



Australian  
Press Council

# Annual Report 2019–2020





Australian  
Press Council



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Press Council**

# Annual Report

## 2019-2020

**ANNUAL REPORT NO 44**

Year ending 30 June 2020

**The Australian Press Council**

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A microphone on a stand is visible in the background, slightly out of focus, against a dark blue background. The microphone is silver and black, with a mesh grille. The stand is also visible, extending from the bottom right towards the center.

**The Press Council is responsible for promoting high standards of media practice, community access to information of public interest and freedom of expression through the media.**

**It also sets standards and responds to complaints about material in Australian newspapers and magazines, as well as a growing number of online-only publications.**



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# Foreword

## from the Chair

The 2019-2020 year brought with it an unprecedented challenge – the COVID-19 pandemic. As I write this foreword, WHO has recorded more than three million deaths globally from the virus.

In Australia we are fortunate to have been spared the death tolls experienced by many other countries, but we have seen tremendous pressures on our health systems and economy.

Naturally, the pandemic had an immediate impact on Council's operations - Council meetings were switched to video calls, the office layout was optimised for staff safety, and people quickly adapted to the realities of working from home. There is more detail on the measures taken by Council to cope with the pandemic, but I am pleased to say that the important work of Council in the key area of complaints handling carried on effectively.

As always the Complaints team were kept busy during the year handling complaints and supporting adjudication panels.

Complaints about online-only publications continued to rise, demonstrating the importance of Council's processes evolving to meet the challenges of converged platforms. There were 728 complaints that related to online-only articles compared to last year's 430.

It is almost two years since Australia's major media companies joined forces in the "Right to Know" campaign, calling for reforms to protect public interest journalism in Australia. In October 2019, Nine and News Corp - both Members of the Australian Press Council - along with the ABC, SBS, The Guardian and others, took part in this campaign. The Press Council was proud to support its members in this movement.

One of the gratifying outcomes of this campaign was that it demonstrated that Australians place a high value on press freedom – something which will assist Council as it moves forward to further align its processes with community expectation.

In November 2019, the Press Council released an Advisory Guideline on Reporting on persons with diverse sexual orientation, gender identity and sex characteristics.

The feedback from the many organisations and individuals consulted in the Guideline's development was overwhelmingly positive. One of Council's publisher members also reported positive feedback from its newsrooms, saying they found that the Guideline is supporting better quality reporting.

A number of complaints about the Press Council were made to the Anti-Discrimination Board of NSW. Two of these complaints were finalised in the reporting period, with the Anti-Discrimination Board declining the complaints under section 92(1) of the Anti-Discrimination Act 1977 NSW. Two earlier complaints about Press Council decisions, which were referred to the New South Wales Civil and Administrative Tribunal, remained before the Tribunal at the close of 2019-2020.

I would like to thank both Council members and Council for their continued support during this difficult year.

**Neville Stevens AO**



Australia  
Business Council



# Report from the Executive Director

This year the Press Council made progress with numerous strategic initiatives as it continued with its work of promoting freedom of speech and responsible journalism.

As COVID-19 spread through the community in the second half of the financial year, Council staff began working from home for much of the time. I am pleased to report that this transition was achieved swiftly and effectively, supported by a range of technologies and work practices which were adapted for the new working situation, and which have since led to further strengthening and increased efficiency in the Secretariat's processes.

The remote working and lockdowns which came with the pandemic placed particular stresses on a news media complaints-handling organisation. Thanks to all staff and Council Members for their patience and ingenuity in rising to these challenges.

For the second consecutive year, the Council received a very large number of complaints from a single source and dealt with complaints to the Anti-Discrimination Board (ADB) and the NSW Civil and Administrative Tribunal (NCAT) challenging its decisions. Two complaints to the ADB were finalised during the reporting period and at the end of the financial year two earlier complaints remained before NCAT.

Despite the considerable resources Council needed to apply to these matters, we also made progress on updating standards and taking part in industry education opportunities. In November 2019, the Press Council released an Advisory Guideline on Reporting on persons with diverse sexual orientation, gender identity and sex characteristics. It was met with an overwhelmingly positive response, including from the many organisations and individuals who were consulted in its creation.

In October, the Press Council joined with many of Australia's media organisations in a coordinated national campaign to shine a spotlight on threats to media freedom. The "Right to Know" campaign was very effective in drawing attention to the importance of a free press in a democracy.

The Press Council held a Press Freedom Medal awards ceremony in August 2019 to honour the work of journalists Anthony Dowsley and Louise Milligan. Although their win was announced in last year's Annual Report, the ceremony took place in the current reporting period and proved to be a successful event.

As we have done for several years, the Press Council also supported the Journalism Education and Research Association of Australia's (JERAA) Ossie Award for outstanding student journalism.

In light of funding challenges ahead, Council began a strategic review of its activities to navigate the current industry pressures. This led to very valuable sharing of perspectives from a broad range of stakeholder groups which assisted the Council in prioritising its work in altering conditions.

I would like to express my appreciation to the Chair and Council for their support during this difficult year, and most especially to the Council staff for their expertise, professionalism and dedication in support of the Council's work.

**John Pender**

COMPLAINANTS IN 2019-2020

1,858

**“One of the gratifying outcomes of the Right to Know campaign was that it showed that Australians place a high value on press freedom”**

PRESS COUNCIL CHAIR / NEVILLE STEVENS

COMPLAINTS

1,076

80%

COMPLAINTS UPHeld OR PARTIALLY  
UPHELD BY THE ADJUDICATION PANEL

FORMAL ADJUDICATIONS

20

10

STAFF WORKING AT THE  
COUNCIL SECRETARIAT



Director of Strategic Issues, Isabella Cosenza.

# The Year in Review

## Key Australian Press Council activities

The purpose of the Australian Press Council is to promote freedom of speech and responsible journalism. As identified in its Strategic Plan 2016-2020, it does this by:

- Ensuring effective complaints handling;
- Developing and refining standards, guidelines and industry education; and
- Advocating for press freedom, free speech and responsible journalism.

For the last months of the 2019-2020 year, the Press Council pursued this purpose as the COVID-19 pandemic unfolded. The event called for many changes in workplace organisation so that the organisation's functions could continue to be fulfilled.

Measures taken by the Secretariat to protect staff and visitors at the onset of the COVID-19 pandemic included engaging professionals to organise the office space in a safe manner. Perhaps most importantly, the Secretariat moved swiftly to establish remote working, encouraging all staff to work from home wherever possible.

Council meetings and Adjudication Panel meetings transitioned to video calls with appropriate changes in process. Staff were supported to work from home through regular team meetings via video link, the provision of relevant technology, remote IT support and a range of other measures.

## Complaints handling

The Press Council continued to respond in accordance with its process to complaints about material in Australian newspapers, magazines and online publications.

There were 1076 in-scope and 230 out-of-scope complaints received from 1858 complainants during 2019 - 2020. A discussion of the complaints process, case studies and detailed complaint statistics for the year are detailed in the following two chapters of this report.

A number of complaints about the Press Council were made to the Anti-Discrimination Board of NSW. Two of these complaints were finalised in the reporting period, with the Anti-Discrimination Board declining the complaints under section 92(1) of the Anti-Discrimination Act 1977 NSW. Two earlier complaints about Press Council decisions, which were referred to the New South Wales Civil and Administrative Tribunal, are before the Tribunal.

## Standards, guidelines and industry education

In November 2019, the Press Council released an Advisory Guideline on Reporting on persons with diverse sexual orientation, gender identity and sex characteristics.

This Guideline was produced following extensive consultation with a range of experts, representatives of relevant peak community and health organisations, persons with lived experience, editors, journalists, academics and other stakeholders. The feedback from those consulted in the Guideline's development was positive.

**"We congratulate the Australian Press Council on this work and commend them for taking the initiative in support of their members."**

*Karen Price, Deputy CEO, ACON.*

One of Council's publisher members also reported positive feedback from its newsrooms, as it found that the Guideline is supporting better quality reporting.

The Council continued its work of consulting with a range of community, industry and other groups.

## Advocate for press freedom, free speech and responsible journalism

The Press Council continued to award its annual Press Freedom medal, a prize that generates much community and media interest. There were two 2019 winners, Louise Milligan, an investigative reporter for the ABC's *Four Corners* program, and Anthony Dowsley, the *Herald Sun's* crime investigations journalist. Although the awards were previously reported in the 2018-19 Annual Report, the presentation ceremony took place in Sydney on 30 August 2019.

In October 2019, many of Australia's media organisations, including Press Council members, commenced a national campaign to shine a spotlight on threats to media freedom. The campaign followed raids by the Australian Federal Police on the ABC and the home of News Corp journalist Annika Smethurst in June 2019. The Press Council issued a press release to support this campaign.

Each December, the Journalism Education and Research Association of Australia (JERAA) runs the Ossie Awards to showcase the country's best student journalism. The Press Council supported three awards at the Ossies, the

# The Year in Review

Journalism Student of the year and two awards for media ethics essays.

Claire Capel-Stanley from the University of Melbourne won the 2019 journalism student of the year award. Undergraduate and postgraduate prizes for essays on media ethics were won by Emilia Megroz and Kleo Cruse respectively. Both students studied at Monash University.

The Press Council monitored and evaluated a range of opportunities to make submissions during the reporting period. The Press Council made a submission to the Council of Attorneys-General Defamation Working Party in response to its Background Paper Model Defamation Amendment Provisions 2020 (Consultation Draft) in January 2020 and participated in the Model Defamation Provisions Stakeholder Roundtable in March 2020.

In August 2019 it made a submission to the Parliamentary Joint Committee on Intelligence and Security into the impact of the exercise of law enforcement and intelligence powers on the freedom of the press. In September 2019 it made a submission to the Government on the Findings and Recommendations of the ACCC Digital Platforms Inquiry, and in June 2020 it made a submission to the ACCC regarding the News Media and Digital Platforms Mandatory Bargaining Code.



2019 Press Freedom Medals

## Key organisational enablers

The Press Council continued to develop the key organisational enablers identified in its Strategic Plan:

- Managing relationships well with members and external stakeholders
- Supporting and growing the membership base
- Developing skills and capabilities
- Refining governance structures, and
- Ensuring ongoing financial sustainability.

There were no changes in Secretariat staffing during the year apart from Chrissy Christofa becoming a full-time Complaints Officer in January 2020 in lieu of her previous role.

The attendances by members of the Secretariat at conferences, seminars and other activities to develop skills and abilities after March 2020 were limited due to the impact of COVID-19. Before that time, the team attended the SOCAP conference in August 2019 and a seminar called *'The Harmonised Framework – Digital Platforms & the Media'* in February 2020.

The Secretariat continued to maintain its strong relationships with international Press Councils and similar bodies of relevance to its work.

Council hosted a visit to its offices by the Executive Lead of Samaritans' Media Advisory Service UK, Lorna Fraser. She visited in March, just before COVID-19 restrictions came into play and provided an illuminating perspective on her organisation's work on suicide reporting guidelines in the UK. Sara Bartlett, Hunter New England Local Health's Everymind Acting Program Manager, introduced Lorna and attended the meeting.

To mark National Reconciliation Week in June, Naomi Moran, General Manager of Koori Mail presented to Press Council staff on the recent activities of Koori Mail and how COVID-19 was impacting her region and news gathering.

During the reporting period, Council also met with a group of executives from the International Institute of Communications and hosted a delegation from the UTS Centre for Media Transition.

Pro Bono Australia Pty Ltd, publisher of Pro Bono News, an online-only publication that delivers news to the not-for-profit sector, was approved by the Council as a constituent body in August 2019. Constituent bodies are the publishers and organisations in the media industry that agree to



Director of Complaints, Paul Nangle.

abide by the Australian Press Council's Constitution, provide funding, cooperate with the Council's handling of complaints against them and publish any resultant Adjudications.

In light of potential reductions in funding, the Council decided towards the end of the reporting period to engage in a process of strategic and implementation planning to navigate the current industry pressures, through COVID-19 and beyond.

In June 2020 a range of relevant stakeholders were identified and letters from the Chair were sent to 65 stakeholders including Council members, Adjudication Panel members, and external stakeholders. These letters foreshadowed the Council's intention to undertake strategic planning to navigate current industry circumstances, and to seek views from stakeholders on the Press Council's purpose, its delivery of purpose and its funding into the future. Arrangements to meet with those stakeholders, and the consultations with them, proceeded outside the reporting period.



# Complaints Handling

## The Press Council members enter a binding agreement to comply with its Standards of Practice and its complaints process

Complaints about material published by Press Council members are submitted using a form on the Press Council's website or by post for people who do not have internet access.

Details of the complaints are entered into the Press Council's complaint management system.

The Press Council's complaints team reviews all complaints in detail and meets regularly to discuss them and make recommendations to the Executive Director for further action. This may mean the Press Council seeks further information from the complainant or a response from the publication, contacts the subject of the article (where that person is not the complainant) or explores with the complainant and publication a possible resolution, such as a correction, an amendment, an apology or publication of a letter to the editor.

Some complaints can be eliminated at the outset as out-of-scope if they do not fall within the Press Council's remit, for example complaints about television or radio content. Other complaints may be declined early in the process.

If the complaint is not declined or resolved, it will be investigated further.

Where a complainant has been identified or is directly affected by an article, they are regarded as a 'primary complainant' and have a role throughout the process.

A complainant who is not identified or directly affected is regarded as a 'secondary complainant' and usually ceases to have a direct role in the process after lodging the complaint.

The Executive Director decides which issues are to be considered by the Council as a result of secondary complaints. This happens after considering the complaints themselves and also any other possible breaches of the Council's Standards of Practice that may arise from the material or action in question. The issues will not necessarily include, or be strictly limited to, those which are raised explicitly by the complainant.

If a complaint is to be considered further, a Provisional Summary of Issues document is used to clarify the issues.

This provides a focus for the Press Council's assessment of whether an article complained about complies with the Standards of Practice.

The Executive Director discontinues the complaint if it is considered unlikely that a breach of the Council's Standards of Practice has occurred, or for some other reason the complaint is inappropriate for further consideration. Sometimes a complainant will withdraw a complaint or cease to respond to communication from the Council about it, in which case it will be discontinued.

Complaints may also be dealt with by the Executive Director issuing a letter of advice to the publication and discontinuing the complaint, or by referring the complaint to an Adjudication Panel.

Adjudication Panels are made up of five to seven people. They are chaired by the Press Council's Chair, or one of the Vice-Chairs or a designated Council member. They have equal numbers of public and industry members. Publisher members of the Council do not take part in an Adjudication Panel.

The Final Adjudication is published by the publication as requested by the Executive Director, and also published on the Press Council's website.

The Press Council has no power to order compensation, fines or other financial sanctions. Where a complaint is upheld, the Adjudication may include a reprimand or censure, and may explicitly call for (but not require) apologies, retractions, corrections or other specified remedial action by the publisher. The Adjudication may also call for specific measures to prevent recurrence of the type of breach in question. Of the 1,076 complaints received last year, 20 were considered by an Adjudication Panel. Just over 80 per cent of those were upheld or partially upheld.



### NUMBERS OF COMPLAINTS AND COMPLAINANTS OVER PAST FIVE YEARS

	2019-20	2018-19	2017-18	2016-17	2015-16
New in-scope complaints received during year	1,076	758	554	582	500
Complainants making these complaints	1,858	2,004	959	1387	801
Out-of-scope complaints received during the year	230	183	158	120	167



Director of Complaints,  
Paul Nangle.



Executive Director,  
John Pender.



Complaints and Governance  
Officer, Febe Magno.



Complaints Officer,  
Nathan Saad.



Complaints Officer,  
Chrissy Christofa.

# Case Studies

These examples, along with the full texts of the Press Council's adjudications during the year, illustrate the breadth of complaints and issues considered by Adjudication Panels and how the Press Council's Standards of Practice are applied in particular situations.



## Adjudication 1766:

### Complainant / The Courier-Mail (July 2019)

The Threatened Species Recovery Hub ("the Hub") complained about an article headed "Mega-mine's future in hands of greenies" in print on page 2, "Birds of a feather in review of mega-mine" on page 4 and "QLD POLITICS: Anti-coal group could have final say on Adani mine" online.

The article reported that the Hub was "hand-picked by the Palaszczuk Government to review one of the [Adani] mine's environmental management plans" and reported it as "an environmental group whose members champion radical action on climate change, oppose coal and have appeared as expert witnesses against Adani". It said the "Hub's leaders have also used social media to advocate for radical action to tackle climate change, oppose coal-fired power and condemn mining." The article quoted an Adani spokesperson who criticised the Hub for being "compromised" and "incapable of providing an independent review".

The complainant said the article was inaccurate, as the Hub had not in fact been appointed to conduct the review. The Complainant said the article's references to the Hub as an "anti-coal group", "greenies" and an "environmental group" were inaccurate, misleading and damaging to the Hub's reputation as a world-class scientific organisation. The complainant said that the article's references to it as "compromised" and "incapable of providing an independent review" were unfair, misleading and undermined its legitimacy. It also said it was not contacted by the publication prior to the publication of the article and was not able to have its response included in the article.

The publication said it received direct confirmation from the Queensland Government that the Hub was conducting the review, and that this error on the part of the Queensland Government was clarified in detail in a subsequent article. It had also updated the online version of the original article to clarify that the Hub was not carrying out the review and published an opinion piece by the Deputy Director of the Hub defending its scientific practices. The publication said that it was not inaccurate to describe the Hub as an "environmental group" or "greenies" as it is a collection of experts whose activities have an environmental focus. The publication also said the "anti-coal" reference in the online headline described the fact that the majority of the people profiled as members of the group hold views that are either critical of the Adani project or coal mining in general. It also

noted the phrases “compromised” and “incapable of carrying out a review” were reported as direct quotes from the Adani spokeswoman.

The Press Council accepted that the Queensland Government incorrectly informed the publication that the Hub was conducting the review and accordingly, the publication had taken reasonable steps to report this accurately. Given the nature and purpose of the Hub, the Council considered the publication also took reasonable steps to be accurate, fair and balanced in using the terms “greenies” and “environmental group”.

The Council considered that the activities of some individual members of the Hub referred to in the article did not provide a reasonable factual basis for describing the Hub itself in the online headline as an “anti-coal group”. Accordingly it concluded General Principles 1 and 3 were breached in these respects. The Council also noted that the terms “compromised” and “incapable of carrying out a review” were not presented as fact or comment by the publication but as direct quotations from the Adani spokesperson. However the publication did not contact the Hub for comment prior to publication and the Council considers that it was not reasonably fair and balanced to only present Adani’s perspective.

As to remedial action the Council noted the later article, print correction, note to the online article and the complainant’s acceptance of these as reasonable in relation to correcting the substantial inaccuracy that the Hub itself had been appointed. The Council did not consider the publication failed to take reasonable steps to provide a reply.

**The Council partially upheld the complaint. The publication published the adjudication in print and online on 29 July 2019.**

## Adjudication 1764:

### Gary Ebeyan / The Age – Domain (October 2019)

Gary Ebeyan complained about an article published by The Age online via the Domain section headed “Toorak mansion to sell for \$52 million, in Victoria’s second-most expensive sale”. The article reported that the property was “set to change hands” for a record \$52 million, the second-highest price ever paid for a property in Victoria. It stated that multiple industry sources confirmed the deal. The article included the address of the property, the names of the owners, details regarding the past transfer of the property, and a photo of the property.

The complainant said the article inaccurately reported that his property was being sold for \$52 million. The complainant said there had been no sale, negotiations or even intention to sell the property. The complainant said the publication took six days to remove the article, despite repeatedly informing it that the article was wrong. The complainant said that the article has caused his family significant distress and breached their privacy by publishing their personal information. He said the figure of \$52 million was highly inflated, causing significant unwanted publicity and potentially exposing his family to danger.

The publication said that the information regarding the sale was provided by three separate real estate agents and that the reporter made several unsuccessful attempts to independently verify the information with documentary evidence. It said the story made clear that the sale had not yet settled, that the exact sale price was unknown, and indicated that the information was obtained via word of mouth. The publication acknowledged that it had an obligation to confirm the transaction with the property owner, purchaser, or their representatives before publication and this was not done. The publication said that it had taken proactive steps to prevent recurrence of these matters. It said the delay in removing the article was due to staff leave and indications from its sources that supporting documents would soon be available. It later removed the article and published a correction and apology two months after the article was published. The publication said that publishing a property’s expected sale price is not an uncommon practice, and therefore does not breach a person’s reasonable expectations of privacy.

The Council considered that the absence of documentation corroborating a sale and a sale price should have prompted the publication to take further steps to confirm the existence of a possible sale before publishing the article. Accordingly, it did not take reasonable steps to verify its sources’ claims.

The Council noted the remedial action taken by the publication but considered that the publication ought to have taken prompt remedial action as soon as it was brought to its attention that the article was inaccurate. Accordingly, it failed to adequately remedy the article’s significant inaccuracy.

The Council considered that the complainant had a reasonable expectation that the details regarding his property and family would not be published as

# Case Studies

it was not accurate. The exceptionally high sale price reported drew significant attention to the complainant and his family and was inconsistent with the property's market value. The publication could have sought prior comment from the complainant but did not. The Council concluded that the publication did not take reasonable steps to avoid intruding on the complainant's reasonable expectations of privacy, and there was no public interest in publishing the information.

**The complaint was upheld and the adjudication was published online by the publication on 24 October 2019.**



## Adjudication 1765: Complainant / The Australian (October 2019)

The Press Council considered whether its Standards of Practice were breached by an article published in The Australian on 10 November 2018, headed "Violent Islam Strikes Bourke Street" on the front page and continuing on page six, headed "Violent Islam hits at heart of Bourke St". The article was also published online headed "Violent Islam terror attack strikes Melbourne's Bourke St."

The article reported that a "terrorist drove a burning ute into the heart of Melbourne's Bourke Street ... and stabbed three people, killing one, had links to Islamic extremists, was a person of interest to Victoria Police and was known to federal intelligence agencies". The Council noted that complaints concerned the use of "Violent" as a descriptor for Islam and said the headline may imply that Islam is responsible for the actions of a minority among the faith.

The Council acknowledged that the headline can be read in a way that does not attribute responsibility for the attack to the religion of Islam as a whole and that the contents of the article report specifically about the individual who perpetrated the attack. However, readers could also infer from the headline that "violent" is being used as a descriptor for Islam generally and, as such, the headline may give an impression that the religion of Islam as a whole is responsible for the Bourke Street attack. The Council considered that, in not making it sufficiently clear that the "violent" descriptor referred to the conduct of the attacker and not Islam as a whole, the publication did not take reasonable steps to present factual material in the headline with reasonable fairness and balance. Accordingly, the publication breached General Principle 3.

Given it was not made sufficiently clear that the religion of Islam as a whole was not responsible for the attack, the Council also considered that the publication did not take reasonable steps to avoid contributing to substantial prejudice which was not justified by the public interest and General Principle 6 was also breached.

**The Council upheld the complaint. The publication published the adjudication in print and online on 12 October 2019.**

## Adjudication 1750:

### Bachmai Ledinh / Daily Mail Australia (November 2019)

Bachmai Ledinh complained about an article reporting on the funeral service for her father, the late Mr Ledinh, which included eight photographs of mourners at the funeral.

The complainant said the publication's photographer entered her father's funeral service and took pictures without the family's permission. She said that after the ceremony she and other family members asked the photographers to leave and to delete the pictures and recordings made. The complainant said the media attendance was intrusive and did not stay a respectful distance from mourners. The complainant said that by publishing the names of family members the publication breached their privacy. The complainant said while there may be public interest in the events surrounding her father's murder, there was no justification for entering the funeral, taking photos and reporting about the event without the family's permission.

The publication said it was told by a close friend of Mr Ledinh's family that its staff could attend to cover the funeral. It also received an email from a long-time friend of Mr Ledinh which included a copy of the funeral notice and an invitation to forward it to others. The publication said its reporter saw other media reporters being ushered into the funeral by a man who appeared to be in charge, and who told them they could enter. The publication said that in these circumstances its reporter believed the family had consented to it covering the second portion of the funeral. The publication said its reporter stayed at the back of the service while the photographer moved closer to the front taking pictures at a respectful distance from the family. The publication said its photographer was later approached by three women and asked to delete the photographs. Although the photographer complied, some earlier photographs had already been sent to the publication. The publication said it never intended to cause distress, noting the delicate balance between the public's right to know and the need for people to grieve privately.

The Council considered that consent to attend and cover a funeral should usually be sought from the family or the funeral director. The Council considered that consent was not provided by the funeral director or directly by the family but noted the publication had a reasonable



basis for believing that a friend had provided consent on behalf of the family. The Council noted that the publication was ultimately ushered into the funeral by a man who presented himself to the publication and to other media representatives as authorised to grant or refuse entry.

However the Council considered that after family members made it clear to the publication it did not have consent from the family to attend or to take or use photographs, the publication should not have used the information and images obtained at the funeral. Accordingly the publication failed to take reasonable steps to avoid intruding on the family's reasonable expectation of privacy. While there was a public interest in the circumstances of Mr Ledinh's death and in reporting on the funeral, that public interest was not sufficient to justify the publication of photographs once the wishes of the family had been clearly conveyed to the publication. The Council also considered that the use of the photographs caused substantial offence and distress and that the public interest in the circumstances of Mr Ledinh's death was not sufficient to justify the offence and distress caused.

The Council did not consider the material was published by deceptive or unfair means, as there was a reasonable basis for the publication's reporter and photographer to believe initially that the family consented to them entering the venue and taking photographs.

**The complaint was partially upheld. The publication published the adjudication online on 1 November 2019.**



# Alternative Remedies

## Complainant/ The Age

The complainant, a Professor of Economics, complained that he was inaccurately quoted in the article as forecasting a five percent drop in house prices in Sydney and Melbourne, when he had in fact predicted significant price increases. The complainant said this inaccuracy was potentially damaging to his reputation as an expert.

In response, the publication acknowledged the error and published corrections in print on page 2 of the Sunday editions of both The Age and The Sydney Morning Herald newspapers.

The complainant was satisfied with the remedial action taken by the publication.

## Complainant/ The Examiner

The complainant submitted a letter to the editor which was published by The Examiner. He complained that the publication had inaccurately edited the letter so that it referred to the Federal Treasurer rather than the Tasmanian Treasurer as intended.

In response to the complaint, the publication amended the online version of the complainant's letter to rectify its mistake. It also agreed to review its letter approval and editing process to prevent a similar error from occurring.

The Executive Director considered the action taken by the publication sufficiently remedied the complaint.

## Complainant/ Fremantle Herald

The complainant expressed concern that an article reporting on community concerns over an alleged brothel contained graphic sexual content that may be offensive and/or distressing.

In response, the publication maintained that the details reported provided necessary content to the article, which was strongly in the public interest to report. However, the publication agreed to amend the online article by adding a prominent adult content warning to the top of the article.

The Executive Director considered the adult content warning sufficiently remedied the complaint.

## Complainant/ The Sydney Morning Herald

The complainant expressed concern about an opinion article in which the writer suggested limited missile strikes by the United States against Iran may be necessary to avoid a wider conflict. The complaint noted the writer was a member of the board of a weapons manufacturer, and that this was not disclosed in the article.

In response, the publication updated the article's byline to explicitly state the writer had been appointed to the arms manufacturer's board of directors as of December 2015.

The Executive Director considered this sufficiently remedied the complaint.

**"Many thanks for this... the response has been suitable and we thank you for it."**

Complainant / The Age

# Complaints and Complainants

## Complaints received

New in-scope  
complaints received  
during the year  
1,076

Out-of-scope  
complaints received  
during the year  
230

Complainants  
making these  
complaints  
1,858

## Complaints closed

In-scope complaints  
868

Complainants  
2,712

Out-of-scope  
complaints  
230

Issues raised in  
complaints  
1,183



## COMPLAINANTS

Individuals	1,014
Associations, companies and other non-government bodies	65
Government and other public bodies	6
Politicians, councillors, electoral candidates and political parties	8
Other	5
<b>Total (in-scope and out-of-scope)</b>	<b>1,098</b>

## PUBLICATIONS

Newspapers and their digital platforms	
National	387
State	367
Regional and rural	144
Suburban	108
Magazines and their digital platforms	6
Online-only publications	38
Other	48
<b>Total (in-scope and out-of-scope)</b>	<b>1,098</b>

## TYPE OF PLATFORM

Online-only	728
Online and social media	2
Print	131
Print and online	219
Print, online and social media	1
Social media	1
Unspecified	16
<b>Total (in-scope and out-of-scope)</b>	<b>1,098</b>

## OUTCOMES OF COMPLAINTS

Declined by the Council at initial stage	501
Discontinued	123
Discontinued with Letter-of-Advice	7
Withdrawn	83
Remedy without adjudication	73
Not pursued by complainant	61
Adjudication – complaint fully or partially upheld	16
Adjudication – not upheld	4
Out-of-scope	230
<b>Total</b>	<b>1,098</b>

## REMEDIES WITHOUT ADJUDICATION

Apology (public or private)	0
Retraction, correction or clarification published	16
Material deleted entirely	1
Follow-up article published	0
Amendment to article	55
Other private action/explanation	0
Other published action	1
<b>Total</b>	<b>73</b>

## ISSUES RAISED

Accuracy/misleading	317
Corrective action	52
Fairness and balance	229
Publication of a reply	51
Intrusion on privacy	93
Offence/prejudice/distress	422
Unfair or deceptive means	5
Conflict of Interest	14
<b>Total</b>	<b>1,183</b>

# Council Membership and Staff



Chair, Neville Stevens AO.



Vice-Chair, Julie Kinross.

The governing body of the Press Council comprises

- » The independent Chair
- » Public members who have no affiliation with a media organisation
- » Constituent members nominated by publishers of newspapers, magazines and online media, as well as by the principal union for employees in the media industry
- » Independent journalist members.

During the 2019-2020 period, Council welcomed three new independent Journalist Members – Peter Greste, Julie Flynn and Kirstie Parker.

Council also welcomed Lyn Maddock, AM, who joined Council as a Public Member, and Erik Jensen, Editor-in-Chief of Schwartz Media, who was elected to Council as a Small Publisher Representative.

Mike Steketee's second term as a Journalist Member expired on 31 December 2019. The Chair thanked Mike for his service and nominated him for appointment to Council's Adjudication Panel as an Industry Member for a period of one year from 31 December 2019.

The term of Vice-Chair The Hon John Doyle, AC, expired during the period.

Publisher Members who resigned during the reporting period were Simon King (nine.com.au) and Paul Merill (Bauer Media Group – Are Media).

There were also several reappointments: Matthew Ricketson (Industry Member); John Bedwell (Public Member); John Doyle (Public Member), and Suzanne Martin (Public Member).

Director of Strategic Issues Isabella Cosenza,  
Administrative Assistant Monica Park,  
Complaints Officer Chrissy Christofa and  
Complaints and Governance Officer Febe Magno  
at the 2019 Press Freedom Medal Awards Ceremony.





Small Publishers' Representative, Erik Jenson.



Independent Journalist Member, Kirstie Parker.

## 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.

They provide funding, cooperate with the Council's handling of complaints against them and publish any resulting adjudications.

There were no new entrants during the reporting period.



Chairman Neville Stevens with Press Freedom Medal winner Anthony Dowsley.



Press Freedom Medal winner Louise Milligan.

## Council Members at 30 June 2020

Neville Stevens AO	Chair
Julie Kinross	Vice Chair
John Bedwell	Public Member
Jennifer Elliot	Public Member
Dr Felicity-Ann Lewis	Public Member
Dr Suzanne Martin	Public Member
Prof Andrew Podger AO	Public Member
Zione Walker-Nthenda	Public Member
Lyn Maddock	Public Member
Peter Greste	Independent Journalist Member
Julie Flynn	Independent Journalist Member
Kirstie Parker	Independent Journalist Member
David Braithwaite	Nine.com.au
Lachlan Heywood	Daily Mail Australia
Erik Jensen	Small Publisher Members Representative
Prof Matthew Ricketson	MEAA
Holly Nott	AAP
Glenn Stanaway	News Pty Limited
Bob Yeates	Country Press Australia

### ADJUDICATION PANEL MEMBERS

John Fleetwood  
 Julian Gardner AM  
 Melissa Seymour-Dearness  
 David Fagan  
 Bob Osburn  
 Russell Robinson  
 Susan Skelly  
 Mike Steketee  
 Barry Wilson

### SECRETARIAT AT 30 JUNE 2020

John Pender	Executive Director
Isabella Cosenza	Director of Strategic Issues
Paul Nangle	Director of Complaints
Chrissy Christofa	Complaints Officer
Nathan Saad	Complaints Officer
Dorothy Kennedy	Media Consultant
Febe Magno	Complaints and Governance Officer
Monica Park	Administrative Assistant
Joelle Patten	Office Manager

# Council Membership and Staff



Director of Strategic Issues, Isabella Cosenza.

## 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.

The Adjudication 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.

The Constituent Funding 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.

The Administration and Finance 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 Media Entertainment and Arts Alliance (MEAA).

## Secretariat

There were no changes in Secretariat staffing during 2019-2020.



Administrative Assistant, Monica Park.



Media Consultant, Dorothy Kennedy.



Press Council Vice-Chair The Hon. John Doyle and Publisher Member representative Paul Merill with staff at the Press Freedom Medal awards ceremony.



Complaints Officer, Nathan Saad.

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.

# Finances

The main activities of the Press Council are to promote high 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 financial year 2019 - 2020 were \$2,153,070. There was no increase in contributions from 2018 - 2019.

## Funding in 2019 - 2020

Contributions are made by constituent bodies according to a sliding scale based on the agreed budget for the year. Contribution bands for the financial year 2019-2020 were as follows:

- Up to one per cent each: Adelphi Printing, Altmedia Pty Ltd, At Large Media, Australian Property Journal, Australian Rural Publishers Association, Beaconwood Holdings, Budsoar Pty Ltd, The Bushland Shire Telegraph, Country Press Australia, Crinkling News, Echo Publications, Focal Attractions, Highlife Publishing, Independent Australia, Inside Story, National Indigenous Times Holdings, The New Daily, Private Media, Radiowise Productions, Schwartz Media (Trustee for the Liberty 2701 Trust in relation to The Saturday Paper and Trustee for The Monthly Trust in relation to The Monthly), Solstice Media, Agenda Media, WorkDay Media, Western Sydney Publishing Group
- 1-10 per cent each: Australian Associated Press, Bauer (Are Media Group), Daily Mail.com Australia, HT&E, Media Entertainment and Arts Alliance, nine.com.au - part of the Nine Entertainment Group
- 11-30 per cent: Fairfax Media - part of the Nine Entertainment Group
- 31-60 per cent: News Corp Australia.

## Triennial commitments

Constituent bodies agree on specific funding commitments for up to three years in advance. For 2019-21 the agreed increase in contributions was nil. As at the end of the reporting period, funding commitments beyond 2020-21 had not been determined.

## PROFIT AND LOSS

### THE AUSTRALIAN PRESS COUNCIL INC

For the year ended 30 June 2020

ACCOUNT	30 June 2020	30 June 2019
<b>Income</b>		
Core funding (CBs)	2,153,070	2,153,255
Interest	12,347	8,345
Other Income	72	12,378
Sundry Income	0	400
Make Good reversal	75,680	0
Government response to COVID 19	50,000	0
<b>Total Income</b>	<b>2,291,169</b>	<b>2,174,378</b>
<b>Expenses</b>		
Accounting fees	0	191
Amortisation expense	9,853	21,939
Audit fees	12,700	10,000
Bad debts expense	51,173	51,173
Bank fees	3,353	3,736
Consulting and professional fees	101,767	187,440
Cost of meetings and consultations	86,459	151,403
Depreciation	9,580	11,376
Depreciation ROU	155,452	0
Insurance	35,718	16,770
Interest ROU	24,007	0
IT development and support	15,021	25,151
Lease rentals on operating lease	46,387	177,216
Leave pay	11,093	43,811
Long service leave expense	6,634	23,608
Make good expense	0	47,498
Office equipment (<\$300)	1,280	280
Office refit/location (66210)	0	17,810
Other employee expense	11,264	19,166
Postage and couriers	1,047	3,943
Printing and stationery	38,346	46,014
Salaries	1,059,847	1,061,975
Security costs	3,583	3,563
Software expenses	2,326	4,016
Staff training	11,818	23,810
Storage/filing	4,181	5,503
Subscriptions	10,582	9,930
Sundry expenses	77	(150)
Superannuation	100,085	102,015
Telephone and internet	30,649	32,219
Travel and accommodation	5,040	0
Utilities	5,551	4,959
Website development	8,290	30,000
<b>Total Expenses</b>	<b>1,898,332</b>	<b>2,136,365</b>
<b>(Deficit)/Surplus before income tax</b>	<b>392,837</b>	<b>38,013</b>

## BALANCE SHEET

### THE AUSTRALIAN PRESS COUNCIL INC

As at 30 June 2020

ACCOUNT	30 June 2020	30 June 2019
<b>Assets</b>		
<b>Current Assets</b>		
Cash and cash equivalents	2,165,037	1,238,045
Trade debtors and other receivables	146,308	814,065
<b>Total Current Assets</b>	<b>2,331,345</b>	<b>2,052,110</b>
<b>Non-current Assets</b>		
Property, plant and equipment	18,974	18,971
Intangible assets	12,682	9,370
Right of use assets (ROU)	509,387	0
<b>Total Non-current Assets</b>	<b>541,043</b>	<b>28,341</b>
<b>Total Assets</b>	<b>2,852,388</b>	<b>2,080,451</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Trade and other payables	129,479	206,765
Current tax liabilities	117,104	142,488
Short-term provisions	0	75,680
Employee benefits	73,211	62,118
Deferred income	1,088,301	1,094,322
Lease liabilities (ROU)	134,088	0
<b>Total Current Liabilities</b>	<b>1,542,183</b>	<b>1,581,373</b>
<b>Non-current Liabilities</b>		
Employee benefits	46,217	39,583
Lease liabilities (ROU)	411,656	0
<b>Total Non-current Liabilities</b>	<b>457,873</b>	<b>39,583</b>
<b>Total Liabilities</b>	<b>2,000,056</b>	<b>1,620,956</b>
<b>Net Assets</b>	<b>852,332</b>	<b>459,495</b>
<b>Equity</b>		
Retained earnings	852,332	459,495
<b>Total Equity</b>	<b>852,332</b>	<b>459,495</b>

# Member Publications

As at 30 June 2020, the following titles were published by, or were members of, the constituent body under which they are listed. They were subject to the Press Council's jurisdiction in relation to standards of practice and adjudication of complaints.

## **ARE MEDIA (includes former Bauer and Pacific titles)**

4X4 Australia  
4X4 Australia One Shots  
Ashy Bines Special  
Australian Women's Weekly  
Aust Motorcycle Grand Prix  
AWW Food  
AWW Lifestyle  
AWW Puzzler  
Belle  
Better Homes & Garden  
Better Homes & Gardens - All I Want For Xmas  
Better Homes & Gardens - Knitting & Crochet  
Better Homes & Gardens Code Cracker  
Better Homes & Gardens One Shots  
Better Homes & Gardens Puzzle Book  
Better Homes & Gardens Sudoku  
Bluey  
Country Style  
Country Style Calendar  
Country Style Diaries  
Country Style One Shots  
Deals on Wheels  
Diabetic Living  
Diabetic Living One Shot  
Earth Movers and Excavators  
Empire  
Family Circle  
Family Circle Puzzler  
Farms and Farm Machinery  
Gourmet Traveller  
Gourmet Traveller Cookbook  
Healthy Mummy  
Home Beautiful  
Home Beautiful One Shots  
House & Garden

House & Garden Special  
Inside Out  
Inside Out One Shots  
Marie Claire  
Marie Claire One Shot  
Motor  
Motor Special  
Mr Wisdoms Sudoku  
Mr Wisdoms Whopper  
New Idea  
New Idea Jumbo Puzzler  
New Idea One Shots  
New Idea Royals  
Owner Driver  
Puzzler Special  
Real Living  
Street Machine  
Street Machine Specials  
TAKE 5  
TAKE 5 Mega Puzzler  
TAKE 5 Monthly  
TAKE 5 One Shots  
TAKE 5 Pocket Puzzler  
That's Life  
That's Life Bumper Puzzle  
That's Life Code Crackers  
That's Life Mega Monthly  
That's Life Puzzler On The Go  
That's Life Wordsearch  
The Block  
TV Week  
Unique Cars  
Unique Cars Special  
Wheels  
Wheels Specials  
Who  
Who One Shots  
Woman's Day  
Woman's Day One Shot

Woman's Day Puzzler  
F1 Aust Grand Prix Program  
**Country Press Australia**  
Alexandra Eildon Marysville Standard  
Allora Advertiser  
Apsley Advocate  
Ararat Advocate  
Bairnsdale Advertiser  
Ballarat Times News  
Barcoo Independent  
Barham Bridge  
Barossa Valley Leader  
Barrier Daily Truth  
Beauresert Bulletin  
Beaufort Pyrenees Advocate  
Beechworth Ovens & Murray Advertiser  
Benalla Ensign  
Bendigo Times  
Berwick Star News  
Border Times  
Border Watch  
Border Watch  
Bridge-Yarram District  
Brimbank & Northwest Star Weekly  
Buloke Times  
Bundaberg Today  
Bunyip Gawler  
Burdekin Local News  
Cairns Local News  
Camperdown Chronicle  
Canberra Weekly  
Canungra Times  
Capaspe News  
Cassowary Coast Independent News  
Casterton News  
Castlemaine Mail  
Central & North Burnett Today  
Circular Head Chronicle  
Clifton Courier  
Cobden Timboon Coast Times  
Cobram Courier  
Colac Herald  
Collie River Valley Bulletin  
Cooloola Bay Bulletin  
Cooloola Coast News  
Coolool & North Shore Advertiser  
Coonabarabran Times  
Coonamble Times  
Corryong Courier



CQ Today  
 Cranbourne News  
 Dandenong Journal  
 Dimboola Banner  
 Dubbo Photo News  
 East Gippsland News  
 Euroa Gazette  
 Fassifern Guardian  
 Ferntree Gully Belgrave Star Mail  
 Foster Mirror  
 Free Press  
 Gannawarra Times  
 Geelong Indy  
 Geelong Times  
 Gilgandra Weekly  
 Glasshouse Country & Melany News  
 Gympie Today  
 Hamilton Spectator  
 Hervey Bay Advertiser  
 High Country Herald  
 Highlands Leader  
 Hinterland Times  
 Hopetoun Courier  
 Horsham Times  
 Hunter River Times  
 Huon Valley News  
 Kilcoy Sentinel  
 King Island Courier  
 Kingborough Chronicle  
 Kyabram Free Press  
 Lakes Post  
 Latrobe Valley Express  
 Leongatha Star  
 Lockyer & Somerset Independent  
 Loddon Herald  
 Loddon Times  
 Longreach Leader  
 Loxton News  
 Mackay Local News  
 Mansfield Courier  
 Mareeba Express  
 Maribyrnong & Hobsons Bay Star  
 Weekly  
 Maryborough Advertiser  
 Mclvor Times  
 Meander Valley Gazette  
 Melton & Moorabool Star Weekly  
 Midland Express  
 Mildura Weekly

Monaro Post  
 Moorabool News  
 Mortlake Dispatch  
 Mount Evelyn Star Mail  
 Mountain View Star News  
 Mt Barker Courier  
 Murray Pioneer  
 My Village News  
 My Weekly Preview (Magazine)  
 MyCity Logan  
 Myrtleford Times /Alpine Observer  
 Narrabri Courier  
 Newcastle Weekly  
 Nhill Free Press & Kaniva Times  
 Noosa Today  
 North Central Review  
 North West Express  
 Northern Star Weekly  
 Numurkah Leader  
 Nyngan Weekly  
 Oakey Champion  
 Ocean grove Voice  
 Officer News  
 Pakenham Berwick Gazette  
 Park Ridge News  
 Pastoral Times  
 Pennola Penant  
 Phillip Island Advertiser  
 Pittsworth Sentinel  
 Plains Producer  
 Portland Observer  
 Rainbow Jeparit Argus  
 Ranges Trader Star Mail  
 River News  
 Riverine Grazier  
 Riverine Herald  
 Robinvale Sentinel  
 Sale Gippsland Times &  
 Maffra Spectator  
 Sea Lake & Wycheproof Times  
 Seymour Telegraph  
 Shepparton Adviser  
 Shepparton News  
 Snowy River Mail  
 South Burnett Today  
 South Eastern Times  
 South Gippsland Sentinel Times  
 Southern Argus  
 Southern Free Times

Southern Riverina News  
 St Arnauld North Central News  
 Sunbury & Macedon Ranges Star Weekly  
 Sunny Coast Times  
 Sunraysia Daily  
 Sunraysia Life  
 Sunshine Valley Gazette  
 Surf Coast Times  
 Swan Hill Guardian  
 Tarrangower Times  
 Terang Express  
 The Bugle  
 The Everton Echo  
 The Hills Echo  
 The Journal  
 The Rural Leader  
 Tumut & Adelong Times  
 Twin Town Times  
 Two Wellls Echo  
 Upper Yarra Star Mail  
 Wangaratta Chronicle  
 Warracknabeal Herald  
 Warragul & Drouin Gazette  
 Weekly Advertiser  
 West Gippsland Trader  
 West Wimmera Advocate  
 West Wyalong Advocate  
 Western Downs Town & Country  
 Wet Tropic Times  
 Whitsunday News  
 Wyndham Star Weekly  
 Yarram Standard  
 Yarrowonga Chronicle  
 Yass Valley Times  
 Yea Chronicle  
 Yorke Peninsula Times  
**News Corp Australia**  
 Albert and Logan News  
 Australia's Best Recipes  
 Ballina Shire Advocate  
 Bayside Leader  
 Blacktown Advocate  
 Byron Shire News  
 Caboolture Herald  
 Cairns Post  
 Canberra Star  
 Canterbury Bankstown Express  
 Caulfield Port Phillip Leader  
 Central and North Burnett Times

# Member Publications

Central Coast Express  
Central Queensland News (Emerald)  
Central Sydney  
Chinchilla News  
City  
Cranbourne Leader  
Daily Mercury (Mackay)  
Dalby Herald  
Delicious  
Fairfield Advance  
Frankston Leader  
Fraser Coast Chronicle  
Gatton Star  
Geelong Advertiser  
Gladstone Observer  
Gold Coast Bulletin  
GQ Australia  
Greater Dandenong Leader  
Herald Sun  
Hills Shire Times  
Hornsby Advocate  
Inner West Courier  
Kids News  
Kidspot  
Knox Leader  
Lilydale and Yarra Valley Leader  
Liverpool Leader  
Macarthur Chronicle  
Manly Daily  
Maribyrnong Leader  
Maroondah Leader  
Messenger West  
Monash Leader  
Moonee Valley Leader  
Moorabbin Leader  
Mordialloc Chelsea Leader  
Moreland Leader  
Mornington Peninsula Leader  
Mosman Daily  
News Mail (Bundaberg)  
News.com.au  
Noosa News  
North Shore Times  
North West Coast News  
Northern District Times  
Northern Leader  
NT News  
Parramatta Advertiser  
Penrith Press

Pine Rivers Press  
Redcliffe & Bayside Herald  
Redlands Community News  
Rural Weekly, a national title.  
Seniors News Servicing  
    Queensland and NSW  
South Burnett Times  
South-West Satellite  
Southern Courier  
St George Shire Standard  
Stanthorpe Border Post  
Stonnington Leader  
Sunday Herald Sun  
Sunshine Coast Daily  
Taste.com.au  
The Adelaide Hills News  
The Advertiser  
The Albury Wodonga News  
The Australian  
The Ballarat News  
The Barossa Clare Gawler News  
The Bass Coast News  
The Bendigo News  
The Blue Mountains News  
The Centralian Advocate  
The Coffs Coast Advocate  
The Courier-Mail  
The Daily Examiner (Grafton)  
The Daily Telegraph  
The Dubbo News  
The Goulburn Valley News  
The Gympie Times  
The Illawarra Star  
The Launceston News  
The Melbourne City News  
The Mercury  
The Messenger East  
The Messenger North  
The Messenger South  
The Mid-North Coast News  
The Mildura News  
The Morning Bulletin (Rockhampton)  
The Mount Gambier News  
The Newcastle News  
The North Lakes News  
The Northern Star (Lismore)  
The Port Lincoln News  
The Queensland Times (Ipswich)  
The South Coast News

The Springfield News  
The Sunday Mail  
The Sunday Mail  
The Sunday Tasmanian  
The Sunday Telegraph  
The Sunday Territorian  
The Upper Spencer Gulf News  
The Wagga News  
The Weekly Times  
The Western Star (Roma)  
Toowoomba Chronicle  
Townsville Bulletin  
Tweed Daily News  
Vogue  
Vogue Living  
Warwick Daily News  
Wentworth Courier  
Western Times (Charleville)  
Westside News  
Whitehorse Leader  
Whitsunday Times  
Wyndham Leader  
Wynnum Herald

## **Nine Entertainment Co Holdings Ltd**

The Sydney Morning Herald  
The Sun Herald  
The Age  
The Australian Financial Review  
Nine.com.au  
The Sunday Age  
WA Today  
Brisbane Times

## **Adelphi Printing Pty Ltd**

Monthly Chronicle

## **Agenda Media Pty Ltd**

Women's Agenda

## **Altmedia Pty Ltd**

City Hub  
City News  
Bondi View  
Inner West Independent

## **At Large Media**

The New Matilda

## **Beaconwood Holdings Pty Ltd**

Great Southern Weekender

**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****The Byron Shire Echo**

Echo Net Daily

**Focal Attractions**

Mumbrella

**Highlife Publishing Pty Ltd**

Highlife Magazine

Property Life

**HT&E Limited****Independent Australia Pty Ltd**

Independent Australia

**Inside Story Publishing Pty Ltd**

Inside Story

**The New Daily**

The New Daily

**National Indigenous Holdings Pty Ltd**

National Indigenous Times

**Private Media**

Crikey

The Mandarin

SmartCompany

**Propertyreview.com.au**

Australian Property Journal

**Radiowise Productions Pty Ltd**

RadiInfo.com.au

**Schwartz Media**

The Saturday Paper

The Monthly

**Solstice Media**

In Daily

**Western Sydney Publishing Group**

Western Weekender

Western Property

**WorkDay Media**

Banking Day



### COMPLAINANTS

Individuals	
Associations, companies and other non-government bodies	1,014
Government and other public bodies	85
Politicians, councillors, electoral candidates and political parties	4
Other	8
Total (in-scope and out-of-scope)	1,098

### PUBLICATIONS

Newspapers and their digital platforms	
National	387
State	347
Regional and rural	146
Suburban	108
Magazines and their digital platforms	9
Online-only publications	39
Other	48
Total (in-scope and out-of-scope)	1,098

### TYPE OF PLATFORM

Online-only	
Online and social media	728
Print	2
Print and online	131
Print, online and social media	219
Social media	1
Unspecified	1
Total (in-scope and out-of-scope)	1,098

### OUTCOMES OF COMPLAINTS

Decided by the Council at initial stage	501
Discontinued	123
Discontinued with Letter-of-Advice	7
Withdrawn	83
Remedy without adjudication	73
Not pursued by complainant	61
Adjudication - complaint fully or partially upheld	16
Adjudication - not upheld	4
Out-of-scope	230
Total	1,098

### REMEDIES WITHOUT ADJUDICATION

Apology (public or private)	8
Retraction, correction or clarification published	16
Material deleted entirely	1
Follow-up article published	0
Amendment to article	55
Other private action/explanation	0
Other published action	1
Total	73

### ISSUES RAISED

Accuracy/misleading	317
Corrective action	52
Fairness and balance	229
Publication of a reply	51
Invasion on privacy	83
Offence/prejudice/distress	422
Unfair or deceptive means	5
Conflict of interest	14
Total	1,183

# Summaries of Adjudications

Summaries of all the Press Council's adjudications for the 2019-2020 reporting year and the full adjudications are set out in this section.

## ADJUDICATION 1766:

### Complainant/The Courier-Mail (July 2019)

A complaint that an article reporting on The Threatened Species Recovery Hub in connection with the review of the Adani Mine's environmental management plan was misleading, unfair, and inaccurate.

## ADJUDICATION 1771:

### Premier Palaszczuk/Sunshine Coast Daily (September 2019)

A complaint that the image of target 'crosshairs' superimposed on the complainant's photo in an article called "ANNA, YOU'RE NEXT" caused the complainant substantial offence, distress and risk to safety.

## ADJUDICATION 1759:

### Complainant/news.com.au (October 2019)

A complaint that an article making reference to an individual's sexuality did not breach the Press Council's General Principles.

## ADJUDICATION 1765:

### Complainant/The Australian (October 2019)

A complaint that the use of the words 'Violent Islam' in the headline of an article concerning a terror attack was substantially offensive, unfair and prejudicial.

## ADJUDICATION 1772:

### Complainant/The Daily Telegraph (October 2019)

A complaint that an article which prominently referred to the accused in a crime as 'transgender' and 'tranny' contributed to substantial prejudice against transgender people.

## ADJUDICATION 1764:

### Gary Ebeyan/The Age - Domain (October 2019)

A complaint that the misleading and inaccurate reporting of the sale of the complainant's property intruded on the complainant's reasonable expectation of privacy.

## ADJUDICATION 1768:

### Mariam Veiszadeh/Herald Sun (October 2019)

A complaint that the statements in the article about the complainant's tweet regarding the Bourke St Melbourne attack were inaccurate and misleading.

## ADJUDICATION 1750:

### Bachmai Ledin/Daily Mail Australia (November 2019)

A complaint that an article reporting on the murder and funeral of a man intruded on the deceased family's reasonable expectations of privacy and caused substantial distress.

## ADJUDICATION 1767:

### Isaac Golden/The Age (February 2020)

A complaint that the reference to the Health Australia Party as 'the anti-vaccination Health Australia' party and group of 'anti-vaxxers' in the headline was unfair and misleading.

## ADJUDICATION 1773:

### Complainant/Woman's Day (February 2020)

A complaint that the article's statement that Buckingham's Palace confirms the end of Prince Harry's and Meghan Markle's marriage was inaccurate and misleading.

## ADJUDICATION 1770:

### Complainant/The Daily Telegraph (February 2020)

A complaint that a cartoon depicting a bearded man with a head covering chasing a female nurse as she runs away next to Ms Kerryn Phelps and the words 'MEDIVAC' did not cause substantial offence.

## ADJUDICATION 1778:

### Jade Brent/Toowoomba Chronicle (April 2020)

A complaint that an article which referred to graphic details of crimes and a 2007 criminal trial caused substantial offence and distress to the relative of the deceased.

## ADJUDICATION 1779:

### Philip Penfold/The Maitland Mercury (April 2020)

A complaint that the article's statement about the complainant posting on social media to support plans to establish an all-female gym was inaccurate and unfair.

## ADJUDICATION 1776:

### Complainant/The Daily Telegraph (April 2020)

A complaint that an article which not only betted on the number of suicide attempts that might be reached by asylum seekers but also referred to actual suicide attempts as 'plainly inept' caused substantial offence and breached the Press Council's Specific Standards on Suicide.

# Summaries of Adjudications

## **ADJUDICATION 1774:**

### **Complainant/The Courier-Mail (April 2020)**

A complaint that an article concerning a former football player's Brisbane trip to NRL's Magic Round event did not breach the Press Council's General Principles.

## **ADJUDICATION 1769:**

### **Frances Harrison/Cairns Post (May 2020)**

A complaint that an article which identifies the complainant as a former employee who was subject to bullying complaints was unfair and misleading.

## **ADJUDICATION 1777:**

### **Stephen Bright/The Daily Telegraph (June 2020)**

A complaint that the statement that the complainant had 'been accused of skewing statistics' for an inquest into deaths from drugs did not breach the Press Council's General Principles.

## **ADJUDICATION 1775:**

### **Complainant/Herald Sun (June 2020)**

A complaint that an article which referred to Greta Thunberg as 'freakishly influential', 'deeply disturbed' and 'strange' because of her diagnosed mental disorders caused substantial offence, distress and prejudice.



Secretariat member Febe Magno taking minutes during virtual council meeting.

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## Complainant / The Courier-Mail Adjudication 1766 (July 2019)

The Press Council considered a complaint from the Threatened Species Recovery Hub (“Hub”) about an article published by The Courier-Mail headed “Mega-mine’s future in hands of greenies” in print on page 2 leading to an article on page 4 headed “Birds of a feather in review of mega-mine” and “QLD POLITICS: Anti-coal group could have final say on Adani mine” online on 21 January 2019.

The print article reported that “the fate of Queensland’s Carmichael mine is in the hands of an environmental group whose members champion radical action on climate change, oppose coal and have appeared as expert witnesses against Adani” given the fact that “the Threatened Species Recovery Hub has been hand-picked by the Palaszczuk Government to review one of the [Adani] mine’s environmental management plans.” It said, “the Hub appears certain to condemn Adani’s finch management plan, given its experts have for years vocally condemned Adani, coal mining and the use of biodiversity offsets to cater for habitat loss...” and the “Hub’s leaders have also used social media to advocate for radical action to tackle climate change, oppose coal-fired power and condemn mining.” The article included comments from an Adani spokesperson criticising the Hub’s appointment by the State Government, and who described it as “compromised” and “incapable of providing an independent review.” Above the article were the names of the Chair of the panel and six other panel members and brief examples of each those members’ environmental activities. The online article was in similar terms.

The complainant said the article’s statement that the Hub “has been hand-picked by the Palaszczuk Government to review one of the [Carmichael] mine’s environmental management plans” is inaccurate because the Hub is not conducting this review. Of the seven Hub members named in the article as part of the review panel, only one was actually involved in carrying out the review. The complainant acknowledged that the error was caused by incorrect information provided by the Queensland State Government to the publication and that a subsequent article published on 23 January 2019 clarified this. The complainant said that the overall remedial action taken by the publication to correct the error that the Hub had been appointed was acceptable, although the publication had not published an online correction.

The complainant said the article’s references to the Hub as an “anti-coal group”, “greenies” and an “environmental group” were inaccurate, misleading and damaging to the Hub’s reputation. The complainant said the article suggested the Hub is a group of environmental activists, when in fact it is a collaboration of more than 150 world-class research scientists from the CSIRO, Australian Universities and various non-government organisations working on the challenge of how to recover Australia’s threatened species. The complainant said that the article’s reference to it as “compromised” and “incapable of providing an independent review” were inaccurate and misleading as it was not carrying out the review and undermines its legitimacy and could adversely affect its ongoing funding.

The complainant also said that the Hub was not contacted by the publication prior to the publication of the article and was not able to have its response included in the article. Although the publication published an opinion piece by the Deputy Director of the Hub on 22 February 2019, the arrangement for it did not allow the author to respond fully to all the aspects of the article.

The publication said that prior to publication of the article it received direct confirmation from the Queensland Government that the Hub was conducting the review. It said that this error on the part of the Queensland Government was clarified in detail in the article of 23 January 2019, which now appeared online under the original online article to give it context. It had also updated the online version of the original article to clarify that the Hub was not carrying out the review and published a correction in print on 22 January 2019 stating that “not all” of the Hub members named in the article as part of the review panel would be involved in the review. It also published an opinion piece by the Deputy Director of the Hub on 22 February 2019 which was a robust defence of scientific practice. It also said the Hub did not request that it be able to respond in the opinion piece more generally to the article.

The publication said that it is not inaccurate to describe the Hub as an “environmental group” as it is a collection of experts and the activities of its members have an environmental focus and the words “environmental group” and “greenies” are a shorthand way of explaining that the group devotes its time to recover threatened species. The publication also said the “anti-coal” reference in the online headline is in response to the fact that the majority of the people profiled as members of the group hold views that are either critical of the Adani project or coal mining in

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general. The publication referred to photographs taken from one of the Hub member's social media accounts that showed the member's children carrying placards at an anti-coal march. The publication said that the phrases "compromised" and "incapable of carrying out a review" are reported as direct quotes from the Adani spokeswoman.

## CONCLUSION

The Council's Standards of Practice applicable in this matter require publications to take reasonable steps to ensure 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 Council accepts that the Queensland Government informed the publication that the Hub would be responsible for carrying out the review and accordingly considers that in reporting that the Hub had been appointed the publication took reasonable steps to ensure accuracy and fair and balanced presentation of factual material. Given the nature and purpose of the Hub the Council considers the publication took reasonable steps to be accurate and fair and balanced in using the terms "greenies" and an "environmental group".

The Council accepts that the Hub is a collaboration of research scientists engaged in issues of threatened species. The Council considers that the activities of some individual members of the Hub referred to in the article did not provide a reasonable factual basis for describing the Hub itself in the online headline as an "anti-coal group". The Council considers the publication failed to take reasonable steps to ensure the "anti-coal group" headline was accurate, not misleading and fair and balanced. Accordingly, the Council concludes that the Publication breached General Principles 1 and 3.

The Council notes that the terms "compromised" and "incapable of carrying out a review" are not presented as fact or comment by the publication but as direct quotations from the Adani spokesperson. However the publication did not contact the Hub for comment prior to publication and the Council considers that it was not reasonably fair and balanced to only present Adani's perspective. In these circumstances the publication failed to take reasonable steps to ensure that Adani's views of the

Hub were presented with reasonable fairness and balance and breached General Principle 3.

As to remedial action the Council notes the later article, print correction, note to the online article and the complainant's acceptance of these as reasonable in relation to correcting the substantial inaccuracy that the Hub itself had been appointed. Although the reference to "anti-coal group" in the online headline was inaccurate, the Council considers that given the views held by the publication it was reasonable for the publication to not publish a correction of it during the Council's complaints process. As to providing a fair opportunity for subsequent publication of a reply, the Council considers there was some ambiguity in the nature of the complainant's request and is not satisfied that the publication failed to take reasonable steps to provide a reply. Accordingly, the Council concludes the publication did not breach General Principles 2 or 4.

## Premier Palaszczuk / Sunshine Coast Daily Adjudication 1771 (September 2019)

**The Press Council considered a complaint from the Queensland Government on behalf of Premier Anastacia Palaszczuk about an article published in the Sunshine Coast Daily on 20 May 2019, headed "ANNA, YOU'RE NEXT: Labor rout puts Premier in crosshairs. Full election coverage from page 2" in print and "Anna, you're next: State LNP buoyed by Labor rout" online..**

The front page included prominent target 'crosshairs' superimposed on an image of the Queensland Premier's face next to the headline "ANNA, YOU'RE NEXT" and the sub-headline "Labor rout puts Premier in crosshairs". A page 3 article was headed "LNP eyeing off state after federal romp" and the online article reported "SCOTT Morrison's demolition of the Labor Party in Queensland has sent spirits soaring in State LNP MPs, with a target now firmly fixed on Premier Anastacia Palaszczuk." The article went on to report a State Shadow minister as saying that the election win "sent a message to Ms Palaszczuk that 'doing nothing isn't going to cut it for six years'".

The complainant said the front-page image of a crosshair superimposed on a photograph of the Premier's face has the potential to incite violence against the Premier and may possibly encourage people to commit violence. The complainant said the Premier felt that her safety had been compromised as a result of the crosshairs being placed on her photograph and said it was inappropriate for any



publication to ever publish an image of any person with crosshairs superimposed on it. The complainant requested that the publication remove the image and publish an apology to the Premier and its readers in a prominent position and to explain it does not condone violence against politicians.

The complainant said its initial requests were declined as the publication initially defended the image and it required repeated requests on its part to have the image removed from the publication's digital platforms. The complainant said the Premier was satisfied with the apology that was ultimately published but noted that there was significant delay in the publication removing the image from the publication's digital platforms, and to the extent it had not already been removed, asked that it be immediately removed.

In response, the publication said it was never the intention of the newspaper to incite violence against the Premier nor encourage people to commit a violent act. It said the intention of the front page was merely to note that the Queensland Labor Government was the next political target of the conservative parties after Labor's poor performance in Queensland in the federal election and that the Premier was now in the political "sights" of the Liberal National Party.

The publication said it published a front-page apology which stated it does not condone any sort of violence against women or politicians. The publication said in publishing the front page apology it apologised directly to Premier Palaszczuk and its readers acknowledging it had made a mistake and that it was wrong. The publication said the apology also acknowledged that it could have conveyed the message it had intended to in a different way. The publication also said it published letters to the editor critical of its front page and that it had removed the image from its digital platforms.

## CONCLUSION

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

The Council acknowledges the publication's comments that it did not intend to incite violence against Premier Palaszczuk and was instead suggesting that the State Labor

Party was a political target. However, by superimposing an image of crosshairs on a photograph of the Premier's face next to the headlines "ANNA YOU'RE NEXT" and "Labor rout puts Premier in crosshairs", the article went beyond political comment and showed the premier being the subject of potential significant violence. This could have been taken by some readers as condoning violence against the Premier or had the potential to trigger violence against the Premier. In this respect, the publication failed to take reasonable steps to avoid causing offence, distress or prejudice, or a substantial risk to the health and safety without a justifiable public interest. Accordingly, the publication breached General Principle 6.

The Council considers it was deeply regrettable that the publication made the original decision to publish the image, initially refused to apologise and delayed in removing the image page from its digital platforms. However the Council welcomes the prominent apology by the publication and its subsequent action in addressing the complaint.

## Complainant / [news.com.au](https://www.news.com.au) Adjudication 1759 (October 2019)

**The Press Council considered whether its Standards of Practice were breached by an article published online by [news.com.au](https://www.news.com.au) titled "'Freak of Nature': The child killer the world has forgotten" on 27 February 2018.**

The article reported on Robert Thompson who, along with Jon Venables, was convicted of murdering two-year-old James Bulger in a high profile case in the United Kingdom in 1993, when both Robert Thompson and John Venables were ten years old. The article reported on several details of Thompson's life including his role in James Bulger's murder, his incarceration, and his life after being released on licence at the age of eighteen. The article contained the subheading "WHEN DID HE COME OUT AS GAY?" and reported that "In 2006, reports claimed Robert Thompson was in a stable gay relationship...". It also stated "It is believed Thompson remains in a long-term relationship with a man who knows his real identity."

The Council asked the publication to comment on whether, given the prominent references to Robert Thompson's sexuality, it took reasonable steps to comply with the Council's Standards of Practice. These require publications to take reasonable steps to ensure factual material was presented with fairness and balance (General Principle 3) and to avoid causing or contributing materially to

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

The publication said that the article aimed to tell readers what has happened to Robert Thompson and John Venables since their arrest and conviction given both are now adults and described the article as a 'Where are they now?' piece.

The publication said at no stage did the article suggest that Robert Thompson committed the murder because he was homosexual and that it merely stated he is now living in a gay relationship which is known commonly around the world and is neither offensive nor unfair.

The publication said that the subheading is relevant given the extraordinary secrecy that has been imposed by the British Government around the lives of Robert Thompson and John Venables including a worldwide injunction on Robert Thompson's new identity.

The publication also said that there is a very strong public interest in reporting on Robert Thompson, because although one of the most famous convicted killers of the past century, he has been granted such unusual protection by a government at taxpayers' expense.

## CONCLUSION

The Council's Standards of Practice applicable in this matter require that publications take reasonable steps to ensure that factual information is presented with reasonable fairness and balance (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 (General Principle 6).

The Council has for a long period considered that publications should exercise great care to not place unwarranted emphasis on characteristics of individuals such as race, religion, nationality, country of origin, gender, sexual orientation, marital status, disability, illness or age, particularly when reporting on crime.

The Council however considers that, while the sub heading prominently refers to Thompson's sexuality, Robert Thompson's personal relationship is one of very few details actually known about him due to Court orders concealing his identity. The Council considers on balance that the publication took reasonable steps to ensure the presentation of factual material in the article was reasonably fair and balanced, and concludes the

publication complied with General Principle 3.

The Council also considers that given the considerable expanse of time between the crime committed by Robert Thompson and the publication of the article, there was no implicit connection between his reported sexuality and his crime. The Council considers it unlikely that readers would infer an association between Thompson's reported relationship as an adult and the crime that he committed as a ten-year-old based on the article. Accordingly, the Council concludes the publication complied with General Principle 6.

## Complainant / The Australian Adjudication 1765 (October 2019)

**The Press Council considered whether its Standards of Practice were breached by an article published in The Australian on 10 November 2018, headed "Violent Islam Strikes Bourke Street" on the front page and continuing on page six, headed "Violent Islam hits at heart of Bourke St". The article was also published online headed "Violent Islam terror attack strikes Melbourne's Bourke St."**

The article reported that a "terrorist who drove a burning ute into the heart of Melbourne's Bourke Street yesterday and stabbed three people, killing one, had links to Islamic extremists, was a person of interest to Victoria Police and was known to federal intelligence agencies."

In response to complaints received by the Council, the Council asked the publication to comment on whether in using the words "Violent Islam" in its headline, the publication complied with the Council's Standards of Practice. These require publications to take reasonable steps to ensure factual material is presented with fairness and balance (General Principle 3) and to take reasonable steps to avoid causing or contributing materially to substantial offence, distress or prejudice, unless doing so is sufficiently in the public interest (General Principle 6). The Council noted that complaints had concerned the use of "Violent" as a descriptor for Islam and that the headline may imply that Islam is responsible for the actions of a minority among the faith.

The publication said the reference to "Violent Islam" was not intended to imply that the whole religion was "violent". It said that the word "violent" was used to make it clear that they were referring to a violent arm of an otherwise peaceful religion. It said the word "violent" is used as a qualifier to clarify that Islam as a whole is not responsible

for this attack. The publication said the headline did not infer that Islam is universally violent or inherently responsible for the attack.

## CONCLUSION

The Council acknowledged that the headline can be read in a way that does not attribute responsibility for the attack to the religion of Islam as a whole and that the contents of the article report specifically about the individual who perpetrated the attack. However, readers could also infer from the headline that “violent” is being used as a descriptor for Islam generally and as such, the headline may give an impression that the religion of Islam as a whole is responsible for the Bourke Street attack.

The Council considered that in not making it sufficiently clear that the “violent” descriptor referred to the conduct of the attacker and not Islam as a whole, the publication did not take reasonable steps to present factual material in the headline with reasonable fairness and balance. Accordingly, the publication breached General Principle 3.

Given it was not made sufficiently clear that the religion of Islam as a whole was not responsible for the attack, the Council also considered the publication did not take reasonable steps to avoid contributing to substantial prejudice which was not justified by the public interest. Accordingly, the Council concluded that the publication also breached General Principle 6.

## Complainant / The Daily Telegraph Adjudication 1772 (October 2019)

**The Press Council considered whether its Standards of Practice were breached by the publication of an article headed “Allegedly Axey Evie” by The Daily Telegraph on 11 January 2017 online. The article said “Having been chopped herself, Sydney tranny Evie Amati allegedly sought to share the experience. The previous he apparently doesn’t like people who buy pies or milk” and added that Ms Amati “is a transgender union employee who used to be known as Karl” who had “transitioned to female four years ago.” It concluded “Click for frightening video” (which was a link to video of the attack) and noted “Ms Amati, currently in custody after being refused bail, is charged with intentionally causing grievous bodily harm and being way too Adelaide for Sydney.”**

The Council received complaints from a number of people expressing concern that the article referred and

gave prominence to Ms Amati’s transgender status and referred to Ms Amati in distressing and prejudicial terms such as “having been chopped herself”, as “a “tranny” and a “previous he” and included details of her former name “Karl”.

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 and writers’ expressions of opinion are not based on significantly inaccurate factual material or omission of key facts (General Principles 3) and avoid contributing to substantial offence, distress, prejudice or risk to health and safety unless sufficiently in the public interest (General Principle 6).

The publication said the writer’s expressions of opinion are not based on significantly inaccurate factual material or omission of key facts, and simply state publicly known facts about the accused in the writer’s particular style of writing. It said his style of opinion writing is well recognised, that he targets a very specific audience who understand and appreciate his tone and approach and, as the style used in the opinion blog is reflective of his style, his readership would have recognised it as such.

The publication also said the public interest requires the media to provide the public with access to reliable information and it is equally significant to ensure that the due administration of justice is seen to be done in the eyes of the public. The publication said to not report such detail of Ms Amati’s transgender status would be to deny readers access to known relevant issues on the public record that had played an important role in influencing the accused’s life. It also said there were public safety and health grounds for publication about the arrest because of the threat posed to members of the public from such an attack.

The publication said the writer is well known among his readership audience as being firmly against violence and has written stridently on violence issues. The publication said reasonable steps were taken to avoid substantial offence, distress or prejudice, given the recognised nature of the opinion blog and its readership.

The Council notes the processing of this matter was delayed due to circumstances beyond its control, namely legal proceedings brought in the NSW Civil and Administrative Tribunal (NCAT) in respect of the article, which necessitated the temporary suspension of the Council’s consideration of the complaints.

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## CONCLUSION

The Council notes that the crime for which Ms Amati was accused and later convicted was one of serious violence which the community struggled to understand and, in commenting on it, columnists are free to express their opinions in strong terms and to use satire. However, publications are required to comply with the Council's Standards of Practice which among other things, require publications to take reasonable steps to ensure factual material is presented with reasonable fairness and balance and writers' expressions of opinion are not based on significantly inaccurate factual material or omission of key facts (General Principle 3) and avoid contributing to substantial offence, distress, prejudice or risk to health and safety unless sufficiently in the public interest (General Principle 6).

As to General Principle 3, the Council considers that a reasonable reader would have recognised that as an opinion piece the article was satirical and was using exaggeration to make its point. The Council considers that the facts summarised in the article about Ms Amati were reasonably accurate. Accordingly, the Council concludes that General Principle 3 was not breached.

As to General Principle 6, the Council considers that the reference to the accused "Having been chopped herself" referred to gender reassignment surgery and transgender people in an offensive way. The reference to Ms Amati as a "Sydney tranny" was also offensive. The suggestion that Ms Amati "sought to share the experience" of being "chopped" linked being transgender with Ms Amati's violent act. The Council considers that the cumulative effect of these comments led to substantial offence. Accordingly, the Council concludes that the publication failed to take reasonable steps to avoid substantial offence, distress or prejudice and that General Principle 6 was breached in this respect.

The Council notes that NCAT, in September 2018, concluded in a decision in relation to this article that it was not persuaded that an ordinary reader would be so lacking in intelligence or taste that he or she would be incited to severe contempt for, or severe ridicule of, Ms Amati or transgender people at large. The Council notes that its task in assessing whether there has been a breach involves it applying its General Principles, and not the legislative provisions that were considered by NCAT.

## Gary Ebeyan / The Age - Domain Adjudication 1764 (October 2019)

**The Press Council considered a complaint from Gary Ebeyan about an article published in The Age online via the Domain section on 6 December 2018, headed "Toorak mansion to sell for \$52 million, in Victoria's second-most expensive sale".**

The article reported that the property at 53-55 Irving Road was "set to change hands" for a record \$52 million, the second-highest price ever paid for a property in Victoria. It stated that multiple industry sources confirmed the deal. The article referenced the names of the owners, provided details regarding the past transfer of the property and included a photo of the property above the headline.

The complainant, one of the owners of the property, said the article inaccurately reported that the property was being sold for \$52 million. The complainant said there was no sale or transfer, they had not been in any negotiations for its sale, and that they do not intend to sell the property. The complainant also said it took the publication around six days to remove the article, despite repeatedly informing it that the article was wrong. The complainant also noted that information about the property has remained accessible because other articles based on the Domain story have been published online.

The complainant said that the article has caused his family significant distress as they have been inundated with personal queries regarding their finances, health, and marriage. The complainant said that the article breached their privacy by publishing his and his wife's names, details of their residence including its address, the alleged value of the property, and by undertaking searches regarding the transfer of its ownership. The complainant further said that in publishing the inflated figure \$52 million which was significantly beyond the local council property valuation, the article brought significant unwanted publicity to their property and family, thereby exposing them to danger.

In response, the publication said that the information regarding the sale was provided by three separate real estate agents and that the reporter made several unsuccessful attempts to independently verify the information with documentary evidence. The publication said, however, that conclusive documentary evidence regarding a sale price is rarely available until after the sale is completed.

The publication also said that the language used in the headline and body of the story made clear that the sale had not yet settled, that the exact sale price was unknown, and indicated that the information was obtained via word of mouth. The publication said that the sale price was obtained from three independent sources, and that publishing a property's expected sale price is not an uncommon practice. The publication, however, acknowledged that it had an obligation to take reasonable steps to ensure the accuracy of the report by seeking corroboration from the property owner, purchaser, or their representatives before publication and this was not done. The publication said that it has taken proactive steps to prevent recurrence of these matters through investigation, debriefing, and meetings with involved team members to review journalistic obligations.

The publication said that it never refused to remove the article but conceded there was a delay in removing it due to staff leave and confirmation from the sources that supporting documents would soon be available. The publication said it removed the article from circulation shortly after it determined the sale had not proceeded. It published a correction and apology in print and online two months after the article was published.

On the issue of privacy the publication said that, with the exception of the \$52 million figure, the details were publicly available by undertaking a search. The publication said that publishing a property's expected sale price is not an uncommon practice, and therefore does not breach a person's reasonable expectations of privacy.

## CONCLUSION

The Council's Standards of Practice applicable in this matter require publications to take reasonable steps to ensure factual material is accurate and not misleading (General Principle 1), and if the material is significantly inaccurate or misleading to provide adequate remedial action (General Principle 2). The Standards of Practice also require publications to take reasonable steps to avoid intruding on a person's reasonable expectation of privacy (General Principle 5).

The Council considered that the absence of documentation corroborating a sale and a sale price should have prompted the publication to take further steps to confirm the existence of a possible sale before publishing the article. Accordingly, the Council concluded that the publication failed to take reasonable steps to ensure factual material was accurate and not misleading, in breach of General Principle 1.

The Council recognised the publication's acknowledgement that despite its confidence in its sources, it did not take reasonable steps to check the accuracy of the sources' claims. The Council further noted that the publication ultimately removed the article and published an appropriate correction and apology in a prominent and highly circulated position. However, the Council considered that the publication ought to have taken prompt remedial action as soon as it was brought to its attention that the article was inaccurate shortly following publication. Given that the material was significantly inaccurate, the Council considered that the lengthy delay in taking remedial action was a failure to take reasonable steps to provide adequate remedial action in breach of General Principle 2.

The Council considered that the complainant had a reasonable expectation that the details regarding his property and family would not be published as it was not accurate. The exceptionally high sale price referred to in the article drew significant attention to the complainant and his family. There was no such sale price and the stated sale price was inconsistent with the property's market value. The publication could have sought prior comment from the complainant but did not. The Council concluded that the publication did not take reasonable steps to avoid intruding on the complainant's reasonable expectations of privacy, and there was no public interest in publishing the information. Accordingly, the publication breached General Principle 5.

## Mariam Veiszadeh / Herald Sun Adjudication 1768 (October 2019)

**The Press Council considered a complaint from Mariam Veiszadeh about an article published on 14 November 2018 by The Herald Sun headed in print "These facts can't be ignored" and online "We need to acknowledge the facts about the Bourke Street attack". The article appeared in print under the heading "Opinion" with a photograph of the author and online under a tab "OPINION".**

The article challenged criticism of the mainstream media's labelling of the Bourke Street attack as "terrorism". The writer argued that "facts" pointing to terrorism as the origin of violence could not be ignored. Attributing violence to "crying out for help" or to mental illness was an attempt to escape the "facts". Towards the end of the article, the writer referred to a "tweet" by Ms Veiszadeh, asserting that the offender in the Bourke St Melbourne attack "struggled

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with mental health and substance abuse". The writer said these were not "facts", at least not yet established as such.

It stated that "During the 2014 Lindt Siege in Sydney, Mariam Veiszadeh published this solitary sentence: 'We urge you to keep reporting any incidents of anti-Muslim sentiments via our website'. It's time-stamped 2.17pm. The siege was only six hours old, Katrina Dawson and Tori Johnson would die 12 excruciating hours later and as Australians held their collective breaths desperate for a peaceful resolution, 'Say no to Islamophobia' was Mariam Veiszadeh's headline. That's a fact. I do not doubt her good intentions, but as a champion of social cohesion ... how ironic".

The complainant said that the article is inaccurate and misleading and that the writer's expressions of opinion in the above-quoted paragraph are based on inaccurate factual material. She said that the assertion that her quoted tweet was a "solitary sentence" and that her "headline" was "say no to Islamophobia" "grossly misrepresents [her] actions and words during the terrible events of the Lindt siege". She said that the article misleadingly, unfairly and inaccurately implies that this tweet was her only comment or action at the time of the Lindt siege and that her actions and comments were inconsistent with a person who "champions social cohesion". She said she had, in fact, made 33 tweets over the course of the six days following the siege including some in which she expressed "shock and outrage" about the incident. She said that the tweet referred to in the article was taken out of context and noted that one of her many roles was President of the Islamophobia Register - a role which she performs on a voluntary basis. She denied writing a headline "Say no to Islamophobia" in the context of the siege.

In addition, the complainant noted that she was "among the first of many Muslim community representatives to pay her respects to the victims of the siege at the memorial at Martin Place; is depicted in a number of published photographs laying flowers at the memorial"; "helped organise a joint interfaith public vigil" and "helped coordinate a joint media release on behalf of the Australian Muslim community condemning the siege".

The complainant stated that she wanted an apology and for the article to be corrected. She did not consider an offer by the publication for her to write an opinion piece an adequate remedy because, among other things, this would probably expose her to unfair public criticism.

The publication said that the complainant spoke at length to the Herald Sun Opinion Editor on 16 November 2018,

two days after the article in question was published. The publication said that it stood by the veracity of the article but that out of fairness offered the complainant the opportunity to express her concern via a letter to the editor which would be published the next day, both in print and online. Alternatively the publication offered an opinion piece from the complainant of the same length as the article the subject of the complaint. Such an opinion piece would have been published with the same prominence as that article. It said that the complainant did not take up its offer, which was made immediately and in good faith.

The publication denied that the article in its entirety was significantly inaccurate or misleading but stated that the reference to a solitary tweet was incorrect. The publication was unable to identify the source of the complainant's alleged headline "Say no to Islamophobia". The publication also noted that when it was contacted by the Press Council in late 2018 in relation to the complaint it offered, in resolution of the complaint, to correct the online article to make reference to the complainant's other tweets during the Lindt Café siege. Specifically, it indicated it could amend the online article to read "During the 2014 Lindt Siege in Sydney, Mariam Veiszadeh published this line among a series of tweets over several weeks". However, the complainant had not agreed to this proposal.

## 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 a correction or adequate remedial action or an opportunity for a response to be published by a person adversely referred to (General Principles 2 and 4).

The Council considers that the article contained some expressions of the author's opinion. However, the statement in the article that "During the 2014 Lindt Siege in Sydney, Mariam Veiszadeh published this solitary sentence: "We urge you to keep reporting any incidents of anti-Muslim sentiments via our website" was a statement of fact that implied that the complainant had published only this one sentence during the siege. Moreover, it implied that

her only concern was anti-Muslim sentiment and not the welfare of the hostages caught up in the siege.

In light of the series of tweets made by the complainant during the siege, the Council is satisfied that in making the statement referring to the “solitary sentence” the publication failed to take reasonable steps to ensure this statement was accurate and not misleading. Accordingly, the publication breached General Principle 1. The Council also considers that there is a significant difference between a “solitary” sentence in one tweet and a series of tweets comprising many sentences and therefore concludes that in referring to a “solitary sentence” the publication failed to take reasonable steps to present factual material with reasonable fairness and balance and ensure the writer’s expression of opinion was not based on significantly inaccurate material or omission of key facts. Accordingly, the publication breached General Principle 3.

The Council notes that the publication offered to correct the online article in resolution of the complaint when it was contacted by the Press Council, but that the online article remains uncorrected. Given that the reference to the “solitary sentence” is significantly inaccurate or misleading and remains uncorrected, the publication has breached General Principle 2.

The publication argued that it was not obliged by General Principle 2 to correct this inaccurate and misleading material because the complainant had not accepted its offer of corrective measures. However the obligation under General Principle 2 to provide a correction is unqualified. The publication’s suggested justification for its failure is unsound.

The Council notes that when the complainant contacted the publication, it immediately offered her a right of reply either through a letter to the editor or an opinion piece of the same length and same prominence as the article the subject of the complaint. The Council accepts that these offers were made in good faith and that the publication took reasonable steps to provide the complainant with an opportunity to reply. However, while the offer could not displace the obligation imposed by General Principle 2, in the circumstances the offer amounted to the fair opportunity for a reply. Accordingly, the Council finds that the publication did not breach General Principle 4. This finding is not inconsistent with the finding of a breach of General Principle 2. General Principle 4 imposes a different and separate obligation.

## Bachmai Ledinh / Daily Mail Australia Adjudication 1750 (November 2019)

**The Press Council considered a complaint about an article headed “Tears and prayers for a murdered father: Vietnamese lawyer Ho Ledinh is farewelled in a traditional Buddhist funeral service - as mystery gunman remains on the loose after daylight Sydney cafe shooting”, published on the Daily Mail website on 31 January 2018. The article reported on the funeral service for the late Mr Ledinh and included eight photographs of mourners at the funeral.**

The complainant, Mr Ledinh’s daughter, said media photographers including from the publication entered her father’s funeral service and took pictures without the family’s permission. She said the photographers roamed the room taking photographs but as she and her family were praying they could not break from the ceremony to require that they leave. The complainant said only family and friends had been permitted to take photographs for the benefit of family members who were unable to attend. She said that after the ceremony she and other family members asked the photographers to leave and to delete the pictures and recordings made.

The complainant said the media attendance was intrusive and did not stay a respectful distance from mourners. It made a farce of the ceremony, an insensitive public spectacle of the family’s grief and her father’s death, and distracted them from their grieving. In publishing the images, the publication made them available to third parties who uploaded them as a video onto YouTube, thereby adding to the family’s distress. The complainant said that by publishing the names of family members the publication breached their privacy and drew attention to them as possible targets of the killer, as well as generating public speculation.

The complainant said while there may be public interest in the events surrounding her father’s murder, there was no justification for entering the funeral, taking photos and reporting about the event without the family’s permission. She said she and her family (including her father’s second wife) had not spoken to the media either directly or through a third party and the funeral director had been instructed that the media should not be allowed into the funeral home. The complainant said she asked for the removal of the articles and a block on their being accessed via online search.

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The publication said it was told by a woman who was a close friend of Mr Ledinh's second wife that its staff could attend to cover the funeral and that she was speaking on behalf of the family. It also received an email from a man who was a long-time friend of Mr Ledinh and who was with him at the time of his death which included a copy of the funeral notice and an invitation to forward it to others.

The publication said its photographer was told initially by an unidentified person present at the funeral that media were not allowed in. However, its reporter noticed that another reporter and a news crew from a television station were being ushered into the funeral by a man at the front who appeared to be in charge of entry and asked that man if they could go inside to cover the funeral. He agreed, saying it was public and they were journalists. The publication said that in these circumstances and in light of earlier correspondence from close friends of the family its reporter believed the family had consented to it covering the second portion of the funeral which involved prayers.

The publication said its reporter stayed at the back of the service while the photographer moved closer to the front taking pictures but at a respectful distance from the family and out of respect for the family did not photograph some aspects. It said a journalist from another media organisation began interviewing some guests and a member of the family raised objection to this and then objected to the publication's reporter covering the funeral. When the reporter said the man at the front of the funeral home had agreed to coverage, the family member said he was not family and asked the reporter to leave, and he left immediately.

The publication said its photographer went back in at the end of the ceremony and took pictures of people paying their last respects by the coffin. The publication said at this time he was approached by three women and asked to delete the photographs and leave and the photographer did this although some photographs taken earlier had already been sent to the publication. The photographer left the funeral immediately.

The publication said its intention was never to cause distress, noting that it needs to strike a balance between the public's right to know and the need for people to grieve privately. It said while the subject matter is emotive, it considered the events newsworthy and already well established in the public domain. It said it would not have gone inside to the funeral service without permission and that it could only presume there had been some confusion

between the family members and friends and different parts of the family concerning media attendance. It said its coverage was handled sensitively and the only name it reported was that of Mr Ledinh's second wife, which had previously been reported. It did not publish clear images of the faces of his young children. It said it is common practice for others to make videos of its content available on YouTube, which is outside of its control. It offered to submit a request to The Newspaper Licensing Agency to have the video content removed.

The Council notes that at a late stage of the Council's complaints process the publication agreed to remove the article and did so before it published this Adjudication.

## CONCLUSION

The relevant Council 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. They also require that in seeking personal information, journalists should not unduly intrude on the privacy of individuals and should show respect for the dignity and sensitivity of people encountered in the course of gathering news (Privacy Principle 1). Finally, members of the public caught up in newsworthy events should not be exploited and a bereaved person has the right to refuse or terminate an interview or photographic session at any time (Privacy Principle 7).

The Council considers that consent to attend and cover a funeral should usually be sought from the family or the funeral director. The Council considers that consent was not provided by the funeral director or directly by the family. However it considers the publication had a reasonable basis for believing that a friend had provided consent on behalf of the family. The Council notes that the publication was ultimately ushered into the funeral by a man who presented himself to the publication and to other media representatives as authorised to grant or refuse entry. The Council accepts that the publication specifically asked the man whether it was permitted to cover the funeral because consent had earlier been refused and was then given permission by the man as 'they were journalists'.

However the Council considers that subsequently family members made it clear to the publication at the funeral that they did not have consent from the family to attend



or to take or use photographs. The Council considers that this overrode any earlier indications of consent and that the publication should not have used the information and images obtained previously at the funeral. Accordingly, the Council considers that in publishing the photographs of the funeral ceremony, the publication failed to take reasonable steps to avoid intruding on the family's reasonable expectation of privacy. While there was a public interest in the circumstances of Mr Ledin's death and in reporting on the funeral, that public interest was not sufficient to justify the publication of photographs once the wishes of the family had been clearly conveyed to the publication. Accordingly, the publication breached General Principle 5.

For these same reasons, the publication also breached one aspect of Privacy Principle 1 in that it failed to show respect for the dignity and sensitivity of the family by publishing photographs once it was made clear that consent had not been given. However Privacy Principle 1 was not breached in other respects.

The Council also considers that the use of the photographs in the circumstances would have given rise to substantial offence and distress and that the public interest in the circumstances of Mr Ledin's death was not sufficient to justify the offence and distress caused. Accordingly, the Council considers that the publication breached General Principle 6 and Privacy Principle 7.

The Council does not consider the material was published by deceptive or unfair means, as there was a reasonable basis for the publication's reporter and photographer to believe initially that the family consented to them entering the venue and taking photographs. Accordingly, the publication did not breach General Principle 7.

## Isaac Golden / The Age Adjudication 1767 (February 2020)

**The Press Council considered a complaint from Isaac Golden, the National Secretary and Victorian State President of the Health Australia Party about two articles published in The Age in November 2018. The articles were: "Micro-parties set to win big in Victorian election after vote swap" on 12 November 2018 in print and online and "Socialists, anti-vaxxers, taxi owners: your guide to the microparties" on 22 November 2018 online.**

The first article described the Health Australia Party (the party) as "the anti-vaccination Health Australia" party in the body of the article. The second article referred to the

party as "anti-vaxxers" in the headline and said the "party formerly known as the Natural Medicine Party claims it is not anti-vaxxer but opposes 'no jab, no pay' laws aimed at increasing vaccination rates." It also said the complainant "claims to be a world authority on 'homeopathic immunisation'".

The complainant said the Health Australia Party is not an anti-vaccination party. Anti-vaccination is not one of its policies and it denies having an anti-vaccination policy. He said the party's opposition to the 'No Jab No Play' legislation does not mean it is anti-vaccination, only that it supports informed consent. He said that a number of respected medical organisations which he identified also oppose the No Jab No Play legislation and he noted that it has not been asserted that those organisations are anti-vaccination. He said the description of the party as "anti-vaccination" has arisen as a result of previous comments made on social media by a past party founding member concerning the party's opposition to the No Jab No Play legislation. He reiterated that the party opposes that legislation not because it is anti-vaccination but because of freedom of choice. The complainant said that the current president of the party has never expressed anti-vaccination sentiment and has been quoted denying the party was anti-vaccination. He also said the title of the book written by him, "Vaccination and Homeoprophylaxis?: A Review of Risks and Alternatives", did not suggest that he had anti-vaccination views.

The complainant said that following the first article, the party published a statement on its webpage stating the party was not anti-vaccination and that he also contacted the publication to complain about that description of the party and provided copies of these communications to the Council.

The complainant said that despite these steps, the headline of the second article referred to the party as "anti-vaccination" and the article implied incorrectly that he personally is anti-vaccination. As to the statement in the article that he "claims to be a world authority on 'homeopathic immunisation'", the complainant said he is invited to different countries by government agencies to advise doctors who use homeopathic immunisation.

The publication said that the description of the party as anti-vaccination was used because the party had previously been described by respected medical groups in that way and the publication was not aware the party rejected that description.

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The publication said the journalist had checked the party's policy when writing the article. The publication referred the Council to a number of paragraphs in the opening section of the party's policy which it said implied that parents should have a right to refuse to vaccinate their children without any consequences and it said that therefore it was reasonable to describe the party as anti-vaccination.

The publication said that in combination with the party's opposition to the No Jab No Pay legislation, its support for non-interventionist medical treatment and informed consent leaves it open to be characterised as anti-vaccination, particularly as its website and policies do not contain explicit statements to the contrary. The publication referred the Council to numerous previous social media exchanges involving the president of the party, which it said suggested that a number of persons who have been associated with the party have anti-vaccination views. It said the title of the complainant's book did suggest he has strong views against vaccination. The publication said that the statement published on the party's website after the first article was not completely clear as it did not explicitly state that the party supported vaccination.

## 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 (General Principle 3). If the material is significantly inaccurate or misleading, or unfair and 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 the publication's journalist checked the party's policy when writing the first article and the Council considers the paragraphs in the opening section of the party's policy could imply that parents should have a right to refuse to vaccinate their children without any consequences. The Council notes that the previous social media exchanges referred to by the publication would appear to indicate at least that some people who have been associated with the party had anti-vaccination views. The Council has not been referred to any material published by the party prior to the first article specifically disputing that it was anti-vaccination. In the circumstances the Council considers that, in relation to the first article, the publication took reasonable steps to be accurate and not misleading and to express factual material with reasonable fairness

and balance and did not breach the Council's Standards of Practice.

As to the second article, the Council notes that by the time the second article was published the party had expressly asserted that it was not anti-vaccination and the article noted the party's position in the article, but noted it opposed "No jab, No play" laws. While the Council considers that the party does favour homeopathic immunisation over vaccination, the headline in referring to the party as "anti-vaxxers" was inconsistent with the body of the article. On balance the Council considers that in describing the party in the headline in absolute terms as "anti-vaxxers", the publication failed to take reasonable steps to ensure the headline was not misleading and was expressed with reasonable fairness and balance. Accordingly, the Council considers the publication breached General Principles 1 and 3. Given the issues involved and the positions of the complainant and the publication the Council considers there was no breach of General Principles 2 or 4.

## Complainant / Woman's Day Adjudication 1773 (February 2020)

**The Press Council considered whether its Standards of Practice were breached by a front-page headline published in print by Woman's Day on 27 May 2019 "PALACE CONFIRMS THE MARRIAGE IS OVER! WHY HARRY WAS LEFT WITH NO CHOICE BUT TO END IT", leading on to an article on page 12 headed "THIS IS THE FINAL STRAW! Bombshell revelations about Meghan push a distraught Harry to breaking point"**

The article said "Prince Harry has been left 'enraged and humiliated' by a series of shock revelations about his wife's past – now it's feared the sensational developments could spell the end of his year-long marriage." The article went on to outline what it said was the Duchess of Sussex's "online relationship" with British singer Matt Cardle. The article also refers to Meghan as being "absent from royal duties" and reportedly urging "close friends to say positive things about her in a documentary" which defies "royal protocol." The article quoted a source revealing that the Prince "has finally reached breaking point" about these "new revelations" and that he "finds it all so demeaning and humiliating". The article also said "Until now Harry has been giving Meghan the benefit of the doubt", says our source. "But he's only willing to take so much and it's reached the stage where enough is truly enough."

Following a complaint, the Council asked the publication to comment on whether the front-page headline breaches the Council's Standards of Practice.

In response, the publication said that weekly celebrity publications provide light entertainment and that readers of those publications understand this is the case. It said it would be unreasonable to hold such publications to a standard similar to that of other news media.

The publication also said that, given the entertainment focus of such magazines, readers expect a level of exaggeration in coverlines and headlines. It said that a similar complaint could be made of almost every issue of every celebrity weekly publication and click-bait headlines which are common within the digital news media. The publication also said it had received no complaint in relation to the article from any person—or representative of any person—referred to in the article.

## CONCLUSION

The Council's Standards of Practice applicable in this matter require publications to take reasonable steps to ensure 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, misleading, 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 acknowledges that celebrity and gossip magazines are purchased for light entertainment, with readers not necessarily assuming that everything presented is factual. Accordingly, some latitude is given for factual exaggeration and inaccuracies in publications of this kind and whether statements are really "factual material" for the purposes of applying General Principle 1 and 3. The Council also acknowledges that the reasonable steps required to be accurate and not misleading in an article concerning royalty or celebrities can, depending on the circumstances, be different to those required in respect of other persons, particularly those who are not usually in the public eye.

However, in this case the headline made a statement that was blatantly incorrect and not supported by the article's contents. While an entertainment publication can be expected to use some exaggeration, the headline was expressed as an unqualified fact that the Palace had confirmed the marriage was over. The Council considers

that the statement in the headline was such that it was more than just an exaggeration, and that it was misleading. Accordingly, General Principle 1 and 3 were breached. Given the arguments available to the publication about the application of the Council's Standards and that the Palace did not make a complaint to the Press Council, it was reasonable for it to not publish a correction or response during the Council's complaints process and there was no breach of General Principles 2 or 4.

## Complainant / The Daily Telegraph Adjudication 1770 (February 2020)

**The Press Council considered whether its Standards of Practice were breached by the publication of a cartoon by Warren Brown in The Daily Telegraph on 11 February 2019. The edition in which it appeared also had both a main story and an editorial on the Medivac debate. The cartoon depicted two figures running in a loop around the static figure of Kerryn Phelps, then the Member for the Federal seat of Wentworth. The figure at the front is a bearded man with a head covering, long tunic and sandals, chasing a female doctor or nurse wearing scrubs trailing a stethoscope and with a mobile phone and medicines being thrown up in the air as she appears to run away. Ms Phelps is holding a piece of paper with the words "MEDIVAC" written on it. Behind the scene the word "Nauru" appears and above the scene is a speech bubble with the words "Do you mind not doing that until I've got the bill passed?". The cartoon appeared above an article by an opinion writer headed "Doctoring the system" with the subheading: "A Labor-backed plan would allow activists to effectively end offshore processing".**

In response to complaints received, 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 in the public interest (General Principle 6). The Council noted that complaints had raised a number of concerns. First, that the depiction of the male character may be an offensive and prejudicial stereotype of Middle Eastern men generally. In particular the pointed sharp teeth with his mouth open to suggest hunger, his hands drawn extended as claws and a lascivious facial expression while chasing a white woman implied asylum seeking or Middle Eastern men are savages and a threat to white women. Second, it suggested that asylum seekers/

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Middle Eastern men should not be provided with medical intervention because they are dangerous. Third, that the depiction of the male character implies that the wider asylum seekers and Middle Eastern community are dirty, predators and dangerous, and could create fear in the community of all members of both Middle Eastern, Islamic and asylum seeker background. Fourth, they said the depiction is an archaic picture of a foreigner which draws similarities to World War Two propaganda posters and should be considered in the context of the history of caricatures based on race and historical racist depictions.

The publication said the cartoon must be seen as commentary on major front-page news of the day, which was dominating public political debate in the country. The publication said the cartoon referred to the case of an asylum-seeking man who had been transferred to Australia for medical treatment and had been charged with allegedly touching two nurses on the buttocks as he underwent treatment just over a week after his arrival. When the incident was reported to guards and the man was told of the complaint, the man allegedly threatened to assault both the nurses. Police were called and the man was arrested and charged with common assault, sexually touching a person without consent and stalking or intimidating with intent to cause fear or harm. The man was due to appear in court at about the time the article was published, which was also about the time a bill by Federal member Kerryn Phelps to make easier medical evacuation from Nauru was before the Federal Parliament. The story about the man was on the front page and page 5. The publication also published an Editorial in the same edition that commented on the security issues regarding medical transfers which were being debated publicly at the time and which the publication said demonstrates that the cartoon addressed issues of public interest.

The publication maintained that it was very much in the public interest to publish the cartoon because it brought a real-life example of issues raised in the Parliamentary debate. As such the cartoon – like all fine cartoons do – went to the very heart of the public debate that was under way and provided its commentary in the way that distinguishes cartoonists from those who provide their opinions solely in words.

The publication also said by the nature of their work, cartoonists are also opinion columnists who use images and brief words to summarise public events often with biting satire and political commentary. It said it is all too

easy for critics to condemn such work and the expressing of an opinion when being ill informed and led by social media campaigns that are twisted to suit a certain viewpoint that would censor public discussion rather than allow debate on opinions that differ to those driving them. The publication said the cartoon did not breach General Principle 6 and drew the Council's attention to previous Adjudications which acknowledged how public interest is served by cartoonists and their commentary on issues of public significance.

The publication said the cartoonist had written an article published on February 15 to explain the background to and substance of his cartoon.

## 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 a publication has taken reasonable steps to avoid substantial offence, distress or prejudice in breach of General Principle 6. However, a publication can, in publishing a particular cartoon, still fail to take reasonable steps to avoid contributing to substantial offence, distress or prejudice without sufficient justification in the public interest and breach the General Principle.

The Council notes that in isolation the cartoon would certainly convey several offensive stereotypical inferences about asylum seeker men or men from the Middle East. However, the Council accepts it was in response to the charging of the man accused of sexual assault and intimidation and in the context of the political debate taking place about medical evacuation of asylum seekers. The Council considers the cartoon would be viewed in the context of the articles on the front page and page 5 about those events.

The Council notes that even when read in this context the cartoon still conveys a level of stereotypical offence and has a prejudicial inference that the man was guilty although not yet convicted. However, the Council accepts that there was sufficient public interest in commenting on the case of the man in the context of the charges against him and the political debate. The Council considers that to the extent there was substantial offence or prejudice caused it was justified in the public interest. As such, the Council does not consider that the publication failed to

take reasonable steps to avoid causing substantial offence, distress or prejudice, without sufficient justification in the public interest. Accordingly, the Council concludes that its Standards of Practice were not breached.

## Jade Brent / Toowoomba Chronicle Adjudication 1778 (April 2020)

**The Press Council considered a complaint about an article headed "Killer shows no remorse" published in print in The Toowoomba Chronicle on 23 September 2019.**

The article concerned the deaths of two young boys in a Toowoomba home on 28 July 2007. The article provided graphic detail of the crimes and also reported various details of the criminal trial.

The complainant, the father of one of the victims named in the article, said that he was extremely shocked and distressed by the article and that it had a significant impact on his wellbeing. The complainant said that the crime occurred in 2007 and that there was no current relevance or public interest in the story. He said that he was not contacted prior to publication and noted that he had however previously provided comments to the publication in an earlier story published around the time the crime was committed. The complainant also said that immediately after the article appeared a complaint was made directly to the publication on his behalf but was offered no apology or other remedial action.

In response, the publication said that the article was part of a historical series it was running on teenagers who had been convicted of murder in the Toowoomba region. It said that to the best of its knowledge the report contained no factual errors. The publication acknowledged that it did not contact the complainant even though its usual practice is to contact surviving relatives before publishing historical crime stories. The publication said it would have tried to contact the complainant had it been aware of the earlier article. The publication said it is also usual practice when reporting on historical crimes stories to label articles as such, but said that in this instance it was inadvertently left off. At a late stage of the Council's process the publication offered to meet with the complainant.

### CONCLUSION

The Council's Standards of Practice applicable in this matter require publications to take reasonable steps to avoid causing or contributing materiality to substantial

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

The Council notes that the article was not labelled or presented as being part of a historical series. Given the significant lapse of time since the reported crime and the graphic details included in the article, the Council considers the article should have been clearly presented as a historical piece to give context to the story.

The Council notes the publication's acknowledgement that it failed to adhere to its usual practice of contacting the surviving relatives of victims before publishing a historical crime story. The Council considers that publications should be vigilant in adhering to such practices in order to avoid the gravity of such mistakes and their consequences. In this respect, the publication failed to take reasonable steps to avoid causing offence, distress or prejudice, or a substantial risk to the health and safety without a justifiable public interest. Accordingly, the publication breached General Principle 6.

The Council acknowledges the publication's apology to the complainant during the Council's consideration of the complaint.

## Philip Penfold / The Maitland Mercury Adjudication 1779 (April 2020)

**The Press Council considered a complaint from Cr Philip Penfold about an article published in the Maitland Mercury on 19 June 2019, headed "The weighting game" on the front page and continuing on page five, headed "Gym approval on hold over parking: Owner in tears at council's change of heart" in print.**

The article reported that a gym owner who considered that local council approval for her plans to establish an all-female gym would be a formality, was "reduced to tears" when "her application was surprisingly voted down due to concerns over parking" and that "what floored her the most was Cr Penfold's change of heart". The article reported "Cr Philip Penfold, who originally posted on social media his support for the proposal, changed his position" and went on to report that "Cr Penfold's change of motion surprised other councillors too."

The complainant said it was inaccurate to report that he had posted on social media support of a woman's only gym. He said the publication provided no proof that he

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had previously stated his support for the application. The complainant said that reporting that he had done so, cast aspersions on him politically by unfairly inferring he had a hidden agenda in not supporting the establishment of the gym and that he had “backflipped” on a previous undertaking. He said that any development application (DA) is about the suitability of a business type and that support for a DA is about the proposal on a particular site, not a comment in support of a particular business. The complainant also said that in any event, he had never posted anything in support of the proposed gym anywhere on social media and it was council practice not to do so.

The publication said the applicant for the proposed gym told it that the social media post by Cr Penfold had been deleted. The publication said it contacted the applicant’s business partner who said she had also seen the post. The publication said that it rang Cr Penfold three times in succession to get his version of events, but he picked up and then immediately hung up each time. The publication said it had also sent him a text message as well as an email stating they understood he had previously supported the idea of the gym, which he ignored. The publication also said that it refutes any suggestion that the article casts aspersions on Cr Penfold and said the matter could have been easily clarified by him providing a brief response.

## CONCLUSION

The Council’s Standards of Practice applicable in this matter require publications to take reasonable steps to ensure 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 Council notes that, apart from the publication stating that it had been told by those associated with the proposed gym that Cr Penfold had publicly endorsed it, the publication provided no evidence that this had in fact occurred. Accordingly, taking into particular account the unequivocal manner in which it stated that the complainant publicly endorsed the gym, the Council concludes that the publication failed to take reasonable steps to ensure its reporting was accurate and not misleading in breach of General Principle 1. The Council accepts, and the complainant did not dispute, the various steps the publication took to seek comment from the complainant

concerning the veracity of the claims that he had publicly endorsed the gym. The Council is satisfied that the publication provided the complainant with an adequate opportunity to respond. Accordingly, the Council concludes that the publication took reasonable steps to ensure fairness and balance and did not breach General Principles 3 and 4. Given the refusal by the complainant to engage with the publication and its view that the article was accurate at the time of publication, and in the absence of a request from the complainant for a subsequent reply, the Council finds no breach of General Principle 2.

## Complainant / The Daily Telegraph Adjudication 1776 (April 2020)

**The Press Council considered whether its Standards of Practice were breached by the publication of an article headed “KEY WORD: ‘ATTEMPTS’” by The Daily Telegraph on 31 May 2019 online. The article commented on the reported reaction of offshore asylum seekers to the Federal election outcome saying the “election result hasn’t gone down well with our off-shore country-shopper community, currently participating in a wave of plainly inept suicide attempts”. The article included copies of tweets by media and individuals reporting on the events. The article said “Meanwhile, place your bets on the final number. Can they crack the half-century? Or even make it all the way to three figures? Go for it, boaties.” It concluded “(Note: under official Attention-Seeking Refugee rules, multiple attempts by an individual score only a single point.)”**

The Council asked the publication to comment on whether the article breached its Standards of Practice, in particular whether the publication took reasonable steps 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 (General Principle 6)

The Council also asked the publication to comment on whether its Specific Standards on the Coverage of Suicide were breached, in particular Specific Standard 6 which requires that reports should not sensationalise, glamorise or trivialise suicides; Specific Standard 7 which requires that reports of suicide should not be given undue prominence and that great care should be taken to avoid causing unnecessary harm or hurt to those who attempted suicide or to relatives and others who have been affected by a suicide or attempted suicide; and Specific Standard

8, which requires published material relating to suicide be accompanied by information about appropriate 24-hour crisis support services or other sources of assistance with these problems.

The publication said the article is commenting on how many people would make publicity-seeking and non-fatal self-harm attempts in order to create sympathy for their cause. The publication said the article is not about suicide. The publication also said it is extremely doubtful that the article would cause 'direct risks' to the health of asylum seekers noting that the article was open only to subscribers and that Manus Island and Nauru are not amongst its more popular subscription zones. The publication said that it should also be noted that this is an opinion column expressing the thoughts of the writer and written in his usual manner, which includes a level of satire.

### CONCLUSION

The Council notes the publication's comments that the columnist was making reference to 'self-harm' attempts by asylum seekers rather than suicide attempts and that he was using satire to express his view. However, the Council considers that the article's comments concerning "plainly inept suicide attempts", the inclusion of the tweets referencing suicide attempts as well as the headline itself, would lead readers to conclude that the article was commenting on attempted suicides. The Council considers that these comments, together with the reference to betting on the number of suicide attempts that might be reached, the reference to point scoring, as well as the goading "Go for it, boaties" show that the publication did not take reasonable steps to avoid causing or contributing materially to some readers experiencing substantial offence, distress and prejudice that was not sufficiently in the public interest. The Council considers that the publication of the opinion piece behind the paywall did not amount to a reasonable step taken to avoid causing or contributing to substantial offence, distress and prejudice. The Council considered that the reasonable steps to be taken by publication was something other than believing the opinion piece would not be read by the subjects of the article. Accordingly, the Council concludes that the publication breached General Principle 6.

As to the Specific Standards on Suicide, the Council notes the publication's indication about it taking a leading role in the responsible reporting of suicide in its print and online articles. The Council accepts that in commenting on social issues, columnists are free to express their

opinions in strong terms and to use satire to make their points. However, in this instance, the Council considers the mocking tone of the article trivialises the suicide attempts referred to in the article and was presented without sensitivity or moderation. The Council also notes that article was published without a source of assistance referral. Accordingly, the Council concludes that the publication breached Suicide Standards 6, 7 and 8 in this respect.

## Complainant / The Courier-Mail Adjudication 1774 (April 2020)

**The Press Council considered whether its Standards of Practice were breached by an article in The Courier-Mail on 26 May 2019 headed "Greg Inglis' lost weekend in Brisbane mansion for Magic Round" online and "The weekend Greg forgot" in print.**

The article reported on events concerning a former football player's trip to Brisbane to attend the NRL's Magic Round event in May 2019. It reported that the man spent the weekend "in a Brisbane riverside mansion with friends" and a named "reality TV star", whilst his "frantic family", "girlfriend" and football club "officials tried to find him". The article includes a photograph of the outside of the private residence.

The article further reported the observations of a "witness staying in" the residence, stating: "It seemed to me like he [the man] wanted to escape from the world for a few days and get away from whatever pressures he was feeling", "He was drinking beer and sort of drifting in and out of consciousness" and "I tried to talk to him a couple of times and finally convinced him to have a shower and gave him some (fresh) clothes". The article also reported on the contents of communication apparently sent by members of the man's family and the man's friends to the "witness".

The Council received a complaint from a reader and enquired through the man's former rugby league club if the man had any views on whether the Council should or should not take a complaint forward and the club indicated no objections. The Council asked the publication to comment on whether it took reasonable steps to avoid intruding on the man's reasonable expectations of privacy (General Principle 5) and to avoid publishing material which has been gathered by deceptive or unfair means (General Principle 7), unless doing so is sufficiently in the public interest.

The publication said that the story was in the public interest as the man is a renowned rugby league player

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and a community leader and role model engaged with the advancement of youth, indigenous welfare and other social issues. It also said that a full account of the man's decisions to rehabilitate from alcohol addiction and to treat his mental illness is an important story to tell and made the article squarely in the public interest.

The publication said the man travelled to Brisbane in his capacity as a game ambassador to attend Magic Round with duties over the whole weekend. He completed press related duties on the Friday and then went missing for the next three days. It noted that the man should reasonably have anticipated there would be a significant level of public interest in his whereabouts and what occurred when he went missing.

The publication also said that, while much of article referred to events which took place in a private residence, a full report of the man's actions were very much in the public interest and that it carefully considered all the information it received from the witness in the residence, and chose to publish only the parts it considered to be in the public interest.

## CONCLUSION

The Council's Standards of Practice applicable in this matter require 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) and to avoid publishing material which has been gathered by deceptive or unfair means (General Principle 7) unless doing so is sufficiently in the public interest.

The Council notes that public figures, including some current or former national sports players, can have a reduced expectation of privacy and there can also be a public interest justifying intruding on their reasonable expectations of privacy. The Council accepts that the man is a renowned player, has a very high profile and was a role model. Given the man apparently disappeared from Magic Round activities (a major public event) without warning or explanation, the Council considers that the man's reasonable expectations of privacy were reduced and that there was a public interest in reporting the circumstances in which the man withdrew from these activities. The Council concludes that the publication took reasonable steps to avoid intruding on the man's reasonable expectations of privacy unless justified in the public interest. Accordingly, the publication did not breach General Principle 5.

As to General Principle 7, the Council notes that the witness provided information to the publication about events that occurred inside the residence, as well as copies of communication from the man's family and friends. However, on the information available, the Council is not satisfied that this information was gathered by deceptive or unfair means. Accordingly, the Council considers the publication did not breach General Principle 7.

## Frances Harrison / Cairns Post Adjudication 1769 (May 2020)

**The Press Council considered a complaint from Frances Harrison about an article published in the Cairns Post on Monday 26 November 2018 headed "Health boss has job loss windfall" in print and "Cairns Hospital HR manager's six-figure payout after seven months on the job" online.**

The article reported that "Figures from Cairns and Hinterland Hospital and Health Service's 2017-18 Annual Report show former HR executive director Frances Harrison received a payment of \$106,000 upon her resignation" in March and that she "had only been appointed to the high-paying job in mid-July last year". The article also stated that sources "claimed bullying complaints within the service increased during this period" immediately above an image of the complainant. The article went on to report that the Health Service Chief Executive "declined to say why Ms Harrison had resigned from her position, but said that the payout was 'in line with the conditions of her contract'" and reported that the People and Engagement Executive Director "declined to comment directly about allegations of bullying during Ms Harrison's tenure", but then quoted her as saying "The health service treats complaints of bullying very seriously." The article went on to report that in the two years since the Health Service "board had quit over a forecast \$80 million budget deficit, there [had] been several resignations of senior executives".

The complainant said the article is misleading in leading readers to believe that she had personal involvement in bullying or inability to manage it and that this was related to her termination. The complainant said this inference is compounded in the online article by the inclusion of a prominent photograph of her immediately after the reference to the statement that sources had claimed an increase in bullying complaints during the 2017-18 financial year and near the quotations from hospital executives. The complainant said that there was insufficient



basis to make this inference either in emails from a source referred to by the publication or in AMA Resident Hospital Health Check which the publication had relied on in response to her complaint. The complainant said the AMA document is a voluntary survey and is limited to some medical staff and not all staff, and not actual data on the number of grievances raised by staff. In any case, the complainant said that she began in her role in July 2017 and left in March 2018. The 2016-17 AMA Survey was undertaken at around the time she commenced in her role and could not be relevant to her performance in her role. Even if there was evidence in the 2017-18 AMA Survey to indicate an increase in bullying complaints during the 2017–18 reporting period, it is unfair to make explicit reference to her when referring to that increase as she had only been in the position for eight months.

During the complaints process, the complainant also said the article was inaccurate in reporting that she had resigned. She said for reasons unconnected with her performance or bullying, her employment came to an end in a manner which qualified her to receive a termination payment in line with her employment contract. The complainant said that the Health Service Annual report lists the \$106,000 she received as a “termination benefit”. The Annual Report does not state she resigned.

The complainant said that she had a LinkedIn profile through which the publication could have contacted her to check the facts or seek her comment, but she was not contacted by the publication before the article appeared.

In response, the publication said the article does not state – nor would any reasonable reader infer – that the complainant was herself a bully or that she had been subject to an allegation of bullying. It said the article merely suggested that complaints had been made by members of the Health Services staff. The publication said it is more likely that a reader would conclude the increase in the bullying allegations at the hospital made the complainant’s position untenable, causing her to leave her employment there. The only reason for leaving mentioned in the article was that the complainant “moved on to pursue more ‘strategic’ human resources work”. The publication said a 2017–18 Australian Medical Association survey – which covered her period of employment – reported an increase in bullying complaints from the 2016–17 period. The publication said that the article did not refer only to the complainant but also reports that the Health Service board quit in 2016 over a forecast \$80 million budget deficit

and that there have been several resignations of senior executives since 2016.

The publication said that prior to publication, in accordance with the Health Service’s preferred process, it had sent questions to the Health Service seeking further information and which it answered. The publication subsequently provided two written questions which did not refer to the issue of bullying, put to the Health Service and the answers. The publication also said it attempted to make contact with the complainant through telephone number listings but there were too many similar names for it to be able to do so.

### CONCLUSION

The Council’s Standards of Practice applicable in this matter require publications to take reasonable steps to ensure published 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, the publication 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 on the information available during the complaints process including the Health Service’s Annual Report, it is most likely that the complainant was terminated rather than having resigned. It was inaccurate to assert as a fact that she had resigned. The Council notes the publication’s indication that it relied on emails it sighted through a source and contacted the Health Service. However, the Council does not consider the steps taken were reasonable in light of the complainant’s social media presence, the limited questions put to the Health Service, and the anecdotal nature of the source material.

The Council considers that the article implies that the complainant was linked to an increase in bullying complaints. This is more strongly implied in the online article given the position of a photograph of the complainant. On the material available to it, the Council does not consider that the complainant could be reasonably linked to an increase in bullying complaints. Although the publication referred during the Council’s complaints process to emails said to reference bullying claims at the Health Service, these were not provided to the Council. The Council considers the 2016-17 AMA Survey could not be relevant to the complainant’s performance in the role as it concluded at around the time the complainant

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began in her role. The Survey Report contained an aggregation of reported incidents of bullying, harassment and discrimination, not bullying complaints made by individuals. The 2017-18 AMA Survey was not relevant for the same reasons and in addition, covered the period of the complainant's employment but the complainant was only there for 8 months of the Survey year. The Council also notes that the AMA surveys are voluntary, the survey response rate was very low, limited to resident medical staff and was not data on the number of complaints raised by staff. Council also noted the survey reported an increase in staff confidence in management's responses and this factor could account for an increase in complaints.

Accordingly, the Council considers the publication failed to take reasonable steps to ensure factual material was not misleading and was presented with reasonable fairness and balance and breached General Principles 1 and 3.

As to General Principle 2 and 4, while reference to the complainant's employment ending by 'resignation' was inaccurate, the Council does not consider the reference to be so significantly inaccurate that it requires correction or other remedial action. The Council considers the misleading inference that the complainant was linked to an increase in bullying complaints was so significant that it would have breached General Principle 2 but for the publication amending the online article to remove misleading or unfairly presented factual material and publishing an apology to the complainant, albeit at a late stage in its process.

## Stephen Bright / The Daily Telegraph Adjudication 1777 (June 2020)

**The Press Council considered a complaint from Dr Stephen Bright about articles published in The Daily Telegraph headed "Experts accused of skewing statistics to help support their views on pill testing" online on 16 July 2019, "PILL YOUR HEADS IN: Experts' MDMA testing evidence slammed" in print on 17 July 2019 and the editorial "Sniffer dogs not deadly" in print and online on 16 July 2019.**

The articles reported on an inquest into the deaths of "six young revellers at last summer's dance festivals" as a result of "complications from MDMA use". The articles reported that Dr Bright is "one of a number of experts contacted by the inquest who have backed pill testing at festivals", who "have been accused of skewing statistics to support their views" by a prison forensic psychiatrist

and a respected medical expert from Brisbane's Princess Alexandra Hospital who in an expert report indicated that pill testing remains unproven. The editorial also reported on Dr Bright's statement that "MDMA itself is not a particularly harmful drug" and stated that the "families of those six dead Australians may take issue with Dr Bright's analysis".

The complainant said that the statement he had "been accused of skewing statistics" was inaccurate and misleading as the expert report of the forensic psychiatrist and medical expert contained no reference to him specifically or to 'skewing statistics.' The complainant said that this statement is merely the publication's interpretation of the whole report and not what was actually stated.

The complainant said that the word 'skewed' carries a grave meaning when read from an academic's perspective as it suggests falsification of data and a breach of academic integrity, which he said could have serious repercussions on his career.

The publication said the comment that Dr Bright had "been accused of skewing statistics" accurately reflects the critique of pill testing advocacy by experts such as Dr Bright contained in the expert report. It said that although the expert report does not use the word 'skewing', a reading of the full report makes the intentions of its authors clear. The publication noted the authors of the expert report stated that there is "no evidence to date from anywhere in the world that pill testing reduces drug-related deaths or other adverse incidents at dance and music festivals", despite the statistics put forward by Dr Bright and others in support of pill testing.

The publication also said that it used the word in its ordinary sense and with the intent of writing to an audience of ordinary readers, not academics.

The publication also said that the article named Dr Bright because it quoted Dr Bright's statements provided to the inquest as presenting one side of the pill testing debate, while using the expert report to provide the other side. The publication said that the article is a fair and accurate account which presents both sides of the debate.

### CONCLUSION

The Council's Standards of Practice applicable in this matter require publications to take reasonable steps to ensure 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 Council notes that it is legitimate journalistic practice to comment on public submissions and considers that the article was a reasonably accurate summary of a report that suggested that experts who support pill testing, including Dr Bright, were 'skewing' data to support their argument. The Council notes that while the article named the complainant, the article referred to him as being one of a number of experts. Accordingly, there was no breach of General Principles 1 and 2.

The Council considers that by using the public submission of Dr Bright and the expert report of the forensic psychiatrist and medical expert, thus showing both sides of the pill testing debate, the publication took reasonable steps to present factual material with reasonable fairness and balance. The Council notes that given the article was based on material considered by the Coroner in the course of the coronial process, there was no requirement for the publication to contact the complainant for comment. Accordingly, there was no breach of General Principles 3 and 4.

## Complainant / Herald Sun Adjudication 1775 (June 2020)

**The Press Council considered whether its Standards of Practice were breached by an article published by The Herald Sun headed "Time to doubt Greta's dogma" in print on 1 August 2019, "Andrew Bolt: Greta has no doubts, but we should" online on 31 July 2019 and "The disturbing secret to the cult of Greta Thunberg" online on 1 August 2019.**

The article concerned prominent, teenage climate activist Greta Thunberg and commented on her diagnosed mental disorders including "Asperger's syndrome, high-functioning autism and Obsessive Compulsive Disorder." The article referred to Greta Thunberg as "freakishly influential" "deeply disturbed" and a "strange girl" and commented "I have never seen a girl so young with so many mental disorders treated by so many adults as a guru."

In response to complaints it received, the Council asked the publication to comment on whether the article's characterisation of Greta Thunberg and description of her mental disorders complied with the Council's Standards

of Practice. These require publications to take reasonable steps to ensure factual material is presented with fairness and balance (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 (General Principle 6).

The publication said the article is clearly an expression of opinion which relies on publicly available information about Greta Thunberg's mental disorders. This information has been disclosed publicly by Thunberg herself, and in a book by her mother, which claims Greta Thunberg's mental conditions have been advantageous to her in campaigning against global warming. The publication said it is entirely reasonable and fair for the writer to describe Greta Thunberg as "deeply disturbed", "strange" and "[having] so many mental disorders" as the writer's opinion is based on accurate factual material publicised by both Greta Thunberg and her mother.

The publication also said Greta Thunberg is "freakishly influential" given that she has appeared at the World Economic Forum, European Parliament and United Nations and addressed dozens of rallies attended by tens of thousands of people at such a young age. The publication said Greta Thunberg is indeed being treated as a "guru" on global warming as evidenced by the worldwide public commentary of her campaign.

The publication also said given Greta Thunberg and her mother have been open and public about her mental disorders there is no chance the article would contribute materially to substantial offence, distress or prejudice, or a substantial risk to health and safety.

### CONCLUSION

The Council's Standards of Practice require that publications take reasonable steps to ensure factual material is presented with reasonable fairness and balance (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 (General Principle 6).

The Council accepts that Greta Thunberg's mental disorders are a matter of public record and have been relayed with reasonable accuracy in the article. As such, the Council does not consider that the writer's expression of opinion is based on significantly inaccurate factual material or omission of key facts and concludes that General Principle 3 was not breached.

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Nonetheless, in considering the article's language and treatment of mental health issues, the Council considers the language in the article is likely to cause substantial offence, distress and prejudice as it attempts to diminish the credibility of Ms Thunberg's opinions on the basis of her disabilities and by pillorying her supporters on the basis of her disabilities. In doing so the Council considered that the publication did not take reasonable steps to avoid causing or contributing to substantial distress, offence by people with disabilities, and their families or prejudice towards people with disabilities expressing their opinions in public. The Council considered there was a public interest in the public being informed about Ms Thunberg's disabilities but that there was no public interest in the undermining the credibility of a person, her opinions or her supporters on the basis of her disabilities in circumstances where many people without disabilities share and express similar opinions. Accordingly, the Council concludes that the article breached General Principle 6.





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