



**Australian
Press Council**

Annual Report 2018–2019

Complaints and Complainants

Complaints received	Decisions
In-scope complaints received in 2018-19	In-scope complaints 555
Out-of-scope complaints received in 2018-19	Complaints 1152
Issues raised in 2018-19	Out-of-scope complaints 181
	Issues raised in complaints 760

COMPLAINANTS		TYPE OF PRACTISE	
Media organisations	528	Journalism	175
Individuals	624	Public relations	113
Government	10	Advertising	77
Other	1	Other	1
Total	1163	Total	266

COMPLAINANT LOCATION		STATUS OF COMPLAINTS	
NSW	251	Resolved	714
QLD	11	Not resolved	438
SA	1	Under review	10
VIC	67	Under review	10
WA	1	Under review	10
NT	1	Under review	10
ACT	1	Under review	10
Other	1	Under review	10
Total	344	Total	782

ISSUES RAISED	
Accuracy	100
Balance	100
Clarity	100
Context	100
Editing	100
Identification of sources	100
Language	100
Privacy	100
Representation	100
Structure	100
Style	100
Total	1000





Australian
Press Council



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Press Council**

Annual Report 2018–2019

ANNUAL REPORT NO 43
Year ending 30 June 2019

The Australian Press Council

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The Press Council is responsible for promoting good 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

2018-2019 was a challenging year for Press Council, with an upsurge in the number of complaints placing significant pressure on operations.

Council received 758 in-scope and 183 out-of-scope complaints from 2,004 complainants, compared to the previous period's 554 in-scope complaints and 158 out-of-scope complaints from 959 complainants.

Council is exploring ways to improve its processes so that complaints can be handled more efficiently in future. While some progress is being made, Council had to divert significant resources in this period to defend legal proceedings about its processes and decisions.

Community expectations evolve over time. Part of our job is to make sure that these changes are recognised and reflected in our practices and guidelines. During this period, Council commenced a comprehensive consultation process to develop an Advisory Guideline for reporting on persons with diverse sexual orientation, gender identity and sex characteristics.

The decision to develop this guideline was based on Council's desire to help publishers and journalists report on LGBTQI issues with appropriate consideration of a range of sometimes sensitive factors. The Guideline, which was published in November 2019, was informed by roundtables in Sydney and Melbourne with a range of experts, including peak bodies and persons with lived experience.

Council also continued its interaction with the ACCC Digital Platforms Inquiry Working Group following the previous year's submission to the Digital Platforms Inquiry.

During 2018-2019 there were two elections, a NSW State election and a Federal election. Ahead of these events I wrote to editors to draw their attention to the Council's Advisory Guideline on Reporting Elections, which had been revised during this period.

Council recognises the right of media to have and promote their own political positions but at the same time, the media play a major role in the democratic process by ensuring the electorate is well informed and facilitating freedom of speech by candidates, their supporters and members of the community.

In light of Council's advocacy for press freedom, it joined with many of its Member publications to express concern over raids on the ABC and a News Corp journalist by Australian Federal Police. It also awarded the 2019 Press Freedom Medal, continuing a proud Council tradition which awards journalists who demonstrate extraordinary commitment or service to the cause of press freedom. This year's winners were Louise Milligan, an investigative reporter for the ABC's Four Corners program, and Anthony Dowsley, the Herald Sun's crime investigations journalist.

Despite difficulties in this period, Council has continued to handle complaints, develop standards and advocate for press freedom, free speech and responsible journalism. I am grateful for the continuing support and wisdom provided by Council members and I acknowledge the hard work and commitment of Council Secretariat.

Neville Stevens AO



Australia
Business Council

Report from the Executive Director

This year saw the Press Council continue to pursue its central object of promoting freedom of speech through responsible and independent print and digital media and adherence to high journalistic and editorial standards, in the context of a rapidly changing industry and world.

This year saw a very high number of new small publisher members approach the Council to discuss joining it. Membership is a long term commitment to funding and supporting the goals of Council, including high standards of journalistic practice and freedom of expression. Membership also requires compliance with Council's standards of practice and complaints process.

In January 2019 the National Indigenous Times joined the Press Council as a publisher, the second indigenous publication to join after Koori Mail. The Western Weekender, Highlife Publishing Pty Ltd, insidestory.org.au, radioinfo.com.au, Altmedia Pty Ltd and Great Southern Weekender also joined the Press Council during the year.

The Secretariat continued its outreach and relationship development with stakeholders on issues of all kinds. This ranged from consultations with community groups on issues of specific concern to them, to running in-house sessions on the standards of practice and complaints process for journalists of publisher members and to running mock adjudications sessions for journalism students to participate in.

As noted by Press Council Chair Neville Stevens in his foreword to this Annual Report, Council began work on an Advisory Guideline for reporting on people with diverse sexual orientation, gender diversity and sex characteristics. This involved a very positive process of engagement, consultation and discussions on a range of important issues. Just after the reporting period the guideline was finalised to positive feedback. In developing this Guideline the Press Council built new relationships with a range of community groups, publishers and journalists.

The Council shares many similarities with Councils in a number of liberal democracies which set standards and handle complaints in the context of the need of democracies to debate issues in order to solve them. I am pleased to say Council has continued to develop its relationships with them to share ideas for best practice. During the 2018-2019 period Council also engaged and shared best practice with local complaints-handling bodies in areas outside of the media.

The year saw the Secretariat continue to find ways to use emerging technologies to better support its operations, partly assisted by its move to new offices in North Sydney. It will be an ongoing process for the Council to gain further efficiencies and speed from new technologies and also to adapt to emerging technological and industry change.

The Press Council continued to handle complaints in accordance with its complaints handling process and saw the emergence of a very large number of complaints from a single group.

The Council has continued to support staff with training, development and support. This is particularly important given the emotional stress which can arise in complaints handling and other aspects of the Council's work.

I would like to express my appreciation to the Secretariat Staff past and present for their dedication to the Council's work and its ongoing development in sometimes very difficult circumstances. I extend my congratulations to Paul Nangle, the Council's Director of Complaints, on his SOCAP Stellar Achievement Award for his work in complaints handling and all other staff for their achievements during the year.

I thank the publisher and constituent members for their continuing financial and other support, without which the Council could not function. For their great wisdom I especially thank the Council's Executive Chair Neville Stevens AO, Council members and Adjudication Panel members.

John Pender

COMPLAINANTS IN 2018-2019

2,004

“Council recognises the right of media to have and promote their own political positions but at the same time, the media play a major role in the democratic process by ensuring the electorate is well informed and facilitating freedom of speech by candidates, their supporters and members of the community.”

PRESS COUNCIL CHAIR / NEVILLE STEVENS

COMPLAINTS

758

82%

COMPLAINTS UPHeld OR PARTIALLY
UPHELD BY THE ADJUDICATION PANEL

FORMAL ADJUDICATIONS

18

10

STAFF WORKING AT THE
COUNCIL SECRETARIAT



The Year in Review

Key Australian Press Council activities

The purpose of the 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.

Despite a challenging year, the Australian Press Council continued to make progress against these objectives, supported by several talented new team members who have brought their vigour and energy to bear on the work of Council.

Ensure effective complaints handling

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

During this year there was an upsurge in the number of complaints generated by a single group. Council's processes and decisions were the subject of a series of legal appeals by this group to the Anti-discrimination Board of NSW (ADB) and the NSW Civil and Administrative Tribunal (NCAT). Council vigorously defended its processes. For legal reasons, it cannot provide details about the cases publicly. At the end of the period, legal challenges were still to be resolved.

Overall, there were 758 in-scope and 183 out-of-scope complaints received from 2,004 complainants during 2018-2019. In comparison, the previous year saw just 554 in-scope complaints and 158 out-of-scope complaints, from a total of 959 complainants. 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.

Standards, guidelines and industry education

The Press Council commenced the process of consultation to develop an Advisory Guideline for reporting on people with diverse sexual orientations, gender identity and sex characteristics.

In November 2018, Press Council Chair Neville Stevens wrote to editors to alert them to the decision to develop this. "The aim of the Advisory Guideline will be to help

publishers and journalists to report on LGBTI issues with appropriate consideration of a range of sometimes sensitive factors and to comply with the Council's Standards of Practice," Mr Stevens noted.

This work included roundtables in Sydney and Melbourne with a range of experts, representatives of relevant peak bodies, persons with lived experience and consultations with publications and other representatives.

In March 2019, Mr Stevens again wrote to editors ahead of the New South Wales State election to draw their attention to the Council's Advisory Guideline on Reporting Elections, which had been revised during this period. He again wrote to editors on reporting elections ahead of the Federal election in May 2019.

The letters recognised the right of media to have and promote their own political positions but reminded them that the media play a major role in the democratic process by ensuring the electorate is well informed and facilitating freedom of speech by candidates, their supporters and members of the community. "This means that comprehensive and accurate accounts of key election issues, particularly in an era of 'fake news', are critically important," said Mr Stevens.

The Council continued its information-sharing activities and was pleased to discuss its standards and complaints process with a range of organisations including Sydney University students, Associations Forum and Fairfax Media.

The Council was honoured to host Mr Hugo Fernandes, Commissioner on the Timor-Leste Press Council and Lisa Clutterham, Liaison Officer from the Australian Embassy in Dili. Mr Fernandes is the Chief Executive Officer of Centro Nacional Chega – the Timor-Leste Government's response to the recommendations of the Timor-Leste Truth and Friendships Commission and the successor to Timor-Leste's 2002-2005 Commission for Reception, Truth and Reconciliation. CNC's work supports the preservation of the memory of the survivors of human rights violations in the 1974-1999 period.

Mr Stevens hosted an informal meeting on 26 October 2018 for a visiting delegation of 22 journalists, editors and broadcast producers from China. There was a useful and positive discussion about systems in the two countries.

Advocate for press freedom, free speech and responsible journalism

The Press Council promotes freedom of speech through responsible and independent print and digital media and adherence to high journalistic and editorial standards.

In June 2019, the Press Council joined with many of its Member publications to express concern over raids on the ABC and a News Corp journalist by Australian Federal Police. Press Council issued a media release, noting that the action could have a “chilling effect on journalists, and may intimidate them from pursuing legitimate stories in the public interest.”

Earlier in 2019, Press Council called for nominations for its Press Freedom Medal, to be awarded to an individual who has demonstrated extraordinary commitment or service to the cause of press freedom. The decision was made to award the 2019 Medal to Louise Milligan, an investigative reporter for the ABC’s Four Corners program, and Antony Dowsley, the Herald Sun’s crime investigations journalist.

In the previous year, Press Freedom Medals were awarded to Peter Greste, a vocal proponent of press freedom and now Professor of Journalism and Communications at University of Queensland, and Gerard Ryle, Director of the International Consortium of Investigative Journalists.

Consultations with the ACCC Digital Platforms Inquiry Working Group continued, following the previous year’s submission to the Digital Platforms Inquiry.

Press Council made a submission to the Council of Attorneys-General Review of Model Defamation Provisions Discussion Paper. The purpose of the Review was to consider whether the policy objectives of the Model Defamation Provisions (MDPs) as stipulated in section 3 of the MDPs remain valid and whether the MDPs remain appropriate to achieve those objectives.

The Press Council submission supported further consideration of measures aimed at promoting the responsible dissemination of journalistic and other content



Press Freedom Medal winners Louise Milligan, ABC Four Corners; Anthony Dowsley, Herald-Sun.

online, but also noted such measures must be consistent with the objectives of the MDPs and strike an appropriate balance between protecting individuals from defamatory publications and ensuring that freedom of expression is not unduly curtailed. The full submission is on the Press Council’s website.

The Press Council also made a submission with reference to the South Australian Journalist Shield Law – Evidence (Journalists) Amendment Bill suggesting the South Australian Government consider applying the provision to journalists who write regularly for publications that belong to the Australian Press Council or some similar independent standards body. Alternatively, some other test that the journalist is reputable might be applied to demonstrate in a tangible way the commitment to ethical standards.

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

The Press Council maintained its engagement with other Press Councils in the region. Paul Nangle, the Australian Press Council's Director of Complaints attended the Dili Dialogue Forum, hosted by the Timor Leste Press Council on 9-10 May 2019 in Dili Timor-Leste. The central theme of the forum was "Social Media: Challenge to Journalism and Privacy in the Modern Society", a topic of great relevance, particularly in the Southeast Asia and Pacific Regions.

In this period the Chair and Executive Director were invited to attend some New Zealand Press Council activities and were also pleased to host a visit by the Irish Press Ombudsman, Peter Feeney.

Paul Nangle was a finalist in the 28th Annual SOCAP Australia Industry Awards in the Stellar Achievement category, a fitting acknowledgement of his extensive skills and experience in complaints-handling.

In a major shift in Australia's media landscape, Fairfax Media and Nine Entertainment merged in December 2018. Fairfax country papers were later sold by Nine to Australian Community Media (ACM).

During the year the Press Council welcomed the National Indigenous Times as a publisher member, adding a fresh masthead to the 900-plus print and online media outlets committed to the Press Council's high standards of ethical journalism and mission to advocate for press freedom. The National Indigenous Times is an online weekly newspaper that celebrates indigenous stories and achievements and advocates for reconciliation.

The Press Council moved into new premises at 53 Berry Street North Sydney.



Paul Nangle with SOCAP award



Visiting delegation of journalists, editors and broadcast producers from China



Visiting delegation of journalists from Korea

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 (CMS).

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 758 complaints received last year, 18 were considered by an Adjudication Panel. Just over 82 per cent of those were upheld or partially upheld.

NUMBERS OF COMPLAINTS AND COMPLAINANTS OVER PAST FIVE YEARS

	2018-19	2017-18	2016-17	2015-16	2014-15
New in-scope complaints received during year	758	554	582	500	525
Complainants making these complaints	2,004	959	1387	801	3742
Out-of-scope complaints received during the year	183	158	120	167	287



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.



Complainant / Geelong Advertiser (July 2018)

The Press Council considered a complaint that an article breached its Standards relating to privacy, distress and health and safety as well as the Council's Specific Standards on the Coverage of Suicide.

The article reported a "man climbed over a rooftop barrier atop the Market Square complex and dangled over the street" leading to a "rooftop standoff" in which "police shut down the busy street to negotiate with the man who was threatening to jump". It included a short video of the incident and a photograph of the man sitting with his legs dangling off the rooftop edge with his head in his hands. The article reported in detail about traffic diversion and closures of public spaces.

In response, the publication said it did not name the man involved nor did it publish photographs or video in which the man could be identified. It said the Council's Specific Standards on the Coverage of Suicide did not apply as there was no suicide nor, in its view, any attempted suicide. It said the article did not directly report on any suicide method nor did it provide any specific detail or instruction that may have increased the risk of further suicides. It also said there was a strong public interest in the report.

The Council accepted the photograph and video did not identify the man involved and did not intrude on his reasonable expectations of privacy. The Council was also not satisfied that the report would cause substantial distress or a risk to the health and safety of any person including the man involved, since it was published following the incident's resolution.

The Council considered that the article's heading, photo, and statements that the man "climbed over the rooftop barrier", "was threatening to jump", and "Police are negotiating with the man", amounted to reporting the incident as an attempted suicide. The police comments in the updated article reinforced this. The Specific Standards on Coverage of Suicide therefore applied. The publication did not attempt to obtain consent from the man involved, appropriate relatives or close friends.

The Council considered although it was in the public interest to report on the disruption the incident caused, this could have been served without reporting about it as an attempted suicide. The Council considered that while the

traffic disruption justified reporting the location, it was not in the public interest to publish the method of attempted suicide. The Council did not consider the article gave undue prominence to its reporting of the incident.

The Council partially upheld the complaint. The publication published the adjudication in print and online on 26 July 2018.

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



Angela Owen / The Brisbane Times (February 2019)

Cr Angela Owen, Chairman of the Brisbane City Council, complained about an article originally headed "Council chairman accused of being abusive and being biased", which said that the complainant "had been accused of allowing bullying and being partisan during full council meetings". It said that the complainant had chaired seven meetings of the City Council, councillors were warned seven times and a councillor was once ordered to leave. It said these incidents involved Labor or independent councillors and that no LNP councillors were warned. It referred to a letter written by the Opposition Leader to formally complain to the City Council's Chief Executive, describing the complainant's actions at a recent meeting as "ruthlessly biased".

In response, the publication said that the article featured comments attributed to the Opposition leader and was based on events in a City Council meeting and that discussion of the events was in the public interest. It said it took reasonable steps to ensure that factual material was accurate and not misleading and presented with fairness and balance. This included contacting the City Council media unit—to which all media inquiries must be made rather than individual councillors—prior to publication for comment. It also incorporated into the article extracts from Council minutes of the exchange and independently tallied the number of incidents in which the Chair had warned councillors or ordered them to leave the chamber.

The Press Council considered that the initial headline stated that the complainant had personally been accused of being abusive and being a bully. Neither the article nor any material put forward by the publication during the Press Council's complaints process supported this statement. The Council noted the publication did seek comment from the media unit before publication. However, given the seriousness of the allegation, the Council considered the publication failed to take reasonable steps to ensure it was accurate, not misleading and fair and balanced. The Council considered the publication took reasonable steps to provide a fair opportunity for a reply.

The Council partially upheld the complaint. The publication published the adjudication in print and online on 4 February 2019.

Stephen Caldwell / The Border Mail (December 2018)

Stephen Caldwell complained that an article published by The Border Mail caused substantial offence, distress and/or prejudice based on the reporting of his sexuality.

The article reported the Mayor of the Towong Shire Council had sent a text message to the complainant with an image of two naked men decorating a Christmas tree and with the accompanying message: "Here's a new Christmas wish for you" and that the Mayor had announced he would write a formal apology to the complainant for sending it. The article went on to say "The homosexual rejected (the Mayor's) explanation that he had sent the text as a joke after receiving it from a female friend."

The publication said it was important to include the description "The homosexual" because it was relevant to the context of the article. The publication said the complainant repeatedly referred to himself as a "homosexual man" in conversations and correspondence with it and in correspondence with others, and told the journalist that he preferred being referred to as a "homosexual" rather than "gay". The publication said the complainant was an active participant in the story after he approached it about the Mayor's conduct.

The Council accepted that the complainant told the publication about his sexuality and indeed pointed to his sexuality as a possible reason why the text was sent to him. However, the Council considered that in referring to the complainant as "The homosexual" the publication gave a strong and unnecessary emphasis to his sexuality, and that neither participating in the story nor telling the journalist he preferred to describe himself as "homosexual" rather than "gay" was a consent by the complainant to his sexuality being emphasised in this manner. The Council concluded that the publication did not take reasonable steps to avoid causing substantial distress or prejudice.

The Council upheld the complaint. The publication published the adjudication in print and online on 12 December 2018.

Complainant / The Sunday Mail (May 2019)

The Press Council considered a complaint that three articles published by The Sunday Mail failed to ensure that the publisher's conflicts of interest were adequately disclosed.

The articles reported on the rents and levies that sporting teams incur for the use of stadiums operated by Stadiums Queensland and discussed the impact of this on various sporting codes, including the NRL. The articles said "Price gouging by Stadiums Queensland is threatening the fiscal viability of the state's top footy clubs", "A Sunday Mail investigation reveals the Broncos ... are all facing massive financial challenges on the back of soaring rental costs", and "Even the Broncos ... struggle to survive under the current economic structure being imposed by Stadiums Queensland". The complaint noted that News Corp Australia, through its subsidiary Nationwide News Pty Ltd, is the major shareholder in the Brisbane Broncos.

The publication said the articles were not directly focused on the Broncos, but rather were a comment about the way stadiums throughout Queensland are being managed, and noted the article makes the point that the Broncos actually have the best deal. It also said its usual process is to disclose its relationship with the Broncos when it involves a story relating to the financials or management of the club, but not in sport stories regarding the game, the teams, or in an upgrade to the stadium where they play. It also said its ownership of the team is well known amongst its readership.

The Council considered while the articles' focus may not have specifically been on the Broncos, Stadiums Queensland's operation and management of sporting stadiums, and the rents and levies charged, are of financial concern to the Broncos and therefore to News Corp Australia. It also noted the relationship between News Corp Australia and the Broncos may not be well known to all readers, particularly interstate readers.

The Council upheld the complaint. The publication published the adjudication in print and online on 26 May 2019.

Alternative remedies

Complainant / Australian Financial Review

The complainant, a peak body in the strata industry, expressed concern that an article inaccurately reported it supported the pre-sale of building management rights, and that the views attributed to it were damaging to its reputation.

In response to the complaint, the publication offered to publish a correction in print which was accepted by the complainant. The publication also amended the online version of article by removing the statement complained of.

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

Complainant / The Daily Mail

The complainant expressed concern about an article which reported on an attempted break-in and theft. In particular, the complainant noted that a photograph included in the article appeared to show the licence plate of the victim's car.

In response to the complaint, the publication amended the online article by pixelating the photograph so as to obfuscate the licence plate.

The Executive Director considered this sufficiently remedied the complaint.

“Thanks to the Press Council’s team, our complaint achieved a correction as well as an apology by the newspaper. The Council’s assistance has been helpful and helped educate the author.”

Katrin Watson, Executive Officer.

**Strata Community Association (SCA)
Queensland**

Complainant / Manning River Times

The complainant, on behalf of a sitting New South Wales MP, complained that an article unfairly implied he had intentionally delaying tabling a petition regarding public hospitals for political gain.

In response, the publication said that while it did not agree with the substance of the complaint, it would nonetheless offer the complainant a Letter to the Editor to address his concerns with the article and comment on the petition.

The complainant accepted the publication’s offer of a Letter to the Editor, which was subsequently published.

Complainant / The Canberra Times

The complainant expressed concern about an article which reported on a criminal matter. The complainant said that although the article was fair and accurate at the time of publication, the charges referred to in the article had subsequently been overturned on appeal.

In response to the complaint, the publication confirmed that a follow-up story had subsequently been published in print and was also available online on all of Fairfax’s metropolitan websites.

The Executive Director considered the follow-up articles sufficiently remedied the complaint.



Complaints and Complainants

Complaints received

New in-scope
complaints received
during the year
758

Out-of-scope
complaints received
during the year
183

Complainants making
these complaints
2,004

Complaints closed

In-scope complaints
555

Complainants
1152

Out-of-scope
complaints
181

Issues raised in
complaints
760

COMPLAINANTS

Individuals	650
Associations, companies and other non-government bodies	34
Government and other public bodies	19
Politicians, councillors, electoral candidates and political parties	10
Other	23
Total (in-scope and out-of-scope)	736

COMPLAINANT LOCATION

NSW	273
VIC	175
QLD	122
WA	54
SA	26
TAS	21
ACT	15
NT	10
Overseas	5
Unspecified	35
Total (in-scope and out-of-scope)	736

PUBLICATIONS

Newspapers and their digital platforms	
National	214
State	215
Regional and rural	129
Suburban	35
Magazines and their digital platforms	3
Online-only publications	65
Other	55
Total (in-scope and out-of-scope)	736

TYPE OF PLATFORM

Online-only	430
Online and social media	6
Print	121
Print and online	153
Print, online and social media	2
Social media	2
Unspecified	22
Total (in-scope and out-of-scope)	736

OUTCOMES OF COMPLAINTS

Declined by the Council at initial stage	314
Discontinued	126
Discontinued with Letter-of-Advice	6
Withdrawn	2
Remedy without adjudication	58
Not pursued by complainant	29
Adjudication – complaint fully or partially upheld	14
Adjudication – not upheld	4
Out-of-scope	183
Total	736

REMEDIES WITHOUT ADJUDICATION

Apology (public or private)	2
Retraction, correction or clarification published	7
Material deleted entirely	6
Follow-up article published	0
Amendment to article	41
Other private action/explanation	0
Other published action	2
Total	58

ISSUES RAISED

Accuracy/misleading	247
Corrective action	21
Fairness and balance	106
Publication of a reply	16
Intrusion on privacy	84
Offence/prejudice/distress	269
Unfair or deceptive means	6
Conflict of Interest	11
Total	760

Council Membership and Staff



Chair, Neville Stevens AO.

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 2018-2019 period, Council welcomed a number of new constituent members. Lachlan Heywood was appointed to the Council on 1 August 2018, replacing Peter Holder, who resigned as the constituent member for Daily Mail Australia on 1 August 2018.

David Braithwaite was appointed for Fairfax Media on 23 November 2018. Holly Nott was appointed on 16 March 2019, replacing Tony Gillies who resigned as the constituent member for AAP on 16 March 2019.

The Council farewelled Anna Reynolds as an independent journalist member and public member on 3 May 2019. The Council and Secretariat thank her for her valuable contribution.

There were also a number of reappointments to the Council. Julie Kinross was reappointed as Vice Chair on 1 January 2019 and as a public member on 1 January 2019. Bob Yeates was reappointed as a constituent member on 29 August 2018. Glenn Stanaway was reappointed for News Corp Australia on 27 November 2018. There were reappointments as industry panel members of David Fagan on 1 September 2018; Bob Osborne on 27 November 2018; Susan Skelly on 17 March 2019 and Kirstie Parker on 19 March 2019. There were reappointments as public panel members of Julian Gardner on 17 March 2019 and Melissa Seymour-Dearnness on 17 March 2019.



Vice-Chair John Doyle.



Vice-Chair Julie Kinross.



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.

Sydney Publishing Group Pty Ltd, Radiowise Productions Pty Ltd, Altmedia Pty Ltd, Inside Story Publishing Pty Ltd, Highlife Publishing Pty Ltd and Beaconwood Holdings Pty Ltd joined as constituent bodies in December 2018. National Indigenous Times Holdings Pty Ltd in January 2019.



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

Council Members at 30 June 2019

Neville Stevens AO	Chair
Hon John Doyle AC	Vice Chair
Julie Kinross	Vice Chair
John Bedwell	Public Member
Jennifer Elliot	Public Member
Dr Felicity-Ann Lewis	Public Member
Dr Suzanne Martin	Public Member
Andrew Podger AO	Public Member
Zione Walker-Nthenda	Public Member
Mike Steketee	Independent Journalist Member
David Braithwaite	Fairfax Media
Lachlan Heywood	Daily Mail Australia
Prof Matthew Ricketson	MEAA
Holly Nott	AAP
Tony Gillies	AAP
Glenn Stanaway	News Pty Limited
Simon King	Nine.com.au
Bob Yeates	Country Press Australia
Paul Merrill	Bauer Media Group

Members holding office for part of the year were Chris Graham Smaller Publisher Members Representative, Robyne Schwarz Public Member, Anna Reynolds Journalist Member, Peter Holder Daily Mail Representative, Carla McGrath Public Member, Andrew Porter Fairfax Member.

ADJUDICATION PANEL MEMBERS

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

SECRETARIAT AT 30 JUNE 2019

John Pender Executive Director
 Isabella Cosenza Director of Strategic Issues
 Paul Nangle Director of Complaints
 Chrissy Christofa Complaints and Enquiries Officer
 Dorothy Kennedy Media Consultant
 Febe Magno Complaints and Governance Officer
 Monica Park Administrative Assistant
 Joelle Patten Office Manager
 Nathan Saad Complaints Officer
 Melissa Salfi Complaints Advisor (part-time)



Director of Strategic Issues Isabella Cosenza.



Director of Research and Communications, Michael Rose.

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 also a number of changes in Secretariat staffing during the year. Michael Rose resigned as Director of Research and Communications in November 2018. The Secretariat also farewelled Tanith Chippendale as Complaints Officer in March 2019 and Alice Beasley as Complaints and Governance Officer in April 2019.

Chrissy Christofa took on the role of Complaints and Enquiries Officer on June 2019, Nathan Saad joined the Secretariat as a Complaints Officer in January 2019 and Febe Magno joined as Complaints and Governance Officer in May 2019. Monica Park joined the Secretariat as an Administrative Assistant in January 2019, following the departure of Sophie Trigger, Sophie Edmondstone and Srinidhi Paranjji.

The Press Council thanks all past staff for their contribution and wishes them well.



Office Manager, Joelle Patten.



Administrative Assistant, Monica Park.



Media Consultant, Dorothy Kennedy.

Finances

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

In 2018-2019 the main activities of the Press Council were to promote good standards of media practice and to be the principal body for responding to complaints about material in Australian newspapers, magazines and online media.

Total member contributions for the year 2018-2019 amounted to \$2,153,255, an increase of 2 per cent from 2017-2018.

Funding in 2018 - 2019

Contributions are made by constituent bodies according to a sliding scale based on the agreed budget for the year. Contribution bands for 2018 - 2019 were as follows:

- Up to one per cent each: Adelphi Printing, At Large Media, Australian Rural Publishers Association, The Koori Mail, The Bushland Shire Telegraph, Emanila, Community Newspapers Australia, Country Press Australia, Crinkling News, Echo Publications, Focal Attractions, Independent Australia, The New Daily, Private Media, Australian Property Journal, 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) Urban Cinefile, WorkDay Media, Women's Agenda, Solstice Media, Monthly Chronicle, National Indigenous Times, Altmedia, Beaconwood Holdings, Highlife Publishing, Inside Story, Radiowise Productions, Western Sydney Publishing Group ;
- 1-10 per cent each: Australian Associated Press, HT&E, Bauer Media Group, Daily Mail.com Australia, Media Entertainment and Arts Alliance, nine.com.au;
- 11-30 per cent: Fairfax Media; and
- 31-60 per cent: News Corp Australia.

Triennial commitments

Constituent bodies agree specific funding commitments three years in advance. The agreed increase in contributions for 2018-19 is 2 per cent, for 2019-20 nil, and for 2020-2021 nil.

PROFIT AND LOSS

THE AUSTRALIAN PRESS COUNCIL INC

For the year ended 30 June 2019

ACCOUNT	30 June 2019	30 June 2018
Income		
Core funding (CBs)	2,153,255	2,100,706
Interest	8,345	9,517
Other Income	12,378	1,024
Sundry Income	400	0
Total Income	2,174,378	2,111,247
Expenses		
Amortisation Expense	21,939	32,453
Auditors	10,193	9,000
Provision for impairment	51,173	39,423
Leave expenses	43,811	(22,937)
Bank fees	3,736	3,750
Consulting and Professional fees	217,440	127,567
Meetings and Consultations	113,613	130,903
Consultations, working groups	32,255	0
Depreciation	11,356	9,751
Donations	0	262
Insurance	16,770	20,753
IT development and support	25,151	31,606
IT equipment/software	4,016	5,337
Light & power	4,959	4,977
Long Service Leave Expense	23,608	2,727
Make Good expense	47,498	37,500
Office Equipment (<\$300)	298	109
Office Expenses/stationery	19,502	15,198
Office refit	17,810	40,468
Other - Chair Recruitment	0	64,795
Other publications, reports	117	0
Payroll Tax	19,166	24,346
Postage & Couriers	3,943	3,539
Printing and stationery	30,402	15,636
Prize & Judges Fees	0	681
Rent & cleaning	177,216	216,142
Salaries	1,061,975	1,094,388
Superannuation	102,015	102,654
Security costs	3,563	3,742
Staff Training	23,810	12,057
Storage/filing	5,503	3,255
Subscriptions	9,930	30,057
Telephone and internet	32,219	21,059
Temp labour hire	0	54,987
Training/information sessions	1,380	0
Total Expenses	2,136,365	2,136,184
(Deficit)/Surplus before income tax	38,013	(24,937)

BALANCE SHEET

THE AUSTRALIAN PRESS COUNCIL INC

As at 30 June 2019

ACCOUNT	30 June 2019	30 June 2018
Assets		
Cash and cash equivalents	1,238,045	905,527
Trade debtors and other receivables	814,065	835,473
Total Current Assets	2,052,110	1,741,000
Non-current Assets		
Property, plant and equipment	18,971	12,397
Intangible assets	9,370	17,075
Total Non-current Assets	28,341	29,471
Total Assets	2,080,451	1,770,471
Liabilities		
Trade and other payables	206,765	16,860
Current tax liabilities	142,488	137,477
Short-term provisions	75,680	60,000
Employee benefits	62,118	44,744
Deferred income	1,094,322	1,073,934
Total Current Liabilities	1,581,373	1,333,014
Non-current Liabilities		
Employee benefits	39,583	15,975
Total Non-current Liabilities	39,583	15,975
Total Liabilities	1,620,956	1,348,989
Net Assets	459,495	421,482
Equity		
Retained earnings	459,495	421,482
Total Equity	459,495	421,482

COMPLAINANTS	
Individuals	438
Associations, companies and other non-government bodies	34
Government and other public bodies	14
Politicians, organisations, elected candidates and political parties	10
Other	21
Total (in-scope and out-of-scope)	736

COMPLAINANT LOCATION	
NSW	202
VIC	175
QLD	122
WA	122
TAS	34
ACT	34
NT	21
Overseas	14
Unspecified	10
Other	5
Total (in-scope and out-of-scope)	736

PUBLICATIONS	
Newspapers and their digital platforms	
National	214
State	228
Regional and rural	129
Subscription	30
Magazines and their digital platforms	3
Online only publications	65
Other	38
Total (in-scope and out-of-scope)	734

TYPE OF PLATFORM	
Discursively	439
Online and social media	6
Print	121
Print and online	163
Print, online and social media	2
Social media	2
Unspecified	22
Total (in-scope and out-of-scope)	734

OUTCOMES OF COMPLAINTS	
Dismissed by the Council at initial stage	384
Dismissed with Letter of Advice	127
Withdrawn	6
Remedy without adjudication	3
Not pursued by complainant	58
Adjudication -	
complaint fully or partially upheld	24
Adjudication - not upheld	14
Out-of-scope	0
Total	592

REMEDIES WITHOUT ADJUDICATION	
Apology (public or private)	2
Retraction, correction or clarification published	7
Material omitted entirely	4
Follow-up article published	0
Amendment to article	41
Other private acknowledgement	2
Other acknowledgement	2
Total	58

ISSUES RAISED	
Accuracy/misleading	367
Corrective action	21
Fairness and bias	154
Publication of a reply	14
Invasion of privacy	44
Offensive/unpleasant	269
Order or restrictive means	4
Conflict of interest	11
Total	760



Member Publications

As at 30 June 2019, 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.

Australian Rural

Publishers Association

Bauer Media Group

4 x 4 Australia
4x4 Australia - One Shot
Australasian Bus and Coach
Australasian Transport News
Australian House & Garden
Australian Women's Weekly
AWW - Australian Health Diary
AWW Food
AWW Oneshots
AWW Puzzler
Belle
Better Homes & Gardens Code Cr
Better Homes & Gardens Puzzle
Better Homes & Gardens Sudoku
Better Homes and Gardens
Bluey
Books Oneshots
Country Style
Country Style Calendar
Country Style Diary
Country Style Oneshots
Deals On Wheels
Diabetic Living
Earth Movers & Excavators Mag
Elle
Empire
Family Circle
Family Circle Puzzles
Farms & Farm Machinery
Formula 1 Program
Girlfriend
Good Health
Gourmet Traveller
Gourmet Traveller Cookbook
GP Program
Harpers BAZAAR

Home Beautiful
Inside Out
Inside Out Oneshot
Instyle
It's Your Day
Marie Claire
Marie Claire Living
Men's Health
Money
Motor
Motoring Specials
Mr Wisdom's Sudoku
Mr Wisdom's Whoppers
New Idea AU
New Idea Food
New Idea Jumbo Puzzler
New Idea Royals AU
NW
NW Star Style
OK!
OK! Magazine Oneshots
Owner Driver Mag
People
People Specials
Puzzler Oneshots
Real Living
Real Living - Decorating
Street Machine
Street Machine - One Shot
Street Machine Summernats
Take 5
Take 5 Mega Puzzler
Take 5 Monthly
Take 5 Oneshots
Take 5 Pocket Puzzler
That's Life Bumper Puzzle
That's Life Crack the Code
That's Life Monthly AU
That's Life Puzzler On the Go

That's Life Wordsearch
The Picture
The Picture - Specials
TV Week
TV Week Close Up
TV Week Star Puzzler
Unique Cars
Unique Cars Value Guide
Unplug
Wheels
Wheels - One Shot
WHO
Woman's Day
Woman's Day One Shots
Woman's Day Puzzler
Women's Health

Country Press Australia

Bairnsdale Advertiser
Barrier Daily Truth
Benalla Ensign
Bendigo Weekly
Campaspe News
Castlemaine Mail
Cobden Timboon Coast Times
Coonabarabran Times
Corowa Free Press
Corryong Courier
Deniliquin Pastoral Times
Fassifern Guardian
Geelong Independent
Gilgandra Weekly
Gippsland Times & Maffra Spectator
Golden Plains Miner
High Country Herald
Hopetoun Courier & Mallee Pioneer
Koondrook & Barham Bridge
Kyabram Free Press
Lakes Post
Latrobe Valley Express
Mansfield Courier
Midland Express
Mildura Midweek
Mildura Weekly
Molong Express
Moorabool News
Mountain Views Mail
Myrtleford Times & Alpine Observer
Nhill Free Press & Kaniva Times

Member Publications

North Central News
North West Express
Numurkah Leader
Pakenham Gazette
Phillip Island & San Remo Advertiser
Portland Observer and Guardian
Pyrenees Advocate
Riverine Herald
Sea Lake & Wycheproof Times
Seymour Telegraph
Shepparton News
Snowy River Mail
South Gippsland Sentinel Times
Southern Riverina News
Tatura Guardian
The Alexandra Eildon Marysville Standard
The Baw Baw Shire &
West Gippsland Trader
The Border Times
The Border Watch
The Buloke Times
The Bunyip
The Camperdown Chronicle
The Casterton News
The Colac Herald
The Courier
The Courier Cobram
The Dimboola Banner
The East Gippsland News
The Euroa Gazette
The Gannawarra Times
The Great Southern Star
The Guardian Swan Hill
The Leader
The Loddon Times
The Loxton News
The Maryborough District Advertiser
The Mclvor Times
The Mirror
The Mortlake Dispatch
The Murray Pioneer
The North Central Review
The Ovens & Murray Advertiser
The Penola Pennant
The Plains Producer
The Rainbow Jeparit Argus
The River News
The Riverine Grazier
The Robinvale Sentinel

The Shepparton Adviser
The Southern Argus
The Spectator
The Tarrangower Times
The Terang Express
The Warragul & Drouin Gazette
The Weekly Advertiser
The Yea Chronicle
Wangaratta Chronicle
Waracknabeal Herald
West Wimmera Advocate
West Wyalong Advocate
Yarram Standard
Yarrowonga Chronicle
Yorke Peninsula Country Times

Fairfax Media

AgTrader Monthly
Augusta-Margaret River Mail
Australian Cotton Outlook
Australian Senior
Barossa & Light Herald
Bay Post
Beaudesert Times
Bega District News
Blacktown City Sun
Blayney Chronicle
Blue Mountains Gazette
Bombala Times
Boorowa News
Border Chronicle
Border News
Braidwood Times
Bunbury Mail
Busselton-Dunsborough Mail
Camden Haven Courier
Camden Narellan Advertiser
Canberra Times
Canowindra News
Central Western Daily
Coastal Leader
Coleambally Observer
Collie Mail
Colourworld
Cootamundra Herald
Country Leader
Country Music Capital News
Cowra Guardian
Crookwell Gazette

Daily Liberal (Dubbo)
Donnybrook-Bridgetown-
Manjimup Mail
Dungog Chronicle
Eurobadalla Independent
Eastern Riverina Chronicle
Explore Tasmania
Express Extra (Armidale)
Eyre Peninsula Tribune
Fairfield City Champion
Farm Weekly Magazine
Farming Small Areas
Financial Review BOSS
Financial Review Smart Investor
Focus (Coffs Coast)
Focus (Greater Port Macquarie)
Focus (Manning-Great Lakes)
Focus (New England)
Forbes Advocate
Gippsland Farmer
Gippsland Times
Glen Innes Examiner
Gloucester Advocate
Good Fruit + Vegetables
Good Weekend
Good Wine Guide
Goondiwindi Argus
Goulburn Post
Goulburn Post Weekly
Great Lakes Advocate
Great Lakes Extra
Guardian News (Nambucca)
Harden Murrumburrah Express
Hawkesbury Courier
Hawkesbury Gazette
Hibiscus Happynings
Highlands Post
Hills News
Horse Deals
Hortguide
Hunter Valley News
Hunter Valley Star News
Illawarra Mercury
Jimboomba Times
Katherine Times
Kiama Independent
Latrobe Valley Express
Life & Leisure Luxury
Life & Leisure

- The Sophisticated Traveller
 Lithgow Mercury
 Liverpool City Champion
 Lotfeeding
 Macleay Valley Happynings
 Magnet
 Mailbox Shopper (Dubbo)
 Mandurah Mail
 Manning River Times
 Merimbula News Weekly
 Mid Coast Happenings
 Mid Coast Observer
 Mid State Observer
 Milton Ulladulla Times
 Moree Champion
 Moruya Examiner
 Mudgee Guardian
 Muswellbrook Chronicle
 My Family Magazine
 Namoi Valley Independent
 Naracoorte Herald
 Narooma News
 Narromine News
 Newcastle Herald
 North Queensland Register
 Northern Argus
 Northern Star Weekly
 Nyngan Observer
 Oberon Review
 Official Guide to Tamworth Country
 Music Festival
 On the Coast
 Out & About
 Parkes Champion – Post
 Parramatta and Holroyd Sun
 Penrith City Gazette
 Port Lincoln Times
 Port Macquarie Express
 Port Macquarie News
 Port Stephens Examiner
 Post Weekly
 Pro-Ag
 Property Press
 Public Sector Informant
 Queensland Country Life
 Queensland Cotton & Grains Outlook
 Queensland Senior
 Queensland Smart Farmer
 Redland City Bulletin
- Review Magazine
 Ripe
 Rouse Hill Courier
 Sapphire Coaster
 Senior Post
 Senior Traveller
 Shoalhaven & Nowra News
 Smart Farmer
 SMH Good Café Guide
 SMH Good Food Guide
 SMH Good Food Guide under \$30
 SMH Good Pub Food Guide
 Snowy Times
 South Australia Senior
 South Coast Register
 South West Advertiser
 Southern Cross (June)
- Southern Highland News
 Southern Weekly Magazine
 St George & Sutherland Shire Leader
 St Mary's-Mt Druitt Star
 Stock and Land
 Stock Journal
 Sunday Canberra Times
 Sunday Examiner
 Sunday Life
 Sunraysia Daily
 Tamworth Times
 Tasmanian Farmer
 Tasmanian Senior
 Tenterfield Star
 The Advertiser (Bendigo)
 The Advertiser (Cessnock)
 The Advertiser & Lake Times
 The Advocate (Burnie)
 The Advocate (Hepburn)
 The Age
 The Age Bar Guide
 The Age Good Food Guide
 The Age Good Food Guide Under \$30
 The Ararat Advertiser
 The Area News (Griffith)
 The Armidale Express
 The Australian Dairyfarmer
 The Australian Financial Review
 The Australian Financial Review
 Magazine
 The Avon Valley & Wheatbelt Advocate
 The Bellingen Shire Courier Sun
- The Border Mail
 The Campbelltown Macarthur Advertiser
 The Courier (Ballarat)
 The Daily Advertiser (Wagga Wagga)
 The Esperance Express
 The Examiner
 The Flinders News
 The Grenfell Record
 The Grower
 The Guyra Argus
 The Guardian (Swan Hill)
 The Inverell Times
 The Irrigator (Leeton)
 The Islander
 The Lakes Mail
 The Land
 The Leader (Wagga Wagga)
 The Macleay Argus
 The Maitland Mercury
 The Moyne Gazette
 The Mudgee Weekly
 The Murray Valley Standard
 The Newcastle and Lake Macquarie Star
 The North West Star
 The Northern Daily Leader
 The Queanbeyan Age incorporating
 The Chronicle
 The Queensland Good Food Guide
 The Recorder
 The Rural
 The Scone Advocate
 The Singleton Argus
 The Standard (Warrnambool)
 The Stawell Times-News
 The Sunday Age
 The Sun-Herald
 The Sydney Morning Herald
 The Times (Port Lincoln)
 The Transcontinental
 The Weekend Financial Review
 The Wimmera Mail-Times
 The Young Witness
 Town & Country
 (Hunter Valley/North Coast)
 Town & Country Magazine
 Travelways
 Turfcraft
 Victorian Senior
 Walcha News

Member Publications

Wauchope Gazette
Wellington Times
West Australian Senior
West Coast Sentinel
Western Advocate
Western Magazine
Western Times
Whyalla News
Wingham Chronicle
Wollondilly Advertiser
Yass Tribune

News Corp Australia

Advertiser Advocate
Albert & Logan News
The Australian
Ballina Shire Advocate
Balonne Beacon
Bayside Leader
Bayside Northern Suburbs Star
Big League
Big Rigs
Blacktown Advocate
bodyandsoul.com.au
Bowen Independent
Bribie Weekly
Brisbane News
Buderim Chronicle
Buro.com.au
Byron Shire News
Caboolture Herald
Cairns Post
Caloundra Weekly
Canterbury-Bankstown Express
Capricorn Coast Mirror
Caulfield Glen Eira/Port Phillip Leader
Central (Sydney)
Central & North Burnett Times
Central Coast Express Advocate
Central Telegraph
Centralian Advocate
Chinchilla News
City Messenger
City North News
City South News
Coast City Weekly
Coastal Views
Coolum & North Shore News
Courier-Mail

Cranbourne Leader
Dalby Herald
Daily Mercury
Daily Telegraph
Darwin Sun
Delicious
Derwent Valley Gazette
Diamond Valley Leader
Eastern Courier
Echo – Geelong
Fairfield Advance
Frankston Standard/Hastings
Fraser Coast Chronicle
Gatton Star
Geelong Advertiser
Gold Coast Bulletin
Gold Coast Sun
GQ
Greater Dandenong Leader
Heidelberg Leader
Herald Sun
Herbert River Express
Hervey Bay Independent
Hills Shire Times
Hornsby and
 Upper North Shore Advocate
Hume Leader
Inner West Courier
Innisfail Advocate
Kidspot
Knox Leader
Laidley Plainland Leader
Lilydale & Yarra Valley Leader
Lismore Echo
Liverpool Leader
Lockyer and Brisbane Valley Star
Macarthur Chronicle
Manly Daily
Manningham Leader
Maribyrnong Leader
Maroochy and Kawana Weekly
Maroondah Leader
Mercury
Monash Leader
Moonee Valley Leader
Moorabbin Kingston Leader
Mordialloc Chelsea Leader
Moreland Leader
Mornington Peninsula Leader

Mosman Daily
Nambour Weekly
news.com.au
NewsMail
Noosa News
North Coast Times
North Shore Times
Northcote Leader
NorthEastern Weekly
Northern District Times
Northern Weekly
Northern Miner
Northside Chronicle
North-West News
NT News Darwin
Parramatta Advertiser
Penrith Press
Pine Rivers Press/North Lake Times
Port Douglas & Mossman Gazette
Portside Weekly
Preston Leader
Progress Leader
Redcliffe & Bayside Herald
Rouse Hill Times
Rural Weekly
Scenic Rim Leader
Seniors Newspaper
South-East Advertiser
Southern Courier
Southern Star
Southern Times
South-West News/Springfield News
Sportsman Sydney
Stanthorpe Border Post
Sunbury/Macedon Ranges Leader
Sunday Herald Sun Melbourne
Sunday Mail
Sunday Tasmanian
Sunday Telegraph
Sunday Territorian Darwin
Sunshine Coast Daily
Super Food Ideas
Tablelands Advertiser
Tasmanian Country
Taste
The Chronicle
The Coffs Coast Advocate
The Daily Examiner
The Gympie Times

The Ipswich Advertiser
 The Maryborough Herald
 The Morning Bulletin
 The Northern Star
 The Observer
 The Queensland Times
 The Richmond River Express Examiner
 The Tablelander
 The Western Star
 South-West News/Springfield News
 Townsville Bulletin
 Tweed Daily News
 Vogue Australia
 Vogue Living
 Warwick Daily News
 Weekly Times
 Wentworth Courier
 Western Times
 Westside News
 Whitehorse Leader
 Whitsunday Times
 Whitsunday Coast Guardian
 Whittlesea Leader
 Whimn.com.au
 Wynnum Herald

Adelphi Printing Pty Ltd

Monthly Chronicle

Agenda Media Pty Ltd

Women's Agenda

Altmedia Pty Ltd

City Hub, City News
 Bondi View
 Inner West Independent

At Large Media

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 Pty Ltd

The Byron Shire Echo
 Echonetdaily

Emanila Pty Ltd

The Filipino Australian

Focal Attractions

Mumbrella

Highlife Publishing Pty Ltd

Highlife Magazine
 Escape Southern Highlands
 Property Life

HT&E Limited

The Roar
 Lost at E Minor
 Techly

Independent Australia Pty Ltd

Independent Australia

Inside Story Publishing Pty Ltd

Inside Story

The New Daily

The New Daily

National Indigenous Times Holdings Pty Ltd

National Indigenous Times

nine.com.au

nine.com.au

Private Media

Crikey
 The Mandarin
 SmartCompany

Propertyreview.com.au

Australian Property Journal

Radiowise Productions Pty Limited

RadiolInfo.com.au

Schwartz Media

The Saturday Paper
 The Monthly


Western Sydney Publishing Group

Western Weekender
 Western Property

WorkDay Media

Banking Day





Summaries of all the Press Council's adjudications for the 2018-2019 reporting year and the full adjudications are set out in this section.

Summaries of Adjudications

ADJUDICATION 1743:

Complainant/Geelong Advertiser (July 2018)

A complaint that an article reporting on a man who “climbed over a rooftop barrier atop the Market Square complex...” and “was threatening to jump” breached the Press Council’s Specific Standards on Suicide.

ADJUDICATION 1746:

Complainant/Sydney Morning Herald (July 2018)

A complaint that an article reporting on the murder of a man intruded on the family’s reasonable expectation of privacy and caused substantial distress.

ADJUDICATION 1748:

Complainant/NT News (August 2018)

A complaint that a publication caused substantial offence and distress when a “Txt the editor” text message which made reference to the “final solution” was published.

ADJUDICATION 1747:

PMSA/The Courier-Mail (October 2018)

A complaint that articles referring to the Presbyterian and Methodist Schools Association’s report writer as a “forensic accountant” or an “accountant” were inaccurate and misleading.

ADJUDICATION 1752:

Complainant/Spectator (Portland Observer & Casterton News) (November 2018)

A complaint that a publication caused substantial offence and distress when it published material intended as humorous that communicated a disregard for the serious issue of domestic violence and violence against women.

ADJUDICATION 1754:

Stephen Caldwell/The Border Mail (December 2018)

A complaint that an article referring to the complainant as “The homosexual” caused substantial distress or prejudice.

ADJUDICATION 1745:

Complainant/The Daily Telegraph (December 2018)

A complaint that an article concerning the mental health justice system’s role in releasing patients who committed a criminal offence into the community did not breach the Press Council’s General Principles.

ADJUDICATION 1753:

Angela Owen/Brisbane Times (February 2019)

A complaint by a Councillor that an article about the

complainant being “accused of being abusive and being biased”, later amended to “accused of bullying and bias” and “accused of allowing bullying and being biased”, breached a number of the Press Council’s General Principles.

ADJUDICATION 1755:

Complainant/Nine.com.au (February 2019)

A complaint that an article contributed to substantial prejudice against transgender people by referring to the accused of a crime as the “transgender” sister of a football player.

ADJUDICATION 1756:

Complainant/Daily Mail Australia (February 2019)

A complaint that an article contributed to substantial prejudice against transgender people by referring to the accused of a crime as the “transgender sister” of a football player.

ADJUDICATION 1749:

Complainant/Herald Sun (February 2019)

A complaint that an article referring to the Darebin City Council’s intention to “BAN THE BOOKS” in the headline was misleading, unfair and inaccurate.

ADJUDICATION 1758:

Complainant/Herald Sun (February 2019)

A complaint that a cartoon depicting Serena Williams on a tennis court with a broken tennis racquet and baby’s pacifier on the ground was not substantially offensive, distressing or prejudicial.

ADJUDICATION 1751:

ClubsNSW/The Sydney Morning Herald (February 2019)

A complaint that an article about proposed changes to the poker machine laws by the NSW government was not substantially inaccurate, misleading or unfair and unbalanced.

ADJUDICATION 1763:

Complainant/The Daily Telegraph (May 2019)

A complaint that an article reporting that the Australian Defence Force “banned” the use of words like “him” or “her” in the headline was inaccurate.

ADJUDICATION 1762:

Complainant/King Island Courier (May 2019)

A complaint that the republishing of the Auditor General’s email to the publication without giving the Auditor General an opportunity to respond was inaccurate and unfair.

Summaries of Adjudications

ADJUDICATION 1760:

Complainant/The Sunday Mail (May 2019)

A complaint that an article reporting on the impact of stadium rents and levies on sporting clubs like the Broncos did not adequately disclose the conflict of interest between the publication and the Broncos.

ADJUDICATION 1761:

Complainant/The Daily Telegraph (May 2019)

A complaint that articles which referred to the complainant as "The Nutty Professor" in the context of the complainant's university teaching in lectures among other things did not breach the Press Council's General Principles.

ADJUDICATION 1757:

Complainant/The Daily Telegraph (June 2019)

A complaint that both an article and podcast about "the epidemic of transgender kids", "puberty blockers and cross-sex hormones" was inaccurate and misleading.



Independent Journalist Member Mike Steketee working on an Adjudication Panel.

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Complainant / Geelong Advertiser Adjudication 1743 (July 2018)

The Press Council considered whether its Standards of Practice were breached by an article published online by the Geelong Advertiser on 20 April 2017, headed “Malop St locked down as police negotiate with distraught man atop Market Square mall”.

The article reported that a “man climbed over a rooftop barrier atop the Market Square complex and dangled over the street” leading to a “rooftop standoff” in which “police shut down the busy street to negotiate with the man who was threatening to jump”. The article included an 11 second video of the incident, captioned “A man perched on the edge of Geelong Market Square’s rooftop” and a photograph of the man sitting with his legs dangling off the rooftop edge with his head in his hands, captioned “Police are negotiating with the man”.

The article reported that “Central Geelong traffic was diverted”, “Shopping centre management were forced to close access to the car park”, and “The Westfield pedestrian bridge over Yarra St was also closed and police stopped traffic down Yarra St from the Little Malop St intersection and along Malop St from near Officeworks”.

The online article was later updated with comments from police, including that “[The man] is well known to police around Geelong”; “It was a difficult negotiation process. We’re glad it was resolved in the way that it was”; and that “[a police source] was surprised to see parents with young children hanging around to catch a look at what was going on”.

The Council asked the publication to comment on whether the original online article breached its Standards of Practice, in particular whether the publication took reasonable steps to avoid intruding on a person’s reasonable expectations of privacy (General Principle 5) or causing or contributing materially to substantial offence, distress or prejudice, or a substantial risk to health or safety (General Principle 6)—unless doing so is sufficiently in the public interest.

The Council also asked the publication to comment on whether its Specific Standards on the Coverage of Suicide were breached, in particular Specific Standard 3 which requires that in deciding whether to report a suicide—which includes attempted suicide—consideration should be given to whether clear and informed consent has

been provided by appropriate relatives or close friends, or whether such reporting is clearly in the public interest; Specific Standard 5 which requires that the method and location of a suicide should not be described in detail unless the public interest in doing so clearly outweighs the risk, if any, of causing further suicides; and Specific Standard 7 which requires that reports of suicide should not be given undue prominence and great care should be taken to avoid causing unnecessary harm or hurt to people who have attempted suicide or to relatives and others who have been affected by a suicide or attempted suicide.

The publication said it did not name the man involved and did not publish photographs or video in which the man could be identified.

The publication said the man was sitting near the edge of the car park rooftop drinking cans of alcoholic drink and smoking cigarettes. It said the car park was well-known as a location for teenagers to drink, had not previously been the location of any other suicides or attempted suicides and it believed the incident was a nuisance event, or a ‘threatened’ suicide but not an attempted suicide. The publication said that the Council’s Specific Standards on Coverage of Suicide did not apply as there was no suicide nor, in its view, any attempted suicide.

The publication said the article did not directly report on any suicide method and that jumping off tall buildings is a well-known method of suicide. It said its article did not provide any specific detail or instruction that may have increased the risk of further suicides by this method.

The publication said the original online article reflected the information available to it at the time and that it was later updated to remove reference to the man “threatening to jump”. A print article published the following day also did not include this statement, and did not repeat the reference to the man as “distraught”. The publication said it included a reference to a source of assistance to err on the side of caution.

The publication said there was strong public interest in reporting on the incident, given that it shut down a large part of the city and disrupted a large number of people. It also noted the incident was extensively posted on social media and was covered by other local media outlets.

CONCLUSION

The Council accepts that the photograph and video included in the article did not identify the man involved and did not intrude on his reasonable expectations of privacy.

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Accordingly, the publication did not breach General Principle 5.

The Council is not satisfied that the report would cause substantial distress or a risk to the health and safety of any person, including the man involved, particularly given it was published following resolution of the incident. Accordingly, the publication did not breach General Principle 6.

The Council considers that the online article's heading that "Malop St locked down as police negotiate with distraught man atop Market Square mall"; statements that the man had "climbed over the rooftop barrier", "was threatening to jump", and "Police are negotiating with the man"; and the photo of the man dangling off the rooftop edge with his head in his hands amounted to initially reporting the incident as an attempted suicide. This conclusion is corroborated by the police statement in the updated online article that "It was a difficult negotiation process. We're glad it was resolved in the way that it was". The Council therefore considers that its Specific Standards on Coverage of Suicide were applicable.

The publication, in deciding whether to report this instance of attempted suicide, did not attempt to contact the man involved or any appropriate relatives or close friends for consent. The Council considers that although it was in the public interest to report on the disruption caused by this incident—namely the diversion of traffic and closures of public space—this public interest could have been served without reporting the incident as an attempted suicide. Accordingly, the publication breached Specific Standard 3 on Coverage of Suicide.

The Council considers that the public interest justified reporting the location of the incident given its relevance to the resulting disruption. However, the Council is not satisfied that it was in the public interest to publish the method of the attempted suicide—i.e. that the man "was threatening to jump". Accordingly, the publication breached Specific Standard 5 on Coverage of Suicide.

The Council does not consider the article gave undue prominence to its reporting of the incident. Accordingly, the publication did not breach General Principle 7 on Coverage of Suicide.

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

Complainant / Sydney Morning Herald Adjudication 1746 (July 2018)

The Press Council considered a complaint about an article in The Sydney Morning Herald on 17 October 2017 headed in print "Teacher fatally stabbed at bus stop tried in vain to flee" and online "Special hearing begins into death of teacher Brian Liston at Camperdown bus stop".

The article reported on a hearing in the NSW Supreme Court concerning the murder of Brian Liston on the evening of 10 December 2015. The article reported that the accused had been found unfit to stand trial due to the state of his mental health. The article drew on witnesses' descriptions of the incident detailing the weapon used to murder Mr Liston, the areas of the body where the wounds were inflicted, the approximate number of wounds inflicted, and the actions of the accused when inflicting the wounds and pursuing Mr Liston. The online article included a photograph of Mr Liston holding his two young children and included a short excerpt of a video recording of police interviewing the accused soon after the murder.

The complainant said reporting the explicit and disturbing details concerning the manner in which Mr Liston was murdered breached the family's reasonable expectation of privacy and caused substantial offence and distress to his family, friends, community, and former primary school students. The complainant said the high level of detail concerning the murder should not have been published without considering the effect on Mr Liston's family—particularly his young children, who are unaware of the precise details of how their father died. The complainant said the inclusion of the photograph of Mr Liston holding his two children was taken from the funeral booklet and was published without their consent. She said the funeral booklet included a clear request that no attendee cooperate with, or comment to, the media, as the family requested that its privacy be respected.

In response, the publication said the case was heard in open court and there is no part of the article that was not on the public record. The information in the article was widely available. The publication said there was a public interest in reporting on the case as it raises questions about the care and support available for mentally ill people and, more broadly, safety on suburban streets. The publication said it acknowledges the incident was distressing but the incident was widely known. The publication volunteered, however, that the online article

ought to have had a ‘graphic content’ warning at the top to signal to readers that they may not wish to read it and also conceded it ought to have pixelated the faces of the children. The publication said, in relation to the funeral booklet, that it was handed to its reporter after she introduced herself to a funeral organiser at the public service. At a late stage in the Council’s process the publication altered the online article by including a ‘graphic content’ warning and removing the images of Mr Liston’s children from the photograph.

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 expectation of privacy (General Principle 5) and causing or contributing materially to substantial offence and distress (General Principle 6), and to avoid publishing material which has been gathered by deceptive or unfair means (General Principle 7) without sufficient justification in the public interest.

The Council accepts there is a strong public interest in reporting on the due administration of justice and matters of public health and safety, particularly in this instance in drawing attention to the care and support available for people with serious mental illness and the risk that a lack of such care may pose to the broader community. However, the public interest in this matter did not extend to publishing the photograph from the funeral booklet. The Council notes the family’s explicit request for privacy in the funeral booklet and considers the family—in particular the children depicted in the photograph—had a reasonable expectation of privacy in this regard. As the publication did not take reasonable steps to avoid intruding on the family’s reasonable expectations of privacy, and there was no public interest justifying this, the publication breached General Principle 5, in this respect only.

With regard to offence and distress, the Council recognises that what was reported in the article was a matter of public record. However, the Council emphasises that, beyond the strict requirements of the law, publications have a responsibility to ensure compliance with the Standards of Practice which may extend to not reporting particular information that has been given in open court. The application of General Principle 6 can call for difficult judgments to be made. The Council considers the explicit description of how Mr Liston was pursued and

murdered, which included where on his body the injuries were inflicted, an estimate of the number of wounds and, in particular, precisely how they were inflicted was more than necessary or appropriate to achieve the publication’s understandable aims of serving the public interest. The Council concluded that by including the level of detail that it did, the publication failed to take reasonable steps to avoid causing substantial distress to Mr Liston’s family, without sufficient public interest justifying this. Accordingly, the publication breached General Principle 6.

The Council accepts that the funeral was not a private service and that the journalist was provided with the funeral booklet upon introducing herself to the funeral organisers. Given this, the Council concludes the publication did not publish material gathered by deceptive or unfair means. Accordingly, the publication did not breach General Principle 7.

Complainant / NT News

Adjudication 1748 (August 2018)

The Press Council considered whether its Standards of Practice were breached by a “Txt the editor” text message published in NT News on 17 May 2018 which read “I am not happy about the Eurovision winner and I would prefer another grand final solution”. The text message appeared on page 11 of the newspaper, on a page titled “Your Say – The People’s Voice in the Northern Territory” with eight other texts to the editor. The sender’s name was not included on the text message.

The Council asked the publication to comment on whether, in the context of Israel having recently won the Eurovision Song Contest and therefore having the opportunity to host the next Eurovision final, the reference to the “final solution” in the text message may be considered an offensive reference to the Holocaust and anti-Semitic. It also asked the publication to comment on whether in publishing the text message the publication took reasonable steps to avoid causing or contributing materially to substantial offence, distress or prejudice, without sufficient justification in the public interest, in breach of General Principle 6 of the Council’s Standards of Practice.

The publication said the text message was not anti-Semitic and was not a reference to the Holocaust. The publication said it is aware of the significance of the phrase, but the reference in the text message was to a “grand final solution”, not the “final solution” phrase with Holocaust

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connotations, and that the Eurovision Song Contest has a “Grand Final”, being the stage at which the winner is determined.

The publication said the text message merely referred to the view of the author that they thought someone else should have won and that there should be a different process to determine the winner. It also said that the Eurovision Song Contest has a history of debate surrounding the winner’s talents and merits, or lack of talent and merit, each year and that this is particularly so in the case of Australia’s entry as there is much debate about the voting rules and how they may disadvantage Australia’s contestant.

The publication explained that text messages to the editor are usually published within a day of having been received. It receives an average of approximately 30 text messages a day and selects 10-15 to be published, all of which are reviewed by the editor before publication.

CONCLUSION

The Council’s Standards of Practice relevant in this matter require the publication to take reasonable steps to avoid causing or contributing materially to substantial offence or distress, without sufficient justification in the public interest.

The Council considers that published text messages are comparable to published letters to the editor and publications should exercise editorial control over them to ensure compliance with the Council’s Standards of Practice. The Council notes that the publication reviewed the text message prior to publication.

The Council considers that as Israel was the winner of the 2018 Eurovision Song Contest, the use of the phrase “grand final solution” would be taken by many readers to be a reference to the Holocaust. The effect was to trivialise the Holocaust and imply that another holocaust may be a remedy to the author’s displeasure at Israel winning the Contest and hosting the next grand final. Whether the language used was the result of poor expression or an ill-advised attempt at humour rather than being deliberately offensive, it was likely to cause substantial offence and distress to readers.

The Council considers that the text message was not sufficiently in the public interest to justify such offence and distress. While the Eurovision Song Contest can attract great publicity and controversy and attracted significant community interest—especially given Australia’s entrant

originated from the Northern Territory—the fact that the community may find a subject of interest does not mean that publication of the material is in the public interest.

Accordingly the Council concludes that in publishing the text message the publication breached General Principle 6.

PMSA / The Courier-Mail

Adjudication 1747 (October 2018)

The Press Council considered a complaint from Presbyterian and Methodist Schools Association (PMSA) about five articles published in the Courier Mail in February 2018. The articles were: 14 February “College on the brink” in print and “Elite school Clayfield College in shock debt crisis” online, 16 February “Clayfield College being used as a political football, claims parent”; 23 February “Clayfield College’s big drop in top OP scores revealed”, 23 February “PMSA scandal: Elite schools’ damning fall from grace” and 24 February “Bath boss’ six figure payout” in print and “PMSA schools scandal: Rick Hiley to get six-figure payout” online.

The first article reported on the “independent analysis” undertaken by a “forensic accountant” who was part of a school parents’ group called “Beyond PMSA” into the finances of PMSA, which said that Clayfield College governed by the PMSA, “was on the brink of collapse” as a result of PMSA’s “financial mismanagement”. The second article referred to the “analysis” of PMSA’s finances and reported findings that the PMSA had “mismanaged funds” and reported it had experienced a drop in student numbers and included comments from a parent who expressed concern that the conflict between the PMSA and Beyond PMSA was having a negative effect on student and teacher welfare. The third article referred to the “forensic account analysis” of PMSA finances and reported comments by the report author that PMSA had mismanaged funds. It also reported the school had recorded one “of the biggest drops” in “OP scores” which are used to rank students for entrance to higher education courses at universities and TAFE institutes. The fourth article reported that the four schools managed by the PMSA had all “posted alarming falls” in OP scores and Brisbane Boys’ College had a “big fall” in OP scores. The fifth article reported a former executive manager of the PMSA who resigned “following a long running scandal” had “negotiated a six figure payout”, the “scandal” involving him and that the PMSA had declined to provide details of his resignation and settlement.

All articles included comments from the PMSA responding

to the claims of financial mismanagement, the reports regarding drops in tertiary entry scores and its former executive manager. After the complainant raised concern with the publication, the references to “forensic accountant” and “accountant” were amended to “finance and corporate governance specialist”, in the case of one online article late in the Council’s process. A print correction was published stating that the author was not a forensic accountant but was a finance and corporate governance specialist.

The complainant said the description of the report writer as a “forensic accountant”, an “accountant” or after amendment as a “finance and corporate governance specialist” are inaccurate and misleading as he is not a forensic accountant and has no accounting or financial qualifications. By so describing the report writer, the publication gave the claims of PMSA’s “financial mismanagement” legitimacy, when the credibility and validity of the report was questionable. It said the report writer was not qualified and the criticisms in the report led to the publication of further articles critical of PMSA schools. The complainant said the article critical of Clayfield College’s performance unfairly omitted to state that its graduates ranked in the top ten in Queensland, and failed to report that it had outperformed competing schools in the area. Similarly, the article about the performance of Brisbane Boys’ College, had omitted to mention that the college is ranked in the top ten of schools, and unfairly compared it against schools that experienced a rise in their scores and not those whose scores had also decreased. The complainant said the article about its former executive manager included inaccurate material concerning the claimed payout, unsubstantiated hearsay, and that the comments concerning unauthorised downloads are incorrect.

The publication said it accepted that the report writer was not a “forensic accountant” and noted its amendment to the online articles and correction in print to address this. Nevertheless, it said he has financial qualifications through an MBA and over 20 years’ of management experience and that he did conduct a forensic analysis of PMSA’s publicly available financial data. The publication said this analysis was scrutinised by forensic accountants before it was released.

It said the articles concerning the performance of schools managed by PMSA were accurate in that Clayfield College did record a “big drop” in tertiary entry level scores and it contained a “prominent” score table to enable readers

to see the result of each school in 2016 and 2017. The article referring to Brisbane Boys’ College’s performance also contained a prominent table which shows its ranking. As to the article concerning PMSA’s former executive manager, the publication said it had written directly to the complainant on two occasions to confirm details of the executive manager’s employment status and negotiations of a payout, but the complainant had not responded directly or fully. The publication said it offered to publish a further article containing the complainant’s 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, and that writers’ expressions of opinion are not based on significantly inaccurate factual material or an omission of key facts (General Principle 3).

The Council notes that although the author of the report has some relevant financial training and experience he is not a forensic accountant, nor does he have formal accountancy qualifications. The Council considers that the description in the articles of the report writer as a “forensic accountant” or an “accountant” were inaccurate and misleading. The Council considers the qualification of “forensic accountant” attributed to the report writer gave the claims in the report a level of credibility that would not be associated with the qualifications of the report writer. Accordingly, the Council concludes that General Principles 1 and 3 were breached in this respect.

The Council considers that the articles referring to the performance of schools managed by PMSA in relation to the tertiary entrance scores were factually correct. The Council is satisfied the publication took reasonable steps to ensure they were not based on significantly inaccurate factual material or an omission of key facts. The Council considers that the articles’ inclusion of tables and their prominence, enabled readers to assess and compare the performance of PMSA schools against other schools based on the same objective measures. The Council does not consider the publication was required to compare PMSA schools against other schools or compare PMSA schools performance with previous years. The Council also notes the article included comments from the complainant on the scores, the schools’ performances and the achievement of its students. Accordingly, the Council concludes that General Principles 1 and 3 were not breached in this respect.

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As to the article concerning PMSA's former executive manager the Council accepts the publication sought comment from the complainant and that it published its response in the article. Although the Council acknowledges the complainant may be restricted in what they are permitted to say concerning their former employees because of privacy concerns, the Council concludes that General Principles 1 and 3 were not breached in this respect.

The Council's Standards also require that reasonable steps be taken to publish a correction or take other adequate remedial action where published material is significantly inaccurate or misleading. The original qualifications attributed to the report writer were inaccurate and misleading. However given the subsequent steps taken by the publication, including amendment to the online articles and a published print correction—even though the amended description of the author of the analysis may not have been ideal—and its offer to publish an article, the Council does not consider that there was a failure to provide adequate remedial action. Accordingly, there was no breach of General Principle 2 and 4.

Complainant / Spectator (Portland Observer & Casterton News) Adjudication 1752 (November 2018)

The Press Council considered whether its Standards of Practice were breached by material, intended as humorous, published in an area headed "Smile and Be Happy" in the Portland Observer on 9 July 2018 and the Casterton News on 11 July 2018.

The material referred to a man who had texted his neighbour confessing to having an affair with the man's wife, saying: "I have been helping myself to your wife day and night whenever you're not around." It proceeded to say that the man, "anguished and betrayed, went into his bedroom, grabbed his gun, and without a word shot his wife and killed her. A few moments a second text came to the man saying 'Bloody autocorrect! I meant 'Wi-Fi', not 'wife' ..."

The Council asked the publication to comment on whether it took reasonable steps to avoid causing or contributing materially to substantial offence, distress or prejudice, without sufficient justification in the public interest as required by General Principle 6.

The publication said that the material was a joke contributed by a reader, published in a television guide that was common to the Hamilton Spectator, Portland Observer and Casterton News. It said that although there was a vetting process for contributed humorous material, on this occasion the material slipped through the process because a less experienced sub-editor was undertaking the vetting on the day. The publication said it received a number of complaints from members of the community about the material.

The publication said it published a reply from a local women's health organisation and shire council representatives in the following week's television guide. It also included a "Publisher's note" apologising for the material. In the "Smile and Be Happy" area it explained that the material was a contributed joke which had by-passed normal checking procedures and should not have been published and it apologised. The publication also said it has since decided to no longer publish contributed jokes in this manner.

CONCLUSION

The Council considers that the material caused substantial offence and distress, as it implicitly conveys the message that, had there not been a typographical error in the text message, the action of the husband in killing his wife in a fit of jealousy was excusable and, in so doing, communicated a disregard for the serious issue of domestic violence and violence against women. It also implicitly objectified women as sexual objects that men 'can help themselves to' on the one hand but not seek their views on the other.

The Council accepts that the material was contributed by a reader; however it notes it is the responsibility of the publication to comply with the Council's Standards of Practice and exercise editorial control over such material.

The Council welcomes the measures taken by the publication, including the apology and the published response. The measures taken by the publication do not, however, remove the effects of the breach. Accordingly, the Council considers that the publication failed to take reasonable steps to avoid causing substantial offence, distress or prejudice, without sufficient justification in the public interest. In doing so it breached General Principle 6.

Stephen Caldwell / The Border Mail Adjudication 1754 (December 2018)

The Press Council considered a complaint from Stephen Caldwell about an article published in The Border Mail on 13 June 2018 headed “Nude snap an agenda item” in print and “Towong councillors to discuss mayor’s exposed bottom picture sent as Christmas greeting” online, a day earlier.

The article reported that the Mayor of the Towong Shire Council had sent a text message to the complainant with an image of two naked men decorating a Christmas tree and the accompanying message: “Here’s a new Christmas wish for you” and that the Mayor had announced he would write a formal apology to the complainant for sending it. It also reported the Shire Council would “formally address” the Mayor at an upcoming meeting about the message which was referred to as “bare-bummed Christmas photo greeting to a ratepayer”. The article further said the complainant would not be accepting the apology and said “The homosexual rejected (the Mayor’s) explanation that he had sent the text as a joke after receiving it from a female friend.” The complainant was quoted saying “If (the Mayor) thinks it’s a laugh, what’s he laughing at, is he laughing at my sexuality?”

The complainant said he spoke with a journalist from the publication before the article appeared. The complainant said he had a long history of contact and trust with the publication and he believed the article would be about the Mayor’s alleged misconduct and the conduct of the Shire Council. The complainant said that while he spoke openly to the publication about his sexuality, he never gave the publication permission to refer to his sexuality in the article nor to describe him as “The homosexual”. The complainant said that this reference to him caused him significant distress, including fear of being harmed. The complainant said it caused substantial embarrassment to his family and harm to his reputation in the community. He also said that after suffering abuse as a result of the article, he closed his business in fear of further repercussions.

The publication said it was important to include the description “The homosexual” because it was relevant to the context of the article. The publication said it used the words to clarify the quote from the complainant in which the complainant himself pointed to his sexuality as a possible reason why the Mayor sent the image to him. The publication said the complainant repeatedly referred

to himself as a “homosexual man” in conversations and correspondence with it and in correspondence with others and told the journalist that he preferred being referred to as a “homosexual” rather than “gay”. The publication said the complainant was an active participant in the story after he approached it about the Mayor’s conduct and never suggested he was unhappy with the description, even after publication of the article, although he had contacted the publication to complain about other aspects of published material.

CONCLUSION

The Council’s Standards of Practice relevant in this matter require the publication to take reasonable steps to avoid causing or contributing materially to substantial offence, distress or prejudice, or a substantial risk to health or safety, without sufficient justification in the public interest (General Principle 6).

The Council accepts that the complainant told the publication about his sexuality and indeed pointed to his sexuality as a possible reason why the text was sent to him. However, the Council considers that in referring to the complainant as “The homosexual” the publication gave a strong and unnecessary emphasis to his sexuality. The Council considers that neither participating in the story or nor telling the journalist he preferred to describe himself as “homosexual” rather than “gay” was a consent by the complainant to his sexuality being emphasized in this manner. The Council considers that given the concerns expressed by the complainant about the Mayor possibly ridiculing his sexuality by sending the text message, the obligation to take reasonable steps to avoid causing distress or prejudice required the publication to ensure that the complainant agreed to his sexuality being explicitly referred to in the story, and being referred to in a way that gave such strong emphasis to it. Accordingly the publication breached General Principle 6.

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Complainant / The Daily Telegraph Adjudication 1745 (December 2018)

The Press Council considered whether its Standards of Practice were breached by a front-page article published in The Daily Telegraph on 1 April 2017, headed “SECRET LIVES OF BRUTAL KILLERS - Mental health justice system puts monsters on the streets”. The full report headed “KILLERS AND RAPISTS ARE BEING FREED IN SECRECY” was on pages six and seven. The article was also published online on 31 March 2017, headed “Mental Act review demand: Telegraph calls for changes to law that allows details suppression”.

The article began: “HUNDREDS of the state’s most vile and vicious criminals are being secretly protected by the state with their fate and whereabouts unknown. Under secretive laws designed to protect criminals deemed to be mentally ill—many of them killers and rapists—all details about their treatment and incarceration are suppressed, including the identity of their victims”. It commented on decisions made by the Mental Health Review Tribunal to release into the community some of the 460 forensic patients for which it is responsible. It provided what was described as “sickening examples” of the acts committed by those deemed to be mentally ill.

Following a complaint, the Council asked the publication to comment on whether its reporting complied with the Council’s Standards of Practice—particularly in referring to “hundreds” of forensic patients who had committed the acts alleged but were not convicted of a crime due to mental illness, as “criminals” and whose whereabouts were “unknown”.

The publication said the article concerned patients who have killed and raped adults and sexually assaulted children, and in each person’s trial, the jury found that the person committed the act they were charged with, but of which they were found to be not guilty by reason of mental illness. The publication said that the verdict of not guilty by reason of mental illness does not mean the person is innocent; it simply means that the person did not meet the justice system’s threshold for a conviction.

It said the information available to the publication before the article appeared was that there were more than 100 such people who had been found to have committed serious crimes but released into the community. It said the Mental Health Tribunal’s Annual Report for 2016–17, which was issued after the article appeared, reported that there

were 149 such persons. It said that this number met the dictionary definition of “hundreds”.

The publication also said it was appropriate to say that their whereabouts were unknown because legislation prohibits release of information about whether a person has been released and what suburb they live in on release. Also, some patients can be released without any supervision or with supervision that does not involve monitoring their whereabouts.

The publication pointed out that in an editorial in the same edition it noted that mental illness is in no way synonymous with violent tendencies.

CONCLUSION

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

The article reported on concerns about the treatment of people whose actions would have constituted a criminal offence if not for the defence of mental illness, and who were released into the community. The Council notes such persons were found to have committed the act alleged but were found not guilty. While the Mental Health Review Tribunal would have been aware of a range of information about such persons, the Council notes that they were released into the community and their release was not made public by the Tribunal at the time. Accordingly the Council considers that in describing them as criminals whose whereabouts were unknown, the publication took reasonable steps to ensure the material published was accurate and not misleading, and reasonably fair and balanced.

The Council notes that the Mental Health Tribunal’s Annual Report for 2016–17, which was issued after the article appeared, reported that there were 149 such forensic patients released into the community. The Council considers that referring to “hundreds” was an accurate description, not misleading and reasonably fair and balanced.

Accordingly, the Council concludes that the publication did not breach General Principles 1 or 3. Given its conclusions regarding General Principles 1 and 3, the publication also did not breach General Principles 2 and 4.

Angela Owen / Brisbane Times Adjudication 1753 (February 2019)

The Press Council considered a complaint from Cr Angela Owen, Chairman of the Brisbane City Council, about an article published in Brisbane Times on 26 March 2018 headed “Council chairman accused of being abusive and being biased”, later amended to “Council chairman accused of bullying and bias” and then to “Council chairman accused of allowing bullying and being biased”.

The article said in its first paragraph that the complainant “had been accused of allowing bullying and being partisan during full council meetings”. It said that the complainant had chaired seven meetings of the City Council, councillors were warned seven times and a councillor was once ordered to leave. It said these incidents involved Labor or independent councillors and that no LNP councillors were warned. It referred to a letter written by the Opposition Leader to formally complain to the City Council’s Chief Executive, describing the complainant’s actions at a recent meeting as “ruthlessly biased”.

The complainant said that while references to her being biased were inaccurate, they were attributed in the story to a source. However, the initial headline “Council chairman accused of being abusive and being biased”, then altered to “Council chairman accused of bullying and bias”, inaccurately and unfairly indicated she had personally been accused of being abusive and a bully when no such claims were made in the article or in the record of the Council meeting and no evidence was provided. She said she had not been contacted for comment prior to publication of the article.

The complainant said that on her behalf the City Council’s media unit contacted the publication at 7.33am on 26 March 2018 seeking amendment of the headline and several minutes later the headline was amended to “Council chairman accused of bullying and bias”. The complainant said that a few minutes later the City Council’s media unit again contacted the publication to complain about the amended headline and at 10.28am the complainant emailed the publication explicitly denying the claims. The complainant said the article was later republished to include a paragraph noting that the complainant “said the bullying and bias claims were false” and quoted the complainant saying “I vehemently reject this claim”. However she said the inclusion of her response was out of context and did not address her specific concern

about the claim that she had been accused of bullying. She said that the article was again republished with the altered headline “Council chairman accused of allowing bullying and being biased”. The complainant said that it took an excessively long time for this correction to be made and the delay had, and would continue to have, an adverse effect on her reputation. She noted that social media posts had been made about the inaccurate headline by others, which she said were still online. She said the previous headlines would likely be used for political purposes against her at the next City Council election.

The publication said that the article featured comments attributed to the Opposition leader and was based on events in a City Council meeting and that discussion of the events was in the public interest. It said it took reasonable steps to ensure that factual material was accurate and not misleading and presented with fairness and balance. This included contacting the City Council media unit—to which all media inquiries must be made rather than individual councillors—prior to publication for comment. It also incorporated into the article extracts from Council minutes of the exchange and independently tallied the number of incidents in which the Chair had warned councillors or ordered them to leave the chamber.

It said after publication it promptly and repeatedly responded to the issues raised by the complainant, starting with republishing the article with the headline “Council Chairman accused of bullying and bias” at 7.47am. At 7.59am the City Council’s media unit again contacted the reporter to complain about the revisions and following the complainant’s email of 10.28am the publication included the only comment provided by the complainant in a revised version of the article published at 11.30am. At 2.31pm the article was revised again with the headline “Council chairman accused of allowing bullying and being biased”. It said that except for the email from the complainant to the reporter, it was the City Council media unit rather than the complainant who had raised concerns with the story.

It said that it did not accept that the original headline was wrong and said that abuse of power is a form of bullying and that it had revised the headline only for clarity. It took all available steps to address the issue raised by the complainant—including changing the URL link to the story and taking action so far as possible to remove previous versions. The publication disputed the assertion that the posts referred to by the complainant still appeared and said the complainant had other avenues to complain about

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posts on pages controlled by third parties. It disputed the complainant's comments about the effect on her reputation. It referred to a subsequent article referring to a letter reported to have been sent by the City Council Chief Executive to Lord Mayor Graham Quirk and the 26 councillors, which it said addressed concerns about the standard of councillors' behaviour.

CONCLUSION

The Press 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 refers adversely to a person, 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 Press Council considers that the initial headline stated that the complainant had personally been accused of being abusive and being a bully. Neither the article nor any material put forward by the publication during the Press Council's complaints process supported this statement. The Press Council notes the publication did seek comment from the media unit before publication. However, given the seriousness of the allegation, the Press Council considers the publication failed to take reasonable steps to ensure it was accurate, not misleading and fair and balanced. Accordingly, the publication breached General Principles 1 and 3.

The Press Council notes that it took six hours after initial request for the headline to be revised to remove the statement that the complainant had been accused of being a bully. The Press Council considers that a revision could and should have been made earlier. The Press Council concludes that the publication failed to take reasonable steps to provide a correction or other remedial action. Accordingly, it breached General Principle 2.

In light of the request for comment to the City Council's media unit before publication and the reasonably prompt inclusion of the complainant's denial on the morning of 27 March, the Press Council considers the publication took reasonable steps to provide a fair opportunity for a reply. Accordingly, General Principle 4 was not breached.

Complainant / [Nine.com.au](#)

Adjudication 1755 (4 February 2019)

The Press Council considered whether its Standards of Practice were breached by an article published online by [Nine.com.au](#) titled "Brighton Le Sands death: Dylan Walker's sister in court over boyfriend's death" on 21 May 2018.

The article began "The transgender sister of" a named football player "allegedly killed her boyfriend". The article identified the woman by name and the Sydney suburb involved. It reported that the man allegedly died from injuries to his head and face. It said the woman appeared in court with swelling to her face and bruising under one of her eyes and had been charged with manslaughter and "aggravated enter dwelling with intent". The article included a photograph of the woman and her brother. The charges were later withdrawn.

The Council asked the publication to comment on whether, given the prominent identification of the woman as transgender, the publication 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 provide a fair opportunity for a reply where necessary to address a possible breach of General Principle 3 (General Principle 4). They also require publications 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 publication said the article contained only one reference to the woman being transgender which was factually accurate, relevant and presented in a neutral manner in establishing her identity for the reader. This was appropriate in the same way other persons are identified in articles by their identifying features, including their gender. The publication said the woman was openly transgender and identified herself in that way publicly on social media. It said that care was taken to ensure that the woman's gender identity was not a substantial focus of the article.

The publication said the article did not seek to link the woman being transgender with the allegations against her, nor make any broader suggestion about transgender persons. The article did not suggest being transgender was a negative quality. The publication noted that the woman

herself had not complained about the article. It said that other publications had published similar articles about the events which also identified the woman as transgender.

CONCLUSION

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.

The Council accepts that the woman had publicly stated on social media accounts that she was transgender. However, the Council notes the woman was already identified in the article by name and photograph, as was her brother. The man who had died, and the suburb involved were also identified by name. The Council considers that it was not relevant to the alleged criminal acts reported to identify the woman as being transgender. Although it provided some further identification of the woman, it was not necessary to do so. The Council considers that as being transgender was not relevant to the alleged criminality, prominently identifying the woman as transgender in the first sentence of the article could contribute to substantial prejudice towards transgender people.

The Council notes that General Principle 3 requires publications to take reasonable steps to ensure factual material is presented with reasonable fairness and balance. The Council considers that, although being transgender was not relevant to the alleged criminality, on balance the publication took reasonable steps to ensure the presentation of factual material in the article was reasonably fair and balanced. Accordingly, the Council concludes the publication complied with General Principles 3 and 4.

However, given the woman's transgender status was not relevant to the alleged criminality, identifying her as such in the first sentence of the article could lead some readers to conclude that this characteristic was either the cause of, or a factor in, the alleged crime and could contribute to substantial prejudice against transgender people. The Council considers that in prominently identifying the woman as transgender the publication failed to take reasonable steps to avoid contributing to substantial prejudice and that there was no sufficient public interest justifying doing so. Accordingly the Council concludes that the publication breached General Principle 6.

Complainant / Daily Mail Australia Adjudication 1756 (February 2019)

The Press Council considered whether its Standards of Practice were breached by an article published online by the Daily Mail Australia titled "EXCLUSIVE: Transgender sister, 31, of football star is charged with manslaughter over the death of her boyfriend, 51, after 'domestic violence' incident at a house in Sydney's south" on 21 May 2018 and updated on 22 May 2018.

The article reported that a named woman, the sister of a named rugby league player, had been charged with manslaughter following the death of a named man with whom she had been in a relationship. The article said that the publication understood the named woman "a transgender woman, had been involved in an "on and off" relationship" with the named man. It also said the woman described herself on social media accounts as transgender and the article included her post "#transgender #transisbeautiful", although it was not suggested her transgender status was of particular relevance to any of the events described. The article included several photographs of the woman and a photograph of her with her brother. The article named the suburb where the man had died and said a neighbour heard "a woman yelling" followed by "a 'loud bang'". The charges were later withdrawn.

The Council asked the publication to comment on whether, given the prominent identification of the woman as transgender, the publication 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 provide a fair opportunity for a reply where necessary to address a possible breach of General Principle 3 (General Principle 4). They also require publications 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 publication said that as stated in the article, the woman publicly and proudly described herself as transgender on her publicly open social media accounts and that the references in the article to her being transgender were not used extensively or in a demeaning or disrespectful manner. The publication said that the description of the woman as transgender was factually accurate and the publication had referred to the woman in that way to

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identify her and to use another word would ignore how she identifies herself. The publication said it acknowledged that there is a spectrum of gender identities and it supports all expressions of gender identity.

CONCLUSION

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.

The Council accepts that the woman had publicly stated on social media accounts that she was transgender. However, the Council notes the woman was already identified in the article by name and photograph, as was her brother. The man who had died, and the suburb involved were also identified by name. The Council considers that it was not relevant to the alleged criminal acts reported to identify the woman as being transgender. Although it provided some further identification of the woman, it was not necessary to do so. The Council considers that as being transgender was not relevant to the alleged criminality, prominently identifying the woman as transgender in the headline and again in the article could contribute to substantial prejudice towards transgender people.

The Council notes that General Principle 3 requires publications to take reasonable steps to ensure factual material is presented with reasonable fairness and balance. The Council considers that, although being transgender was not relevant to the alleged criminality, on balance the publication took reasonable steps to ensure the presentation of factual material in the article was reasonably fair and balanced. Accordingly, the Council concludes the publication complied with General Principles 3 and 4.

However, given the woman's transgender status was not relevant to the alleged criminality, identifying her as such in the headline and again in the article could lead some readers to conclude that this characteristic was either the cause of, or a factor in, the alleged crime and could contribute to substantial prejudice against transgender people. The Council considers that in prominently identifying the woman as transgender the publication failed to take reasonable steps to avoid contributing to substantial prejudice and that there was no sufficient public interest justifying doing so. Accordingly the Council concludes that the publication breached General Principle 6.

Complainant / Herald Sun Adjudication 1749 (February 2019)

The Press Council considered whether its Standards of Practice were breached by the publication of an article in the Herald Sun on 21 May 2018, headed "BAN THE BOOKS Councils' gender war to hit kinders, libraries" on the front-page, continuing on page two, headed "Favourite children's tales face gender ban". The article was also published online, headed "Councils could ban children's books, toys and characters for not meeting gender test".

The opening paragraph read "Victorian councils are auditing libraries, schools and kindergartens and urging a ban on the terms 'boy' and 'girl' in a bid to teach kids as young as three to have 'gender equitable relationships'." The article referred to Melbourne City Council being "among a number of local authorities responding to radical new research" by the Australian National University (ANU) which suggests that educators "AVOID classifying kids by gender, and boys and girls-only activities; AVOID comments defining what females or males do, or should do; and AVOID using the terms 'boys' and 'girls', and 'minimise the extent to which gender is labelled'". The article proceeded to discuss the research and said that under "the new guidelines, children's favourites including Thomas the Tank Engine, Noddy and Winnie the Pooh could be banned for not meeting gender tests".

The Council asked the publication to comment on whether in reporting that Councils could ban children's books, the publication took reasonable steps to ensure factual material was accurate and not misleading (General Principle 1), reasonably fair and balanced and opinions were not based on significantly inaccurate factual material or an omission of key facts (General Principle 3), and whether adequate remedial action and a fair opportunity for response was provided (General Principles 2 and 4). The Council also noted a statement by the Municipal Association of Victoria published on 21 May 2018 in response to the article, which says in part: "There will be no book or toy bans".

The publication said the ban on the terms 'boy' and 'girl' is clearly enunciated in the ANU research, which advises early childhood practitioners to avoid distinction on the basis of gender. The publication said the Darebin City Council material referred to in the article contains a library assessment tool which educators use to undertake an assessment of books in their collection. This says a

centre's book collection is to be regularly reviewed to ensure it contains books that depict a range of different stories and experiences beyond gender stereotypical narratives and refers to the need to examine all books in the centre and undertake a library audit.

The publication said that this material provided an example of what could be introduced if the local councils followed their own guidelines based on the ANU research. The print headline "BAN THE BOOKS" summarised an action that is open to local councils but did not state that the local councils have actually introduced that course of action. The publication said it did not seek comment from the Municipal Association of Victoria because it went directly to three major local councils in Victoria to seek a response. The publication declined to provide to the Press Council its correspondence with those local councils, but said that the story quoted two of those councils, and the third did not respond to the publication's questions. The publication also said that in conjunction with the article, the publication published a separate online article, titled "Gender ban on children's books, toys, characters: good or bad?" which debated the merits of such a gender ban.

CONCLUSION

The Press Council notes that the article reported on the ANU research and responses by some local councils to it. These included material from Darebin City Council which recommended that educators apply a "gender lens" to books to ensure "a range of different stories and experiences" and material from Manningham City Council which the article reports "checks books for gender modelling and diversity". However, the Press Council also notes a statement by the Municipal Association of Victoria, published on the day the article appeared and in response to the article, said: "There will be no book or toy bans". Additionally, the Press Council notes that the publication did not refer the Press Council to any instance where banning of books was proceeding.

The Press Council considers that the headline "BAN THE BOOKS Councils' gender war to hit kinders, libraries" on the front-page, the headline on page two "Favourite children's tales face gender ban", and the article itself went beyond implying that a ban of books was possible and implied the councils were proceeding to ban books. The Council considers the information available to the publication was not sufficiently clear to justify the implication that banning of books was proceeding. The publication informed the Press Council that it contacted

three local councils prior to publication of the article and the Press Council notes that two local councils were quoted in the article. It may be that the communications with these three local councils could have been a basis for the implication that banning of books was proceeding. However, as the publication declined to release the content of such communications, the Press Council was not able to consider it.

The Press Council concludes that the publication did not take reasonable steps to ensure the article was accurate and not misleading and was presented with fairness and balance. Accordingly, the publication breached General Principles 1 and 3. In the absence of a request for correction or response, the Press Council does not consider the publication breached General Principles 2 and 4.

Complainant / Herald Sun Adjudication 1758 (February 2019)

The Press Council considered whether its Standards of Practice were breached by the publication of a Cartoon by Mark Knight in the Herald Sun on 10 September 2018. The cartoon depicted Ms Serena Williams on a tennis court, jumping in the air with her arms out to her sides and her hands in fists above a broken tennis racquet. A baby's pacifier was depicted on the ground in front of the broken tennis racquet. In the background, an umpire was shown saying "Can you just let her win?" to a woman standing on the other side of the net. The cartoon referred to an incident during a tennis match between Ms Williams and Ms Naomi Osaka.

In response to complaints received by the Council, the Council asked the publication to comment on whether the material breached its Standards of Practice which require it to take reasonable steps to avoid causing or contributing materially to substantial offence, distress or prejudice, unless doing so is sufficiently warranted in the public interest (General Principle 6). The Council noted that complaints had raised concerns that the depiction of Ms Williams had features that may cause it to be an offensive and sexist representation of a woman and a prejudicial racial stereotype of African-American people generally, rather than an actual caricature of Ms Williams' physical features. Specifically, concern was expressed that the cartoon depicted Ms Williams with large lips, a broad flat nose, a wild afro-styled ponytail hairstyle different to that worn by Ms Williams during the match and positioned in an ape-like pose. Ms Williams' features contrasted with those

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of Ms Osaka who, while of Japanese-Haitian descent, is depicted as white with blonde hair, lacking any particularly distinguishing or exaggerated features. It was also noted that the cartoon should be considered in the context of the history of caricatures based on race and historical racist depictions of African Americans.

The publication said that the cartoon was in response to Ms Williams' "outburst" on the court which attracted global headlines following the US Open final on 9 September 2018. It said it was depicting the moment when, in a highly animated tantrum, Ms Williams smashed a racquet and loudly abused the chair umpire calling him a thief, a liar and threatening that he would never umpire her matches again. It said it wanted to capture the on-court tantrum of Ms Williams using satire, caricature, exaggeration, and humour, and the cartoon intended to depict her behaviour as childish by showing her spitting a pacifier out while she jumps up and down. It rejected suggestions that the cartoon positioned Ms Williams in an ape-like pose and noted Ms Williams did have a large ponytail hairstyle on the day.

It said that the cartoon was not intended to depict negatively any race or gender and was drawn in a style that the cartoonist has drawn over several decades and was only intended to be a 'sporting cartoon' for the publication's local readership. It said Ms Osaka was not depicted as white skinned and was shown with a slightly darker skin colour than the umpire. It also said Ms Osaka was shown with hair with blond tips to reflect her hair at the time.

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 accepts that the cartoon was illustrated in response to the events that occurred at the US Open final on 9 September 2018 that attracted global attention. The Council considers that the cartoon uses exaggeration and absurdity to make its point but accepts the publisher's claim that it does not depict Ms Williams as an ape, rather

showing her as 'spitting the dummy', a non-racist caricature familiar to most Australian readers. Nonetheless, the Council acknowledges that some readers found the cartoon offensive. However, the Council also accepts that there was a sufficient public interest in commenting on behaviour and sportsmanship during a significant dispute between a tennis player with a globally high profile and an umpire at the US Open final. 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.

ClubsNSW / The Sydney Morning Herald Adjudication 1751 (February 2019)

The Press Council considered a complaint from ClubsNSW about an article published in The Sydney Morning Herald on 12 March 2018 headed "Pokie numbers are set to rise under new laws" in print and "Law changes could see pokie machine numbers rise in vulnerable areas" online.

The article said that changes proposed by the NSW government to poker machine laws "could increase the number of machines in high-risk areas and increase pokie profits by an estimated \$80 million a year." It referred to an announcement by the NSW Racing Minister of the proposed changes including "a cap on machines in "higher risk areas" such as Fairfield". It noted however that there would be a "provision to allow clubs and pubs to lease licences on machines to other venues" and noted that "Under present laws machines can only be transferred by sale, and for every three machines sold, one must be forfeited. Under new laws venues would be able to avoid forfeiting machines by leasing them instead. Also, smaller regional clubs and pubs could lease poorly performing machines to larger venues in high-revenue areas like Fairfield." It reported the Mayor of Fairfield as saying "under the changes not only could low-turnover machines be moved to high-turnover areas, but clubs could activate dormant licences, increasing the overall number of machines".

The complainant said the article and the headline were inaccurate and misleading in saying the proposed changes could see a rise in poker machine numbers in vulnerable areas because NSW's so called "sinking lid" on gaming machine entitlements means that overall poker machine numbers can never rise and the new legislation specifically introduces a cap on machine numbers in vulnerable areas,

such as Fairfield. It was also inaccurate in saying that smaller regional clubs could lease their poorly performing machines to larger venues in high revenue areas like Fairfield because the proposed changes expressly prohibit venues outside of Fairfield leasing their machine entitlements to venues in Fairfield whether through lease, sale or transfer. It was also inaccurate in the context of an article dealing with proposed changes to quote the Mayor's comment that clubs could activate dormant licences increasing the overall number of machines in Fairfield because the right to activate dormant licences existed before the proposed changes. The complainant said the publication ignored its request for these statements to be corrected.

The publication said the article and the headline are accurate and focus on concerns that the proposed changes will allow for poker machine owners to lease non-performing machines to other venues where they will make more money. While the publication accepted that poker machines cannot be moved into Fairfield, it said they can be moved within parts of Fairfield. It said critics of the legislation informed it that the legislation could result in a lower overall number of machines and an increase in the money taken by those machines or a higher number of machines and a higher take. It said the new legislation for the first time allowed clubs to "lease" machines to other clubs that had not yet reached their entitlement of machines. By leasing a machine clubs could avoid the 'sinking lid' laws that required one machine to be forfeited for every three sold. While the publication acknowledged the right to activate dormant licences existed before the proposed changes, the quote from the Mayor did not say that right was introduced as part of the proposed changes. The publication said reactivating dormant licences has a greater significance now that, for the first time, clubs are able to lease machines. The publication said it responded to the complainant's letter of complaint denying the article was inaccurate and offering to the opportunity to submit an opinion piece.

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 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 that before the proposed changes, the 'sinking lid' provisions of gaming laws required clubs to forfeit one machine for every three machines sold by a club to another club and that this would most likely lead to an eventual reduction of machine numbers. The Council considers that, as the proposed changes allow clubs the option of leasing machines to other clubs without the previous forfeiture requirements, it is less likely that a reduction in machine numbers will take place by forfeiture of machines upon sale. The Council considers it is possible there will be more machines as a result of the proposed changes than would otherwise have been the case. The Council concludes the article was not inaccurate or misleading or unfair and unbalanced in this respect.

The Council also notes that while clubs outside Fairfield cannot lease their machines to clubs in Fairfield, machines in low turnover areas of Fairfield could be moved to high turnover areas within Fairfield. While the expression used in the article may not have been ideal, the Council concludes the article is not significantly inaccurate or misleading or unfair and unbalanced in this respect.

As to the right to activate dormant licences, the Council notes this existed before the proposed changes. However this comment is attributed to the Mayor—not stated as a fact—and is in the context that, for the first time, clubs are able to lease machines. The Council concludes the article was not inaccurate or misleading or unfair and unbalanced in this respect.

Accordingly the Council concludes the publication did not breach General Principles 1 and 3, nor General Principles 2 and 4.

Complainant / The Daily Telegraph Adjudication 1763 (May 2019)

The Press Council considered whether its Standards of Practice were breached by the publication of a front-page article in The Daily Telegraph on 6 August 2018, headed "Army drops the 'H' bomb: Soldiers told words like 'him' or 'her' can be gender bullying". The article continued on page 8 headed "Identity goes MIA in gender wars". The article was also published online, headed "Australian Defence Force guide bans soldiers from saying 'him' or 'her' to avoid LGBTI offence".

The opening paragraph on page 8 read "Soldiers are being told they shouldn't use terms like 'him', 'her' and even

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'they' to avoid offending 'LGBTI' members in a new guide that says refusing to do so will be considered bullying." The article said the guideline "instructs soldiers to issue apologies if they use offending language and warned they would be reported for 'unacceptable behaviour' if the speech was deliberate". The article included a quote from the Defence Minister Marise Payne who said "The Department has not, and is not intending to, issue a Defence Directive on gender-neutral language."

The Council asked the publication to comment on whether, in reporting that the Australian Defence Force 'banned' the use of words like 'him' or 'her' in the online article and in reporting that "Soldiers are being told they shouldn't use terms like 'him' or 'her'", the publication took reasonable steps to ensure factual material was accurate and not misleading (General Principle 1), and that factual material was presented with reasonable fairness and balance. (General Principle 3). The Council also asked the publication to comment on whether adequate remedial action and a fair opportunity for response was provided (General Principles 2 and 4).

The Council noted that the Guide stated it is important to be "mindful of respectful and disrespectful behaviours or language in relation to LGBTI members", and "In the event that you make a mistake, the best course of action is to apologise, listen to anything [the member] wishes to say in response, and then move on with the conversation." It also stated "All ADFA personnel need to appreciate that the deliberate use of non-inclusive language, exclusion and bullying due to gender diversity are some of the behaviours which can affect LGBTI members." The Council also noted that a public statement was issued by the Australian Defence Force stating "Reports regarding Defence requiring the use of gender-neutral language is wrong... As was explained to the journalist prior to publishing, the Department has not, and is not intending, to issue a directive on the use of gender-neutral language".

In response, the publication said the Guide "instructs soldiers to issue apologies if they use offending gender-specific language and warns personnel that they will be reported for 'unacceptable behaviour'". The publication said it can be inferred that in a command structure like the ADF, guidelines effectively are orders and discouraging something amounts to a ban.

The publication said that the article is balanced and includes the denial by the ADF that any 'directive' had been issued. The publication also said they included comments

from a spokesperson for the ADF who is quoted in the article saying "ADFA Cadets are not being told that they should not use terms like him or her." The publication said that a follow up article was published on 7 August 2018 which stated "The Defence Force's director of people and strategy Justine Greig...said the language guide had become 'mandatory training' for 'commanders' and leadership within the Defence Force".

CONCLUSION

The Council considered the Guide as a whole. The Guide runs to 22 pages. It deals with a number of matters, language being one only of the matters. The Guide is issued by the Commandant of the ADFA who states: "This guide will provide a valuable resource with general information that serves to enable ADFA staff so they are better informed when making decisions regarding the lesbian, gay, bisexual, transgender, and/or intersex (LGBTI) community".

The article contains a number of extracts from the Guide. The article reflects the content of the relevant parts of the Guide. The Guide calls for respectful language in relation to LGBTI members, avoiding stereotyping, using appropriate pronouns and gender-neutral language. It warns that unacceptable language will be dealt with. It does not explicitly "ban" any language.

Considering the Guide as a whole, and the article, the Council considers that the factual material in the article is not misleading and is presented with reasonable fairness and balance.

However the Council considers that the headline of the online article is likely to lead readers to believe that the ADFA has banned the use of "him", "her" or "they" entirely rather than stating that the deliberate use of inappropriate pronouns will amount to unacceptable behaviour. The Council notes the Guide states "All ADFA personnel need to appreciate that the deliberate use of non-inclusive language, exclusion and bullying due to gender diversity are some of the behaviours which can affect LGBTI members," but does not ban the use of such pronouns. The Council does not consider that it is accurate to say the ADF "banned" the use of such pronouns and concludes that the publication breached General Principle 1. The Council also considers that the publication failed to sufficiently remedy the misleading headline, and accordingly breached General Principle 2.

Complainant / King Island Courier Adjudication 1762 (May 2019)

The Press Council considered a complaint from Emma Little, on behalf of King Island Council, about an article published in the King Island Courier on 26 September 2018, headed “Directive denied by Auditor General”, about the use made by the publication of an email from the complainant to the publication printed on the same page.

The article reported that, in increasing the airport charges of the only airport on King Island, the King Island Council had publicly claimed it was following a directive from the Auditor General to get “the facility to break even and beyond”. However, the Auditor General had denied issuing such a directive. The article concluded: “the King Island Council did not respond to a request for comment.”

Ms Little’s email to the publication advised that the King Island Council was withdrawing its advertising from the publication due to “[unacceptable]...continued degradation of the organisation, its staff and Councillors”. The email was published on the same page as the article complained of, and in place of the Council’s regular half page booked piece.

Ms Little said that she received an email from the publication at 11:27am inviting Council’s comment on the Auditor General’s directive, with a specified deadline of 12:00pm. She noted that the publication made no effort to obtain comment via telephone or otherwise. The complainant further said she provided a response at her first opportunity at 4:37pm citing amongst the information supplied, recommendations from the Council’s own external Audit Panel and the Tasmanian Audit Office. She also advised the publication that a 33-minute timeframe to respond was unrealistic.

The complainant said that the statement in the article that “The King Island Council did not respond to a request for comment” was inaccurate given that the Council had provided a response at 4:37pm.

The complainant said that her email was intended as private correspondence and was not authorised for print. The complainant also said that displaying the email in the style of an advertisement without any editorial context or explanation was deceptive.

In response, the publication said that while the email requesting comment was written at 8:30am, it experienced internet difficulties that caused emails to be delayed. The

publication said that given this delay, it immediately put printing on hold when it received the complainant’s email, to be able to include King Island Council’s response.

The publication said that in the information supplied in King Island Council’s response, there was no comment from the King Island Council on the question of whether the Auditor General issued a “directive”. Instead the response referred to King Island Council’s Audit Panel, which is a different entity. The publication’s email specifically stated: “The Auditor General confirmed that neither he nor his office have ever issued any such directive”, and asked King Island Council to “explain why [it applied] a directive that does not exist...”

The publication added that at 4:44pm it responded by email to Ms Little inviting her to confirm there was no directive from the Auditor General, and held printing back for another hour. The publication said that it did not receive a response to its second request, and therefore stated in the article that the “...Council did not respond to a request for comment”.

The publication said that the email withdrawing its weekly booked half page piece was received just two hours before deadline. The publication noted that this left the publication with empty space, and with no explanation for the residents and ratepayers who looked to the piece as a source of information from the local government.

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 provide adequate remedial action or an opportunity for a response to be published (General Principles 2 and 4). The Standards of Practice also require publications to take reasonable steps to avoid publishing material gathered by unfair means, unless doing so is sufficiently in the public interest (General Principle 7).

The Press Council accepts that the complainant’s response to the publication’s request for comment did not directly address the central question of why King Island Council had invoked a directive, which the Auditor General denied issuing. However, the Press Council considers that a response that is thought by the publication to be irrelevant

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or otherwise inadequate, can constitute a response. The statement “The King Island Council did not respond to a request for comment” was inaccurate, misleading and unfair since a response was in fact provided, whether or not the content was persuasive. Accordingly, the Council concludes that the publication failed to take reasonable steps to ensure its reporting was accurate and fair in breach of General Principles 1 and 3 and did not provide a correction in breach of General Principle 2.

The Press Council considers that although the publication followed up in an email, it did not provide an adequate opportunity for subsequent publication of a reply. The Press Council had regard to both the timing of the email, its proximity to the printing deadline, as well as the content which briefly repeated the first query and did not meaningfully ask for clarification. Accordingly, the Press Council concluded that General Principle 4 was breached in this respect.

The Press Council considers that publishing the complainant’s email was in the public interest. Withdrawing advertising from the publication was a significant step which would not only cause a significant loss of revenue to the newspaper, but also affect the local community. Withdrawing this established means of communication affects the manner in which the community becomes aware of local council matters. Given the size of the publication and short notice provided, it was reasonable for the publication to use the space reserved to inform the community of this development. However, the Press Council notes that it would have been more appropriate to include the correspondence by way of an article to provide context. The Press Council concludes that the publication did not breach General Principle 7.

Complainant / The Sunday Mail Adjudication 1760 (May 2019)

The Press Council considered whether its Standards of Practice were breached by three articles published by The Sunday Mail headed “Stadiums Showdown” (front-page in print), “We’ve been hit high” (print), “NRL, AFL and Super Rugby unite to fight soaring rents and levies from Stadiums Queensland (online), “Ball dropped on footy” (print editorial) and “Stadiums Queensland gouging footy franchises into oblivion” (online), all of which were published on 15 April 2018.

The articles reported on the rents and levies that sporting teams incur for the use of stadiums operated by Stadiums

Queensland and discussed the impact of this on various sporting codes, including the NRL. The articles said “Price gouging by Stadiums Queensland is threatening the fiscal viability of the state’s top footy clubs”, “A Sunday Mail investigation reveals the Broncos ... are all facing massive financial challenges on the back of soaring rental costs”, “Even the ... Broncos, who have by far the best arrangement with the Government, get slugged with well over \$1 million in levies” and “Even the Broncos ... struggle to survive under the current economic structure being imposed by Stadiums Queensland”.

The Council received a complaint that The Sunday Mail is 100 per cent owned by News Corp Australia which, through its subsidiary Nationwide News Pty Ltd, is the major shareholder in Brisbane Broncos Limited (‘Broncos’). The Council asked the publication to comment on whether in not expressly disclosing the relationship between The Sunday Mail, the Broncos and Stadiums Queensland, it had failed to take reasonable steps to ensure conflicts of interest were avoided or adequately disclosed (General Principle 8). The Council noted that it had previously issued a Letter of Advice to the publication concerning an earlier article about Suncorp Stadium and the lack of express disclosure that the Broncos were owned by News Corp Australia.

The publication said the articles and editorial subject of the complaint were not directly focused on nor intended to be about the Broncos, but rather were a comment about the way stadiums throughout Queensland are being managed and the impact that is having on numerous sporting clubs. The publication said the real focus of the article was on two other teams and the article makes the point that the Broncos actually have the best deal. It said as a major state newspaper its role was to advocate on behalf of sport in Queensland and this is particularly important when shining a light on what it said was the potential mismanagement of major stadiums by the State Government.

The publication said its policy and usual process is to disclose its relationship with the Broncos when it involves a story relating to the financials or management of the club, but not in sport stories regarding the game, the teams, or in an upgrade to the stadium where they play. It said that given the number of stories it publishes about the Broncos, it is not feasible to reference News Corp Australia’s ownership each time and its ownership of the team is well known amongst its readership. The publication said these articles were not considered to fall within the category requiring disclosure.

The publication said that including a disclosure in the article was not necessary to comply with the Council's Standards, however it said it would be willing to amend the online article to add a disclosure. It also noted personnel at the publication had changed since the Letter of Advice was issued.

CONCLUSION

The Council's Standards of Practice require publications to take reasonable steps to ensure that conflicts of interest are avoided or adequately disclosed, and do not influence published material (General Principle 8).

The Council considers that the prominent focus of the articles is Stadiums Queensland's operation and the management of stadiums used by various Queensland sporting clubs, including the rents and levies it imposes on those sporting clubs. Whilst the articles' focus may not have specifically been on the Broncos, the Council considers that Stadiums Queensland's operation and management of sporting stadiums, and the rents and levies charged, are of financial concern to the Broncos and therefore are also of financial concern to News Corp Australia.

The Council acknowledges that many readers of the publication's sports coverage would be aware of the relationship between News Corp Australia and the Broncos, however the Council considers this is not necessarily the case for all readers. This is especially so in the case of a front-page news story and online content which is accessible interstate.

The Council considers that News Corp Australia has a financial interest in the level of the rent and levies imposed on the Broncos by Stadiums Queensland and that it failed to take reasonable steps to ensure this conflict of interest was adequately disclosed in the articles. Accordingly the Council considers the publication breached General Principle 8.

Complainant / The Daily Telegraph Adjudication 1761 (May 2019)

The Press Council considered a complaint from Dr Fiona Martin about three articles published in The Daily Telegraph on 8 August 2018. The first article was headed "The Nutty Professor" on the front-page, with the full report continued on pages four and five with articles headed "Degrees of Hilarity" and "Bizarre rants of a class clown". The third article was also published online under the headline "Sydney University lecturer shocks students with internet search advice on 'committing suicide'".

The front-page article reported that students in universities in Sydney were being subjected to "absurdly dark humour" and "excessive political correctness". It reported that "... the most shocking example was modern media lecturer Fiona Martin..., who described the late legendary artist Bill Leak as 'vile' and added 'may he not rest in peace'" and "...flippantly taught [students] how to cover their digital tracks if contemplating suicide or murder". The article also referred to Dr Martin as "a former ABC reporter", and included a photo of her with the headline, "The Nutty Professor" capitalised in large letters below it, and the caption "University Life 2018: Class clowns, vile rants, fluffy dogs & cotton wool" on top.

The article headed "Degrees of Hilarity" focused on the content of lectures delivered at the universities visited. It included a quote from "Dr Martin" which said, "If you're planning suicide or murder, I recommend [a private search engine]". The article headed "Bizarre rants of a class clown" exclusively concerned Dr Martin's lectures. The article said that the lectures were attended as part of an investigation into modern-day university teaching and culture. It included several quotes from Dr Martin as well as her comment in response to questions from the publication.

The complainant said that "The Nutty Professor" headline inaccurately referred to her as a professor and misleadingly implied that she has a mental illness. She said the article contained several other inaccuracies. She said she lectures in Online and Convergent Media, not Modern Media, a title which fails to convey her expertise in internet studies. She said she was a radio producer and documentary maker for the ABC over 20 years ago and has not worked as an "ABC reporter". Finally, the complainant noted that she referred to Bill Leak's cartoon as "vile", as opposed to the artist himself.

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The complainant said that the article “Bizarre rants of a class clown” and its online version placed “unnecessary weight” on what students recognised as a “passing joke”. She said that along with the accompanying article “Degrees of Hilarity”, the article reported in a way that was misleading by suggesting her lecture practice was “shocking” and “weird”. The complainant further said that she was not given a right of reply to these comments despite writing to the publication requesting it.

The complainant said that the coverage caused her and her family significant distress. Her work was impacted by abusive messages and a complaint was made against her to the university. The complainant further said that the published material was obtained by deceptive means as the journalist attended her second lecture without introduction or permission, and she did not believe he actually attended her first lecture. The complainant said that the publication did not approach her for a comment or photo after class, and that a paparazzi shot was taken of her leaving the second lecture.

In response, the publication said that “The Nutty Professor” is a play on two widely known films of the same name involving an academic with an unusual approach and that the headline was simply a device to engage readers and was not meant to be read literally. The publication noted that it otherwise referred to the complainant as “Dr Martin” throughout the articles, and never implied that she had a mental illness.

The publication said that the “ABC reporter” reference served as background information to help readers understand who the complainant is. It noted that Dr Martin’s biography refers to her as a broadcaster and cross-media journalist, which it considered comparable. The publication further said that it did not suggest the complainant’s formal title was “modern media lecturer” since this was written in lower case, and accurately describes her work in a manner appropriate for non-academic readership.

The publication said that the journalist attended two lectures by Dr Martin and did not require permission as universities are public institutions. The publication explained that the story formed part of an investigation into university teaching and culture in Sydney as they had received information highlighting concerns about current teaching practice. The publication said that the media has a right and obligation to report on matters of public interest such as our education system, including what university students are being taught.

On the topic of distress, the publication pointed to an email received from the complainant on 22 August 2018, in which she indicated that overall the story had a positive outcome for her. Notably, the email said that she received hundreds of messages of support, and only seven troll messages, and she had personal support from the Vice Chancellor and the university community.

The publication said that the complainant was given a right of reply, as the journalist sought comment from her in an email after the second lecture, but she chose to respond to selected questions only, despite the publication following-up. With regards to the photograph, the publication said it was taken in a public place and therefore the complainant’s consent was not required. The publication also noted that it published a lead story the following day featuring the university’s Vice-Chancellor defending current teaching practice and Dr Martin.

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 provide adequate remedial action or an opportunity for a response to be published (General Principles 2 and 4). The Standards of Practice also require publications to take reasonable steps to avoid causing or contributing materially to substantial distress, and to avoid publishing material gathered by unfair means, unless doing so is sufficiently in the public interest (General Principles 6 and 7).

The Council considers that readers would recognise “The Nutty Professor” as a popular reference to unconventionality, and not as suggesting that the complainant had a mental illness. Given that the publication otherwise accurately referred to the complainant as “Dr Martin” throughout the articles, readers were unlikely to be misled about her title.

The Council accepts that it is a legitimate journalistic practice to provide background information when writing on matters of public interest and is not satisfied that references to “ABC reporter” and “modern media” were significantly inaccurate or misleading having regard to the complainant’s university profile and her course description.

The publication was inaccurate in reporting that Dr

Martin referred to Bill Leak as vile. As the publication itself reported, she said that a particular cartoon of his was vile. In some circumstances, the distinction might be significant. But in the present case, and bearing in mind her comment “may he rest not in peace”, the Council considers that the ordinary reader is likely to read her remarks as descriptive of Bill Leak, and not as limited to the particular cartoon. Accordingly, there was no breach of General Principles 1 and 2.

The Council is satisfied that the publication provided the complainant with an adequate opportunity to respond, in addition to publishing a balancing article in the next print edition and online. Accordingly, the Council concludes that the publication took reasonable steps to ensure fairness and balance and did not breach General Principles 3 and 4.

The Council considers that the reporting on university teaching is in the public interest and notes that opinion pieces are entitled to express robust and at times provocative views. The Council is not satisfied that the publication failed to take reasonable steps to avoid contributing materially to substantial offence or distress. Accordingly, the publication did not breach General Principle 6.

As universities are public institutions, the Council does not consider that the reporter acted deceptively or unfairly in attending the lectures or photographing the complainant leaving the second lecture. Accordingly, there was no breach of General Principle 7.

Complainant / The Daily Telegraph Adjudication 1757 (June 2019)

The Press Council considered whether its Standards of Practice were breached by an article published by The Daily Telegraph on 13 September 2017 by The Daily Telegraph headed in print “An identity crisis” and online “WHAT MADNESS CAN JUSTIFY MUTILATING OUR CHILDREN” and a Podcast on 16 April 2018 titled “Ryan T. Anderson joins Miranda Devine live on gender identity”, included as a link in the online article.

The article referred to a “pernicious social fad for transgenderism in children which has been embraced by an activist subset of the medical profession” and stated that “new laws in Victoria can punish therapists who oppose transitioning children” and “hundreds of children who say they are trapped in the body of the opposite sex are being referred to gender clinics in Australia, with numbers

tripling in the past three years at one Sydney clinic.” It included comments by a named University Professor, who it described as “one of the few paediatricians courageous enough to speak out against this fashion for ‘child surgical abuse’”. It quoted the Professor saying that “Prepubertal children have no idea about sexuality and choices of procreation afterwards” and “We’re messing with their limbic system and expecting them to make this great evaluation.”

The article went on to say: “Yet there is no medical evidence to justify the epidemic of transgender kids. No evidence that changing sex will reduce the incidence of self-harm or suicide or lessen the impact of other associated mental states such as depression or autism.” The article concluded: “When they grow up, surely these children have grounds for a class-action against the hospitals and drug companies which have mounted such a monstrous assault on their developing bodies.”

The podcast was referred to as an interview with Ryan T. Anderson to “discuss recent attempts in Australia and the United States to introduce gender theory into anti-bullying programs”. The introduction said: “Children are being given puberty blockers and cross-sex hormones and having their breasts removed at the age of 14 and 15 with the permission of the Family Court. Yet there is little medical evidence to justify this experimentation on children, no evidence that these hormones are safe to be used on kids, no evidence of any reduction in self-harm or suicide.”

Following a complaint, the Council asked the publication to comment on whether the article and podcast complied with its Standards of Practice. In particular, the Council sought comment on the statement that there is “no evidence” that “cross-sex hormones are safe to be used on kids, no evidence of any reduction in self-harm or suicide” or “that changing sex will reduce the incidence of self-harm or suicide”. The Council referred the publication to a number of articles identified by the complainant, including one entitled “Endocrine Treatment of Transsexual Persons: An Endocrine Society Clinical Practice Guideline” (2009).

In addition the Council sought comment on whether the article’s statement that “new laws in Victoria can punish therapists who oppose transitioning their children”, given the provisions of the new Victorian Health Complaints Act, and on the descriptions of medical procedures as “mutilation” and “child surgical abuse” and a “monstrous assault on their developing bodies” were a breach of the Council’s Standards.

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The publication said the article and the content of the podcast were clearly identified as opinion and the author was entitled to express her opinion concerning the medical practices administered to children and adolescents in gender clinics. It said that in making comments, particularly those concerning there being “no evidence” of the matters referred to, the author relied on interviews with medical experts in the field, widespread reading of the scientific literature and anecdotal evidence of parents and people who regret childhood hormone or surgical interventions, as well as the experiences of a transgender friend of the author. The publication identified a number of medical articles as relevant.

The publication said the Victorian Health Complaints Act is designed to prevent conversion therapy of sexual minorities and to provide for a complaints process about health service provision.

It said the columnist was entitled to express her views on the appropriateness of how sections of the medical profession are treating children who they believe are transgender and to express her view that it is wrong for a child as young as 15 years to be receiving medically unnecessary double mastectomies.

CONCLUSION

The Council’s Standards of Practice applicable in this matter require that publications take reasonable steps to ensure that factual material is accurate and not misleading and is distinguishable from other material such as opinion (General Principle 1), and presented with reasonable fairness and balance, and that writers’ expressions of opinion are not based on significantly inaccurate factual material or omission of key facts (General Principle 3). If the material is significantly inaccurate or misleading, or unfair or unbalanced, publications must take reasonable steps to provide adequate remedial action or an opportunity for a response to be published (General Principles 2 and 4). The Standards of Practice also 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, unless doing so is sufficiently in the public interest (General Principle 6).

The Council notes that the article and the podcast contain expressions of the author’s opinion. However, the Council considers they also contain material presented as facts, including the statement in the article that there is “No evidence that changing sex will reduce the incidence

of self-harm or suicide or lessen the impact of other associated mental states such as depression or autism” and in the podcast that there is “no evidence that these hormones are safe to be used on kids, no evidence of any reduction in self-harm or suicide”.

The Council accepts that it is open to an author to question the appropriateness of particular medical treatments and procedures. There may be conflicting evidence in support of, or opposition to, such treatments which the Council will not be in a position to resolve. However the statements that there was “no evidence” was not qualified in any way, such as asserting that there was no reliable evidence. The Council notes that the publication did not rely on any particular article as supporting a statement that there was “no evidence”. The Council considers that, given the existence of medical guidelines which recommend various treatments and procedures to assist transitioning children and adolescents, the statement that there was “no evidence” was made in such absolute terms that it was inaccurate and misleading. The Council considers the publication failed to take reasonable steps to ensure these statements were accurate and not misleading.

Accordingly, the Council finds that the publication breached General Principles 1 and 3 in these respects. This conclusion does not amount to a finding on the appropriateness of the medical treatments available.

As to the new laws in Victoria, the Council considers that the broad term ‘therapists’ could include persons who, if providing a general health service, may fall under the remit of the new Victorian Health Complaints Act and therefore be subject to penalties under the Act. The Council is satisfied on the material available to it that the statement “... new laws in Victoria can punish therapists who oppose transitioning children ...” is not inaccurate or misleading. Accordingly, the Council does not consider that General Principles 1 and 3 were breached in this respect.

As the publication was not approached for a correction or right of reply, the Council considers there was no breach of General Principles 2 and 4.

The Council accepts that the columnist’s descriptions of medical procedures as “mutilation”, “child surgical abuse” and a “monstrous assault on their developing bodies” were likely to cause offence and distress amongst those undergoing such treatment and amongst their families, and were also likely to cause or exacerbate

prejudice. However, the Council considers there is public interest in vigorous public debate about the issue, even when an argument is expressed in very strong terms, as is the case here. The Council considers that to the extent there was substantial offence, distress and prejudice, it was justified in the public interest. Accordingly, General Principle 6 was not breached.



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