arriving he noticed a scooter pull up and then drive on. He sensed the rider or passenger may have been a photographer but did not see a camera or them photographing him. He said there was no private place to change into his wetsuit and he did so in a side street. He said due to the 30-degree heat and his wetsuit being a full one, he did not put the top part of the wetsuit on as he walked the short distance to the boat. He remained there for some minutes checking the diving gear to ensure it was safe and aside from that, he was not deliberately walking around shirtless. On his return to Australia, he was approached by a person who said he had taken some photographs of him, implying that these photographs depicted him unfavourably.

When he saw the article, including the three photographs and the “Bali belly” heading, he was caught unaware and felt shamed and bullied because of weight gain and because he was on medication which caused that gain.

He said the publication should have been aware of how it would affect him, given his earlier public comments about his problems in these areas. It should have asked for his comment before publication. He said the article was not fair and balanced. It omitted key facts about his circumstances. It had

unreasonably intruded on his privacy, caused him substantial offence and distress and contributed to prejudice against people with mental illness being overweight due to medication. He said the publication published material which had been obtained by deceptive or unfair means.

He said he spoke out about the article on a radio program he co-hosts but did not contact the publication directly to complain about the article and did not want to have alterations to it or a right of reply to the article. He said this was because it would attract more attention to the story, reward the publication for its article and allow the publication to make further comment.

The publication said the article was light-hearted and primarily focused on the photographs. The reference to “Bali belly” was a pun based on his being in Bali and showing his belly, and was not intended as an insult.

It said the article was fair and balanced and did not omit key facts. Much of the story was devoted to the complainant’s relationship with his weight and detailed his preference for now leading a healthy lifestyle. The publication said these aspects were based on the complainant’s willing discussions about them in the media, effectively inviting public commentary on such subjects. The publication included previous comments by the complainant about his mental health and weight concerns and so considered it unnecessary to seek comment. It exercised judgement and omitted material it otherwise could have included.

The publication said that as a celebrity who hosts primetime entertainment shows with a significant television presence and social media following, the complainant is a public figure. It said as with all celebrities, he is the subject of constant publicity for both his involvement in the shows he hosts as well as his private time. In such circumstances, paparazzi photographs would not be unexpected, which it said appeared to be the case here, with the complainant seemingly looking into the lens for one of the photographs. It said every celebrity knows they are open to being photographed and it is not reasonable to think the complainant would be ‘blindsided’ by being photographed.

It said the pictures of the complainant were not commissioned by it but supplied unsolicited by a reputable picture agency. They were not improperly obtained but taken on a popular public beach as indicated by the other people in the photographs. The complainant was in full view of members of the public and at close enough range, coupled with the circumstance that in one photograph he appears to be looking at the photographer, to suggest that the complainant had seen the photographer. The publisher said it gave careful consideration to whether to publish the photographs and noted there was no private activity taking place on the beach, and one of the photographs showed the complainant apparently surveying the beach shirtless.

The publication said the complainant has not been concerned about protecting privacy in relation to his fluctuating weight because as recently as last year he made public jokes about this, describing himself as “chubby”, and it was unreasonable for the publication to assume the article would cause him substantial distress. The publication did not argue that any intrusion of privacy or distress was in the public interest.

It said the complainant had not raised any concerns with it before making the complaint to the Council, and it was willing to make some changes to the article.

### **Conclusion**

The Council accepts the complainant has spoken publicly about his weight concerns and the mental condition requiring medication which contributes to those concerns. It considers the publication took reasonable steps to ensure opinions expressed in the article were based on accurate factual material and key facts were not omitted. Accordingly, General Principles 3 and 4 were not breached.

The Council accepts the complainant has not exploited shirtless images of himself. The photographs were taken at a beach far away from the complainant’s filming activities on a day off, on his only day away



from a private hotel, and the Council accepts that he did not see a camera taking photographs. The Council considers that while the complainant is a public figure, he has not forfeited his right to privacy altogether.

The Council considers the subject matter of the article did not relate to the complainant's public activities. Photographs of a celebrity will frequently not breach a reasonable expectation of privacy. However, given the fairly remote location, the care exercised by the complainant in the past to not be photographed shirtless, his lack of alternatives in the circumstances and the covert nature of the photographs, he retained a reasonable expectation of privacy which was intruded upon by the photographs and the references to "Bali belly". There was no public interest to justify such an intrusion. Accordingly, the publication breached General Principle 5 and Privacy Principle 1.

The Council considers the complainant's history of mental illness and weight gain are in the public domain as a result of the complainant's own doing and are well known. But by referring to "Bali belly", and using the photographs in the manner it did, the article went beyond those matters to ridicule the consequences of his mental illness medication and was likely to cause substantial offence or distress to the complainant for concerns he acknowledged. In this respect, the publication failed to take reasonable steps to avoid causing offence, distress or prejudice to the complainant, without a justifying public interest. Accordingly, the publication breached General Principle 6 in this respect.

As to General Principle 7, the Council notes the publication did not commission the photographs which were provided unsolicited by an agency. While the Council accepts that the complainant did not see the photographer taking the photographs, the Council is not satisfied that the photographs were gathered by deceptive or unfair means. Accordingly, the Council considers the publication did not breach General Principle 7.

#### **Sharon Doyle Lyons/Parramatta Advertiser**

*Adjudication 1704 (March 2017)*

The Press Council considered whether its Standards of Practice were breached by an article headed "Never Let Despair Win" in the Parramatta Advertiser in print on 14 September 2016.

The article concerned the suicide of a 62-year-old man whose body was found two weeks after being reported missing. The article named the man, included a photograph of him, and noted that he had first experienced depression at 28. The article was based mainly on the man's sister's perceptions of his response to a marriage breakdown and her support for him since that time. It referred to the geographical region where the man's body was found and where he had lived. It referred to his sister's desire to raise awareness of depression and the social stigma associated with it, that "[p]eople with depression need to keep trying to find someone who can understand them" because "[t]hey are out there", and that people ought realise that "[t]he carnage suicide leaves behind is wrenching, it pulls everyone apart".

The complainant, the man's estranged wife, said the article appeared three weeks after the funeral. She said the publication should have contacted the man's two sons—because in her view they were closer to him than his sister—before publication and sought informed consent. As the younger of the sons was still under 18 and she was his legal guardian, the complainant should have been contacted on his behalf. She noted that in the period after they became estranged the man's sister had not lived with the man, though his elder son had for some time and the man had lived with the complainant for a number of weeks after a period in hospital.

The complainant also said there was no reason to include the region where the man's body was found, as it was not required for the story. Also, when the man first had depression it was not something he had chosen to reveal.

The complainant also said that after the man went missing, the publication had contacted her elder son with two Facebook messages on one day to request an interview with him for a longer story about the man's disappearance but her son, who was understandably distressed, had not responded at all. The complainant said after the article appeared, she contacted the publication to ask if they had obtained her elder son's permission and was informed they had asked for permission by Facebook message. Her son indicated that neither the publication nor the man's sister had contacted him to advise that the article, for which he did not give permission, would be published.

The publication said the story had been prepared at the suggestion of the man's sister. It came about because she wanted to share both her brother's story and her own as a warning to others.

The publication said the man was close to his sister, he confided in her about his depression and spoke with her daily by phone. It said she had filed the missing person's report, was the first person contacted by police after he was found and organised his funeral. The man had been estranged from the complainant for four years. Given these factors, the publication said the consent of the man's sister was informed and sufficient. The publication said even if insufficient, the issue was important for public health and safety and as such, the article was justified in the public interest. It was an honest and accurate portrayal of the circumstances which highlighted the warning signs and the need to be alert. The newspaper noted that ABS statistics indicated Australia's suicide rate had reached a 10-year high and the Prime Minister had encouraged discussion about mental health and suicide to encourage people to seek help.

The publication said the article was not given undue prominence, the headlines were appropriate and the photograph of the man was much smaller than that of his sister. It said the article itself was not sensational and avoided specific details such as the names of the man's sons and estranged wife.

It also said that after the man was reported missing, and following public statements by police calling for assistance in the search for him, it approached the man's elder son to see if he would be willing to speak to a journalist. The second Facebook message was sent without knowing the first had been sent and when the journalist received no response, it was reasonable for it to assume the elder son did not wish to speak to media or be contacted, and so it did not seek to do so.

### **Conclusion**

The Council's Standards of Practice require that publications take reasonable steps to avoid intruding on a person's reasonable expectations of privacy (General Principle 5) or causing or contributing materially to substantial offence, distress or prejudice, or a substantial risk to health or safety (General Principle 6)—unless doing so is sufficiently in the public interest.

In addition, Specific Standards on the Coverage of Suicide 3 and 4 require that in deciding whether to report a suicide and name of the person who has died by suicide, consideration should be given to whether clear and informed consent has been provided by appropriate relatives or close friends and whether such reporting is clearly in the public interest. Further, Suicide Standard 7 requires that reports of suicide should not be given undue prominence and great care should be taken to avoid causing unnecessary harm or hurt to people who have been affected by suicide, which requires special sensitivity and moderation in both news gathering and reporting.

The Council acknowledges the article was well-intentioned and initiated by the man's sister, who provided informed consent. However, the publication was aware the man had two children, one an adult living with him for a period and one under 18 living with the complainant. Given the article used the man's name and photograph, reported the regions where he lived and was found, and dealt with his possible reasons for suiciding, the effects on his family and what the sister claims might have happened had she not assisted him, the Council considers that it was not sufficient to have consent only from the man's sister. The publication should have sought consent, and invited comment from, his adult son and

from the complainant as his wife (albeit estranged) and guardian of his younger son. Had the article neither identified the man nor included a photograph of him and had it been of a more general nature, such consent would not have been necessary.

The Council recognises there can be substantial public benefit in reporting and commenting on suicide. The article highlighted some important issues. However, in the absence of consent from his elder son and the complainant, the public interest did not justify use of the man's name, photograph, geographical region or possible reasons for suicide, the effects on his family and what the sister claims might have happened had she not assisted him.

Accordingly, the Council upholds the complaint in relation to General Principles 5 and 6 and Suicide Standards 3 and 4.

As to Suicide Standard 7, the Council considers the article was not given undue prominence nor was it unnecessarily explicit in its use of headlines or images. The Council considers that the publication should have sought to avoid hurt to the sons of the man by seeking consent and inviting comment before publication from his elder son and from the complainant. The Council considers the publication did not take sufficient care in this regard and accordingly, breached Suicide Standard 7.

Note: If you or someone close to you requires personal assistance, please contact Lifeline Australia on 13 11 14.

### **Complainant/Herald Sun**

*Adjudication 1712 (April 2017)*

The Press Council considered whether its Standards of Practice were breached by an article published online in the Herald Sun on 13 January 2017, headed "Thousands of public servants got a free week off at Christmas, and critics want to know why". The headline was repeated in a caption accompanying a stock photograph of clinking wine glasses, with "free paid-up week off" substituting "free week".

The article began: "EXCLUSIVE: TENS of thousands of public servants were gifted a bonus week's paid holiday between Christmas and New Year's Day". The second paragraph stated that "News Corp Australia can reveal workers at the Australian Taxation Office [ATO], Department of Social Services, Safe Work Australia and Treasury were among the government divisions simply given three days' leave on full pay from Wednesday December 28 to Friday December 30, following the Christmas and Boxing Day public holidays". The article then featured another photograph, of an office building, captioned: "Free week off at the Australian Taxation Office in Canberra City". The concluding paragraph of the article included a comment from a spokesperson for the Community and Public Sector Union, that "the extra days of leave were a 'trade-off for something else' such as a lower overall pay rise".

The Council asked the publication to comment on whether it took reasonable steps to ensure that its description of the leave to workers at the identified public service divisions was accurate and not misleading (General Principle 1) and was presented with reasonable fairness and balance (General Principles 3).

The publication said its information was obtained from government sources, including from the Department of Employment, and that it also specifically asked all of the government departments whether they were in effect giving "free" days off. It said it received several responses explaining there were trade-offs in the conditions that allowed this, but that others such as the ATO, Treasury and the Department of Employment made no express mention of trade-offs for the leave. In particular, the publication said the ATO's statement to its reporter contained no suggestion that the days off were part of its enterprise bargaining agreement. As the comment provided by the ATO offered no justification for the additional days, it was not included in the article.

The publication said there is a public interest in the discussion of public servants being granted such leave, which is unavailable to other workers, given private sector trends towards obliging many workers to use annual leave over the Christmas period.

The publication added that it received no request to remedy the article from any of the government divisions, but would have considered any request.

### **Conclusion**

The Council considers that in the overall context of the article, the statement that “News Corp Australia can reveal workers at the Australian Taxation Office, Department of Social Services, Safe Work Australia and Treasury were among the governments divisions simply given three days’ leave”, is presented as a verified fact. The Council considers that the article did not contain any evidence substantiating or supporting this statement.

First, the Council accepts the publication obtained its information from government sources, including the Department of Employment. Second, the Council accepts the publication asked the ATO and Treasury whether they were in effect giving “free” days off, and that in their response, they made no explicit mention of trade-offs for the leave. Third, the Council also accepts the publication asked the Department of Social Services and Safe Work Australia whether they were in effect given “free” days off. On the information available to the Council, it is unable to conclude whether the publication received any response from these divisions or if any such response confirmed there were no trade-offs for the leave. In the circumstances, the Council considers that the publication needed to make further enquiries to verify this information.

The Council does not consider that the lack of an express denial or the absence of any response amounted to sufficient verification to present the statement as a verified fact. The Council considers that the publication did not take reasonable steps to ensure accuracy, fairness and balance, given the unqualified nature of the statement. In any event, the statements that the three days’ leave constituted a full “free week”, a “free paid-up week” or a “bonus week” were inaccurate and unfair.

Accordingly, the Council concludes that the publication failed to take reasonable steps to ensure accuracy, fairness and balance, in breach of General Principles 1 and 3. In the circumstances, and in the absence of any complaint from the identified divisions, the Council does not consider the publication breached General Principle 2 or 4, in respect of corrections or rights of reply.

### **Complainant/The Sunday Mail**

*Adjudication 1708 (April 2017)*

The Press Council has considered whether its Standards of Practice were breached by a print article in The Sunday Mail on 16 October 2016 headed “KNOCKERS COME OUT”.

The article appeared during the 2016 United States presidential campaign and reported that, in addition to six women who had already made complaints about sexual misconduct by then candidate Mr Donald Trump, two further women had come forward to make complaints.

The article was set out over two pages with the headline running across both. The left page featured a large photograph of Mr Trump and a sub-headline “NUMBER OF TRUMP ACCUSERS SWELLS”. It reported on the two most recent allegations, a denial of one of them by Mr Trump’s campaign office, and Mr Trump’s statement that they were “phony accusers” making allegations “for a little fame”. The right-hand page included photographs of the eight female accusers and a summary of their allegations.

The Council asked the publication to comment on whether the material breached its Standards of Practice that require reasonable steps to avoid causing substantial offence, distress or prejudice, unless doing so is sufficiently in the public interest, in light of a complaint that the article trivialised sexual harassment.

The publication said the headline meant the word “knocker” in the sense of “critic”, and that this was the primary meaning of the word ahead of a vulgar meaning, such as women’s breasts. It said the headline was not intended to refer to women’s breasts and conveyed only that more and more critics of Mr Trump were speaking out against him, which was the substance of the report. It also said the tenor of the article was not favourable to Mr Trump, as it included the allegations made by the women and some controversial comments allegedly made by Mr Trump about women, along with his denials.

### **Conclusion**

The Council considered that the headline “KNOCKERS COME OUT” had two meanings and could be taken by an ordinary reader to refer to women’s breasts being revealed, particularly given that the article made clear all of the complainants were women, its content concerned sexual harassment and the headline was accompanied by the suggestive wording of the sub-headline. The vulgar use of the word “knockers” in such a context could be read as mocking women who raise allegations of being sexually harassed, in focusing on a physical characteristic of women, and trivialising their complaints.

The Council considered that the alternative meaning of the word “knockers” as in ‘critics’, in the context of an article on multiple sexual harassment complaints, also had the effect of trivialising the seriousness of the complaints as mere criticisms. This meaning could also cause or contribute materially to substantial offence, distress and prejudice to people who have experienced sexual harassment or made sexual harassment complaints, or to women generally.

The Council concludes that the publication failed to take reasonable steps to avoid causing or contributing materially to substantial offence, distress or prejudice, and there was no sufficient public interest in doing so. Accordingly, General Principle 6 was breached in this respect.

### **Complainant/news.com.au**

*Adjudication 1707 (May 2017)*

The Press Council considered whether its Standards of Practice were breached by the publication of an article on news.com.au on 10 January 2017, headed “Woman accused of terrifying 7-Eleven axe attack is transgender unionist once known as Karl”.

The article reported on a transgender woman arrested and charged in relation to a “terrifying axe attack” in Sydney. It reported on the woman’s life before transitioning, including that she was from a large Italian-Australian family from a capital city, had formerly been known as “Karl”, played drums in a punk rock band, on where and what she had studied and where she worked. The article included Facebook posts she made in 2012 about her transition, welcoming approval to start hormone replacement therapy and referring to a transgender person who had inspired her. The article also reported on her request to the bail court following arrest for access to two hormonal drugs, and that she would have access to healthcare while in custody. It included a video and several still images of the “axe attack captured on CCTV” and photographs of the post-crime scene, in addition to six photographs of her apparently taken from Facebook, in most of which she was playing in a band and some containing captions relating to her transgender status.

The Council asked the publication to comment on whether, given the significant coverage of her transgender status, it took reasonable steps to ensure reasonable fairness and balance as required by General Principle 3, and to avoid causing or contributing materially to substantial offence, distress or

prejudice, or a substantial risk to health or safety, unless doing so is sufficiently in the public interest, as required by General Principle 6.

The publication said the article was a profile piece on the woman, not a report on the attack itself, offering an explanation of significant details in her life. The publication said the attack itself had occurred four days before the article and had already been the subject of extensive media coverage. It said it had obtained images of the alleged crime and crime scene from security services, and its reporter had attended the bail court and learned for the first time that the woman was transgender. It obtained all of the information about the woman's background from her Facebook page, which was open for the public to view.

The publication said it was not trying in any way to suggest the accused's transgender status had caused the attack of which she was accused and nothing in the article implies this. It said it would not have been possible to report on the woman's background accurately without referring to her transgender status, and it was not gratuitous. It said the article accurately detailed a broad range of facts about the woman as obtainable from the publicly available information on the woman's Facebook page. There may have been more information in the article about her transgender status than other aspects of her life, but that reflected the greater amount of information available about that aspect. It was also reasonable to contrast the woman's positive transition in 2012 with the crime for which she now stands accused.

The publication said that references to the accused's hormone therapy drugs were gathered from public submissions of the accused in open court, and there was a strong public interest in ensuring due administration of justice was seen to be done.

### **Conclusion**

No material has been drawn to the Council's attention to suggest that the factual material published about the woman's background was not obtained from her public Facebook page or was not substantially accurate. The Council acknowledges that in preparing an article of this kind, the publication may well have more material relating to one part of a person's life than another and it may be reasonable for the article to reflect this. On the material available to it, the Council considers that the publication took reasonable steps to ensure that the article presented factual material with reasonable fairness and balance in accordance with General Principle 3.

The Council considers that the article does not suggest the woman's transgender status caused the alleged attack, nor did it make any derogatory comments or stereotypical generalisations about transgender people. It did include some repeated references to the woman's former name and her journey through transition, however the Council accepts these had been publicly and extensively revealed on the woman's own Facebook page. It also included some repeated references to the accused woman's request for hormone therapy drugs, though this request was made in open court at her bail hearing, and there is a public interest in reporting about the provision of appropriate health care to accused persons.

The Council considers the publication took reasonable steps to avoid causing or contributing materially to substantial offence, distress or prejudice, or risk to health or safety. The public interest also justified reporting on her request for hormone therapy drugs. Accordingly, General Principle 6 was not breached in this respect.

While the General Principles were not breached in this instance, the Council notes that the Australian community is in the early stages of understanding the appropriate approach to respectfully and intelligently reporting on transgender issues, and accordingly acknowledges the need for caution and sensitivity in reporting on such issues.

## **Complainant/Inner West Courier**

*Adjudication 1711 (May 2017)*

The Press Council considered a complaint about material published as a letter to the editor in the Inner West Courier in print on 29 November 2016, headed "Apartment problems".

An earlier article in the publication concerning development in the inner west of Sydney concluded: "Have you been affected by development in your area?" followed by the journalist's email address. The complainant said a week later her mother emailed the journalist, noting that a developer was to release a final plan that day and drawing the journalist's attention to a report. The journalist responded five days later with a request for an opinion on a particular issue. Three days later the complainant's mother responded to the journalist, referring to the developer's final plan, noting possible effects of the plan on the complainant's home, and expressing concerns about her grandchildren's ready access to a high school, including identifying the primary school they currently attended. The publication then published the material in this email as a letter to the editor.

The complainant said that when her mother first became aware of this, her mother emailed the publication objecting to its publication. The complainant herself telephoned the publication but said she did not receive a helpful hearing. She then emailed the publication seeking removal of the letter from the digital print version within two hours, but this was not done until the next day. The complainant said it is still possible to access the full text of the letter, despite its first appearing as "suppressed for editorial and/or legal reasons".

The complainant said the email was published as a letter to the editor without permission or notice, with her mother's first and last name. She said the email was not set out as a letter to the editor, not addressed to the editor, and did not meet the publication's requirement for letters to the editor to include a full address and telephone number. The complainant said it is not fair or reasonable to expect members of the general public to mark everything 'not for publication' unless there is a reasonable expectation that the material might be published.

The complainant said there was intense observation and activity in her area by developers and, given the letter's details about her family's distinctive surname and the development area, enough information was published to allow her family to be identified and receive unwanted attention from developers, real estate agents, and others interested in development activities. The complainant also expressed concern that the letter identified her children's primary school and enabled identification of her children.

The publication said the email was sent to the journalist in response to an open invitation for information from those affected by development. The publication said the email sent to the journalist was not marked 'not for publication', 'just for background' or 'private and confidential' and no 'off the record' agreement was made. It said the complainant's mother voluntarily wrote to someone she knew to be a journalist in response to a request for comment. The email was from a person writing about her daughter and grandchildren, who did not raise concerns regarding sensitivities about the information being shared. As such, the journalist conveyed the content of the email to the editor as a letter for publication and it was published in good faith, with the editor believing at the time that it was a genuine letter to the editor.

The publication said its initial telephone contact with the complainant was not ideally handled though this may have related to the way the issue was raised (as a potential legal matter). The publication said once the editor became aware of the matter, it then addressed the issue immediately, apologised to the complainant, and took immediate steps to remove the letter from the publication's digital edition. The publication conceded that the full text remained accessible if the otherwise suppressed article was clicked on, however, it undertook to continue its efforts to remove all access to the letter and subsequently did so. The publication said it had now put in place a system of checks to ensure those responding to calls for information were comfortable having their contribution published, so that a similar situation would not occur again.

## **Conclusion**

The Council's Standards of Practice require publications to take reasonable steps to avoid intruding on a person's reasonable expectation of privacy (General Principle 5), causing or contributing materially to substantial distress or risk to health or safety (General Principle 6), or publishing material gathered by unfair means (General Principle 7)—unless doing so is sufficiently in the public interest.

The Council considers that there was a reasonable expectation that personal and identifying information in the email relating to the complainant, her mother, and her children, would not be published without the complainant's mother's prior approval. The publication could have checked with the complainant's mother that the email was submitted as a letter to the editor for publication but did not do so. The Council considers there was no public interest in publishing the personal and identifying information. The Council concludes that the publication did not take reasonable steps to avoid intruding on the complainant's reasonable expectations of privacy, and that such intrusion was not justified by any public interest. Accordingly, the publication breached General Principle 5.

While the Council accepts the complainant's undoubted feelings of distress arising from publication of the letter, the Council notes the complainant was already, in common with other residents, the subject of unwanted attention from developers and real estate agents. The publication acted to remove the letter, and the Council notes that the undertaking given to the Council during the complaint process to complete that process was eventually fulfilled. The Council is satisfied the publication took reasonable steps to avoid substantial distress and accordingly, the publication did not breach General Principle 6.

Although the publication could have contacted the complainant's mother before publication, the Council accepts that the email was published under a genuine belief that it was submitted for publication in response to an invitation for comment. Accordingly, the Council concludes the publication took reasonable steps to avoid publishing material gathered by deceptive or unfair means and as such, General Principle 7 was not breached.

## **Complainant/Daily Mail Australia**

*Adjudication 1710 (June 2017)*

The Press Council considered whether its Standards of Practice were breached by an article published by Daily Mail Australia on 3 January 2017, headed "Horrific moment a dog is BOILED ALIVE and Chinese villagers rip out its fur in clumps before incredibly it gets up and runs away".

Below the headline were several bullet point sub-headlines, the first of which read "WARNING: GRAPHIC CONTENT". The article began: "This is the disturbing moment villagers in China filmed themselves boiling a tied-up dog in a huge pot of water." It included and reported on a video sourced from another website published a day earlier. The video had a warning which read "GRAPHIC CONTENT: Dog being boiled alive in steamer". A preview of the video played automatically, showing a very large wok steaming from beneath a moving lid.

The full video only ran when readers clicked on it. In the full video, a small dog apparently being cooked alive in the wok kicks off the lid of the wok and is barking in apparent agony. The lid is again placed over the dog. The dog falls out of the wok about a metre into another large pan where it lies apparently unconscious as villagers remove a large amount of fur from its body. The dog regains consciousness and runs away as the villagers laugh. The article also included four stills from the video and described the footage in detail.

The Council asked the publication to comment on whether the material breached its Standards of Practice, in particular General Principle 6, requiring publications to take reasonable steps to ensure they



avoid causing or contributing materially to substantial offence, distress or prejudice or risk to health or safety, unless doing so is sufficiently in the public interest.

The publication said it became aware of the video after it attracted considerable attention online on another website. It said it had no intention to cause offence or distress to its readers, and carefully considered whether and how to publish it. It decided to do so, acknowledging the disturbing nature of the content by including the warnings in the article. It said there was significant public interest in raising awareness in Australia about the substantial dog meat trade in China and elsewhere, and an apparent practice in China of torturing animals before death to produce tougher meat, which is erroneously believed to have more health benefits, including increasing male libido.

The publication said it recognised there might be different views about its decision to publish the video. It said it had directly received only three complaints about the article on the day of publication, in contrast with the significant number of readers. It said that following the complaints, it updated the article to make clearer the public interest aspects of the story, such as by adding quotes from an animal welfare campaigner.

### **Conclusion**

The Council recognises that the level of offence and distress caused by published material can be reduced by the extent to which the reader has a real choice about whether to view it, and the nature of the warnings given prior to any decision to view the material. In this case, there were warnings provided and the article itself alerted readers to what was contained on the video. However, the Council considers the warnings and the text did not adequately prepare readers for the full effect of the video or eliminate its likely distressing effects.

The video showed the cooking of a small dog while alive, the removal of a large part of its fur, its apparent agony and attempt to flee. The Council considers that even with the warnings and text, it was substantially offensive and distressing.

While the Council considers there may be a public interest in promoting awareness of China's dog meat trade and the inhumane means used to slaughter animals, such a public interest did not justify the level of offence and distress caused by this video.

As the publication could have, for instance, presented selected extracts of the video to reduce the level of offence and distress, the Council concludes it failed to take reasonable steps to avoid causing substantial offence and distress, and without sufficient justification in the public interest. Accordingly, it breached General Principle 6.

### **Complainant/Daily Mail Australia**

*Adjudication 1709 (June 2017)*

The Press Council considered whether its Standards of Practice were breached by the publication of an article by Daily Mail Australia on 10 January 2017, headed "Transgender woman, 24, accused of bludgeoning two innocent people with an axe at 7-Eleven was born as a boy named Karl - but had a sex change two years ago in Thailand to become Evie". It also included sub-headlines that "[i]n 2015, Ms Amati had a sex change operation" and that "[s]he travelled to Thailand for the op after years of identifying as transgender".

The article reported on a transgender woman arrested and charged in relation to a "terrifying axe attack" in Sydney. It reported that she "grew up ... in an Italian family" and identified the Australian capital city and high school she had attended. It said she moved to Sydney in 2010, identifying her university and degree, and published a series of photographs and comments from her Facebook account dating back to

that year. It said she “deleted all the photos of herself from when she was a man” from Facebook with an exception, which it published, identifying the event at which it was taken.

It published the woman’s comments in 2012 about having “wanted to be a girl for a while now”, which it said was “met with enthusiastic support from her friends and family”. It cited a transgender person who inspired her having “discussed composing a ‘coming out’ email to colleagues” at her place of employment, which was identified along with her role she worked in up to the day of the attack. It reported her subsequent social media post that she “gained approval to start hormone replacement therapy”. It included photographs of her “playing as a woman” in a band in 2013 and 2014 and as “Karl” in 2011.

The article said the woman “travelled to Thailand in January 2015 for a sex change” operation and “was accompanied on the trip by her girlfriend”, who was identified by name, including photographs of them together. It also included a photograph from the girlfriend’s Facebook account, which also included the woman’s “mother, sister ... and an unidentified man, along with herself”. The article contrasted the “happy, idyllic scenes of self-affirmation and family love” and the circumstances of the alleged crime.

The article reported that when the woman first appeared in court, she requested supplies of an oestrogen booster and a testosterone suppressor, “both used in male to female transitions”. The article was later updated to note that the woman’s lawyer since attributed the attack to a “combination of sex change drugs and antidepressants”; that it “was widely speculated on social media that the transgender drugs may have contributed to the attack, especially when combined with the antidepressants she also requested”; and that “[t]here was wide public concern about whether [she] would be housed in a male or female prison ... before it was known if she was pre- or post-sex change operation”.

The Council asked the publication to comment on whether, given the significant coverage of the woman’s transgender status and transition history and the coverage of family and friends not involved in the alleged crime, it took reasonable steps to ensure fairness and balance as required by General Principle 3; to avoid causing or contributing materially to substantial offence, distress or prejudice, or a substantial risk to health or safety, unless doing so is sufficiently in the public interest as required by General Principle 6; and to avoid identifying relatives or friends of people accused of a crime unless such references are necessary for the full, fair and accurate reporting of the crime or subsequent legal proceedings, according to Privacy Principle 6.

The publication said it was aware prior to publication of suggestions that the woman’s transition may have influenced the alleged attack, which was carried out around the second anniversary of the surgery, and that this was a factor in deciding to include details of the surgery in the article. It also said after the woman requested transgender drugs, speculation arose about whether these may have contributed to the attack, and referred to its later report that the woman’s lawyers had raised a defence based on the effect of the drugs, so the article was updated to reflect this.

It said all the information in the article about her transgender background had been made publicly available by the woman on Facebook and the article reported on her transition in a positive way, including comments from supportive family and friends.

As to publishing the Facebook posts of the woman’s girlfriend, the names of the girlfriend and sister, and photographs of them as well as her mother and an unidentified man, the publication said these had been publicly available on Facebook for two years and it had tried to contact the woman’s girlfriend before publication for comment, but had been unsuccessful.

## **Conclusion**

The Council is satisfied that the woman’s transgender status was suggested by her request in court to be supplied with certain drugs. The factual material published about the woman’s background appears to have been obtained from her public Facebook page and there is no suggestion it was not presented in an

accurate manner. While the Council is concerned about the many prominent references to the woman's transgender status, especially in the headline and sub-headlines, the Council is satisfied on the material available to it that reasonable steps were taken by the publication to report the factual material with fairness and balance. Accordingly, the Council concludes there was no breach of General Principle 3.

In considering whether the publication took reasonable steps to avoid causing or contributing materially to substantial offence, distress, prejudice or a risk to health or safety, the Council considers it is appropriate to take into account the nature of the alleged crime as reported, that the woman had requested transgender-related and anti-depressant drugs, and that the personal background material was made available publicly by the woman on Facebook. While the Council is concerned about the extensive material in the article about her transgender status, given the nature of the alleged crime and information about the drugs being taken by the woman, the Council does not consider the publication breached General Principle 6 in this respect. Notwithstanding this, the Council considers that the Australian community may be at an early stage of understanding the appropriate approach to reporting transgender issues, and there is a need for caution and sensitivity in reporting on such matters.

However, the publication included photographs of and the full name of her partner, as well as some of her personal Facebook comments. It also named the woman's sister and included photographs of her as well as their mother and an unidentified man with them. It was not necessary to include this level of detail and in any case, the faces of the woman's friends and family could have been pixilated in the photographs. There was no sufficient public interest that justified doing otherwise. Accordingly, the Council considers the publication failed to take reasonable steps to avoid causing or contributing materially to substantial offence, distress or prejudice, or risk to health or safety, and General Principle 6 was breached in this respect. For the same reasons, Privacy Principle 7 was also breached.

### **Complainant/Northern District Times**

*Adjudication 1717 (June 2017)*

The Press Council considered a complaint about the publication of an article in the Northern District Times in print on 23 November 2016, headed "Building's high energy surrounds are too good to ignore", with a similar headline online.

The article appeared in the publication's real estate magazine. It gave the names and ages of the complainant and her partner, an architect, and said they "bought a north facing studio apartment" in a property development. The article provided details of that purchase, including the name and suburb of the development, stating the apartment was next to a named square, that it was a studio apartment, and giving details of the apartment's aspect, floor, and price. This article was then republished by other websites within the media group. The article was placed below another much larger article about the development.

The complainant said the article was incorrect in stating that she and her partner bought the property together as she was the sole purchaser. The complainant said the article infringed her privacy. She did not see or approve of the content of the article before publication, and did not consent to publication of her full name, age, and the location and price of her apartment. The complainant said although her partner gave a brief telephone interview to the publication, he had informed her that he asked the publication not to identify her by name.

The complainant said after publication, she asked the publication to request the republishing websites to remove the article and those within the media group did so. However, the article remained published on a third party's website and the publication did not respond to her when she sought its assistance to have it removed.

The publication said the details relating to the complainant and her partner were provided to it as a 'buyer case study' by the developer's public relations company, which informed it that the complainant's partner was someone who had already purchased one of the units in the development, and was happy to discuss it and be photographed. In an initial contact with the partner, a photograph of the partner was taken for use in the article.

The publication said the complainant's partner took part in a telephone interview with its journalist, and the partner must have been aware he was speaking to a reporter preparing an article for publication about the purchase. In that context, he freely provided information to the publication which was then published in good faith. The publication said throughout the telephone interview the complainant's partner spoke using the collective "we". At no time did he indicate the details provided about himself, the complainant, or the purchase were not to be used or the complainant's permission was required before publication of the article.

The publication also said as soon as the complainant contacted it, it immediately deleted the article from digital channels within its media group and removed traces of it. The publication said the website where the article remains published is an online aggregator of articles, is not associated with its media group, and it has no control over any material appearing on that website.

### **Conclusion**

The Council's Standards of Practice require publications to take reasonable steps to ensure factual material is accurate and not misleading (General Principle 1), to provide a correction or other adequate remedial action if published material is significantly inaccurate or misleading (General Principle 2), and to avoid intruding on a person's reasonable expectation of privacy unless doing so is sufficiently in the public interest (General Principle 5).

On the information available, the Council accepts the complainant's statement that she is the owner of the property, and the inference that the complainant and her partner were both purchasers was not correct. However, the publication relied on information provided to it by the developer's public relations company. The Council considers it was reasonable for the publication to expect the public relations company would know who the purchaser was, and that the person with whom they facilitated contact would be the purchaser. The Council also considers it was reasonable for the publication to rely on the manner in which the complainant's partner discussed the purchase and the circumstance in which he never stated he was not a purchaser. In the circumstances, the Council considers the publication took reasonable steps to ensure accuracy in reporting as it did. Accordingly, General Principle 1 was not breached.

As to taking remedial action, although the Council accepts the complainant was the purchaser, the complainant and her partner were in a relationship. The partner had some practical involvement in the purchase, and he acted as if he was a purchaser. The Council is not satisfied the inaccuracy was significant in the circumstances. In addition, the Council notes the publication took steps to remove the article and its traces from its associated channels. The Council concludes that the publication took reasonable steps to take remedial action. Accordingly, the publication did not breach General Principle 2.

The Council notes that neither the publication nor the complainant provided direct information as to whether consent to publish the information about the complainant and the purchase was requested. In the circumstances, the Council is not able to reject the publication's claim that it reasonably believed the complainant was content for the material to be published. In any event, the Council notes the information published about the complainant as purchaser of the property is publicly available through Land and Property Information NSW. Accordingly, the Council concludes that the publication took reasonable steps to avoid intruding on the complainant's reasonable expectations of privacy and as such, did not breach General Principle 5.

